

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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HOBOKEN ZONING BOARD OF      :
ADJUSTMENT CITY OF HOBOKEN   :August 11, 2015
SPECIAL MEETING              :Tuesday 7 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Antonio Grana
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

- Kristin Russell, Planning Consultant
- Jeffrey Marsden, PE, PP
Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
 CERTIFIED COURT REPORTER
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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 Please join me in saluting the flag.

12 (Pledge of Allegiance recited)

13 CHAIRMAN AIBEL: Thank you.

14 We are here for a Special Meeting of
15 the Hoboken Zoning Board of Adjustment.

16 Pat, do a roll call.

17 MS. CARCONE: Commissioner Aibel?

18 COMMISSIONER AIBEL: Here.

19 MS. CARCONE: Commissioner Greene?

20 VICE CHAIR GREENE: Here.

21 MS. CARCONE: Commissioner Cohen is
22 absent.

23 Commissioner Defusco is absent.

24 Commissioner Grana?

25 COMMISSIONER GRANA: Here.

1 MS. CARCONE: Commissioner Marsh is
2 absent.

3 Commissioner Murphy is absent.

4 Commissioner Branciforte?

5 COMMISSIONER BRANCIFORTE: Here.

6 MS. CARCONE: Commissioner Fisher?

7 COMMISSIONER FISHER: Here.

8 MS. CARCONE: Commissioner McAnuff?

9 COMMISSIONER MC ANUFF: Here.

10 MS. CARCONE: Commissioner DeGrim?

11 COMMISSIONER DE GRIM: Here.

12 CHAIRMAN AIBEL: We have three
13 administrative matters on, but we will hold that
14 until after the hearing.

15 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: 901 BLOOMFIELD STREET :SPECIAL MEETING
Block 208, Lot 1 :
Applicant: 901 Bloomfield St., LLC :August 11, 2015
C & D Variances :Tuesday 7:15 p.m.
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WITNESS

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EXHIBIT NO.

DESCRIPTION

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Dean Marchetto's presentation

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Seven photographs

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Photo of exhaust stacks

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1 CHAIRMAN AIBEL: So we have a room full
2 of people, so let's be efficient.

3 901 Bloomfield Street, Mr. Matule.

4 MR. MATULE: Good evening, Mr.
5 Chairman, Board Members.

6 Robert Matule appearing on behalf of
7 the applicant.

8 This is an application that was carried
9 from, I believe last month's meeting. It's at 901
10 Bloomfield Street, the First Baptist Church.

11 When the matter was carried last time,
12 the Board requested that we renote, which we have.
13 We submitted our jurisdictional proofs to the Board
14 Secretary.

15 Just by way of overview, this
16 application is to convert the existing church
17 building at the corner of 9th and Bloomfield into
18 six residential units. As part of that process, we
19 will be adding two additional floors to the existing
20 structure.

21 We received Historic Commission
22 Approval last November. I believe you have been
23 provided with copies of the resolution.

24 I have the testimony of Mr. Marchetto,
25 our architect, as well as Kenneth Ochab, our

1 planner.

2 I don't know if it will be, but we will
3 see how things go, but we also have attached to the
4 Historic Commission resolution, there was a report
5 from Heritage Design Collaborative, our historical
6 architectural consultant.

7 I have Mr. Dress here this evening, if
8 we need to elicit any testimony from him. I don't
9 know whether that will be necessary or not, but I am
10 just advising the Board he is here, if there are
11 questions.

12 So on that note, I will call Mr.
13 Marchetto.

14 We are going to do the electronic
15 presentation this evening.

16 CHAIRMAN AIBEL: Great.

17 MR. GALVIN: Raise your right hand.

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

21 MR. MARCHETTO: Yes, I do.

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

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

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

3 MR. GALVIN: Okay.

4 Mr. Chairman, do we accept Mr.
5 Marchetto's credentials?

6 CHAIRMAN AIBEL: We do.

7 MR. MATULE: Just one other point if I
8 could make it before Dean testifies.

9 I believe in Ms. