

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF : March 25, 2014
ADJUSTMENT : Tuesday 7:10 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Vice Chair Elliot H. Greene
Commissioner Antonio Grana
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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6 Attorney for the Board.

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I N D E X

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PAGE

Board Business	1
405 Jefferson Street	7
504 Grand Street	35
14 Paterson Avenue	123

1 VICE CHAIR GREENE: Good evening.

2 This is the March 25th -- is this a
3 Regular Meeting or a Special Meeting?

4 MS. CARCONE: A Special Meeting.

5 VICE CHAIR GREENE: -- Special Meeting
6 of the Board of Adjustment.

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

15 Please join me in saluting the flag.

16 (Pledge of Allegiance recited.)

17 VICE CHAIR GREENE: Chairman Aibel had
18 another commitment and will hopefully be arriving
19 within the hour, but in meantime, we are going to
20 hear this application as we sit with four members.

21 MS. CARCONE: Commissioner Greene?

22 VICE CHAIR GREENE: Yes, here.

23 MS. CARCONE: Commissioner Grana?

24 COMMISSIONER GRANA: Here.

25 MS. CARCONE: Commissioner McAnuff?

1 COMMISSIONER MC ANUFF: Here.

2 MS. CARCONE: Commissioner Tremitedi?

3 COMMISSIONER TREMITIEDI: Here.

4 MS. CARCONE: Okay. We have a quorum.

5 VICE CHAIR GREENE: Mr. Matule?

6 We have no administrative matters?

7 MS. CARCONE: Oh, we have to do the
8 resolutions.

9 VICE CHAIR GREENE: All right. Give us
10 two minutes to do two appointments.

11 I don't have them.

12 MS. CARCONE: Okay. It is the
13 appointment of EFB.

14 VICE CHAIR GREENE: Did everyone have a
15 chance to review the resolutions for appointment?

16 MS. CARCONE: I did not send them out.

17 VICE CHAIR GREENE: You didn't send
18 them out?

19 MS. CARCONE: No, I didn't.

20 VICE CHAIR GREENE: Perhaps we should
21 read them.

22 MR. GALVIN: Well, we're not approving
23 any --

24 VICE CHAIR GREENE: Oh, we are going to
25 approve the resolutions?

1 MR. GALVIN: Yes. I looked at them and
2 they are okay. They are just a memorialization of
3 your decision to appoint Ms. Banyra and Mr. Marsden.

4 VICE CHAIR GREENE: Would somebody like
5 to move them?

6 Mr. Tremitedi?

7 MR. GALVIN: You can do them.

8 COMMISSIONER TREMITIEDI: I'll make a
9 motion to move these two resolutions regarding the
10 planner and the engineer.

11 COMMISSIONER MC ANUFF: Second.

12 VICE CHAIR GREENE: Roll call.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIOENR GRANA: Yes.

15 MS. CARCONE: Commissioner McAnuff?

16 COMMISSIONER MC ANUFF: Yes.

17 MS. CARCONE: Commissioner Tremitedi?

18 COMMISSIONER TREMITIEDI: Yes.

19 MS. CARCONE: Commissioner Greene?

20 VICE CHAIR GREENE: Yes.

21 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
405 JEFFERSON STREET, Block 60, Lot 3 :
Applicant: Olivia Jan & Herve Grosse : March 25, 2014
Roof Deck - roof coverage : Tuesday 7:15 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Vice Chair Elliot H. Greene
Commissioner Antonio Grana
Commissioner Owen McAnuff
Commissioner Richard Tremittedi

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(201) 659-0403
Attorney for the Applicant.

1 I N D E X

2	WITNESS	PAGE
3	LOU MOGLINO	10

4

5

6 E X H I B I T S

7	EXHIBIT NO.	DESCRIPTION	PAGE
8	A-1	Page 4 of Master Deed	11
	A-2	Letter, 5/21/2012	11
9	A-3	Set of 22 photographs	15

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1 VICE CHAIR GREENE: Now, Mr. Matule.

2 MR. MATULE: Thank you, Commissioner
3 Greene.

4 Good evening.

5 Robert Matule, appearing on behalf of
6 the applicant.

7 This is an application for a roof
8 coverage variance for a roof deck at property at 405
9 Jefferson Street. We are going to have the
10 testimony of Mr. Moglino, the architect. He has
11 previously testified before the Board, but I would
12 request that he be sworn, and if you would like, we
13 can qualify him again.

14 MR. GALVIN: No. We will be all right.

15 Raise your right hand.

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

19 MR. MOGLINO: I do.

20 L O U M O G L I N O, A I A, PO Box 216, Holmdel,
21 New Jersey 07733, having been duly sworn, testified
22 as follows:

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

25 THE WITNESS: Lou Moglino,

1 M-o-g-l-i-n-o.

2 MR. GALVIN: Mr. Chairman, do we accept
3 Mr. Moglino's credentials?

4 VICE CHAIR GREENE: We do.

5 MR. GALVIN: You may proceed.

6 MR. MATULE: Just as a preliminary
7 matter, I had previously submitted these to the
8 board planner, but just for the record I will submit
9 them.

10 One is Page 4 of the master deed for
11 the subject property, which identifies the
12 applicants' unit as having roof rights to the roof
13 on the subject property, and the other is a letter,
14 dated May 21, 2012, from the condominium association
15 authorizing them to do work on the roof including
16 skylight installation and rooftop deck fencing, et
17 cetera.

18 MR. GALVIN: We are going to mark those
19 as A-1 and A-2.

20 MR. MATULE: Do you have stickers?

21 Thank you.

22 (Exhibits A-1 and A-2 marked.)

23 MR. MATULE: All right. Mr. Moglino,
24 could you describe for the Board members the subject
25 property and then the proposed improvements to the

1 roof?

2 THE WITNESS: Okay. The subject
3 property is located at 405 Jefferson Street. We are
4 proposing to improve the roof level with wood
5 decking, you know, or a composite type decking with
6 landscaping along the north and south sides of
7 the --

8 VICE CHAIR GREENE: Could you speak up,
9 please?

10 THE WITNESS: Sure.

11 -- along the south and north sides of
12 the parapet walls proposing some greenery and
13 landscaping.

14 Along the -- Sheet Z-2, the upper plan,
15 shows the existing conditions, where there is an
16 existing staircase, a penthouse, an elevator
17 penthouse, along with some mechanical equipment and
18 other exhaust fans, and there is an existing roof
19 hatch.

20 The tenant or the owner of the top unit
21 at 405 has roof rights, where he -- they are both
22 allowed to improve the roof.

23 Along the center, there would be a roof
24 trellis, which is about nine and a half feet tall,
25 and there will be a greenery around the existing

1 mechanical equipment. And as I indicated earlier,
2 along the south side, there would be two sections
3 with planters with built-in benches and also to
4 mirror that along the north side.

5 MR. MATULE: In the planner's report,
6 she asked whether or not the trellis could be
7 covered with some kind of greenery, you know, some
8 kind of vines or something.

9 The applicant thinks that is a good
10 idea, so are they willing to do that?

11 THE WITNESS: Yes.

12 MR. MATULE: And you also, I note from
13 the ARC meeting, there was a question about the
14 ability of the roof to support the weight for the
15 project you are proposing. Have you investigated
16 that, and structurally there are no issues?

17 THE WITNESS: Yes.

18 Should the application get approved, we
19 will do further investigations. We'll get a
20 structural engineer involved and investigate what
21 was on the as-built versus what are the field
22 conditions, and we will check the loads and make
23 sure that the roof is capable of supporting the
24 decking and the planters, et cetera.

25 MR. MATULE: But based on your

1 knowledge of the building as the conditions
2 presently exist, that should not be an issue,
3 correct?

4 THE WITNESS: Correct.

5 MR. MATULE: Okay.

6 I also have a set of photographs, if
7 the Board would like to look at them, of the roof.
8 I have them here, if you want to see them. I can
9 submit them. There are about 22 photographs.

10 VICE CHAIR GREENE: That can't hurt.

11 MR. MATULE: Mr. Moglino, I am going to
12 show you this series of I guess it is 11 pages with
13 two photographs each.

14 THE WITNESS: Correct.

15 MR. MATULE: You took these
16 photographs?

17 THE WITNESS: Yes.

18 MR. MATULE: And they depict the
19 current conditions on the roof?

20 THE WITNESS: Yes.

21 MR. MATULE: And also the facade of the
22 building and the property next door?

23 THE WITNESS: Yes.

24 They were taken approximately about a
25 year ago, pictures at roof level and also around the

1 perimeter at the street level.

2 MR. MATULE: And the conditions have
3 not changed, to the best of your knowledge?

4 MR. WOODARD: No, they have not.

5 MR. MATULE: I guess we could mark
6 these as A-3.

7 MR. GALVIN: Yes, as a batch.

8 MR. MATULE: It is a set of eleven --

9 MR. GALVIN: It's a set of eleven --

10 MR. MATULE: -- eleven pages with two
11 photos per page, so there is a total of 22
12 photographs.

13 MR. GALVIN: It is amazing how that
14 works out.

15 (Laughter)

16 (Set of 22 photographs marked Exhibit
17 A-3.)

18 MS. BANYRA: Who took the pictures?

19 THE WITNESS: I did.

20 MR. MATULE: Yes, he did.

21 MS. BANYRA: I'm sorry. I didn't hear
22 you say that.

23 MR. MATULE: That's okay. Thank you
24 for asking.

25 I guess the only other thing,

1 Ms. Banyra, you raised in your report was that you
2 thought we might need to amend for a variance for a
3 nonconforming structure?

4 MS. BANYRA: Nonconforming structure.

5 MR. MATULE: I leave that up to
6 counsel.

7 MR. GALVIN: You know, it is one of
8 those things that happen. You have a fully
9 developed condo association. I would think that any
10 court in the world is going to look at that and say,
11 you know, if that isn't an inequitable estoppel
12 situation, I don't know what it.

13 MR. MATULE: Well, I mean, for the
14 record, we have no objections to amending our
15 application.

16 MR. GALVIN: Oh, no. I think we should
17 amend it. I think we should amend it, but I think
18 what I am saying is, we are a little at a loss for
19 how this building could have gotten built at this
20 height without having to come through the Zoning
21 Board. But with that said, it is what it is, so --

22 MR. MATULE: I will make arrangements
23 again, for the record, to get a check for the
24 additional fee to Ms. Carcone for the additional C
25 Variance, and we are formally requesting that our

1 application be amended accordingly.

2 VICE CHAIR GREENE: Thank you.

3 MR. GALVIN: By the way, it would have
4 been a nonconforming structure no matter -- with the
5 addition, it becomes a variance for an addition to a
6 nonconforming structure anyway.

7 MR. MATULE: And, again, look, just for
8 the record, the amount of the roof coverage we are
9 asking for is 38.96 percent?

10 THE WITNESS: Correct.

11 MR. MATULE: Okay. That is pretty
12 straightforward.

13 If the Board members have any
14 questions --

15 VICE CHAIR GREENE: I have a couple to
16 start off.

17 So from looking at Z-2, it almost looks
18 like the roof is somewhere closer to a hundred
19 percent coverage, so what am I misreading?

20 THE WITNESS: Okay.

21 Start off with the rear portion, the
22 building takes up the entire lot. The rear portion
23 has a lower roof --

24 VICE CHAIR GREENE: Nothing is
25 happening there, okay.

1 THE WITNESS: -- and there are no
2 improvements there.

3 The actual improvements along the
4 street starts ten feet back from the sidewalk to the
5 property line. There are no improvements to the
6 north of the existing stair penthouse. The
7 improvements are in this area that I am pointing to
8 on Sheet Z-2 and along the center.

9 VICE CHAIR GREENE: You are pointing to
10 the west side of the building, right?

11 THE WITNESS: The west side, which is
12 approximately ten by twenty.

13 Then toward the back is approximately
14 20 by 20.

15 VICE CHAIR GREENE: So it is a large
16 portion of the upper roof, but when you add the
17 lower roof, it reduces the totality of it?

18 THE WITNESS: Correct.

19 VICE CHAIR GREENE: Also, you are going
20 to have a large amount of planting. Is there a
21 water source because I don't see one on the plans.

22 THE WITNESS: One wasn't indicated, but
23 there is a detail on the planter section on Z-3.

24 Yes, the two details indicate there is
25 a timer and --

1 VICE CHAIR GREENE: So there won't be a
2 spigot. This will be an irrigation system built
3 into the planters?

4 THE WITNESS: Correct.

5 VICE CHAIR GREENE: Okay.

6 Just so I am reading this correctly,
7 the skylight is going to be over the kitchen?

8 THE WITNESS: Correct.

9 VICE CHAIR GREENE: That is it for me
10 for now.

11 Any other questions?

12 COMMISSIONER MC ANUFF: What is the
13 item -- on Sheet Z-2, what is the item to the right
14 of the dumbwaiter?

15 THE WITNESS: Here?

16 COMMISSIONER MC ANUFF: No, to the
17 right.

18 THE WITNESS: Oh, to the right.
19 It is a small countertop, a countertop.

20 COMMISSIONER MC ANUFF: Okay.

21 VICE CHAIR GREENE: Also, the railings
22 that are shown in your photographs, those are
23 staying?

24 THE WITNESS: No. Actually the
25 railings that were in the photographs are more of a

1 mechanical type with spacings of about 18 inches.
2 The entire railing system will be replaced to
3 conform with the code.

4 (Counsel and witness confer)

5 VICE CHAIR GREENE: No other questions?

6 COMMISSIONER GRANA: I have a question.

7 This trellis arrangement in the center,
8 is that vertical? These are vertical trellises, is
9 that what these are?

10 THE WITNESS: Yes.

11 COMMISSIONER GRANA: And their height
12 is what?

13 THE WITNESS: Nine and a half feet.

14 MS. BANYRA: Do you have any -- I asked
15 whether or not there is going to be any lighting on
16 the roof, and maybe you could indicate yes or no to
17 that.

18 I didn't see any lighting, but just for
19 the record, whether or not there would be lighting,
20 if it was something that we had to potentially
21 mitigate against.

22 THE WITNESS: There will be some
23 lighting, probably some low voltage around the
24 perimeter and the planters. Probably -- there is
25 currently -- I believe the photograph shows there is

1 currently one outside of the door of the stair
2 penthouse.

3 MS. BANYRA: That's really a safety
4 thing.

5 VICE CHAIR GREENE: That's probably
6 code.

7 MS. BANYRA: Yes.
8 So it would be along -- like floor
9 lighting?

10 THE WITNESS: Correct.

11 MS. BANYRA: I am talking more I guess
12 the impacts that I'm looking at are more things that
13 would be, you know, mounted to the trellis or
14 mounted on a higher elevation.

15 So you are indicating no to that?

16 THE WITNESS: I would -- I don't know.
17 We have not gotten that far yet, but whatever the
18 Board recommends --

19 MS. BANYRA: I'm sorry?

20 THE WITNESS: -- whatever the Board
21 recommends, we could limit the amount of lighting.

22 VICE CHAIR GREENE: No.

23 What are you proposing?

24 MS. BANYRA: Yes.

25 THE WITNESS: Probably some low voltage

1 lighting around the perimeter of the planters and
2 perhaps on the underside of the trellis.

3 MS. BANYRA: How would that be mounted
4 like this, on the underside? I mean, not this
5 lighting, but this type of mounting on the underside
6 of the wood?

7 THE WITNESS: Correct. Probably
8 something surface mounted, low profile and sparse.

9 MS. BANYRA: So could it be green then,
10 so that the lighting is just down and not out?

11 THE WITNESS: Yes.

12 MS. BANYRA: I think that's really, you
13 know, the impact from that is that if it flows any
14 place else, as long as it is kind of coming straight
15 down, you know, that would be the -- it can't be a
16 spotlight type of lighting, and it would have to be
17 something like, you know --

18 THE WITNESS: Yes, I understand.

19 MS. BANYRA: -- I don't believe you're
20 also, just as a point of information, I don't
21 believe you are allowed to have gas grills or any of
22 that type of thing. I am not a hundred percent
23 sure, but I don't believe you are allowed to have
24 any grill up there, just FYI.

25 THE WITNESS: Yes. We didn't show any.

1 MS. BANYRA: Okay.

2 VICE CHAIR GREENE: You said the
3 trellis was nine and a half feet.

4 Why is it so tall?

5 THE WITNESS: Hum --

6 VICE CHAIR GREENE: What is the purpose
7 of nine and a half feet as opposed to seven and a
8 half feet or eight feet?

9 THE WITNESS: Just a design dimension.
10 I mean, we could lower it, if you want.

11 We just want to --

12 (Board members confer)

13 THE WITNESS: -- it actually almost
14 lines up with the top of the stair penthouse.

15 VICE CHAIR GREENE: So it doesn't
16 exceed the height of anything that's already
17 existing on the roof?

18 THE WITNESS: Very minimal.

19 If you look at Sheet Z-4, the top, it
20 exceeds the top of the stair penthouse by a couple
21 of inches.

22 VICE CHAIR GREENE: Is that necessary?

23 THE WITNESS: Probably not. We can
24 lower it, so it won't exceed any existing structure.

25 MR. MATULE: Give them a dimension,

1 eight feet?

2 THE WITNESS: I don't recall the exact
3 dimension.

4 VICE CHAIR GREENE: Well, my view is it
5 shouldn't exceed anything that already exists, if
6 there is no structural or -- if there is no
7 significant reason for it to be higher.

8 THE WITNESS: We can make the existing
9 heights match with the windows.

10 MR. MATULE: Just so we are clear,
11 look, the way this is drawn and the site elevation,
12 it appears that the penthouse is higher than the
13 trellis. Is that accurate?

14 THE WITNESS: No.

15 MR. MATULE: Okay. Can you drop the
16 trellis down so that is lower?

17 THE WITNESS: Yes.

18 MR. MATULE: So would making the
19 trellis eight feet high work in terms of giving you
20 the head clearance you need, plus lowering it below
21 the roof parapet?

22 THE WITNESS: Yes.

23 MR. MATULE: So we can make it eight
24 feet --

25 VICE CHAIR GREENE: I think that would

1 be better.

2 (Board members confer)

3 MS. BANYRA: Mr. Moglino, just to
4 clarify, so you will lower the height of the trellis
5 and then mounted on the bottom of the trellis will
6 be lighting?

7 THE WITNESS: Yes, correct.

8 MS. BANYRA: And it will be adequately
9 screened, so that it is just down lighting, and it
10 won't be anything visible from the sides?

11 THE WITNESS: Yes. We can limit the
12 light projection.

13 MS. BANYRA: Right, and minimize the
14 amount of lighting as well?

15 THE WITNESS: Yes.

16 VICE CHAIR GREENE: And there are no
17 plans to string ornamental lights from the trellis?

18 THE WITNESS: I'm sorry?

19 VICE CHAIR GREENE: There are no plans
20 to string ornamental lights, you know, like a string
21 of Christmas lights, things like that, from the
22 trellis?

23 THE WITNESS: Not to my knowledge.

24 VICE CHAIR GREENE: Extraneous, no tiki
25 torches?

1 MS. BANYRA: Come on, no tiki torches?

2 (Laughter)

3 (Board members confer.)

4 MR. GALVIN: Mr. Marsden?

5 MR. MARSDEN: You are proposing no
6 improvements on the ground level at all, correct?

7 THE WITNESS: No. That is correct.

8 VICE CHAIR GREENE: Any other Board
9 questions? Otherwise we will open it up to the
10 public.

11 COMMISSIONER GRANA: I have no further
12 questions.

13 COMMISSIONER TREMITIEDI: No questions.

14 VICE CHAIR GREENE: Anybody from the
15 public have any questions of the architect?

16 Seeing nobody, that would require a
17 motion.

18 COMMISSIONER GRANA: Motion to close
19 the public portion.

20 VICE CHAIR GREENE: Second?

21 COMMISSIONER MC ANUFF: Second.

22 VICE CHAIR GREENE: All in favor, aye?

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

25 VICE CHAIR GREENE: Anybody opposed?

1 The public portion is closed.

2 Mr. Matule?

3 MR. MATULE: No, that is my only
4 witness. I have the applicants here, if the Board
5 has any specific questions for them, but I think we
6 have addressed the specific questions regarding the
7 lighting and the planting.

8 Basically we are asking for relief
9 under Section C-2 of the ordinance, the flexible C
10 variance, which I think the Board could, you know,
11 take cognizance of in terms of providing the outdoor
12 space and benefits, you know, of that. There is
13 really no appreciable detriment.

14 I know we put some minor site drawings
15 in the plans I think on the last page, on Z-4.
16 Especially with the new building that has been
17 approved immediately next door to the south, this
18 will barely be visible.

19 VICE CHAIR GREENE: To be clear, too,
20 there are no plans to put speakers on the deck or a
21 sound system of any sort?

22 MS. JAN: No.

23 MR. GROSSE: No.

24 (Laughter)

25 VICE CHAIR GREENE: We didn't swear

1 them, but I will accept it, because this is going to
2 be a condition.

3 MR. MATULE: A condition, yes. We have
4 no objections to that.

5 VICE CHAIR GREENE: No speakers, no
6 sound system on the deck.

7 It doesn't mean you can't bring out a
8 boom box and listen to it, but --

9 MS. BANYRA: Built-in is what you are
10 talking about?

11 VICE CHAIR GREENE: Yes, essentially,
12 affixed.

13 MR. MATULE: That is it.

14 VICE CHAIR GREENE: That's it. That's
15 your summary?

16 MR. MATULE: Very simple.

17 What I suggested to the architect, if
18 the Board should approve the application, that we
19 revise the plans for the resolution sets detailing
20 the lighting, reducing the height of the trellis,
21 and maybe putting a railing detail in just to give
22 the Board a little better sense of what is going to
23 go on.

24 VICE CHAIR GREENE: I think that would
25 be an excellent idea.

1 Once you put the deck in, how are you
2 providing for drainage?

3 THE WITNESS: There is existing
4 drainage now.

5 VICE CHAIR GREENE: So it will drain
6 through the planks to the existing --

7 THE WITNESS: Yes.

8 VICE CHAIR GREENE: You are comfortable
9 with that?

10 MR. MARSDEN: Yes.

11 MR. GALVIN: I have five conditions.

12 I have: The trellis is to be covered
13 with some greenery.

14 Two: The trellis is to be reduced to
15 eight feet in height.

16 Three: No string lights are to be
17 attached to the trellis.

18 Four: If an umbrella or furniture are
19 to be left outside on the deck, they must be
20 secured. I don't know how you are going to do that,
21 but they have to be bolted down, I guess, if you
22 leave them out there.

23 And five: There is to be no affixed
24 sound system on the deck.

25 VICE CHAIR GREENE: Now, the greenery

1 on the trellis, we're referring to the north and the
2 south sides, not the top, is that correct?

3 MR. MATULE: No. We are referring to
4 the top.

5 Ms. Banyra suggested that we try to
6 cover the trellis with some kind of greenery
7 either --

8 MS. BANYRA: Yes. You have a number --
9 you have a fence that you could have things growing
10 up, and you have a trellis, so if you want to make
11 wine or something, I don't know.

12 MR. MATULE: I suggested some grape
13 vines would be nice.

14 (Laughter)

15 MS. BANYRA: There are a lot of things,
16 so just let your imagination run on.

17 (Board members confer)

18 VICE CHAIR GREENE: Do you want to put
19 no grill on the roof as a condition?

20 MR. GALVIN: No gas grills.

21 VICE CHAIR GREENE: Yes, gas or
22 charcoal.

23 (Board members confer)

24 MR. GALVIN: If we put it in the
25 resolution, then it helps everybody to pay attention

1 to that.

2 MR. MARSDEN: One more question.

3 You submitted a signed and sealed
4 survey?

5 MR. MATULE: Yes.

6 MR. MARSDEN: Pat, do the you have a
7 signed and sealed survey?

8 MS. CARCONE: Yes.

9 MR. MARSDEN: Mine is just a copy.

10 MR. MATULE: It was dated April 7th,
11 2011.

12 MS. CARCONE: April 7th, 2011, the
13 survey?

14 MR. MATULE: Yes. It has a seal on it.

15 MR. MARSDEN: That is good for me. As
16 long as it was filed, I am good.

17 MS. BANYRA: Just as a point of order,
18 my report indicates a minor subdivision. It is a
19 minor site plan application. On the top of my
20 report, it says "minor subdivision."

21 MR. GALVIN: We are going to have to
22 take points off.

23 (Laughter)

24 MS. BANYRA: I ratted myself out, but,
25 you know...

1 VICE CHAIR GREENE: All right.

2 So we have the application. We have
3 the conditions. Does anybody want to make a motion
4 to approve the application?

5 COMMISSIONER GRANA: I will make a
6 motion to approve the variances at 405 Jefferson
7 with the conditions.

8 COMMISSIONER TREMITIEDI: I will second
9 that.

10 COMMISSIONER MC ANUFF: Second.

11 VICE CHAIR GREENE: Roll call?

12 MS. CARCONE: Commissioner Grana?

13 COMMISSIONER GRANA: Yes.

14 MS. CARCONE: Commissioner McAnuff?

15 COMMISSIONER MC ANUFF: Yes.

16 MS. CARCONE: Commissioner Tremitedi?

17 COMMISSIONER TREMITIEDI: Yes.

18 MS. CARCONE: Commissioner Greene?

19 VICE CHAIR GREENE: Yes.

20 MS. CARCONE: Okay.

21 MR. MATULE: Thank you very much.

22 Ms. Carcone, you are going to keep
23 those photographs for the record?

24 MS. CARCONE: Yes.

25 (Board members confer.)

1 VICE CHAIR GREENE: We are going to
2 take a bit of a break.

3 (Recess taken.)

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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 testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, 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: 3/26/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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504 GRAND STREET, Block 70, Lot 26      :
Applicant: KAMM Development Group      : March 25, 2014
Minor Site Plan & Variances             : Tuesday 7:50 p.m.
----- X

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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel (present on page 44)
Vice Chair Elliot H. Greene
Commissioner Antonio Grana
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
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I N D E X

WITNESS	PAGE
JAMES MC NEIGHT	38 & 46
KENNETH OCHAB	81

E X H I B I T S

EXHIBIT NO.	PAGE
A-1	41

1 VICE CHAIR GREENE: All right. We are
2 switching the agenda slightly. Not slightly, we are
3 switching it 50 percent, we are going to hear --
4 maybe a hundred percent -- we are going to hear 504
5 Grand, Block 70, Lot 26.

6 MR. MATULE: Good evening, Board
7 members.

8 Robert Matule, appearing on behalf of
9 the applicant with respect to the application for
10 504 Grand Street. It is an application for minor
11 site plan approval and variances to construct a new
12 four-story, four residential unit building.

13 I have Mr. McNeight, our architect, who
14 will be testifying, and Mr. Ochab, our planner.

15 MR. GALVIN: Raise your right hand.

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

19 MR. MC NEIGHT: I do.

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

22 MR. GALVIN: State your full name for
23 the record and spell your last name.

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

1 MR. GALVIN: Mr. Chairman, we have had
2 Mr. McNeight on multiple occasions.

3 Do we accept his credentials?

4 VICE CHAIR GREENE: Yes, we do.

5 MR. GALVIN: Thank you.

6 MR. MATULE: Thank you.

7 Mr. McNeight, would you describe for
8 the Board members the existing site conditions and
9 what it is we are proposing to replace them with?

10 THE WITNESS: Yes.

11 This is a typical 25 by a hundred foot
12 site on the west side of Grand Street just above
13 Fifth Street. It is situated between the United
14 States Post Office on the south and the famous Dom's
15 Bakery on the north.

16 Behind it is the large Kielly School
17 that has been transformed into housing ten years
18 ago, but that is the neighborhood. Across the
19 street from it is the parking lots of Church Towers
20 and the white block buildings of Church Towers.

21 This is a four-story building that is
22 going to have four units in it. It is picked up,
23 the proper dimension off grade, that the first floor
24 is now 13 feet above sea level to meet the latest
25 FEMA standards.

1 The basic depth of the building is 60
2 feet. It has a small -- I will show you on the
3 plans in a second -- it has a small secondary means
4 of egress deck in the back, and the balance of the
5 backyard, the last 33 feet is landscaped, fenced,
6 and the yard is both paved and has some other green
7 area back there.

8 If you look on Z-2, it just shows the
9 rather crowded site. This is the old Kielly School
10 that is on Adams and Fifth Street. So the back wall
11 of this old gymnasium part of the school building is
12 about 18 feet high, so that is the backdrop of what
13 we are up against in the backyard. The buildings to
14 either side of us are approximately 60 feet deep.

15 And you see, the block elevation on the
16 upper side of it, the one-story parking deck of that
17 school building comes over to Grand Street, so that
18 is the middle of the block, and then there are
19 several buildings taller than us, but this is the
20 new proposed building next to the post office on
21 this side and the bakery on the other side.

22 To get up to the first floor apartment,
23 there is an L-shaped stoop out in the front that
24 comes up and the two means of egress doors meet
25 there. One of them coming from the rear yard when

1 you go down the secondary means of egress stairway
2 in the back, and the other one from the stairway
3 within the building.

4 Each one of these units -- each of the
5 upper three floors anyway is a three-bedroom. The
6 first floor is a two-bedroom apartment.

7 On the roof, there is no use on the
8 roof, other than the condensers and the exhaust and
9 vent pipes of the utilities. The roof is going to
10 have a white surface on it to reflect as much heat
11 as possible.

12 As I said, the backyard will be
13 landscaped.

14 On Z-4, we have the diagram that shows
15 the fenestration, the fact that the building is
16 picked up to the 13 feet above sea level, and the
17 rear deck is as small as it can get and still have
18 the legal stairway coming down in the back.

19 This color photo is what the color is
20 going to look like on this building.

21 MR. MATULE: Just one second.

22 We are going to mark this as A-1 for
23 identification, if you could just describe it for
24 the record.

25 (Exhibit A-1 marked.)

1 THE WITNESS: It is just the front
2 elevation.

3 With this typical modern kind of
4 building that we have here, where the background,
5 the darkest background is the red brick, there are
6 bands of limestone, and then the projected bay has
7 metal on it. The windows are going to be black.
8 They are going to be casement windows -- I mean
9 hopper windows. They open like a hopper.

10 So this is the landscaping page on Z-5.
11 The building is going to have an underground
12 stormwater tank that will hold all of the stormwater
13 and allow it to drip slowly into the sewer system
14 over a number of days instead of the supercharging
15 during a storm.

16 We will have one new street tree in the
17 front and some other plantings within the gate line
18 of the building.

19 As I said before, the backyard has a
20 four-foot planting swath around the three sides of
21 it, and it is defined with a new cedar fence in the
22 back six feet high.

23 I think that is it.

24 MR. MATULE: There is going to be trash
25 storage under the stoop?

1 THE WITNESS: Yes. Trash storage under
2 the stoop, and we do have approximately a six foot
3 high space under the building without a designated
4 purpose, and we could facilitate bike storage. It
5 is not tall enough to stand up straight in
6 underneath there for an adult anyway, but it could
7 be utilized for bike storage.

8 MS. BANYRA: For some adults, it is.

9 (Laughter)

10 VICE CHAIR GREENE: Would that
11 constitute another story under our definition of
12 basement or cellar or first level, because wouldn't
13 that be a household use?

14 MS. BANYRA: Well, we have allowed for
15 just plain storage as long as it was like bike
16 storage or stroller storage.

17 We have not allowed for like clothing
18 or home type stuff.

19 VICE CHAIR GREENE: So if it was
20 limited to bicycles or strollers, it would be all
21 right?

22 MS. BANYRA: Yes. We have done that --
23 I think we did actually call it -- which one was
24 that -- it was on I think Newark and Paterson and

25 98 --

1 THE WITNESS: 98 Adams.

2 MS. BANYRA: -- 98 Adams. I think we
3 did call it a story, and we just limited the uses to
4 storage that are like bicycles, strollers, and I am
5 going to say equipment --

6 VICE CHAIR GREENE: So we didn't call
7 it a story then?

8 MS. BANYRA: -- I think we did call it
9 a story. I don't know that it was higher -- I think
10 it was higher than six feet, though, too.

11 THE WITNESS: Yes, it was.

12 MR. MARSDEN: Yes, it was.

13 (Chairman Aibel present.)

14 VICE CHAIR GREENE: Do you want to
15 start again?

16 MS. BANYRA: I don't know if six feet
17 constitutes a story in terms of building code,
18 though, either, does it?

19 I am trying to remember in terms of
20 building code --

21 THE WITNESS: It is not a legal height.

22 MS. BANYRA: It is not a legal height,
23 right?

24 THE WITNESS: No.

25 VICE CHAIR GREENE: Want to start over?

1 Perhaps we are going to start over, so
2 you can hear that.

3 CHAIRMAN AIBEL: That is great.

4 VICE CHAIR GREENE: We are going to do
5 a Scooby-Doo with not quite a Scooby-Doo ending.

6 CHAIRMAN AIBEL: My apologies for being
7 late. I'm late with an excuse, Counsel.

8 VICE CHAIR GREENE: We literally just
9 started 504 Grand, but we can restart it.

10 MR. MATULE: Okay. So the record will
11 now reflect that Chairman Aibel has arrived.

12 MR. GALVIN: The record, what record?

13 MR. MATULE: Well, that's right. The
14 machine was not working.

15 (Laughter)

16 Good evening, Mr. Chairman, and Board
17 members.

18 Robert Matule, appearing on behalf of
19 the applicant with respect to the property at 504
20 Grand Street.

21 This is an application for minor site
22 plan approval and variances to construct a
23 four-story four residential unit building at the
24 site of the currently existing building.

25 I am going to have the testimony of Mr.

1 McNeight and Mr. Ochab, so if we could have Mr.
2 McNeight sworn and qualified.

3 MR. GALVIN: Please raise your right
4 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. MC NEIGHT: I do.

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

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

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

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

17 CHAIRMAN AIBEL: Yes.

18 MR. GALVIN: You may proceed.

19 MR. MATULE: Thank you.

20 Mr. McNeight, would you please describe
21 for the Board members the existing site conditions
22 at the property and what it is that the applicant is
23 proposing to replace the existing building with?

24 THE WITNESS: Yes, sir.

25 This photo shows the existing

1 three-story frame building that exists on the site
2 now. It has a side yard on the north side of it.
3 We plan on demolishing that building and building a
4 new four-story tall building that fills the entire
5 width of the 25 foot site.

6 It is a four-story, four-unit building,
7 that has -- the body of the building is 60 feet
8 deep.

9 It has a small second means of egress
10 stairway down the back of it. There is a hallway
11 that leads from the rear yard to the front to
12 deliver people to the right-of-way to serve as a
13 second means of egress, so there is one outside
14 stair and one inside stair in this design.

15 The building is brick. We already have
16 marked this exhibit as A-1.

17 MR. GALVIN: It is so efficient to
18 premark that exhibit.

19 (Laughter)

20 THE WITNESS: A red brick with
21 limestone horizontal courses and the projected bay
22 that will require a City of Hoboken franchise
23 agreement projects 30 inches beyond the building,
24 and it will be covered in metal.

25 The windows will be black, and they are

1 operable on the lower levels of the window with
2 hopper windows.

3 CHAIRMAN AIBEL: Mr. McNeight, I'm
4 sorry. Could you just raise that up, so we can all
5 see it?

6 MR. MATULE: Sure, if you want to pass
7 it around.

8 Could you just describe for the record
9 also the surrounding area?

10 I know there is a rather large project
11 behind the site, which I think is kind of relevant.

12 THE WITNESS: Yes. Let's turn to the
13 second page. You will see the neighborhood here.

14 What used to be the Kielly School, it
15 escapes me what it is called now, but it was turned
16 into housing about ten years ago. It has a first
17 floor gymnasium. I'm not sure what it is used for
18 now, but that wall of that gymnasium was about 18
19 feet high, and then the building itself is much
20 higher behind it. But that is the physical wall
21 what we are up against on the western side of the
22 site.

23 As I said before, this building is
24 located between two Hoboken landmarks, the United
25 States Post Office on the south and Dom's Bakery on

1 the north.

2 It is across the street. This is one
3 of the buildings of Church Tower, and the corner of
4 that block is parking.

5 The block has several five-story
6 buildings. The parking deck for that school
7 building and some three to four-story buildings down
8 toward this end.

9 The building itself has been -- I mean
10 the first floor has been picked up. I am looking at
11 page Z-4 now. The building has been picked up, so
12 the first floor is 13 feet above sea level. There
13 is a U-shaped stoop in front of the building that
14 goes out and meets the existing gate line.

15 I already described the facade.

16 The rear facade is this external fire
17 stair that meets the 711 proportions of a legal
18 means of egress. You go down those stairs, and you
19 go through this door, and it takes you back to the
20 street.

21 Landscaping-wise, we have one street
22 tree out front, some plantings behind the gate line.
23 Then in the rear of the building, we have a
24 four-foot planting swath around the three sides of
25 the yard. About half of the yard is paved, and the

1 rest of it will be just grass.

2 MR. MATULE: Those pavers will be the
3 kind that allow water to permeate through them?

4 THE WITNESS: Yes, but besides that, we
5 have a drain here.

6 And the other ecological aspect of
7 this, we are going to have an underground storage
8 tank to hold the stormwater that will allow it to go
9 into the storm sewer more slowly than if it wasn't
10 there.

11 I think that is about it.

12 MR. MATULE: You already testified that
13 we need the approval of the Mayor and Council for
14 the --

15 THE WITNESS: Encroachments.

16 MR. MATULE: -- encroachment.

17 Did you get Mr. Marsden's report --

18 THE WITNESS: Yes, I did.

19 MR. MATULE: -- revised on March 21?

20 One of the questions that he raises
21 here about the method of draining flood water below
22 the bottom of the vent on page two, Item 6, have you
23 given that any thought?

24 THE WITNESS: I can drop those vents to
25 right on grade, so that there isn't any residual

1 puddle inside. But we will pitch that slab in that
2 basement to go out front and back drains.

3 MR. MARSDEN: Yeah. I mean, you could
4 leave your vents -- the elevation, just put one
5 lower just so that you don't have any water standing
6 in the building and then have the slab pitched.

7 MR. MATULE: Is it the applicant's
8 intention to also replace the curb?

9 THE WITNESS: Yes. We are going to
10 replace all the sidewalk and all new curb in front
11 of the whole 25 foot swath of the building.

12 MR. MATULE: I think the other comment
13 Mr. Marsden wanted was to update the plan to show
14 the utility connections and trench details --

15 THE WITNESS: Yeah. I have no problem
16 with doing that.

17 MR. MARSDEN: That is shown already.

18 (Laughter)

19 MR. MATULE: Also, the way the front
20 stoop is situated, you could provide for trash can
21 storage under it?

22 THE WITNESS: Yes.

23 MR. MATULE: So it wouldn't be out on
24 the street?

25 THE WITNESS: Correct.

1 MR. MATULE: How about any storage
2 under the building?

3 THE WITNESS: We have -- let me get the
4 exact -- we have about a six and half foot high
5 space underneath the building, and it could be
6 utilized for either bicycles or baby strollers, if
7 we put an access door on the front of the building.
8 So even though it is not a legal ceiling height, it
9 is big enough to store bicycles and baby carriages
10 under there.

11 MR. MATULE: Right. It would not be
12 heated or finished in any way?

13 THE WITNESS: No. It would just be a
14 secure place, so you wouldn't have to bring them
15 upstairs with you.

16 MR. MATULE: Okay.

17 MS. BANYRA: Can I just ask a question?
18 So what is below grade there?

19 THE WITNESS: Nothing is below grade.
20 When you build in the flood plain, you can't have
21 any below grade space.

22 MS. BANYRA: So it is not a basement,
23 and it's not a cellar then?

24 THE WITNESS: No.

25 MS. BANYRA: Okay.

1 COMMISSIONER TREMITIEDI: Is that right
2 at grade level?

3 THE WITNESS: Sort of like two-thirds
4 of a story.

5 VICE CHAIR GREENE: It's a crawlspace.

6 MR. MATULE: It's a crawlspace that you
7 don't have to bend over too much.

8 MS. BANYRA: So it doesn't have a door.
9 Okay.

10 MR. MARSDEN: If they put a door in for
11 storage, the storage has to be anything that's not
12 too severely damaged by water. That's all.

13 MS. BANYRA: Okay, understood. But I
14 guess from our definitions, anything is a story that
15 has a door and a ceiling height, it becomes a story.

16 MR. MARSDEN: That sounds like a
17 planning issue to me.

18 (Laughter)

19 MS. BANYRA: I'm just saying, so then
20 that is the question. So it is not a basement, it
21 is not a cellar and --

22 VICE CHAIR GREENE: Well, exactly what
23 is the clearance from floor to ceiling?

24 I believe you testified that it was
25 five or six feet.

1 THE WITNESS: We are at five-four
2 grade, and the bottom of the joists is 12 feet, so
3 it is a little over six feet, 6.6 feet.

4 CHAIRMAN AIBEL: Is it susceptible to
5 be used for bicycle storage or trash cans?

6 THE WITNESS: I would think so, because
7 that actually --

8 COMMISSIONER MC ANUFF: How do you
9 access the space?

10 THE WITNESS: We don't have it shown
11 here, but we could just put a door on the front of
12 the building.

13 COMMISSIONER MC ANUFF: Well, if the
14 height, and you put the door, then that portion
15 would be lower than the rest --

16 MS. BANYRA: Yes.

17 Well, I guess there are two issues.
18 One is just our definition of a story --

19 MR. GALVIN: Let me just say it is
20 easily solved, okay, because we are the Zoning
21 Board, and we can do that.

22 MS. BANYRA: Understood. I'm just
23 saying so that maybe technically another, you know,
24 variance for five stories, even though but the
25 height issue -- you know, I think if it is not

1 habitable -- if it not usable space, where you can't
2 really have somebody walking below, and you are not
3 actually putting anything that is used for
4 residential, other than like a bike storage, to me
5 residential use is something that's more related to
6 stuff. I don't know how to categorize "stuff,"
7 but --

8 MR. GALVIN: Let me help you.

9 The crawlspace is considered a story,
10 but it is not to be used for any other purpose than
11 non perishable storage.

12 MS. BANYRA: I don't know that you
13 actually are in the flood plain.

14 Are you actually allowed to put
15 anything -- can you put a bike and stroller, but you
16 can't have anything in that area, if it floods,
17 correct?

18 MR. MARSDEN: Well, you can put
19 anything that you want in the area except the
20 insurance company is not going to pay for it. FEMA
21 will not pay, you know.

22 Bicycles, you take them out, and you
23 wash them off, and even a stroller could be sprayed
24 off quickly, you know.

25 The other issue we have in Hoboken, of

1 course, the combined sewer, so it is going to be
2 nasty water, so that is why I don't think anybody
3 would put anything like that down there.

4 (Board members confer)

5 CHAIRMAN AIBEL: Dennis, haven't we
6 conditions about what could be put in there?

7 MR. GALVIN: What I am basically saying
8 is we don't have to wrestle with the mental
9 gymnastics of this. With all due respect, I think
10 we can get by with saying yes, it is, we will grant
11 it, it is a story, we realize it is not a story that
12 is habitable. It's less --

13 MS. BANYRA: It's less than six and a
14 half feet --

15 MR. GALVIN: -- I don't know what to
16 call it. It is a technical variance. It really is
17 a technical variance --

18 MS. BANYRA: Yes.

19 MR. GALVIN: -- then we will have that
20 the crawlspace is considered a story, but it is not
21 to be used for habitation -- it's not to be used for
22 any other purpose than non perishable storage --

23 VICE CHAIR GREENE: I think referring
24 to it as a crawlspace is the right thing to do
25 because it doesn't really have full height.

1 MR. GALVIN: We are good.

2 CHAIRMAN AIBEL: So the idea would be
3 to put a door underneath the landing of the first
4 floor?

5 THE WITNESS: Yeah. But the door would
6 be directly under the front door of the building.
7 That is where you could easily go in underneath that
8 stoop.

9 CHAIRMAN AIBEL: I assume we would have
10 garbage can storage inside?

11 THE WITNESS: That could be in there as
12 well, correct.

13 VICE CHAIR GREENE: As opposed to under
14 the stoop. I think that makes more sense.

15 CHAIRMAN AIBEL: My concern was having
16 the garbage cans right next to the neighbor, so that
17 alleviates that problem --

18 THE WITNESS: Correct.

19 CHAIRMAN AIBEL: -- mitigates that
20 problem.

21 Are you finished, Mr. McNeight?

22 THE WITNESS: Yes, I am.

23 CHAIRMAN AIBEL: Mr. Matule?

24 We're up to questions.

25 VICE CHAIR GREENE: Couple of

1 questions.

2 The first question is: On your street
3 front elevation --

4 THE WITNESS: Yes, sir.

5 VICE CHAIR GREENE: -- I am pretty sure
6 there is no stoop at Dom's, that it's grade level.

7 THE WITNESS: Yes, one step up.

8 VICE CHAIR GREENE: So I'm wondering
9 what other inaccuracies are there in the elevations
10 that you've drawn?

11 In fact, is there a stoop on the post
12 office, too?

13 THE WITNESS: Yes. There's a big stoop
14 on the post office.

15 VICE CHAIR GREENE: There is definitely
16 not one at Dom's.

17 THE WITNESS: No.

18 Are you looking at the second page?

19 VICE CHAIR GREENE: I'm looking at Z-2.

20 THE WITNESS: Yes, let's see.

21 This is the post office -- yeah, it is
22 inaccurate. Those two buildings aren't right. I
23 have to fix both of those, because on Dom's, the
24 door is on the north side, and it is just one --
25 yeah.

1 MR. MATULE: Just for the edification
2 of the Board members, Mr. Ochab will be testifying
3 next, but in his report he has some nice photos of
4 the facade and the adjoining building.

5 VICE CHAIR GREENE: The existing
6 building is not built to the north lot line, but
7 your proposed building is?

8 THE WITNESS: Correct.

9 VICE CHAIR GREENE: My other
10 question --

11 THE WITNESS: You can see on the old
12 survey, that there was a side yard.

13 VICE CHAIR GREENE: It was a bump-out,
14 and it was still like an alley there, if I recall --

15 THE WITNESS: Well, and then Dom's
16 building has an alleyway as well that will remain.

17 (Counsel and witness confer)

18 CHAIRMAN AIBEL: So, Mr. McNeight is
19 going to correct Z-2?

20 THE WITNESS: Yes.

21 CHAIRMAN AIBEL: As I am looking at it,
22 the stoop looks like it's a traditional front facing
23 stoop.

24 THE WITNESS: Yes. We have to redraw
25 those --

1 VICE CHAIR GREENE: Your plan is for a
2 double door, isn't it?

3 THE WITNESS: No, just a single door.
4 This is a window.

5 VICE CHAIR GREENE: Where is the
6 drawing that you --

7 COMMISSIONER MC ANUFF: The drawing is
8 not the same as the --

9 THE WITNESS: Oh, no. This is not -- I
10 was using this for color, not the exact layout of
11 the windows and the doors.

12 CHAIRMAN AIBEL: Let me follow up with
13 the question about the layout of the door.

14 THE WITNESS: Okay.

15 If you look at the floor plans on Z-3,
16 there is one -- the door is inset. I mean, there is
17 approximately a four foot six inset there.

18 So this door leads to that hallway that
19 comes from the backyard, and this doorway looks
20 north and goes into a vestibule, where the electric
21 meters are and gas meters, and you go through yet
22 another door to go up the stairs or go into that
23 first apartment. But there is just a single door on
24 the face of the building. And as I stated before,
25 the door to the proposed bicycle storage area

1 about 30 inches on their side, and we are going to
2 have another foot on our side, so somewhere around
3 42 inches away.

4 CHAIRMAN AIBEL: So if I were standing
5 on the platform, on the door on the property you are
6 looking to develop, how close am I to the window?

7 THE WITNESS: You would be -- well, we
8 will introduce this or when the planner -- you will
9 be able to see it. But you won't be able to look
10 into that window because the door of that post
11 office building is already up on top of that stoop,
12 you know. So our -- I will draw it correctly when I
13 fix the elevation, but our door is going to be more
14 or less where the sill of this window is on the
15 existing building here, so you won't be high enough
16 to be peeking into that window.

17 CHAIRMAN AIBEL: But let me put my
18 concern on the record, and you have -- you can tell
19 me how you are going to address it, or whether it
20 can be addressed.

21 THE WITNESS: Yes. I don't foresee
22 that as a problem, but I will --

23 CHAIRMAN AIBEL: But my concern is, is
24 that the door is right virtually on the property
25 line, and I guess my question is: If I am standing

1 with a group of people on your landing, I am right
2 under the window of the property right next to it.

3 So I guess my question is: Is there
4 any reason from an architectural point of view you
5 couldn't move that building off the property line --
6 the back door off of the property line?

7 THE WITNESS: Well, the door is not on
8 the property line. It is inset four and a half
9 feet. You come into the body of the building before
10 you get to the door.

11 CHAIRMAN AIBEL: I am looking at the
12 outside --

13 MS. BANYRA: It is not correct the
14 outside --

15 CHAIRMAN AIBEL: -- as I am looking at
16 your Z-1, I thought your testimony was you had about
17 a foot from the edge of the property to the south at
18 the edge of the door. So the way I am looking at
19 it, that door is literally on the property -- at the
20 edge of the building.

21 THE WITNESS: It is hard to tell. It's
22 hard to tell in an elevation.

23 Basically this is a portal. There is
24 no door in that -- you come through an open portal
25 into a depressed area of four-foot-six before you

1 get to the door.

2 VICE CHAIR GREENE: But that is more to
3 Mr. Aibel's point. It could be a gathering space as
4 opposed to -- so his question is not about the door.
5 His question is about the entry.

6 You are creating an entry portico that
7 is directly underneath a neighbor's window from the
8 looks of things.

9 Is that your question?

10 CHAIRMAN AIBEL: Thank you.

11 VICE CHAIR GREENE: Sure.

12 CHAIRMAN AIBEL: You can interpret any
13 time.

14 THE WITNESS: Well, we can flip the
15 whole plan and have the door on this side, on the
16 north side.

17 CHAIRMAN AIBEL: I'm sorry, Mr.
18 McNeight?

19 THE WITNESS: I mean, it is conceivable
20 to flip this whole plan into a mirror image, so that
21 the door is on the north side of the facade instead
22 of the south side of the facade, because there is an
23 existing alleyway between the bakery building and
24 this building.

25 MR. GALVIN: Kind of like where it is

1 now?

2 THE WITNESS: But I mean, I've never
3 seen people gather on a stoop in front of one of
4 these kinds of buildings.

5 CHAIRMAN AIBEL: Well, let me tell you
6 from personal knowledge --

7 (Laughter)

8 MR. MATULE: So if I might, Mr.
9 McNeight, if you flipped it, then the top of the
10 stoop and the portal, the doorway would then be
11 adjacent to the alleyway along the south side of
12 Dom's bakery?

13 THE WITNESS: Correct.

14 MR. GALVIN: Where is it now?

15 THE WITNESS: Where it is now on the
16 existing building, correct.

17 MR. GALVIN: Yes.

18 THE WITNESS: So --

19 MR. GALVIN: So we won't be disturbing
20 the existing pattern --

21 THE WITNESS: Yeah, and you won't have
22 that problem, potential problem.

23 MR. MATULE: Okay. That won't impact
24 anything else.

25 Would that then have your fire stair go

1 to the south side?

2 THE WITNESS: Everything would flip,
3 yes.

4 CHAIRMAN AIBEL: Is that an offer?

5 MR. MATULE: That is an amendment.

6 VICE CHAIR GREENE: It's going to be a
7 mirror image.

8 CHAIRMAN AIBEL: I will just say, I
9 have personal experience because a stoop is built
10 right on my property line, and the concern I have is
11 based on experience.

12 THE WITNESS: Okay.

13 CHAIRMAN AIBEL: Thank you, Mr. Matule.

14 Anybody else have questions for Mr.
15 McNeight?

16 VICE CHAIR GREENE: If nobody else
17 does, I have a follow up.

18 On Z-3, you are showing on the first
19 floor plan, it looks like plantings in front of the
20 windows. It says "annuals." I assume those are
21 plantings.

22 THE WITNESS: Yes.

23 VICE CHAIR GREENE: Is there a window
24 box? I assume there is a window box.

25 THE WITNESS: No. That's on the

1 ground.

2 VICE CHAIR GREENE: Oh, it's on the
3 ground?

4 THE WITNESS: Within the confines of
5 the gate.

6 VICE CHAIR GREENE: Okay.

7 MR. MATULE: That is on Z-5.

8 VICE CHAIR GREENE: Is that called out
9 on Z-5?

10 MR. MATULE: There is a planting
11 schedule on the upper left corner.

12 VICE CHAIR GREENE: Who would be
13 responsible for maintaining those plantings?

14 THE WITNESS: The condo association.

15 VICE CHAIR GREENE: Also, on the rear
16 elevation, you refer to the landings as decks.

17 Are they to be used as decks or are
18 they merely access to the egress?

19 THE WITNESS: They are basically just
20 egress stairs. It is -- as you can see, there is a
21 sliding glass door that leads to the stairway, so it
22 is just a function of getting through that door to
23 the stairs, so it -- there really isn't any space
24 left over for any kind of recreational use.

25 VICE CHAIR GREENE: So it's really not

1 a deck.

2 THE WITNESS: It is an egress stair
3 basically.

4 CHAIRMAN AIBEL: I think we should make
5 that clear.

6 VICE CHAIR GREENE: Well, I think it is
7 misleading to even refer to them as decks.

8 THE WITNESS: Where did I call them
9 "Decks"?

10 VICE CHAIR GREENE: I read it
11 somewhere.

12 THE WITNESS: Okay.

13 MS. BANYRA: I think the other fact is
14 that if the plan is flipped, then again, that's
15 moved further away to the use to the south, and
16 there is another four and a half feet between the
17 property to the north --

18 VICE CHAIR GREENE: Right.

19 MS. BANYRA: -- so I think that also
20 mitigates the space on them, whatever they are
21 called, is nominal.

22 VICE CHAIR GREENE: And maybe it was in
23 one of the reports that I read --

24 MR. MATULE: It is on the zoning table
25 on Z-1, where he breaks out the lot coverage, it

1 says with decks.

2 VICE CHAIR GREENE: With decks.

3 Thank you.

4 THE WITNESS: All right. I will change
5 that to stair -- exterior stair.

6 MR. MARSDEN: I mean, it is just a
7 landing for the stairs, correct?

8 THE WITNESS: Correct.

9 MR. MARSDEN: That's all it is.

10 MS. BANYRA: Mr. McNeight, I think you
11 didn't indicate on the plan a fence around the
12 landscaping in the front area.

13 THE WITNESS: Okay.

14 MS. BANYRA: Maybe a wrought iron fence
15 to close in that area.

16 THE WITNESS: Okay.

17 MS. BANYRA: I think you also indicated
18 two red maples are going to be located in that front
19 area. I don't think two will fit.

20 THE WITNESS: Yes. Just one, okay. I
21 saw it in your report.

22 MS. BANYRA: So those are my comments
23 relative to the landscaping.

24 CHAIRMAN AIBEL: I may have missed your
25 testimony on this.

1 Is the backyard to be used exclusively
2 by the unit on the first floor or is it --

3 THE WITNESS: Yes. It will be limited
4 common area for that first floor unit. Limited
5 access common area is the terminology.

6 VICE CHAIR GREENE: So it would be
7 available for secondary egress, but not for
8 recreation?

9 THE WITNESS: Yes, correct.

10 CHAIRMAN AIBEL: Board members,
11 anything else of Mr. McNeight?

12 COMMISSIONER TREMITIEDI: No.

13 CHAIRMAN AIBEL: Mr. Marsden?

14 MR. MARSDEN: I mean, did you submit a
15 signed and sealed survey?

16 MR. MATULE: Yes.

17 MR. MARSDEN: And the survey should be
18 edited, so it would be at 9.0. If you insist on
19 leaving that there, because of the flood map, it is
20 just to say current ABFE, add that to it, and it is
21 NAVD. It's North American Vertical Data.

22 THE WITNESS: Yes.

23 MR. MARSDEN: Okay. Other than that --

24 (Board members all talking at once)

25 MR. MARSDEN: -- just resubmit the

1 pack.

2 THE WITNESS: Okay. I will have to
3 revise that.

4 MR. MARSDEN: Yes. It's two locations,
5 one in the notes and one right next to the plant --

6 THE WITNESS: I have another recent
7 survey from him on a different project, but he had
8 that terminology --

9 MR. MATULE: Want to get the survey
10 updated?

11 MR. GALVIN: We are going to keep
12 bringing it up until we get it right.

13 MR. MATULE: I will have to start
14 bringing Mr. Caulfield to the hearings.

15 (Laughter)

16 VICE CHAIR GREENE: Another question,
17 if I might.

18 Mr. McNeight, the roof drains are tied
19 into the detention system?

20 THE WITNESS: Yes. All of the
21 stormwater is tied into the detention system.

22 VICE CHAIR GREENE: The roof you are
23 proposing has no use, and it's going to be a white
24 roof.

25 Was any consideration given to making

1 it a green roof?

2 THE WITNESS: It could be a green roof.
3 It just becomes something of a maintenance issue,
4 and who takes care of it in these kind of small
5 buildings.

6 VICE CHAIR GREENE: Any environmental
7 concerns given what we are trying to do in town
8 about allowing a simple white roof?

9 MS. BANYRA: Well, a white roof and a
10 green roof, I mean they are both effective. There
11 is different literature out there kind of going back
12 and forth, which one is better and depending upon
13 whether it's an urban area or a rural area, you
14 know, which is better. So I particularly like green
15 roofs myself, just because I think there is some
16 stormwater captured, but the literature I think for
17 urban areas actually indicates that a white roof is
18 better --

19 VICE CHAIR GREENE: Well, from a heat
20 standpoint?

21 MS. BANYRA: Yes. But maybe for
22 Hoboken's particular issue, which is more about
23 flooding, you know, every little every drop helps --

24 VICE CHAIR GREENE: I don't think -- we
25 are not worrying about the heat. We're are

1 concerned about the runoff.

2 MS. BANYRA: Well, both. I think it is
3 always both. But I think a green roof always will
4 be picking up some -- it certainly cleans the water,
5 it's going into detention.

6 And where does it go when it is being
7 detained and then it's emptying -- yeah --

8 THE WITNESS: There is a gigantic
9 concrete tank. It just has a very small outlet, so
10 it takes a long time for the bathtub to empty.

11 MS. BANYRA: It is catching the first
12 one, and then some of it will settle out -- you
13 know, a green roof certainly would be better.

14 VICE CHAIR GREENE: Well, what about
15 Mr. McNeight's point about it being a small
16 building, do you think maintenance issues?

17 MR. GALVIN: I think that is a problem
18 sometimes. I think if you have a building that's
19 small enough, its people small enough, that some
20 details, if they require any effort, they could
21 become a problem. If you put sedum up there, and it
22 has to be maintained, you might have problems with
23 that.

24 VICE CHAIR GREENE: But isn't that the
25 responsibility of the condo association to have a

1 contractor take care of it?

2 COMMISSIONER MC ANUFF: You don't
3 really have any access to the roof other than the
4 hatch, right?

5 THE WITNESS: That's it --

6 MR. MATULE: There's no stairway --

7 THE WITNESS: -- we just have fire
8 department access to the roof.

9 VICE CHAIR GREENE: So you're arguing
10 to leave the white roof.

11 MR. GALVIN: I am sure they will do it,
12 if you ask them --

13 VICE CHAIR GREENE: Oh, no, no, no, I
14 understand. But I don't want to ask something
15 that's unreasonable.

16 COMMISSIONER MC ANUFF: I think if it's
17 more maintenance, then you are going to have to put
18 a stair in and then put a bulkhead and --

19 MS. BANYRA: I think a four-unit
20 building might be light in terms of number of units,
21 especially when nothing is going up there anyway
22 and, the white roof is effective.

23 VICE CHAIR GREENE: All right. Glad we
24 raised it.

25 Just one question about the detention

1 system: So what happens when that fills up, is
2 there a solenoid that if the roof drains, that no
3 longer allows the water to come into the tank?

4 THE WITNESS: No. It is designed to
5 carry the worst storm load, you know, for this
6 graphical area and something beyond that.

7 So no matter how hard it rains, you
8 know, five inches an hour or whatever, the tank is
9 big enough to hold it for the time period it takes,
10 and it takes several days for it to empty, but it is
11 totally non sophisticated. It's just plumbing by
12 making smaller -- bigger tubes coming in and smaller
13 tubes leave --

14 MS. MARSDEN: If I may, typically there
15 is a small orifice at the low point that drains the
16 tank slowly, so if you have a heavy storm, and you
17 do have the flood water back up, you are not adding
18 water to it at the peak moment. So once the flood
19 water starts going down is when you will typically
20 have your highest release from your tank.

21 As far as multiple storms exceeding the
22 total of a hundred-year storm, that happens a lot.
23 You might have a whole week of rain and get 14
24 inches. In a hundred year storm it's eight inches.
25 They are built with overflows that will then

1 directly discharge whatever the overflow is into the
2 storm sewer system.

3 VICE CHAIR GREENE: Okay. Thank you.

4 I am done.

5 COMMISSIONER GRANA: I have a question
6 for Eileen.

7 What controls the number of street
8 trees that ought to be proposed on a building for
9 this width?

10 Is it just whatever is proposed, or is
11 it --

12 MS. BANYRA: No. It is usually what is
13 there, and you know, we usually just look at what is
14 going on outside. Some sites can handle two; some
15 can handle one.

16 COMMISSIONER GRANA: Why would a
17 building like this not be able to accommodate more
18 than one street tree?

19 MS. BANYRA: I didn't look at it for
20 two street trees.

21 A 25-foot building, actually, you know,
22 the trees really have to be separated at least 25
23 feet. 20 feet is really kind of the minimum.
24 Particularly a london plane is a typical, and I
25 think that's what is proposed here, a london plane

1 is a really big tree. 30 foot is probably a
2 normally spacing. So on a 25-foot building, you are
3 off site then. So when we have a 50-foot building,
4 we normally get two, and we're spacing them out and
5 away from the driveways and things like that, but it
6 depends on the species that's proposed. I think one
7 says the london plane, so that would require a
8 bigger spacing.

9 You know, so the Shade Tree Commission
10 is also in charge of -- they probably have some
11 input into the type of tree that is proposed. They
12 have a list, but some of them will require smaller
13 spaces, but nothing is going to be less than 20
14 feet.

15 COMMISSIONER GRANA: Thank you.

16 VICE CHAIR GREENE: Did we talk about
17 the density?

18 MS. BANYRA: No, we haven't. The
19 planner is here for that.

20 CHAIRMAN AIBEL: A couple more
21 questions for Mr. McNeight.

22 I can't tell from any of your sketches
23 here whether there is a cornice proposed for the
24 building.

25 THE WITNESS: It is not a cornice. It

1 just has simple coping at the top of the building.

2 CHAIRMAN AIBEL: Are there cornices on
3 the adjacent buildings or nearby buildings?

4 THE WITNESS: The two neighboring
5 buildings have cornices.

6 CHAIRMAN AIBEL: I think some of the
7 buildings to the north do as well. And south of the
8 building, there seems to be other cornices. I am a
9 just a little concerned that you will look like a
10 man without a top hat in a row of people with top
11 hats on.

12 THE WITNESS: Well, you know, this
13 isn't trying to imitate a 19th Century building.
14 This is frankly a 24th Century building, so it has
15 coping, and you know, it has -- this bay goes all
16 the way up and meets the coping, so it is not the
17 kind of building that would have that kind of a
18 visor on it.

19 CHAIRMAN AIBEL: Okay. Just
20 questioning how it is going to look in context.

21 MR. MATULE: The bay that is currently
22 on the north side of the building, which is going to
23 be on the south side of the building --

24 THE WITNESS: Yes, when we turn it
25 around --

1 MR. MATULE: -- is carried all the way
2 to the top of the cornice?

3 THE WITNESS: Correct.

4 CHAIRMAN AIBEL: The rear of the
5 building is clad in hard plank clapboard?

6 THE WITNESS: Yes, what is known as
7 Hardie Board.

8 CHAIRMAN AIBEL: Is that something that
9 you are using in town now?

10 THE WITNESS: Yes, opposed to stucco,
11 it's a prefabricated cement board. It appears as
12 wood, but it's actually made out of cement.

13 CHAIRMAN AIBEL: I have a problem
14 understanding what the esthetic is --

15 MS. BANYRA: Well, it's actually been
16 recommended. It's a lot better. We used to have
17 vinyl. A lot of people used to propose vinyl, and
18 this is a low maintenance. It is a cement. It's
19 similar to what I think -- it used to be like an
20 asbestos cement board --

21 THE WITNESS: Yes, but no more
22 asbestos.

23 MS. BANYRA: -- no, exactly.

24 But if you are familiar with the 1960s
25 type of thing, and then for a long time in town the

1 vinyl was being proposed, and Hardie plank is a much
2 more environmentally friendly material. It lasts a
3 lot longer. It needs no maintenance, so we were
4 recommending it for a long time. It has a better
5 look than vinyl, and, you know, how it matches up,
6 you know, as a clappered look, you know, it doesn't
7 relate to the front of the building anyway.

8 When I read clappered, I was like
9 clappered, and then the front, but it doesn't touch
10 the front, so I don't know that there is going to be
11 any relationship that it makes a difference, and it
12 certainly is a lot better than the vinyl.

13 COMMISSIONER TREMITIEDI: I believe it
14 is better for fire protection than the vinyl as
15 well.

16 MS. BANYRA: It doesn't smell then. It
17 doesn't have the same fumes, if it burns --

18 COMMISSIONER MC ANUFF: It looks like
19 traditional wood clapboard once it's painted --

20 MS. BANYRA: Yes.

21 CHAIRMAN AIBEL: So we have a mix of
22 materials. We have metal, masonry and wood.

23 MS. BANYRA: Yes.

24 CHAIRMAN AIBEL: Let me open it up to
25 the public.

1 Anybody from the public have questions
2 for the architect?

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

5 CHAIRMAN AIBEL: All in favor?

6 (All Board members answered in the
7 affirmative.)

8 MR. MATULE: Okay, Mr. Ochab.

9 MR. GALVIN: Raise your right hand.

10 Here we go.

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

14 MR. OCHAB: Yes, I do.

15 K E N N E T H O C H A B, having been duly sworn,
16 testified as follows:

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

19 THE WITNESS: Kenneth Ochab. That's
20 O-c-h-a-b, as in boy.

21 MR. GALVIN: Mr. Chairman, do you
22 accept Mr. Ochab's credentials as a licensed
23 planner?

24 CHAIRMAN AIBEL: We do.

25 MR. GALVIN: Okay.

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

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

5 THE WITNESS: Yes, I am.

6 MR. MATULE: You are familiar with the
7 site and the proposed development of the site?

8 THE WITNESS: Yes.

9 MR. MATULE: You prepared a planner's
10 report, dated August 12th, 2013, which was submitted
11 in support of the requested variance?

12 THE WITNESS: Yes.

13 MR. MATULE: Would you go through that
14 report for the Board and give us your professional
15 opinion regarding those variances?

16 As always, if you refer to the
17 exhibits, refer to the exhibit number for
18 identification.

19 THE WITNESS: Thank you.

20 Yes.

21 Why don't we just look at the
22 photographs. That seems to be where we start
23 usually anyway.

24 So look at A-2 first. It is three
25 photographs, top, center and bottom. The top

1 photograph is that photograph of the project site.

2 In the center photograph, the building
3 to the south is the post office building that we
4 mentioned, and the building to the north is the
5 famous Dom's Bakery. I never was there, but now I
6 am familiar with it.

7 VICE CHAIR GREENE: You should go.

8 (Laughter)

9 THE WITNESS: But he wouldn't let me
10 bake.

11 And what is more interesting also is
12 that there is an alleyway between the two buildings,
13 Dom's and the project site building, about a
14 four-foot alleyway on the project site, and another
15 four-foot alleyway connected to Dom's Bakery site.

16 Dom's has a side door that comes out
17 into that alleyway, and you could walk to the back
18 for whatever it is worth.

19 Of course, the building to the south is
20 the post office building, and that building is five
21 stories in height.

22 The center photograph again is a
23 photograph of the project site to the left. Dom's
24 Bakery is in the center, and the immediate building
25 to the north, which is again a five-story building,

1 with ten units in a five-story building.

2 Just to the north of that is a parking
3 garage or a parking deck associated with the school
4 development on the back street.

5 The bottom photograph, the right side
6 of that photograph is the corner building, which is
7 the building just to the south of the post office.
8 That is this building here, and then we have Fifth
9 Street, and then a continuation south of Fifth,
10 again showing several five-story buildings there as
11 well.

12 The top photograph on A-3, the top
13 photograph shows a continuation of the development
14 to the north on Grand. Again, we have the parking
15 garage deck associated with the school property, and
16 then a series of buildings onto Sixth Street, which
17 are basically five-story buildings, four over one,
18 parking on the lower level, and four stories of
19 residential development above.

20 The center photograph here is a
21 photograph of -- it's not a good one because I
22 couldn't get far enough away from the school
23 building to actually capture the essence of it, but
24 this is the school building. And I am not sure,
25 this is directly behind the property in question, I

1 am not sure exactly how far it is off the property
2 line, but it is really close, and it's really sort
3 of dominant as a structure, because it is a wall,
4 which is I want to say a hundred feet wide by -- I
5 know Jim said it was 18 feet high, but it looks like
6 to me, like it's 50 feet high because it is such a
7 huge presence that's sort of overlooking the rear
8 yard of this property.

9 The lower photograph here is a
10 photograph of the back of the existing project site
11 building that is here, and of course, there was a
12 lot of vegetation in August. It was a jungle back
13 here actually, so I had a little trouble getting
14 shots, but things were moving inside of the
15 vegetation, so --

16 (Laughter)

17 -- in any case, it shows the back of
18 the building, and again, the back of the building to
19 the south, the post office building, which is again
20 a five-story building. It's a five-story building,
21 and it has rear decks on the building. It shows it
22 on the site plan as well, so you can see the decks
23 in the back. Those decks extend across the entire
24 back of each floor, so they are 20 or 25 feet wide.

25 Then to the south, this is the back of

1 Dom's Bakery. Of course, Dom's are on the first
2 floor and go all the way back into the rear yard.
3 You can't really see them.

4 Then there is a second story. It looks
5 like there was a deck here, but there's really not.
6 There's an old railing that if you look closer at
7 the photo, they are kind of leaning out, so I hope
8 no one is leaning on them ever, and I didn't see any
9 access to this area. It looked like it might have
10 been sort of an ad hoc deck or a roof area that was
11 used by the residents here.

12 So that is the nature of what we are
13 dealing with. If you want to say that -- well, I
14 will talk about the decks in a minute.

15 So we have several variances associated
16 with this application. First of all, we have two D
17 variances, one for height with the number of
18 stories, so we have a four-story building, where
19 three stories are permitted, and we have a density
20 variance, which is also a D variance, and we are
21 proposing four units where 3.79 units are required.

22 Both of these variances actually have
23 the same relative criteria in terms of discussion by
24 the Board and proofs. They involve looking at the
25 nature of why we have requirements for height and

1 density in the first place, which essentially is to
2 control the intensity of development and ensure that
3 there is light and air and openness, but it also is
4 very much structured towards looking at what the
5 character of the neighborhood is and assuring that
6 whatever is being proposed doesn't -- is not foreign
7 to that character. It is not so foreign to that
8 character that it would the affect it in a negative
9 way.

10 That is basically both the Grasso case
11 criteria that is used for building height and also
12 the Gross case criteria that's used for density.
13 Both of those are in my report. We have discussed
14 that criteria before to be sure.

15 So from a height perspective, I think
16 it is quite evident what we are showing is that,
17 even though we are proposing a four-story building,
18 if you look at the elevations on the plan, our
19 building doesn't achieve the height of the south,
20 the buildings to the south. It comes to about
21 halfway between the fourth and the fifth story, and
22 it is just about a half a story higher than the
23 Dom's Bakery site, if you look at that elevation,
24 and, again, below, clearly below the five-story
25 building to the north of Dom's Bakery.

1 Looking at the character of the rest of
2 the area, again, five-story buildings to the south
3 and a three-story building with a bar on the corner
4 next to the post office.

5 And then again looking at the Grand
6 Street scape to the north, again, other than the
7 parking deck, we have five-story buildings going
8 north to Sixth Street. There's a pretty good
9 dominance of five-story buildings.

10 In the rear, I am not sure exactly how
11 many stories the school is. I think it is four
12 stories, but the nature of that building makes it
13 appear as if it's a huge building, so I don't know
14 how we stack up in terms of height or in terms of
15 the number of stories, but clearly we are consistent
16 with the pattern of the development that has taken
17 place on Clinton. And also we are below or at the
18 physical height requirement, 40 feet above flood
19 plain, flood level, so that is not an issue here.

20 The other thing that is of
21 consideration, I think the photograph is in my
22 report, I didn't reproduce it here. Across the
23 street we have Church Towers, which is a 12-story
24 building, so you know, that is part of the character
25 of this neighborhood. I just tend to mention it

1 because it's such a different building, such a
2 different use type as opposed to what we have here,
3 which are the typical 20 and 25 foot lots.

4 So my view here is that on the height
5 issue, the height that we are proposing is
6 consistent with the nature of the existing
7 development pattern on Grand. Again, it is not as
8 high -- higher than the building to the south and
9 only half a story higher than the building with
10 Dom's Bakery to the north, and again lower to the
11 building just to the north of Dom's building as
12 well.

13 So from the perspective of the number
14 of stories, I think we are right on here in terms of
15 where we should be, in terms of looking at the
16 height of the building with respect to the nature of
17 the development on Grand Avenue.

18 With respect to the density, what I
19 typically do is, again, it's pretty much the same
20 type of criteria, where what we are looking at in
21 terms of density, how does this proposal stack up
22 against the density in the surrounding area.

23 So what I typically do is I take a look
24 at the densities in the surrounding area, and I come
25 up and I make a calculation as to what degree do

1 they exceed the zoned requirement. In this case we
2 are allowed to have 3.79 units. Of course, we can't
3 round up, so we round down to three. We are
4 proposing four units, so we are only 2.1 units away
5 from achieving the four we are proposing.

6 MR. GALVIN: Let me interrupt you for
7 one second.

8 One of the things that we said already
9 in this hearing is that we are going to treat that
10 crawlspace area as a story, so you need to make some
11 comment on that.

12 THE WITNESS: Okay.

13 MR. GALVIN: Do you want me to repeat
14 the condition? That might help you.

15 THE WITNESS: Okay.

16 MR. GALVIN: The crawlspace is
17 considered a story, but is not to be used for
18 habitation. It is not to be used for any other
19 purpose other than the non perishable storage.

20 THE WITNESS: Okay.

21 So in that case we are dealing with
22 what actually would be a five-story building. But
23 with respect to the usability of the ground floor or
24 the cellar, basement, crawlspace, whatever it is it
25 is determined to be, again, it's not usable space,

1 and it has no impact in terms of that additional
2 story relative to the neighborhood's building
3 character.

4 Thank you for that. I appreciate that.

5 MR. GALVIN: You're welcome.

6 THE WITNESS: Getting back to density,
7 we look at the buildings to the north of the project
8 site. Dom's Bakery has more density in terms of the
9 number of residential units than we are proposing in
10 our site, which is four. The reason for that is
11 because we subtract out the retail space from
12 calculating the overall density.

13 So once you calculate the retail out of
14 the land area, you wind up with a higher density.
15 If Dom's Bakery should disappear or turn into a
16 residential unit, then this may come back down to
17 conform with the ordinance, but right now it
18 wouldn't.

19 The building to the north of that Dom's
20 Bakery, again, is a five-story building that has ten
21 units, and it is about 163 percent higher in terms
22 of required or allowable density than the ordinance
23 permits. We are at 5.5 percent higher than the
24 zoning ordinance would permit.

25 Then if we move to A-3, the buildings

1 further to the north on Grand, we wind up with
2 buildings that are consistent with what we are
3 proposing. So all of the buildings that are north
4 of the parking structure on Grand are at 5.5 percent
5 greater than the ordinance would permit, and we are
6 exactly at that same level.

7 Okay. With respect to what is
8 happening to the south of the project site, again,
9 the building adjacent to us is at 48 percent, four
10 percent higher than the zoning ordinance would
11 permit, even the tavern again, because we subtract
12 out the retail space is about 48 percent higher than
13 the retail space.

14 The school behind us is 150 percent
15 higher than the allowable density. That is fairly
16 typical of what occurred years ago when you had
17 bigger projects, and you had more units and a higher
18 density.

19 So looking at this zoning scheme and
20 development scheme within the Grand Avenue area and
21 the back street to a certain degree, at least the
22 school site, we are pretty much right at where
23 the -- or less than the existing density is with
24 respect to the existing development, and that is
25 what the Grubbs case pretty much is about. It is

1 looking at, again, the character of the
2 neighborhood, the population density, and intensity
3 of use within the neighborhood.

4 A good question: Are we so far above
5 that or exceeding above that, but that would be with
6 respect to the character, would that be a negative
7 in terms of how they would look at this density, and
8 again, I think the answer is obviously no.

9 We have some other variances, which are
10 fortunately C variances. I did include in my report
11 based on the architect's plans a lot coverage
12 variance.

13 The lot coverage is 60 percent for the
14 building itself, so we need to meet the zoning
15 criteria of 60 percent for the building. I wasn't
16 sure what that back fire escape, fire stairs was. I
17 just decided to include it as coverage, and my
18 understanding is if it is a fire escape or fire
19 stairs, we don't include it as coverage. If it is a
20 deck, you could use the deck to sit somewhat as
21 passive recreation, then we include it as building
22 coverage, so --

23 MR. GALVIN: Do you know what the
24 percentage is, what the impact would be if we didn't
25 count it?

1 THE WITNESS: 3.8 percent.

2 MR. GALVIN: So you would comply, if
3 you didn't include it.

4 THE WITNESS: We would absolutely
5 comply, yes. We'd be at 60 percent coverage.

6 MR. GALVIN: I think taking a more
7 conservative approach is wise.

8 THE WITNESS: Nevertheless, the
9 stair -- the staircase is on the north side of the
10 rear of the building according to the plans. So
11 even though the building would come back and
12 partially come in front of the rear decks to the
13 south, the staircase will be at the back of the
14 building and to the north, so there won't be any
15 interference.

16 If anybody put a plant out there or
17 place their laundry out there or whatever, there
18 won't be any interference with the rear deck from
19 the properties to the south. And this deck, we used
20 five decks or four decks on the property to the
21 south, they have exposure to the south and to the
22 west as well, limited to the west is because that is
23 where the school building is, so you still have
24 this, I don't know, 25-foot wall. But to the south,
25 and one property away is the bar, and the bar at the

1 Fifth Street level is only one story. So these
2 decks, these rear decks on this building, have sun
3 and light exposure and wind exposure to the south
4 and somewhat to the west.

5 CHAIRMAN AIBEL: For the time being.

6 VICE CHAIR GREENE: So they will be
7 able to take advantage of it when they're escaping
8 the fire.

9 THE WITNESS: I'm sorry?

10 VICE CHAIR GREENE: So they will be
11 able to take advantage of the air and light when
12 they're escaping from the fire.

13 THE WITNESS: I sure hope so.

14 (Laughter)

15 CHAIRMAN AIBEL: Mr. Ochab, just to be
16 clear, the property when built will end up coming
17 out, according to the plans here, to the end of the
18 decks on the south. Is that correct?

19 THE WITNESS: Yes. They will be right
20 at the end of the decks.

21 CHAIRMAN AIBEL: So in effect it is
22 going to create a privacy screen to those decks.

23 THE WITNESS: That one wall, correct.

24 Although I don't have a photograph of
25 it, this building also to the -- the building to the

1 north of Dom's Bakery has rear decks in the back as
2 well, so to some extent there will be a little bit
3 more privacy with the decks that will -- that will
4 be built in front to the north. That might be a
5 minor point to be sure, but it might be effective as
6 well.

7 Okay. And then the other variance here
8 is for the front yard variance, where five or ten
9 feet is required. And, again, in looking at the
10 development pattern of both the older buildings and
11 the newer buildings, pretty much everything is on
12 the front line, so it could be good planning to keep
13 the building on the front line, have more of a rear
14 yard open area, and the consistent street scape, and
15 that is pretty much standard planning for the
16 Hoboken 25 foot, 20 foot lot scenario. I would say
17 that is a C-two variance in order to accomplish that
18 particular planning objective.

19 So by and large, that discusses the
20 variances in question here.

21 Of course, from a negative standpoint,
22 there are two aspects of the negative criteria. As
23 Ms. Banyra always points out in her reports, one is
24 ask the question whether granting the variances
25 would create a substantial detriment to the public

1 or the public good.

2 That basically asks the question as to
3 whether there is a substantial or significant impact
4 to the surrounding properties, and here I think the
5 answer is no both from a density and height
6 standpoint, as well as the front yard setback, and
7 including the fifth story as well.

8 And the second question is whether or
9 not there would be a substantial impairment to the
10 zone plan by the Board granting the variances.

11 Here, again, it goes back to the
12 pattern of development that has taken place here and
13 that exists, that what we are proposing I think is
14 consistent with that pattern, and therefore, there
15 wouldn't be substantial impairment to the zone plan
16 or the zoning ordinance by the Board granting the
17 requested variances.

18 So I am going to stop there, and I'll
19 answer any questions you have.

20 MS. BANYRA: Mr. Ochab, I think there
21 is an additional variance that I didn't know before
22 regarding the adjacency issue. You have two
23 buildings that are higher than the existing building
24 here, and I believe then the nature of the ordinance
25 indicates that you are allowed to go to the height

1 of the lower of the two. So I think you probably
2 have some testimony that's required for that
3 variance as well.

4 THE WITNESS: Okay. The question is:
5 Did you think that Dom's Bakery was higher?

6 MS. BANYRA: Is it not higher? I think
7 that was your testimony.

8 VICE CHAIR GREENE: Dom's is lower.

9 MS. BANYRA: Oh, is it lower?

10 Okay. I'm sorry. I thought your
11 testimony indicated it was higher. I didn't call it
12 out in my report because --

13 THE WITNESS: No. I thought Dom's
14 building was lower --

15 MS. BANYRA: Okay. That's great then.
16 Okay. Then never mind.

17 THE WITNESS: At least we read the
18 ordinance the same way. It is all good.

19 VICE CHAIR GREENE: Mr. Ochab,
20 regarding your discussion of density and comparing
21 it to your discussion of height, I understand the
22 value in the height variance and associating it with
23 the surrounding properties is because it is visual
24 and measurable.

25 But as far as the density is concerned,

1 if the surrounding development is overly dense, does
2 that give you an opening to become overly dense
3 yourself, or doesn't the ordinance really speak to
4 this particular property and whether or not it is
5 over developed?

6 THE WITNESS: Well, each case would be
7 different, of course.

8 If the surrounding neighborhood
9 drastically over -- drastically exceeds the zoning
10 requirement, that doesn't automatically mean that
11 you have the right or the ability to go to that
12 level, because you don't know what the circumstances
13 were as to why those other buildings were too dense.
14 But in this case I don't think the density increase
15 is significant because it is only a portion, less
16 than half of one unit --

17 VICE CHAIR GREENE: Well, that's kind
18 of my --

19 THE WITNESS: -- and it is consistent
20 with the pattern of development that's taking place
21 on the five-story buildings --

22 VICE CHAIR GREENE: -- well, does the
23 pattern of density really apply?

24 Isn't the purpose of the changes in
25 zoning to reduce the density, not to conform with

1 existing over development?

2 THE WITNESS: Well, the purpose of
3 zoning is not to inherently reduce the density.

4 The purpose of zoning is to -- the
5 result of the purposes of zoning is to create a
6 somewhat harmonious and consistent set of standards
7 and development in communities that can promote
8 health, safety, welfare and the like.

9 So the fact that we have a number of
10 buildings that -- as a matter of fact, almost all of
11 the buildings that exceed the density requirement,
12 the ordinance allows us to then say, okay, if we are
13 just exceeding the density by a fraction of a unit,
14 that would be somewhat consistent with where we are
15 at here in terms of --

16 VICE CHAIR GREENE: So you would use it
17 for an argument for a de minimus increase, not for a
18 significant increase?

19 THE WITNESS: I would tend to lean in
20 that direction, yes.

21 VICE CHAIR GREENE: Okay.

22 Now, you also said that you were 5.5
23 percent over the allowed density?

24 THE WITNESS: Correct.

25 VICE CHAIR GREENE: I don't know where

1 you get that, because it looks to me like you are 33
2 percent over the allowed density. If you are
3 allowed three, and you're going to four, I'm not
4 sure how that becomes 5.5 percent.

5 THE WITNESS: It is the difference
6 between what would be permitted and what is being
7 proposed, so it is the point 21 units divided by
8 what would be permitted, that results in the
9 five.five.

10 All of the other properties were done
11 the same way.

12 VICE CHAIR GREENE: I got you. Okay.
13 That is it.

14 Thank you.

15 CHAIRMAN AIBEL: Anybody else?

16 COMMISSIONER TREMITIEDI: I just have
17 one comment, that the building you referred to as
18 the school is a condo complex.

19 THE WITNESS: Right. I meant the old
20 school. I knew it was residential, yes.

21 COMMISSIONER TREMITIEDI: No other
22 questions.

23 CHAIRMAN AIBEL: You didn't mention the
24 facade masonry variance, I don't believe you did.

25 THE WITNESS: I didn't think we still

1 had that. Do we still have it?

2 VICE CHAIR GREENE: Yes. It is on the
3 table.

4 CHAIRMAN AIBEL: My question is: How
5 does it relate to the context of the area.

6 THE WITNESS: Well, if you don't mind,
7 I would rather have Jim answer that question because
8 it is more architectural.

9 MR. MC NEIGHT: In this case the
10 variance is pretty much generated by the fact that
11 we have that projected bay that is covered with
12 metal. So in the past we used to count the whole
13 bay because the whole bay is sort of fenestration
14 that it holds the windows. But if you just
15 literally take out the windows and subtract out what
16 is metal as opposed to what is masonry, you come up
17 with that variance.

18 MS. BANYRA: Mr. McNeight, you could
19 technically clad it with something different and
20 meet the ordinance?

21 MR. MC NEIGHT: It is a little tough
22 structurally because it is a cantilevered structure
23 that sticks out 30 inches, you know --

24 COMMISSIONER MC ANUFF: What if the
25 other portion was clad with brick and masonry and

1 this stayed metal?

2 MR. MC NEIGHT: That is true, too.

3 We only have the one bay, the way it is
4 drawn now on the north side of the building. If,
5 indeed, I am not sure what it would do to the
6 arithmetic, but it is possible to get rid of the
7 metal around these other windows, so it would look
8 more similar to this design, where these windows are
9 in the masonry face of the building. But I don't
10 know if the calculations -- if that would push it
11 over the edge as far as asking for that variance.
12 It would certainly make it closer, correct.

13 MS. BANYRA: So is your testimony that
14 the building -- that in your representation, it
15 would be more similar to the representation you were
16 holding up on that board?

17 MR. MC NEIGHT: Yes. It would.
18 Instead of having metal on both sides of the
19 building, you would only have the metal on the one
20 side of the building, other than the projection over
21 the front door.

22 VICE CHAIR GREENE: Frankly, I think it
23 softens the appearance by doing it that way.

24 MR. MC NEIGHT: Okay. That is fine.
25 I will recalculate that, whether or not that

1 variance still exists or not.

2 CHAIRMAN AIBEL: Anybody else?

3 Let me open it up to the public.

4 Anybody have questions for Mr. Ochab?

5 MR. GALVIN: I have one.

6 If the variance for the masonry still
7 exists, do you think it is justified by the look of
8 the building?

9 THE WITNESS: Well, I would say the
10 esthetics is particularly important, and that if you
11 are going to deviate from the requirement for
12 masonry, that it is because of the uniqueness of the
13 architecture, so on that basis, it is better to have
14 architecture, just more unique and more progressive
15 than it is to have the standard architecture, and as
16 we know from experience, that worked out quite well
17 in a number of neighborhoods here in Hoboken.

18 VICE CHAIR GREENE: That was a good
19 question.

20 MR. MATULE: I have asked Mr. McNeight
21 to see if he could do a quick calculation just to
22 see approximately what the difference would be.

23 MR. GALVIN: I quickly was having
24 trouble connecting, but recently like last year in
25 the Himeji case, the Court went and discussed again

1 density and height variances. In both instances
2 they are talking about the fact that you have to see
3 if you could accommodate the deviation from the
4 standard.

5 So here the standard would have been
6 3.79, although we are rounding down because of the
7 court cases, I think the question is, you know, is
8 that -- is it close to the spirit of what the
9 ordinance is.

10 I think you are seeing, we are taking a
11 look at the other densities to show you that it is
12 kind of consistent with what is happening in the
13 neighborhood. I think the other side of it is, I
14 think you do have to be careful not to -- you could
15 follow that off the cliff, but I think when you are
16 at 3.79, I think you can figure that out.

17 MR. OCHAB: Thank you.

18 CHAIRMAN AIBEL: So seeing no questions
19 from the public, can I have a motion to close the
20 public portion?

21 COMMISSIONER TREMITIEDI: Motion to
22 close the public portion.

23 COMMISSIONER MC ANUFF: Second.

24 CHAIRMAN AIBEL: Thank you.

25 All in favor, aye?

1 (All Board members answered in the
2 affirmative.)

3 MR. GALVIN: Did we get the masonry
4 answer?

5 MR. MC NEIGHT: As far as I could tell,
6 it would still be -- I think it would be like 60
7 percent masonry, but it's not going to make 75
8 percent with the bay window.

9 MR. MATULE: So you actually will have
10 to do the hard numbers and come up with an exact
11 figure, to approximately 60 percent?

12 MR. MC NEIGHT: Approximately 60
13 percent.

14 (Laughter)

15 VICE CHAIR GREENE: That is closer.

16 MR. MATULE: Those are all of my
17 witnesses.

18 CHAIRMAN AIBEL: I didn't ask
19 Ms. Banyra.

20 Is there anything for Mr. Ochab?

21 MS. BANYRA: No. The only question is
22 Mr. Marsden and I are still conferring about is the
23 adjacency and whether or not the building next door,
24 Dom's, you indicated -- I mean, we are just
25 calculating in our heads, and maybe it is a

1 representation the way it is pictured, it still
2 looks higher to both of us, and I don't know if
3 that's just the angle.

4 MR. MC NEIGHT: I thought that only
5 pertained to the R-1 zone.

6 MS. BANYRA: No.

7 MR. MC NEIGHT: The R-2 zone, too?

8 MS. BANYRA: Yes. It is Section
9 196-15-5C.

10 VICE CHAIR GREENE: Dom's is higher
11 than the existing building, but it won't be higher
12 than the proposed building because there is another
13 story.

14 MS. BANYRA: Right. But what I guess
15 they are asking for is 40 feet, and then if Dom's
16 building is 40 feet, they would be allowed to go,
17 that is the lower of the two buildings, so they are
18 matching up, you know, they are coincident with that
19 so to speak. So I am just saying I think there is
20 an adjacency.

21 You know, you seem to be matching up,
22 so I don't think you need the adjacency variance,
23 but it does appear that you're --

24 MR. MATULE: As I understand the
25 ordinance, this is in the R-2.

1 MS. BANYRA: R-2 is 196-15-5C.

2 MR. MATULE: So if you are between two
3 buildings that are --

4 MS. BANYRA: Higher --

5 MR. MATULE: -- taller than what is
6 permitted in the zone --

7 MS. BANYRA: -- yes.

8 MR. MATULE: -- taller than what is
9 permitted in the zone, which is 40 feet, you are
10 allowed then to match the height of the lower of the
11 two buildings. So my point is that --

12 MS. BANYRA: We don't know the
13 height --

14 MR. MATULE: -- if Dom's is not taller
15 than what is permitted in the zone, then it's not --

16 MS. BANYRA: -- I guess we don't know
17 the height of that, then so --

18 MR. MATULE: Yes, I mean, I really
19 don't think --

20 MS. BANYRA: -- okay. So we don't know
21 the height of it, so --

22 MR. MATULE: -- I guess what I am
23 saying is since we are not going higher than what is
24 permitted -- I mean, the adjacency in the R-2, as
25 opposed to the R-1, which has a lower adjacency

1 section also is something that you could take
2 advantage of, if you want to go higher. But if you
3 are going no higher than what is permitted in the
4 zone, I don't think it comes into play.

5 MS. BANYRA: Well, that's what we were
6 talking about anyway, so we were having that
7 discussion when you asked.

8 I don't have any other questions for
9 Mr. Ochab.

10 MR. GALVIN: I don't know, but what I
11 would say is this. If you think it is a variance,
12 it's better to grant this variance then to skip over
13 this variance and have somebody appeal this matter,
14 and then --

15 MS. BANYRA: Yeah. We don't know the
16 height of Dom's, so if Dom's is 41 feet, and
17 basically what you are saying it is also a
18 justification then for your height is matching up or
19 is potentially lower than if it's 41 feet, right?
20 So it would be supportive of your application more
21 so than against your application.

22 MR. MATULE: Yes. I mean, as I
23 understand the ordinance, it permits an applicant to
24 go higher than what is permitted in the zone by
25 virtue of the fact that you are between two

1 buildings that are higher than what is permitted in
2 the zone.

3 I think the second step of that
4 analysis is if you are not seeking to go higher than
5 what is permitted in the zone in terms of feet,
6 because that is what it is really talking about,
7 then the analysis is not relevant.

8 MS. BANYRA: No harm, no foul.

9 MR. GALVIN: Are you satisfied?

10 MS. BANYRA: Yes, that's correct.

11 CHAIRMAN AIBEL: Mr. Matule, it's up to
12 you.

13 MR. MATULE: Pardon?

14 CHAIRMAN AIBEL: We're back to you.

15 MS. BANYRA: Jeff, do you have
16 anything?

17 MR. MARSDEN: Nothing.

18 MR. MATULE: Okay. That is all I have.

19 MR. GALVIN: Here is where we are at
20 with the Board. We have five of us. We could
21 decide this case with five.

22 Generally, I don't like to press our
23 applicants to move forward with five because
24 mathematically it makes a difference, if they have
25 six or seven.

1 What I will say to you is, as a matter
2 of fundamental fairness, if you have some doubt in
3 your mind about this application, where you might be
4 on the fence, and you might want to see the
5 revisions before you act, then we should give Mr.
6 Matule the courtesy to come back.

7 If at this point you're very
8 comfortable with this case in what you've seen, and
9 you're prepared to go forward, then we can try to
10 discuss it and get this case off our docket.

11 CHAIRMAN AIBEL: Do you need to open it
12 up to the public?

13 MR. GALVIN: Sure, go ahead.

14 CHAIRMAN AIBEL: Let me open it up to
15 the public for comment.

16 Anybody wish to comment on the case?

17 Seeing no one --

18 VICE CHAIR GREENE: See no one, move to
19 close the public.

20 COMMISSIONER MC ANUFF: Second.

21 CHAIRMAN AIBEL: All in favor?

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

24 CHAIRMAN AIBEL: Do you want us to
25 maybe have a conversation and then --

1 MR. GALVIN: Well, if any one of the
2 five of you have any doubts at all, and you want to
3 see the plans first, then we'll just carry it to the
4 next time.

5 VICE CHAIR GREENE: Why don't you read
6 the conditions?

7 MR. GALVIN: All right. Here is what I
8 have:

9 One: The applicant must obtain the
10 city's permission to allow the awnings to encroach
11 on the city's right-of-way.

12 Two: The applicant is to comply with
13 Mr. Marsden's letter of March 21st and Ms. Banyra's
14 report of March 20th.

15 Three: The curbs and sidewalks are to
16 be replaced.

17 Four: The crawlspace is considered a
18 story, but it is not to be used for habitation, and
19 it is not to be used for any other purpose, other
20 than non perishable storage.

21 Five: Z-2 is to be corrected as
22 explained to the Board.

23 Six: The plan is to be revised to
24 reverse the stoop to match the existing street scape
25 pattern.

1 Seven: The plan is to be revised to
2 reduce the masonry percentage to approximately 60
3 percent.

4 Eight: All of the proposed revisions
5 to the plan must be completed prior to
6 memorialization.

7 VICE CHAIR GREENE: I have three
8 others.

9 MR. GALVIN: All right. Fire away.

10 VICE CHAIR GREENE: Mr. McNeight has to
11 correct the street scape elevations on Z-2.

12 As far as the encroachment, is it just
13 awnings or is it the entire --

14 MS. BANYRA: It is not actually the
15 awning --

16 MR. MATULE: Bays.

17 MS. BANYRA: -- it is the bays.

18 It's bays.

19 MR. GALVIN: Thank you.

20 MS. BANYRA: It's the bays. It's the
21 steps.

22 MR. GALVIN: The bays and steps. I
23 corrected that.

24 VICE CHAIR GREENE: In the storage
25 area, if it is going to be used for bicycles, I

1 think that the developer should provide - I hate to
2 say this - bike racks on the walls, so that the
3 bikes could be stored and locked, okay, and
4 therefore identifying it as a bike storage space.

5 COMMISSIONER MC ANUFF: It's also going
6 to be used for garbage as well.

7 MR. GALVIN: Say that again.

8 Wait. What is going to be used for
9 garbage?

10 COMMISSIONER MC ANUFF: The crawlspace
11 area.

12 MR. GALVIN: Crawlspace --

13 COMMISSIONER MC ANUFF: For the garbage
14 cans --

15 MS. BANYRA: With storage and bike
16 storage with bike racks located on the walls or
17 ceiling.

18 (Board members confer)

19 VICE CHAIR GREENE: Should we put car
20 chargers in, too?

21 MR. GALVIN: You are distracting me.

22 (Laughter)

23 The plan is to be revised to show the
24 bike racks on the walls or ceilings, and the
25 crawlspace is to be used for garbage storage and

1 bike storage -- is to be designated for.

2 VICE CHAIR GREENE: On number six: The
3 plan is to be revised to reverse the stoop, is that
4 descriptive enough?

5 MR. GALVIN: Here is the entire thing:
6 They shall not pass unless they do everything that
7 they promised us tonight, we won't memorialize it,
8 and we'll have --

9 CHAIRMAN AIBEL: Subject to review of
10 the plans --

11 MR. GALVIN: -- no, I'm sorry.

12 We are going to have Eileen and Jeff
13 check everything to make sure that they have
14 accomplished everything.

15 Or if you feel uncomfortable, like when
16 we are making changes to the plan that I think are
17 material, I always think you should hold off to the
18 next time, but I believe these things could be done
19 and double checked by our staff, but it's up to you.

20 CHAIRMAN AIBEL: I feel that way. I
21 feel that we --

22 MR. MARSDEN: That's a good point. I'm
23 sorry.

24 (Everyone talking at once.)

25 CHAIRMAN AIBEL: -- we are talking over

1 each other.

2 Let's get a good point on the record.

3 MR. MARSDEN: Well, you just brought up
4 the point that we should also say the slab will be
5 sloped, so it will drain, and there will be a low
6 port to allow the water to run out.

7 MR. GALVIN: I said that he would
8 comply with your letter. Do you still need that?

9 MR. MARSDEN: Yes, because I don't have
10 that in my letter.

11 MR. GALVIN: So say it again, Jeff.

12 MR. MATULE: Can I just raise one
13 point, Mr. Galvin?

14 I don't know whether I misheard you or
15 not, but I think you said that the masonry should be
16 decreased to 60 percent approximately. I think it
17 has to be increased.

18 MR. GALVIN: You heard that correct.

19 (Laughter)

20 It is okay to edit me. That's okay.

21 The plan is to be revised to -- what
22 were the slab --

23 MR. MARSDEN: To show a slab that is
24 sloped with an at grade portal to allow the water to
25 drain out of the crawlspace.

1 MR. GALVIN: I heard it. I just needed
2 a second for my brain to absorb it.

3 The plan is to be revised to show a
4 slab that is sloped with an at grade portal.

5 VICE CHAIR GREENE: So the plans have
6 to show the fence.

7 MS. BANYRA: Enclosing the landscaping.

8 MR. GALVIN: There are a lot of changes
9 here, Mr. McNeight.

10 MR. MC NEIGHT: No problem.

11 MR. GALVIN: Well, okay.

12 MR. MARSDEN: Can I also ask a question
13 or just bring one point up?

14 That is: If you are going to use that
15 space underneath the crawlspace, it will have to
16 have some sort of lighting. The lighting has to be
17 above the floor elevation --

18 VICE CHAIR GREENE: How do you do that?

19 MR. MARSDEN: -- so is that a problem?

20 It doesn't have to be one foot above.

21 It has to be above the flood, which is, you know --

22 MR. MC NEIGHT: It could be in the
23 belly of the first floor, yeah, so it will be above.

24 MR. MARSDEN: Okay. So that wouldn't
25 be a problem to do that?

1 MR. MATULE: Like between the joists?

2 MR. MC NEIGHT: Yes, right.

3 MR. GALVIN: So we don't need to
4 condition that?

5 MR. MARSDEN: No, I don't think so. I
6 just was curious how --

7 VICE CHAIR GREENE: Also, the plans are
8 going to show entry to the crawlspace --

9 CHAIRMAN AIBEL: The door.

10 VICE CHAIR GREENE: -- the door, which
11 would be over here.

12 (Board members confer)

13 MR. GALVIN: It is not going to come on
14 for memorialization as quickly as it should unless
15 everything is done and approved by our staff.

16 CHAIRMAN AIBEL: I think we can move
17 forward with the discussion. Okay.

18 Let me open it up to the Board.
19 Comments on the application.

20 Anybody wish to start off?

21 VICE CHAIR GREENE: Let me say this:
22 As with the adjustments and changes that we have
23 provisioned, I think that this is an okay proposal.
24 I think the density issue is really a non-issue.
25 Mr. Ochab addressed that.

1 I think the building will certainly be
2 an improvement to the street scape. It is a pretty
3 varied mishmash of buildings there now, and I think
4 this will be certainly an improvement over the
5 existing building.

6 I am not crazy about the hard clap in
7 the back or the appearance of the rear elevation,
8 but frankly, no one is going to see it, so I am less
9 concerned about it.

10 Those are my comments.

11 COMMISSIONER TREMITIEDI: Subject to
12 the revisions, there is no substantial adverse
13 impact to the other properties, and I think it is
14 okay.

15 COMMISSIONER MC ANUFF: I agree.

16 COMMISSIONER GRANA: I agree that there
17 is no substantial adverse impact.

18 I think it is an okay project, too.
19 The only comment I will make is that I don't think
20 that the question about the cornice was fully
21 addressed, and that is just a comment I would make.

22 There are a lot of different types of
23 buildings up and down that street if you take a site
24 view, and an attempt at architectural integrity was
25 made on both the new and old buildings, and that's

1 the only comment I would make, but I think it is an
2 okay project.

3 CHAIRMAN AIBEL: I would just add that
4 I think the site accommodates the extra height.

5 COMMISSIONER GRANA: The only other
6 thing, it has just been pointed out that on Z-1 we
7 still have four stories --

8 MR. MATULE: Yes. We will have to
9 change the zoning to reflect the modified variance.

10 CHAIRMAN AIBEL: Okay. I think we are
11 ready for a motion.

12 VICE CHAIR GREENE: I will move
13 approval of the variances requested subject to the
14 conditions stated.

15 COMMISSIONER TREMITIEDI: I will second
16 it.

17 MR. GALVIN: For the record, there is
18 14 at this point, plus my standard ones.

19 VICE CHAIR GREENE: That is what,
20 another 30?

21 MR. GALVIN: Another five or six.

22 CHAIRMAN AIBEL: Pat?

23 MS. CARCONE: Commissioner Greene?

24 VICE CHAIR GREENE: Yes.

25 MS. CARCONE: Commissioner Grana?

1 COMMISSIONER GRANA: Yes.

2 MS. CARCONE: Commissioner McAnuff?

3 COMMISSIOENR MC ANUFF: Yes.

4 MS. CARCONE: Commissioner Tremitedi?

5 COMMISSIONER TREMITIEDI: Yes.

6 MS. CARCONE: And Commissioner Aibel?

7 CHAIRMAN AIBEL: Yes.

8 MR. MATULE: Thank you very much.

9 MR. GALVIN: Thanks, guys.

10 (The matter concluded at 9:30 p.m.)

11 (Recess taken.)

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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: 3/26/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 14 PATERSON AVENUE, Block 15, Lot 1 :
 Applicant: 14 Paterson, LLC : March 25, 2014
 Minor Site Plan & Variances : Tuesday 9:35 p.m.
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair Elliot H. Greene
Commissioner Antonio Grana
Commissioner Owen McAnuff
Commissioner Richard Tremittedi

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

Eileen Banyra, Planning Consultant
Jeffrey Marsden, PE, PP
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I N D E X

WITNESS	PAGE
FRANK MINERVINI	129

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Photo Board PB-1	131
A-2	Photo Board	134
A-3	Drawing	136
A-4	Photograph	150

1 CHAIRMAN AIBEL: We are back on the
2 record at 25 to ten.

3 CHAIRMAN AIBEL: Mr. Matule, are we
4 ready to go?

5 MR. MATULE: Yes, I am ready to go.

6 CHAIRMAN AIBEL: We are now going to
7 hear 14 Paterson, LLC, 14 Paterson Avenue.

8 Before we start, Mr. Matule, a couple
9 of housekeeping items. We are going to try to do a
10 hard stop at 10:30. We will see how we go.

11 MR. MATULE: Okay. I appreciate that
12 heads-up. We will try.

13 What I would propose is that we try to
14 get our architect's testimony in tonight.

15 CHAIRMAN AIBEL: Good.

16 So before you start, let me, again, one
17 more administrative matter. I am not going to spend
18 a lot of time on it. I am not ascribing blame to
19 anybody. But I think in an effort to keep this
20 process moving, our professionals have allowed a
21 situation in which plans came in very late. We had
22 very little time to react. Ms. Banyra and Mr.
23 Marsden had to react very quickly.

24 I think in fairness to the applicant,
25 the planner's report is six months out of date, so

1 as I was reviewing the records for the evening, I
2 couldn't reconcile Mr. Ochab's report talking about
3 no parking with a new plan that shows a two-car
4 garage and a curb cut. So, again, I am not going to
5 spend a lot of time, but in the future we really
6 have to figure out a way that we are going to get
7 plans in advance, and I'll leave it to the
8 professionals to figure out what the time is. It
9 can't be ten days, because I don't think it gives
10 anybody time to react, even though that may be the
11 minimum required for the public.

12 We need more time I think in fairness,
13 again, and I would like to have seen a planner's
14 report that was more consistent with the plans that
15 are being presented tonight.

16 As it turns out, you know, we are here.
17 We want to hear it, move this thing forward, but we
18 are going to fix up a little bit of a broken process
19 in the future.

20 MR. MATULE: Well, I appreciate your
21 comments, and they are well received. It was an
22 extraordinary situation, and coincidentally I was
23 having a conversation with Mr. Ochab during the
24 break that since we probably won't be getting to his
25 testimony tonight, we will have him submit an

1 updated report. But I do appreciate the Board's
2 indulgence and the fact that the Board's
3 professionals made an extraordinary effort to
4 address the last minute revisions, so thank you for
5 that.

6 MS. BANYRA: Mr. Chair, can I just
7 indicate, so that normally the deeming complete or
8 incomplete is sort of left to Jeff and myself, so if
9 it is okay with the Board, then we will make that
10 determination.

11 I let this go, like you indicated, like
12 in an effort to keep it moving because everything
13 has been on the agenda for so long, and I wanted to
14 clear our agenda, so it is a little bit my fault for
15 allowing it to go forward. But in the future then,
16 you know, two weeks, two and a half weeks, and if it
17 is not in, we are going to pull them no matter what
18 the agenda says, if that is acceptable to the Board.

19 CHAIRMAN AIBEL: That sounds right.

20 MS. BANYRA: Thank you.

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

22 Robert Matule, appearing on behalf of
23 the applicant.

24 This is an application with respect to
25 the property at 14 Paterson Avenue, minor site plan

1 approval and to replace the existing structure,
2 which I believe is one commercial and two
3 residential units with a new five-story, two
4 residential and one commercial unit building.

5 I would like to have Mr. Minervini
6 sworn and qualified.

7 MR. GALVIN: Raise your right hand.

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

11 MR. MINERVINI: I do.

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

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

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

18 MR. GALVIN: Mr. Chairman, do we accept
19 Mr. Minervini's credentials as a licensed architect?

20 CHAIRMAN AIBEL: We do.

21 MR. GALVIN: You may proceed.

22 THE WITNESS: Thank you.

23 MR. MATULE: Thank you.

24 Mr. Minervini, I would like you, if you
25 would, to describe the existing building and site

1 and surrounding area, and then if you want to, you
2 can go right into describing the proposed new
3 building.

4 Again, as always, if you are going to
5 refer to exhibits, we need to mark them.

6 THE WITNESS: Okay. I will give a
7 quick description first and then I'll go through the
8 exhibits.

9 We are proposing to demolish an
10 existing building. As Mr. Matule stated, it is
11 three stories tall. The ground floor is a
12 commercial space known as Vera's Florist, as of most
13 recently. Vera's is the name of the establishment.

14 Above that are two residential floors,
15 each with about 875 square foot, one-bedroom
16 apartment.

17 Behind Vera's, the actual store, there
18 is a small rear yard that currently has two parking
19 spaces with an existing curb cut.

20 We are proposing to knock that building
21 down, as I mentioned, and construct, although five
22 stories, the same density, the same square footage
23 apartments with the ground floor commercial space,
24 and I will go through all of those particular
25 details. But the property is a 1811 square foot

1 lot, irregularly shaped, and I will refer to Sheet
2 Z-2, which you all have. We don't have to mark
3 that.

4 Paterson Avenue is here. Jackson
5 Street is here, so the property itself, as I
6 mentioned, is 1811 square foot. The existing
7 building ends at this line, so you have about 30
8 feet of existing structure along Jackson.

9 The property is 25 feet in width, and
10 we have 83 feet in depth along the eastern wall, and
11 that is how the irregular shape is created.

12 The rear yard, as it exists, has space
13 for two cars that are currently parked there, and
14 again, there's an existing curb cut.

15 Now, I can refer to the photo board.
16 We are calling it PB-1, Photo Board 1, photographs
17 taken by --

18 MR. MATULE: I will mark it A-1.

19 (Exhibit A-1 marked.)

20 THE WITNESS: Yes. A-1, thank you.

21 Photographs taken from an internet
22 service, as well as photographs taken by my office.

23 The building as it currently exists
24 shown here in view number one is a three-story tan
25 structured building. It is at one of the portals,

1 the entries to Hoboken. If you come in, let's say,
2 from Jersey City and make a left on Jackson, this
3 would be the first residential -- the first building
4 you would see, other than the small restaurant that
5 is in the island.

6 The building is also relatively famous
7 for its tilt. The building is structurally unsound
8 as exists and it's leaning from left to right about
9 eight inches, so there are many reasons why this
10 building has to come down, and structurally that is
11 a very important one.

12 So to give you a description of the
13 context, as I mentioned -- actually we will use this
14 site aerial view. Here is our building. Here is
15 Jackson Street, which travels from south to north,
16 and in terms of adjacent buildings, we have got
17 directly to our east, a one-story commercial
18 building and parking lot.

19 To our north is a three and a half
20 story residential building. It was once, I believe,
21 the convent for the St. Joseph's school. In terms
22 of its actual height in feet, it is just about 40
23 feet.

24 Next to that is a five-story
25 residential building, which was the actual St.

1 Joseph's School.

2 Across Jackson Street to our west, we
3 have a series of five-story residential buildings,
4 and I will give you more descriptions of all of
5 those buildings on our street views.

6 To our -- it would be our southwest, is
7 the proposed southwest park. Right now it is a car
8 parking lot. It is going to be a park. Again, the
9 southwest park, that the city has deemed it is going
10 to be, and that is one of the reason, as I get into
11 design of the building, that generated the actual
12 design of the building.

13 So in terms of context, there is
14 already some new residential buildings that have
15 started to be constructed.

16 Down a bit to the east of our building,
17 as I mentioned, there is a commercial building with
18 a parking lot. Directly to the east of that is a
19 five-story residential building. That is a new
20 development, a new development also to our west.
21 There is a five-story residential building, new
22 development, which actually goes from Paterson
23 Avenue to Jackson Street, L-shaped, and a new
24 five-story residential as you get further down to
25 the west, so there is a pattern already established

1 and new construction coming.

2 Here are some more photographs of the
3 buildings that I mentioned. This is directly across
4 to the south of us. This is -- I think this Board
5 has approved it, a restaurant on the island between
6 Jackson, Newark and Observer.

7 Here is one of the five-story buildings
8 that I mentioned, which is to our east.

9 Here is another of the five-story
10 buildings to the west, and this building is a pretty
11 good description of the context in terms of
12 buildings. I could pass this --

13 MR. GALVIN: By the way, thank you for
14 reminding us of that one.

15 (Laughter)

16 THE WITNESS: We probably haven't made
17 enough copies, but here is a photograph --

18 MR. MATULE: A-2.

19 THE WITNESS: -- which Bob will call
20 that A-2.

21 (Exhibit A-2 marked.)

22 THE WITNESS: And there are several
23 copies of all of the same, of the building as it
24 currently exists, if you want a bigger version of
25 the photograph, so I described the context.

1 I have not really described the
2 building's esthetics, but I described them as
3 structurally unsound. I will leave it to you, of
4 course, for your opinion of what the building looks
5 like. But to me, to my office and to the developer,
6 it is certainly unsightly and not something worthy
7 of being --

8 MR. GALVIN: Is it occupied currently?

9 THE WITNESS: It's occu -- the
10 commercial space is not, but the residential is.

11 MR. GALVIN: So it is not that
12 detrimental.

13 THE WITNESS: It is structurally
14 unsound for sure.

15 MR. GALVIN: Well, how come there are
16 people in there?

17 THE WITNESS: Actually I may be wrong.
18 Is it still occupied?

19 VOICE FROM THE AUDIENCE: Yes.

20 THE WITNESS: It is. Okay.
21 There's the answer.

22 So esthetically, and we don't think it
23 is a building fit for entry into a city such as
24 Hoboken. It is one of the driving factors that
25 brought us to our design.

1 In terms of what we propose in bulk, I
2 will go to a drawing that you don't have.

3 MR. MATULE: We will call this A-3.

4 THE WITNESS: We will call this A-3.

5 (Exhibit A-3 marked.)

6 MR. MATULE: Would you just describe
7 it?

8 THE WITNESS: This is simply a
9 comparison of our proposed building relative to what
10 would be permitted in the same volume without the
11 height variance. Simply, we have to raise our first
12 residential floor to be out of the flood plain to 13
13 feet above base flood elevation, the ABFE, and that
14 takes us eight and a half feet above sidewalk. So
15 our first residential space cannot start until eight
16 and a half feet above sidewalk.

17 With that in mind, we looked at this
18 resulting void, and similar to the previous
19 application, but even more to the point, it would be
20 in essence a story that couldn't be used. With that
21 in mind, we raised our first residential floor to 14
22 feet above base flood elevation, which then allows
23 us almost a nine foot ceiling in this space, where
24 we then are now proposing a commercial space.

25 We can get this approved from the DEP,

1 an individual permit, because we will propose flood
2 barriers, so this commercial space will be approved
3 from the DEP.

4 Now, with that in mind, the volume that
5 is permitted above our base flood elevation is 40
6 feet. We have sized the floor to floor heights on
7 our four floors to equal 39 feet above, so this is
8 what can be build without any height variance. It's
9 three floors with what would be a void space.

10 What we are proposing is to make -- to
11 create a commercial space with four residential
12 floors. Four residential floors come into being
13 because the density is the same as it was. We had
14 two small residential apartments, but now we are
15 proposing two-family friendly, and I know this Board
16 has heard this term many times, but this building
17 specifically has all of the things that make a
18 building family-friendly. So we got two duplex
19 apartments on floors two, three, four, and five,
20 each about 2,560 square feet.

21 So we hit one of the marks of
22 family-friendliness with the size of the units.
23 They could be either four or five bedrooms. We have
24 them designed now with the drawings you see at four
25 bedrooms with an office or a den.

1 We have an elevator. An elevator is
2 not required in a building of this height, but we
3 are proposing it again to help us towards our
4 family-friendliness.

5 We are also proposing to keep the two
6 car park -- parking spaces at the rear of the
7 building. So to go back to the photograph, view
8 number 11, and I will point it out, this is the back
9 of the building facing north. Right now there is a
10 space for two cars, which park there as well as an
11 existing curb cut.

12 So we are in essence proposing to keep
13 those two spaces. However, to keep them more
14 family-friendly and enclose just that portion of the
15 rear yard, so what was a rear yard before now
16 becomes a one-story garage. Our rear yard will move
17 up to second floor, which becomes green space used
18 by the second floor apartment.

19 In terms of the impact that would have,
20 and I will go again through each of the plans, but
21 while I'm on the point --

22 MS. BANYRA: Mr. Minervini, can I just
23 stop you for one second?

24 I heard you say something, and I just
25 wanted to rewind you a little bit.

1 You said based on the height of the
2 building, an elevator is not required.

3 Is an elevator required based on like
4 four units, if it's four units and four stories,
5 then, yes, an elevator is required?

6 THE WITNESS: We got two residential
7 units --

8 MS. BANYRA: No, understood. I just
9 want to know for my own edification. What triggers
10 the elevator?

11 THE WITNESS: -- and I will --
12 understand -- it depends on who you ask. If a
13 construction code official has a different opinion
14 from the state, but generally speaking, it is four
15 units and four stories.

16 However, in our case we got a duplex at
17 the top, too, so as the construction code will see,
18 we don't need a means of egress or an elevator
19 because our entry is at the third floor.

20 MS. BANYRA: But is that an ADA
21 requirement, a building code or both?

22 THE WITNESS: It's both. ADA is what
23 drives the building --

24 MS. BANYRA: Which drives the four
25 units and then --

1 THE WITNESS: Yes.

2 MS. BANYRA: -- okay. Great. Thank
3 you very much.

4 THE WITNESS: So in terms of the impact
5 of this coverage on where the garage is, our opinion
6 is that it is really of no impact or very little
7 impact, I should say, because the space we are
8 talking about is the rear yard right here.

9 Directly adjacent to it is a drive
10 aisle. It's about an 11 and a half foot drive
11 aisle, which is the parking entry to the convent,
12 which is an apartment building, and the parking is
13 in the rear yard. So this building, as well as this
14 one, has no rear yard other than paved area and
15 parking. So the impact would only be to the park
16 and drive aisle. The actual wall of the residential
17 building here has about eight residential windows as
18 well as two fire escapes. Not stair means of
19 egress, but fire escapes.

20 So as we came back to the design, we
21 were trying to hit the checklist items of what makes
22 something family-friendly, the parking which we
23 thought made sense to keep because it is already
24 existing, we could enclose it and make it more safe.

25 The impact to the adjacent property we

1 think, and the planner will discuss this more in
2 detail, is negligible. What we haven't got here on
3 the drawings, which I'm proposing to this Board, as
4 I get further into it, you will see that we are
5 proposing a green screen to soften the stair
6 bulkhead.

7 We are going to impose that green
8 screen on the back section of our building, so that
9 is here, so even a car entering their drive aisle
10 for parking, the rear of the building, won't see the
11 back wall, but they will see a green screen. We
12 don't think that the impact is anything substantial,
13 but just to be good neighbors, we think this is a
14 nice touch to soften what would be an otherwise nine
15 or ten foot wall.

16 So our building, as I mentioned, is a
17 five-story building. Even if we didn't use this
18 lower space for retail, it would be a five-story
19 building certainly based on the comments of the last
20 application. But with that in mind, we know that
21 there is a park coming. There's a park coming here,
22 and the park will need some services, so our 800 or
23 slightly less than 900 square foot commercial space,
24 we are thinking in the future will serve in some way
25 the needs for that park. We are not sure quite yet

1 what, but we know there will be needs. So, again,
2 it is another reason for us to take that space and
3 make it something worthwhile.

4 I can go through the plans relatively
5 quickly. Starting at Sheet Z-2, the existing
6 conditions, as I mentioned, the building directly to
7 our east is a one-story building, which I should
8 mention also goes to the rear property line. So
9 again, that extension of the garage has no impact on
10 the property to our east, and that is shown right
11 here.

12 So if you look on the proposed drawing,
13 this is the building, which goes up -- of the
14 building at floors two, three, four and five covers
15 80 percent. And the one-story section, which has
16 the two parking spaces, is right here and directly
17 up against the wall and directly up against the
18 drive aisle.

19 CHAIRMAN AIBEL: Mr. Minervini, are you
20 at a hundred percent then on --

21 THE WITNESS: Yes. We are at 100
22 percent on the ground floor.

23 CHAIRMAN AIBEL: Ms. Banyra, I think
24 there is a change that you will make in your table.

25 MS. BANYRA: Do you have my old report

1 or my new report?

2 CHAIRMAN AIBEL: Maybe I'm reading from
3 the wrong one.

4 VICE CHAIR GREENE: You have the old
5 report. Here's the new one.

6 CHAIRMAN AIBEL: Okay. I have not seen
7 the new one. My apologies.

8 MS. BANYRA: The new one just came
9 today -- tonight, so I'm sorry, but I tried to --

10 CHAIRMAN AIBEL: Thank you. I got it.

11 THE WITNESS: So to go through the
12 floor plans --

13 MS. BANYRA: Mr. Minervini, can you
14 just go back to that?

15 Your testimony is the building to the
16 east is at the property line --

17 THE WITNESS: Correct.

18 MS. BANYRA: -- coincident with this,
19 so that there is no rear -- no side slash rear line.
20 It's right on --

21 THE WITNESS: There's no rear yard to
22 the building directly to our east. So, again, it
23 goes to what our thought was in the design process
24 of what the impact would be in closing this garage.

25 MS. BANYRA: Except should you also

1 identify to the Board that there is an application
2 on that, that you're --

3 THE WITNESS: There is an application,
4 which has yet to be approved, of course, and this
5 Board hasn't seen it, which is also proposing
6 something similar as this, where there is a
7 one-story section here. That application is
8 proposing the same thing.

9 MS. BANYRA: But right now that is also
10 going to be a demolition --

11 THE WITNESS: Assuming approval.

12 MS. BANYRA: -- I am assuming.

13 But there is an application in that is
14 also going to be demoing that, so there is a use
15 there or an existing use that is going to be
16 removed, so your testimony is about a building that
17 is going to be removed, and that the proposed use
18 will be lining up with that same wall.

19 THE WITNESS: Exactly.

20 My apologies.

21 MS. BANYRA: That's okay.

22 THE WITNESS: There is -- whether that
23 is approved or not, if it's approved, then there
24 will be 100 percent lot coverage on that lower
25 section, which will -- I don't want to get into the

1 actual design of that building now, but as it
2 exists, this is a one-story section. If approved on
3 the project that this Board will see hopefully some
4 day in the near future, that will be a one-story
5 section as well, so in either case --

6 CHAIRMAN AIBEL: The building itself
7 will be five stories meeting with this property?

8 THE WITNESS: Yes. It is slightly
9 different because -- well, there is a commercial
10 space there, too, as well, but it is a different
11 condition than this space -- than this building.

12 Again, this height, five-story
13 situation is relatively unique because this part of
14 Hoboken is so low, that to bring the first
15 residential floor into compliance with the DEP, you
16 are up eight and a half feet already, so that I
17 think is what is driving our -- we're going to call
18 it a five-story.

19 If this were somewhere else in town,
20 and it was down three feet, such as the last
21 application, this would be a crawlspace, and we
22 would be a four-story building -- technically five,
23 I'm sorry.

24 MS. BANYRA: The reason for me bringing
25 that up is because I just wanted the Board to be

1 aware, there is being testimony about something that
2 is going to be removed, and I think that may or may
3 not be relevant to your -- because everything is in
4 flux right now. This building is going to be
5 demolished, and the adjacent building is proposed to
6 be demolished as well, so I think the testimony in
7 terms of that should just be understood and, you
8 know, weighted appropriately.

9 COMMISSIONER GRANA: When you say
10 "Removed," you mean an application for the property
11 next door?

12 MS. BANYRA: There's an application
13 already submitted, yes, for the property next door.

14 MR. GALVIN: Yes. The problem we
15 always have with this is we have to deal with the
16 zoning ordinance as it exists, not the master plan,
17 if the master plan has ever been changed, but it is
18 the same type of thing where I have been hearing
19 this a lot lately.

20 There was another project recently that
21 we were listening to, where they were telling us
22 what might happen, and that is good, and it may even
23 be good planning, but we have things that might
24 happen that don't always happen, so we have to treat
25 this as it is.

1 Now, the park you're talking about, is
2 that an absolute?

3 THE WITNESS: It is an absolute.

4 MR. GALVIN: Okay.

5 THE WITNESS: I should say that the
6 park, if the park were somehow to not be built, it
7 doesn't change what we want here, but it's just
8 another reason for a commercial space.

9 MR. GALVIN: No. But I am saying there
10 are other places in town, where parks are proposed,
11 but not --

12 THE WITNESS: Yes.

13 MR. GALVIN: -- they were short -- but
14 I'm trying not to bring that up --

15 THE WITNESS: That's okay.

16 MR. GALVIN: But I'm just saying,
17 that's okay. I got it.

18 So in this instance, we know the park
19 is going in, so --

20 THE WITNESS: Yeah, we do.

21 MR. GALVIN: -- so we can be safe on
22 that --

23 MS. BANYRA: Yes.

24 COMMISSIONER GRANA: The city has
25 acquired the land --

1 MS. BANYRA: The city has, yes.

2 MR. GALVIN: So it's more than likely
3 that it is going to be a park, but I think you are
4 fine. I think you just have to be careful on the
5 edges.

6 In other words, I think it's great that
7 Mr. Minervini is filling in these potential blanks,
8 but you have to understand that at the end of the
9 day, we have to look at the property, where it is,
10 and how it sits, and what this property is going to
11 be.

12 MS. BANYRA: Uh-huh.

13 THE WITNESS: And then we're speaking
14 of height, I don't think that -- although I have
15 shown this diagram, which is one of the driving
16 factors, so that you would understand in terms of
17 its impact, it is no different than what the zoning
18 ordinance anticipates.

19 Additionally to that, we got a corner
20 property, which in general architectural slash
21 planning terms, can support taller buildings. But
22 also we got predominantly buildings of similar
23 height in the area, so we are not proposing a
24 five-story building where there is a history and a
25 series of three-story buildings.

1 It is something that we think, and I
2 think the street elevation helps to show it, the
3 property can very easily accommodate five stories.
4 And, again, the five stories are a result of our
5 flood plain requirement --

6 CHAIRMAN AIBEL: Let me interrupt you
7 again.

8 Do you have any rendering of the east
9 side of this development?

10 THE WITNESS: Of our building?

11 CHAIRMAN AIBEL: Yes.

12 THE WITNESS: I have a two-dimensional
13 drawing and I got a rendering showing the south
14 facade as well as the west facade. Now, I will
15 describe them all right now.

16 CHAIRMAN AIBEL: Okay.

17 THE WITNESS: So as architects, and in
18 this case, a very forward looking developer, we saw
19 this property as an opportunity. It is -- and I
20 don't want to use the term "gateway," it's overused,
21 but it is a portal to Hoboken.

22 If you come into Hoboken from Jersey
23 City, the chances are you are coming in from this
24 part of Observer, and you're making a left on
25 Jackson. You could go a little further up, but a

1 substantial amount of car traffic comes through this
2 site. So with that, we thought if this building --
3 the site is unique -- I'm sorry. So Mr. Matule has
4 pointed out that this would be Sheet A-4 --

5 (Exhibit A-4 marked.)

6 -- this is a computer generated photo
7 rendering placed on to a photograph of the existing
8 site, so before I describe that -- so our thinking
9 was we have a unique opportunity because it is a
10 uniquely situated located site to design something
11 of some significance.

12 So our thought here was let's not do
13 the standard rectilinear form. Let's do something
14 that's got more of a sculptural nature to it and to
15 use another word that's used too often used, an
16 organic form.

17 So with that in mind, the design, and
18 here is some early design sketches, the design came
19 to us to in essence wrap a semi-traditional Hoboken
20 brick building with these, and we will call them
21 sculptural organic ribbons, which are generally at
22 each of the floor levels.

23 So the thinking here is that you got a
24 traditional building of some sort with a wrapping
25 that provides an organic twist to it, as well as a

1 sculptural twist.

2 The building is slightly deceiving. It
3 looks like it is not on one plain, but it really is
4 save for some bays. So this helps to break up again
5 the height, if you think the height is an issue, if
6 you think that the height is visually -- in terms of
7 visual impact an issue, this is a unique treatment
8 that will we think shrink the building. We think it
9 will give it some architectural significance.

10 We think given this design, it will be
11 a great entry to the city and different from almost
12 everywhere else.

13 To that point, there are -- I mentioned
14 the new buildings, but there is no predominant
15 design yet to the neighborhood. Although there is
16 one, two, three of the new buildings that we
17 designed, and they have a particular look, the
18 remaining buildings are as used in the last
19 application, hodgepodge. There is a hodgepodge
20 there, and there isn't -- there's more empty space
21 left than residential.

22 So, again, it is a perfect location to
23 try something a bit different without worrying about
24 its effect on the old Hoboken look in terms of
25 context.

1 So to describe the building, there is
2 lots of glass phase that shifts, another way of
3 making a facade look a bit more irregular, even
4 though it is regular.

5 The organic ribbon is a cement board,
6 so it is going to be something substantial, finely
7 cut, so each of the seams will be noticeable, and
8 that is part of the architectural intent, again, to
9 give the building -- the city something it doesn't
10 have quite yet. Although the rendering seems
11 incredibly different, it is really not.

12 So we're looking back to the past in
13 some way by using the brick material, while looking
14 forward and recognizing that this is a very, very
15 unique location, so that describes the architecture.

16 MS. BANYRA: Mr. Minervini, can you go
17 back to that rendering?

18 Does it project almost arcadis, where
19 that person is in the brown suit?

20 It almost looks like it is projecting
21 the --

22 THE WITNESS: Here? I will describe
23 that in the floor plan --

24 MS. BANYRA: -- okay, great.

25 THE WITNESS: -- it's much easier to

1 describe because that particular perspective doesn't
2 give it --

3 MS. BANYRA: Okay.

4 THE WITNESS: -- would you like me to
5 pass this out? I see the Commissioners discussing
6 it.

7 (Laughter)

8 VICE CHAIR GREENE: If I may, what
9 would you cite as your -- I'll use the word
10 "Inspiration" -- what would you cite as your -- is
11 the model or the basis for --

12 THE WITNESS: There isn't a model of a
13 building per se. It's more of a model of a
14 sculpture, and that was the intent right from the
15 start, to make a building that could function as a
16 building, that could be constructed without
17 really -- without too much difficulty, but still
18 give it an organic kind of sculptural look, and
19 these horizontal ribbons we think playing with it in
20 three-dimensional form are really effective.

21 VICE CHAIR GREENE: Can you tell us
22 anywhere else where these have been used?

23 THE WITNESS: No. That is part of the
24 appeal.

25 Now, I tell you that that idea of a

1 faceted wall section has been used many, many
2 places. But has it been used like this?

3 I think this is unique right from the
4 start. Our thought was because of this property's
5 location that how do we design it, it is a term that
6 we architects throw around because we are not
7 artists, but we think of it as art in the form of
8 architecture, so we can give an artistic twist to
9 what would be otherwise a functioning building.

10 It's still a functioning building, but
11 it could also be art and sculpture at the same time.

12 CHAIRMAN AIBEL: I will only throw out
13 a comment that I think the location cuts both ways.

14 THE WITNESS: Well, that is for you to
15 decide, and I understand it.

16 My job here is to describe how we came
17 to this. And, again, we think -- to say what I said
18 again before -- to do something ordinary is such a
19 missed lost opportunity.

20 So Ms. Banyra had a question
21 particularly about the corner on the rendering, and
22 it is a bit deceiving, so I will go quickly to the
23 floor plans to Sheet Z-5 in particular.

24 So our first floor, which is at ground
25 level, the residential entry is along Jackson Street

1 at this point. To our left is a two-car parking
2 garage.

3 Common area, stair, elevator, as well
4 as refuge on the sidewalk.

5 The commercial space of 875 square feet
6 has two entries, both along Observer.

7 This stair or elevator takes you up to
8 the second floor. The second floor is the lower
9 portion of a duplex apartment of 2,560 square feet.
10 It has got one, two, three, four bedrooms, as well
11 as an office.

12 This lower duplex will have access to
13 the roof garden, which is the garden above -- the
14 space above the garage.

15 The apartment on floors three and four
16 are the same design, same square footage, but the
17 specific question was about this open space, so
18 there is -- in this corner we propose a 37 square
19 foot balcony. It is there for two reasons:

20 One: That corner, because of its acute
21 angle, is not very useful as interior space. So
22 with that in mind, we decided to cut off the
23 building, have a small outdoor space. It is not big
24 enough to have a party, but it's big enough for two
25 chairs, which we think is something that this Board

1 has looked at and decided in many previous
2 applications, that it makes more sense to build them
3 like this.

4 The rendering specifically, though,
5 makes the -- because of the particular perspective,
6 makes it look bigger than it is. But if you look at
7 the floor plans on Z-5, you can see that it is very
8 small.

9 In terms of outdoor space, the lower
10 duplex apartment is proposed to have the rear deck
11 on the second floor.

12 The upper duplex apartment of the same
13 size, we are proposing to have outdoor space on the
14 main roof. So if you go to the main roof plan,
15 which is Sheet Z-6, you got our stair entry, which
16 is also part of access, our elevator bulkhead, which
17 is about seven or six feet above the roof plain.

18 Our front deck, which is set back --
19 wait a minute -- I think we missed a sheet here -- I
20 don't see it, but I testified to this -- so it looks
21 like the front setback is eight feet off of
22 Paterson. It is about four feet off the adjacent
23 property to our east and about five feet off Jackson
24 Street, so there is a front deck we're calling it,
25 which is accessed to be only used by the duplex.

1 The remaining sections of the roof will house
2 mechanicals, a generator, stair bulkhead, and an
3 extensive green roof.

4 So this Board is well aware of what an
5 extensive green roof is. It's something that's not
6 walkable, very low maintenance to the sedum that
7 will be planted here. It does have some water
8 retention abilities, but it is, again, as this Board
9 has seen, it's a nice feature for the top of the
10 roof and in this particular case in the city, it's a
11 better solution than the white roof.

12 If you go to Sheet Z-7, you can talk
13 about the elevations, which you have already seen in
14 the rendering, but specifically I am pointing to the
15 side elevation number two.

16 Because the thought is that we are at
17 the property line, you can't put windows there,
18 there will be a project coming in the near future in
19 some way, shape or form, that this will have to be a
20 blank wall. It is proposed as stucco. We shouldn't
21 have the negative connotation in this particular
22 case because it's stucco over a masonry wall. The
23 buildings will be concrete slab and concrete
24 construction.

25 The side walls here would be concrete

1 block, and the stucco will actually be a cement
2 part -- so it doesn't have the same problems that we
3 all know stucco has. Stucco generally has a problem
4 when it's above the frame structure, not when it's
5 built on masonry, and our thought here is that this
6 is something that's temporary.

7 CHAIRMAN AIBEL: So can you use that
8 diagram for the side elevation used to describe how
9 theoretically the building, the new building, will
10 align?

11 THE WITNESS: Well, the new building
12 that's coming?

13 CHAIRMAN AIBEL: That's right.

14 THE WITNESS: Well, the application is
15 for a building of the same height.

16 CHAIRMAN AIBEL: Okay. So if you go
17 back to Z-7 for me --

18 THE WITNESS: Yes.

19 CHAIRMAN AIBEL: -- on the top you have
20 the east elevation, side elevation --

21 THE WITNESS: Yes. This entire wall
22 would be covered with a new building.

23 CHAIRMAN AIBEL: Would that building
24 extend out to the edge of the balcony?

25 Where would it extend south?

1 THE WITNESS: Let me go to the floor
2 plan to just confirm what I'm thinking.

3 Yes. The building will extend -- just
4 to be safe, I'd say the building won't extend quite
5 as far as this -- actually it will because I have to
6 take into consideration the property line, which is
7 on an angle on that property as well.

8 So it will be, just to protect in case
9 I don't want to give you the wrong information, I
10 will say it will be 90 percent covered. I think
11 that's a safe assumption.

12 Will there be a small sliver left
13 visible?

14 Yes, but that would be only from the
15 rear yard of the adjacent building. You won't see
16 that down the street, because obviously the building
17 itself will cover that.

18 CHAIRMAN AIBEL: So on the little
19 balcony, one side would have the chief wall of the
20 new building?

21 THE WITNESS: Correct. I will get to
22 the proper floor plan.

23 Correct. This will be a wall of the
24 adjacent property.

25 CHAIRMAN AIBEL: Okay. Thanks.

1 THE WITNESS: As I quickly mentioned
2 before, back to the roof plan, we are specifying and
3 it's described in notes, the bulkhead is to be
4 covered with a green screen. Again, a way of
5 softening the visual impact.

6 That same green screen, although not
7 shown on the plan, and we will amend it, we are
8 proposing for the back wall of the one-story garage
9 section where it abuts the driveway.

10 I think I talked about the impact of
11 the height of the building, and we think it is --
12 there is no impact because the zoning ordinance
13 contemplates a building this size. We are proposing
14 one that is actually in terms of feet 12 inches
15 shorter. Our building is 39 feet in height, above
16 base flood elevation that is.

17 We are proposing to use what would be
18 otherwise unusable uninhabitable ground floor space
19 to be an 875 square foot commercial space with the
20 intent on servicing the park that's coming.

21 In terms of density, we are at the
22 exact same, two residential apartments, and one
23 commercial that is there existing, but what we are
24 doing is changing those two existing commercial --
25 excuse me -- residential spaces into something that

1 is what this city has been pushing for and wants,
2 again, to use an over used term, "family friendly."

3 There are two large apartments, four
4 bedrooms minimally, and they got two parking spaces
5 with very little impact on the adjacent property.
6 They have got an elevator and outdoor space.

7 So in our opinion, those things alone
8 make this a very, very approvable project.

9 In terms of the architecture, we see
10 this as a unique sight, a unique opportunity to do
11 something special, something that is of a
12 contemporary design, and contemporary is a very
13 broad term, but it generally means that is something
14 using materials of a modern nature, as well as
15 making something sculptural and different than you
16 would find anywhere else.

17 I should mention three street trees, as
18 well as a completely concrete building, goes towards
19 the building safety. It's sprinklered. It is ADA
20 compliant, even though it didn't have to be, but I
21 proposed an elevator to make it ADA compliant.

22 In general, I think it is a building perfectly
23 designed for the site.

24 MR. MATULE: Frank, if I could just ask
25 you a follow-up question: Because this building

1 fronts on Paterson Avenue, assuming this Board is to
2 approve something here, we would then have to go get
3 county site plan approval also, correct?

4 THE WITNESS: Yes.

5 Any of the exterior improvements, not
6 the bulk of the building, that's what forces this
7 Board -- but any of the exterior improvements would
8 have to be approved by the Hudson County Planning
9 Board.

10 MR. MATULE: And the things like
11 planters out in front of the building, we would have
12 to get a franchise ordinance agreement with the
13 Board of County Freeholders?

14 THE WITNESS: Yes. And I did mention,
15 although it's on the drawings, that we are also
16 proposing, as is required, a water retention system.
17 It is below the slab in the garage space.

18 MR. MATULE: Okay.

19 Does the Board have questions?

20 THE WITNESS: Should I say "shoot"?

21 (Laughter)

22 CHAIRMAN AIBEL: A quick, quick
23 question: Are there any street lights on that
24 corner?

25 THE WITNESS: On the exposed balcony?

1 CHAIRMAN AIBEL: Yes, on the corner --
2 on Paterson, Jackson, and again, I am thinking
3 about --

4 THE WITNESS: Street lights or traffic
5 lights?

6 Street lights?

7 CHAIRMAN AIBEL: Traffic lights. How
8 do --

9 THE WITNESS: A traffic light is, if I
10 use the plan, it will be easier.

11 Here is Paterson Avenue cutting
12 through.

13 Here is Jackson.

14 The traffic light is on the southern
15 corner -- the southern side of Jackson Street
16 towards our property, so the --

17 COMMISSIONER GRANA: So you don't
18 see --

19 THE WITNESS: -- so there is no street
20 light at our corner. It is directly across the
21 street to the south.

22 MR. MARSDEN: Excuse me. Ah-ah.

23 THE WITNESS: Oh, it's blocks away.

24 MR. MARSDEN: No, it's on your corner.

25 A VOICE: It's right here --

1 MR. MARSDEN: You have a self-standing
2 pedestal.

3 THE WITNESS: No. The traffic lights
4 is what I am describing --

5 MR. MARSDEN: The traffic -- here --
6 let me just show you what I am looking at here
7 because I have pictures of it. It is not on your
8 survey?

9 THE WITNESS: No. I think that is
10 incorrect, if you look at the photographs -- pardon
11 me -- there is a street light, but it is not --

12 A VOICE: Can you see it?

13 COMMISSIONER MC ANUFF: Yes, it's on
14 Z-2, traffic light.

15 THE WITNESS: No. I think the question
16 was traffic light. Am I correct --

17 MR. GALVIN: It is on the plan.

18 A VOICE: Z-2.

19 THE WITNESS: Well, that's incorrect,
20 and I will certainly revise it.

21 Am I to describe traffic lights -- I am
22 a bit confused -- or a street light?

23 MR. GALVIN: We are trying to figure it
24 out. If it's on the plan --

25 THE WITNESS: I can answer it --

1 MR. GALVIN: -- I have been looking at
2 the Google photo all night --

3 MR. MATULE: Can we have one of these
4 big blowups --

5 MR. GALVIN: Mr. Minervini, I've been
6 looking at it, and there's no traffic light there --

7 THE WITNESS: I have to --

8 MR. GALVIN: -- I am agreeing with you.

9 MR. MATULE: Can I show this to Frank?

10 THE WITNESS: -- and my apologies --

11 (Everyone talking at once.)

12 A VOICE: It's the perspective.

13 MR. MARSDEN: There's a traffic light,
14 though. It's a self-standing pedestal.

15 MR. GALVIN: But I couldn't see it from
16 the Google shot --

17 MR. MARSDEN: I'm trying to get it
18 back --

19 THE WITNESS: Yes. That is --
20 although -- you are right. There is a traffic light
21 there. It is not a controlling traffic light. You
22 can't stop right in front of it. That is an
23 additional traffic light on the other side of
24 Paterson Avenue, and I certainly had forgotten about
25 this one, but the actual controlling one is, if I

1 use the photo board -- the controlling one is here.

2 There is one here and one here.

3 There is none here, because you
4 can't -- I mean, it is there, but it is just a
5 guide, and you cannot stop there. You cannot stop
6 within the street.

7 If you look at the photograph we were
8 just talking about, it is right at that corner, so I
9 am not sure if I answered your question.

10 MR. MATULE: I think, if I might, where
11 Frank is trying to explain, not maybe so
12 articulately, that is a one-way street going north,
13 so there is a traffic light on the south side of the
14 intersection. There's a traffic light on the north
15 side of the intersection --

16 MS. BANYRA: If you get stuck in
17 between --

18 MR. MATULE: -- nobody stops beyond
19 that traffic light on the south side because there
20 is not traffic coming south in the other direction
21 like you typically have on a two-way street, if you
22 know what I mean.

23 (Everyone talking at once.)

24 MR. GALVIN: Time out --

25 THE WITNESS: It is --

1 MR. GALVIN: -- time out.

2 You can continue, if you want.

3 MR. MATULE: All I was saying is there
4 is a traffic light on the south side of the
5 intersection, and there is a traffic light on the
6 north side of the intersection, but that street is a
7 one-way street going north.

8 In my experience, coming through that
9 intersection on a pretty regular basis, the traffic
10 light that is on the south side of the intersection,
11 that is the light everybody stops at because that is
12 where the stop line is, and I think that traffic
13 light on the south side of the intersection is what
14 the people who are in the left lane, who are going
15 to make a left turn as opposed to the ones across
16 the intersection are the people who are going to go
17 straight, north.

18 But the short answer to the question
19 is: There is a traffic light right on the corner of
20 our building.

21 THE WITNESS: Yes. My apologies.

22 There is absolutely a light as we have
23 seen. My thought process was one step ahead, is it
24 a controlling light and can a car be placed in front
25 of our building in any way, and we cannot. That's

1 the point I was trying to make not so well.

2 MR. GALVIN: Let's stop.

3 What was the significance of talking
4 about the traffic light?

5 VICE CHAIR GREENE: The Chairman asked
6 the question.

7 MR. GALVIN: Okay. I'm sorry.

8 CHAIRMAN AIBEL: I was really
9 interested in how pedestrians would cross the
10 street.

11 (Everyone talking at once.)

12 MR. GALVIN: You were pointing it out.

13 THE WITNESS: I understand that now.

14 CHAIRMAN AIBEL: Let's keep going.

15 Do you have questions for Mr.

16 Minervini?

17 VICE CHAIR GREENE: I have two.

18 The fifth bedroom that you designated
19 as an office, is there any reason that it is
20 designated as an office, other than you didn't want
21 to show five bedrooms --

22 THE WITNESS: Well, the developer --

23 VICE CHAIR GREENE: -- is it -- to ask
24 the question, could it be a legal bedroom?

25 THE WITNESS: Yes. As I earlier said,

1 it is four, but it could be five, but it's got
2 windows. It absolutely could be, if there was a
3 need. More than likely, it will be an office only
4 because that has been -- there hasn't been much of a
5 need for a fifth bedroom, but we got it in case.

6 COMMISSIONER GRANA: Chair?

7 VICE CHAIR GREENE: I'm sorry. I am
8 done.

9 COMMISSIONER GRANA: So do we know what
10 the current size of the commercial space on the
11 existing structure is?

12 THE WITNESS: Yes, absolutely, and I've
13 got that in my notes.

14 The existing commercial space is 980
15 square feet, and the apartment size, I mentioned
16 before, were about 875. They vary a bit.

17 COMMISSIONER GRANA: Okay. So there's
18 about a hundred square feet difference between the
19 existing and the future?

20 THE WITNESS: Yes.

21 COMMISSIONER GRANA: That will be on
22 what we will call the ground floor, so it will be
23 street accessed commercial space?

24 THE WITNESS: Yes.

25 COMMISSIONER GRANA: Is there a

1 consideration for flood --

2 THE WITNESS: Yes. In order to get
3 this approved through the DEP --

4 COMMISSIONER GRANA: -- go ahead --

5 THE WITNESS: -- we are going to have
6 provide flood barriers at any penetrable location.
7 So how we started this was the glass in some way,
8 shape or form would be hydrostatically designed to
9 withstand hydrostatic pressure. The entry points
10 then will have barriers, meaning the doors --

11 MR. GALVIN: So the commercial space is
12 to have manual flood walls?

13 THE WITNESS: Exactly.

14 COMMISSIONER GRANA: Flood walls, okay.
15 That's a good point.

16 COMMISSIONER TREMITIEDI: Because the
17 fellow who bought there was flooded out, and he's
18 out of business --

19 THE WITNESS: Yes, and I'll say it
20 again. The DEP will not give approval otherwise
21 until they are convinced that we can keep out the
22 Sandy-type flood.

23 COMMISSIONER GRANA: I don't know if
24 you want me to ask questions about architecture.

25 MR. GALVIN: Sure.

1 (Laughter)

2 COMMISSIONER GRANA: So I think it's 50
3 percent right. It is an important location. It is
4 going to be adjacent to a park --

5 THE WITNESS: Which means 50 percent
6 wrong.

7 (Laughter)

8 COMMISSIONER GRANA: -- this is just my
9 opinion -- it is going to be an important site. It
10 will be adjacent to a park. It's probably in line
11 with the development pattern on Paterson, which is
12 not consistent, but there actually is quite a bit of
13 architectural consistency down Jackson Street.

14 I just wondered if any thought was
15 given to how the materials and the design on the
16 north side of this building will relate to what is
17 probably historically an important structure next
18 door.

19 THE WITNESS: Well, I don't agree that
20 there is a pattern down Jackson Street.

21 I think what you may be referring to
22 are two pseudo scholastic buildings and slightly
23 religious at a time.

24 If you move to the building to the
25 north of that, that's an eight-year-old residential

1 building. Dean Marchetto designed it, metal bays,
2 brick facade, something modern, and then there is an
3 empty lot. There is a building that's soon to be
4 condemned on the corner, and then there is a small
5 three-story building that probably has been there
6 for 90 years.

7 So I'm looking at it the same way you
8 are. I see our building very modern, two
9 traditional buildings, although they are not Hoboken
10 traditional buildings, they have significance
11 because of their previous use, a new contemporary
12 structure, which doesn't relate in any way to the
13 old Hoboken look, and two smaller buildings with
14 properties, you know, lots between them, so I
15 understand your point.

16 Do I think that there is a predominant
17 design along Jackson?

18 I really, really, really don't.
19 Again -- and this particular property is going to be
20 seen, because it's a corner. You don't just see
21 this facade, so whatever we do, of course, on one
22 facade, it has to be consistent in some way on the
23 Jackson Street facade.

24 To that point, we took that to the next
25 level, and we continued the design around the back

1 of the building, which in this case is our north
2 facade.

3 So we have tried to, and I certainly
4 respect your opinion, if you don't like the
5 architecture, but we have tried to treat the
6 building as a whole and not do too often what we
7 see, a front facade and a rear facade.

8 COMMISSIONER MC ANUFF: I personally
9 think the architecture fits well with the site.

10 The angle and facets of the precast
11 concrete I think reflect the irregular sites in the
12 area, and the surrounding area, and picks up on the
13 street grid, and I do think it works well for that
14 site.

15 As Mr. Minervini said, it is a portal.
16 It will be somewhat of a landmark building I think
17 on the way into Hoboken. I think if you put it in
18 the middle -- in the middle of the block or anywhere
19 else in Hoboken, it wouldn't work, but on this
20 particular site it does.

21 THE WITNESS: I wish I had said that.
22 It was much better said than what I said.

23 MR. GALVIN: No. I think you did say
24 that.

25 It was a question. Do you agree?

1 (Laughter)

2 THE WITNESS: Yes, I absolutely agree.

3 As I mentioned many times, it is a
4 unique site, which then brought a unique design, in
5 our opinion.

6 MR. BANYRA: Mr. Minervini, I just have
7 a question while the Board is thinking.

8 If this was four stories with the
9 commercial on the grade, is there a way to, you
10 know, it could be perceived that maybe the facade
11 is, I'm going to say, busy.

12 If you took away one story, what would
13 be designed differently? You know, I am just
14 looking at it --

15 THE WITNESS: It would be a completely
16 different design --

17 MS. BANYRA: Okay, because it's --

18 THE WITNESS: -- proportionately, if
19 you take one floor off in terms of just
20 architecture, nothing else, that wouldn't work.

21 But to that point, if the zoning code
22 contemplates this volume of a building, we are
23 proposing something twelve inches less --

24 MS. BANYRA: But that is not my
25 question --

1 THE WITNESS: -- but you gave me the
2 opportunity to say that.

3 (Laughter).

4 MS. BANYRA: Okay.

5 VICE CHAIR GREENE: Where did you get
6 that Pepto Bismol color to outline it?

7 THE WITNESS: Yes. Well, this is not
8 the architecture. It's just a diagrammatic
9 course --

10 COMMISSIONER TREMITIEDI: If I may
11 comment --

12 MR. GALVIN: Well, let me just -- no
13 comments, just a question.

14 COMMISSIONER TREMITIEDI: -- okay.

15 MR. GALVIN: That's okay. I'm just
16 trying to be helpful.

17 CHAIRMAN AIBEL: No. We are asking
18 questions.

19 Can you put it in the form of a
20 question?

21 COMMISSIONER TREMITIEDI: No. That's
22 okay. I'll put it in a form of a comment later on.

23 MS. BANYRA: We are in the Jeopardy
24 section.

25 VICE CHAIR GREENE: It is coming up to

1 10:30 by the way.

2 CHAIRMAN AIBEL: Well, let's keep
3 going.

4 MR. MARSDEN: I mean, just to point
5 out, when we talked about the signal, one of the
6 issues in my letter is the features that are shown
7 on the survey, which you then put on your plan are
8 incorrect, and the survey -- the telephone pole is
9 in the wrong location. It doesn't show traffic
10 control or it doesn't show the JBs. It doesn't show
11 the fire hydrant. It doesn't show a lot of things
12 that are out there, and I think you need to look at
13 that --

14 THE WITNESS: I will happily walk
15 through the site ourselves -- we will walk the site,
16 and not rely on the survey, which we should have
17 done anyway. But, yes, we will correct that, of
18 course.

19 MR. MARSDEN: The crosswalks should be
20 shown, you know, and where the handicapped ramps are
21 and stuff --

22 MS. BANYRA: We do need a new survey
23 then, if it's incorrect --

24 (Everyone talking at once.)

25 THE WITNESS: Well, we would like to

1 confirm that the survey is incorrect --

2 MR. MARSDEN: I will happy to walk with
3 you, if you want.

4 THE WITNESS: You buy lunch.

5 (Laughter)

6 MS. BANYRA: Mr. Minervini, I think
7 also when we ARC'd this building, I recall that both
8 this and the site next to it had different
9 elevations in terms of at the -- along the sidewalk,
10 they were inconsistent because the one further north
11 represented different elevations, and it continued
12 down the sidewalk in front of this building. It was
13 different --

14 THE WITNESS: Yes.

15 MS. BANYRA: -- so I think maybe again
16 going back to the survey, you know, I think that
17 needs to be corrected or looked at. There is
18 definitely some issues on this that don't appear to
19 be correct.

20 THE WITNESS: We will have the --
21 because it is the same survey for both properties,
22 we will have them confirmed.

23 MS. BANYRA: Great.

24 COMMISSIONER GRANA: I have another
25 question.

1 MR. MARSDEN: Isn't that true?

2 I had to make it into a question.

3 THE WITNESS: I don't know if the
4 answer was true, though. I will check.

5 COMMISSIONER GRANA: I just have a
6 further clarification.

7 So the commercial space, which I think
8 is great, so when we said hydrostatic glass, that
9 means that the glass itself in that commercial space
10 will resist water --

11 THE WITNESS: Yes.

12 COMMISSIONER GRANA: -- and then we
13 will need to erect barriers around doorways and
14 points of ingress or egress?

15 THE WITNESS: Yes. It may not be the
16 glass itself. It may be the glass in its framework.
17 It may be framework behind the glass, but we will
18 have to sort that out to get approval from the DEP.

19 The point is that the flood barriers
20 that we are proposing are only at those -- at the
21 commercial entry and the residential entry.

22 COMMISSIONER GRANA: Okay.

23 Do those flood barriers then extend on
24 to city properties or something like that? Do
25 they --

1 THE WITNESS: Well, I think in this
2 case they wouldn't have to.

3 COMMISSIONER GRANA: Okay.

4 THE WITNESS: They do often, as Mr.
5 Marsden and I discussed, if you have a planter box,
6 and let me refresh my memory about a planter box. I
7 didn't describe that at all.

8 MS. BANYRA: You do have one.

9 THE WITNESS: Well, I think this is
10 because we are proposing a gray level planter that
11 the barrier will be in line with that and in essence
12 be a U-shape.

13 COMMISSIONER GRANA: Thank you.

14 CHAIRMAN AIBEL: Quick question on the
15 bulkhead. How tall is that going to be?

16 THE WITNESS: It can be minimally seven
17 and a half feet, so we can have seven feet inside,
18 plus six in structure, and I will tell you eight
19 feet just to account for any slope required.

20 CHAIRMAN AIBEL: So what are the site
21 lines going to be from the park?

22 THE WITNESS: This is the roof plan,
23 Well, the park view would be from this direction.

24 We are set back to the eastern side of
25 the facade. Will I suggest that it won't be seen

1 from the very furthest point of the park, I don't
2 think so, but keep in mind that we are proposing the
3 green screen around it, so if it is viewable, it
4 will be something soft and maybe not unattractive,
5 but it will be in the distant view, because, of
6 course, the main facade building is here, and that
7 is set back, and this dimension is 18 feet. I am
8 not suggesting it won't be seen, but it will be seen
9 minimally.

10 CHAIRMAN AIBEL: Any other questions?

11 COMMISSIONER GRANA: Not from me.

12 COMMISSIONER TREMITIEDI: No.

13 MS. BANYRA: Mr. Chairman, you would
14 like to see site lines from the park on that?

15 CHAIRMAN AIBEL: I think I understand
16 what Mr. Minervini is saying.

17 VICE CHAIR GREENE: Anybody facing
18 south wouldn't see it for sure.

19 (Laughter)

20 CHAIRMAN AIBEL: Unless you stand on
21 top of it.

22 VICE CHAIR GREENE: That is true.

23 CHAIRMAN AIBEL: Let me just sort of
24 throw out, it is a very small lot. It is 1800 feet
25 versus 2500 required, and you have a hundred percent

1 lot coverage. You are building up, and maybe I
2 could be persuaded that the height is something that
3 can be accommodated, but I guess I do have a concern
4 that there is absolutely no open space for the,
5 quote, public.

6 Let me throw this out: Is there going
7 to be parking in the new building that is being --
8 that will be coming before the Board at some point?

9 THE WITNESS: Just enough to satisfy
10 the requirement there.

11 CHAIRMAN AIBEL: Again, has any thought
12 been given to whether the parking could be put
13 elsewhere opening up some space in the rear?

14 THE WITNESS: I certainly understand
15 the question.

16 I don't think it is practical. Again,
17 the thinking is there is already existing two-car
18 parking there. They have worked safely. There's an
19 existing curb cut. The impact to the building
20 adjacent to us to the north is minimal. It's just a
21 drive aisle. We tried to soften that impact with a
22 green screen, and it is giving back some open space
23 to the city.

24 This is a corner lot. Generally
25 speaking, we want to keep the street scape somewhat

1 continuous, although we are only doing it around one
2 floor, I think the idea that this has to be open is
3 almost counter to what we should do in planning. To
4 that point, if we look at some of the photographs,
5 the fact that there is such a large space, here is
6 our parking and here is the drive aisle, it is kind
7 of a strange situation.

8 So understanding your point, I want you
9 to understand how we came to this conclusion.

10 Also, a building doesn't have to have
11 all of these -- the elevator and all of these other
12 things in order to become family-friendly, but it
13 does make it more family-friendly.

14 Lot coverage is 80 percent above. A
15 lot is driven just by the fact that we got an
16 elevator, and the elevator is the result of making
17 it more family-friendly. We could have a building,
18 same square footage apartments, reduce its back
19 wall, but then it wouldn't have an elevator.

20 As we have come to learn, and some
21 members of this Board have told us, they think that
22 an elevator is something very important in a
23 building like this. So, again, that is just another
24 reason why we are where we are. It is not just
25 something arbitrary. It's not that you want to make

1 a building as big as you possibly can. These are
2 all things that happened to solve the puzzle.

3 CHAIRMAN AIBEL: Because you have a
4 nonconforming --

5 THE WITNESS: It is an irregular lot.
6 It's very difficult to build on, you know, even in
7 terms of the architecture, this has been a
8 challenge, and to make the floor plan work is a
9 challenge, and one of the results of that is the
10 triangular outdoor balcony space, but I understand
11 your point.

12 CHAIRMAN AIBEL: Ms. Banyra?

13 MS. BANYRA: Yes. I just have a couple
14 of comments.

15 Since the building is going to be taken
16 down, they are not entitled to any preexisting
17 nonconformities, so there is an additional couple of
18 variances.

19 They are not entitled to the driveway.
20 They are not entitled to -- let's see -- on your
21 chart the additional things that are changed and the
22 minimum lot area would be a variance, and the lot
23 depth is a variance. The lot coverage obviously,
24 they have indicated is a variance.

25 The building height is a variance. The

1 curb cut is a variance. So there would be seven C
2 variances based on that it is a new, you know,
3 building, notwithstanding, you know, what was
4 testified to.

5 Then the second thing, Mr. Minervini
6 was talking about the driveway and the minimal
7 impact, but you are also testifying to the park, so
8 I think the activity on the sidewalk certainly right
9 now may be changing with that park, so I think that
10 is something that the Board would have to consider.

11 Then the final thing is: As I have
12 indicated, there is an application coming in on the
13 north. When you have an undersized lot,
14 particularly when it is going to be vacant
15 basically, there is normally testimony and maybe
16 Dennis can, you know, elaborate on this, or there is
17 normally a consideration as to whether or not it
18 should be acquired or tried to acquire additional
19 property --

20 MR. GALVIN: You can go that way, but
21 that is not the only way you can go.

22 MS. BANYRA: That's correct, right.

23 MR. GALVIN: But they were arguing that
24 they have a hardship, because it's an undersized
25 lot. Then the Nash Doctrine would apply, and then

1 you could try to obtain additional land and try to
2 do C-1, but you could also do C-2. I would think
3 you are making the argument that the look of this
4 building is going to be --

5 MS. BANYRA: We are going to wait and
6 hear that argument.

7 MR. GALVIN: -- yes. We have not heard
8 that yet.

9 MR. MATULE: Yes.

10 (Laughter)

11 As a point of information, I am also
12 prepared to introduce testimony on that point.

13 MS. BANYRA: Great, okay.

14 THE WITNESS: If I may, one more point
15 to Mr. Aibel's question about parking --

16 MR. GALVIN: Well, let me just say --

17 THE WITNESS: -- am I still allowed --

18 MR. GALVIN: -- no. Just hold on one
19 second.

20 I think one of the reasons why Eileen
21 is bringing that up is there is a question from the
22 a planning standpoint, should these buildings to
23 these two different properties be put together, or
24 done something.

25 Is that what you're thinking?

1 MS. BANYRA: Yes.

2 I mean, you know, there is potentially
3 an opportunity. I know there are two different
4 property owners. Mr. Matule is going to provide
5 some information at the next meeting, but we are
6 talking about car activity, circulation, an
7 undersized lot, you know, they both came in at the
8 same time. It happens to be the same architect, and
9 it's the same surveyor, and it's the same attorney,
10 you know --

11 THE WITNESS: It's a completely
12 different building.

13 MS. BANYRA: -- no. I understand that.

14 I'm pointing out to the Board, and I
15 think I just wanted to --

16 THE WITNESS: It is a small town. I am
17 trying to keep busy.

18 MS. BANYRA: Yeah, yeah, yeah.

19 (Laughter)

20 THE WITNESS: But to your point,
21 another reason for this, and it explains why the
22 original set of drawings didn't have this parking on
23 it while the latter ones did, the drawings have
24 gotten out, because we have come to realize there is
25 no parking on the street on Jackson Street.

1 Paterson Avenue has no street parking. There is
2 some on Jackson. It's all taken up, but Paterson
3 doesn't allow for any street parking.

4 So then the question becomes, if
5 somebody is buying an apartment that's
6 family-friendly, again, where do you put your car.

7 We had this opportunity because there
8 was an existing two-car garage there -- not
9 garage -- parking space, again, just to explain why
10 we wound up --

11 COMMISSIONER GRANA: Eileen, just to
12 confirm, what is confirmed, though, is the density
13 and the commercial space.

14 MS. BANYRA: In terms of is that
15 permitted, it is conforming, yes.

16 CHAIRMAN AIBEL: So it is 20 of eleven.
17 We went a little bit past.

18 Thank you, everybody.

19 THE WITNESS: Thank you.

20 CHAIRMAN AIBEL: My suggestion, and I
21 was sure this was going to be the case, was that Mr.
22 Minervini be here on the next go-round. We will
23 have some additional troops, who will have read the
24 transcript, and they may have additional questions,
25 you know, that may well be addressed by you rather

1 than Mr. Ochab.

2 THE WITNESS: Of course.

3 Can we determine when that will be
4 because I am not available the 15th.

5 MR. GALVIN: Just open it up to the
6 public. I don't think if there is anybody --

7 CHAIRMAN AIBEL: Should I do that?

8 MR. GALVIN: Just ask if there is
9 anybody.

10 (Board members confer)

11 VICE CHAIR GREENE: Pat should send out
12 the new plans in the package to anyone who is not
13 here.

14 MR. GALVIN: Okay.

15 MS. BANYRA: Mr. Minervini, will you be
16 providing new plans?

17 THE WITNESS: I don't think yet at this
18 point. From what I heard from the Board, I don't
19 think it is necessary yet.

20 CHAIRMAN AIBEL: So the question is,
21 Eileen, when might we reschedule?

22 MS. BANYRA: I have to look at that
23 with Pat. I'm not sure.

24 Pat, what do we have at the next --

25 MS. CARCONE: We have the 15th and the

1 29th scheduled. We don't have an agenda yet for the
2 15th, so --

3 MS. BANYRA: When did we schedule 1312
4 for?

5 MS. CARCONE: The 29th.

6 The 15th, I don't know. I think we had
7 Elliot was unavailable on the 15th, and I think
8 maybe Phil because it was Passover and --

9 VICE CHAIR GREENE: I can't speak for
10 Phil, but it's probably a good conclusion.

11 MS. CARCONE: -- and Tiffanie, so you
12 were down like three people on the 15th.

13 MS. BANYRA: So I am thinking we have
14 one carried that has already been started for the
15 29th.

16 If we are already down a few people,
17 maybe we should go to the 29th, because it sounds
18 like we may have a full Board at that point or a
19 fuller Board.

20 On the 15th, we shouldn't carry it to a
21 date certain that we're not sure, you know, maybe we
22 will try to figure out new applications, and we will
23 go from there for the 15th, if that is acceptable.

24 MS. CARCONE: So we're talking about
25 the 29th?

1 MS. BANYRA: I think the 29th, because
2 we don't know if we have people for the 15th

3 THE WITNESS: And I am not available
4 the 15th.

5 MS. BANYRA: Okay. So there you go.

6 CHAIRMAN AIBEL: So what is on the
7 29th?

8 MS. CARCONE: Just 1312-1318 Adams.

9 MR. GALVIN: This will be second,
10 though --

11 CHAIRMAN AIBEL: I might exercise my
12 major prerogative and do this one first --

13 MR. MATULE: Passover and tax day.

14 (Laughter)

15 MS. BANYRA: That makes sense, and then
16 we will figure out the 15th.

17 MR. GALVIN: We need a motion and a
18 second to carry this to the 20th without further
19 notice.

20 COMMISSIONER GRANA: Motion to carry to
21 the 29th without further notice.

22 COMMISSIONER TREMITIEDI: I'll second
23 that.

24 MR. GALVIN: Do you waive the time in
25 which the Board has to act?

1 MR. MATULE: Absolutely. We will waive
2 the time in which the Board has to act through April
3 29th.

4 MR. GALVIN: Roll call?

5 MS. CARCONE: Commissioner Greene?

6 VICE CHAIR GREENE: Yes.

7 MS. CARCONE: Commissioner Grana?

8 COMMISSIONER GRANA: Yes.

9 MS. CARCONE: Commissioner Mc Anuff?

10 COMMISSIONER MC ANUFF: Yes.

11 MS. CARCONE: Commissioner Tremitedi?

12 COMMISSIONER TREMITIEDI: Yes.

13 CHAIRMAN AIBEL: Commissioner Aibel?

14 CHAIRMAN AIBEL: Yes.

15 Thank you.

16 MR. GALVIN: Mr. Matule has got the
17 floor.

18 Are you done?

19 MR. MATULE: Yes. The only thing I was
20 going to say is before the next meeting, we will get
21 revised planner's reports out to the secretary to
22 distribute and in a timely manner.

23 CHAIRMAN AIBEL: Thank you.

24 How about a motion to close?

25 MR. GALVIN: Motion to close.

1 COMMISSIONER MC ANUFF: Second.

2 COMMISSIONER GRANA: Second.

3 CHAIRMAN AIBEL: All in favor?

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

6 (The matter concluded at 10:40 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: 3/26/14

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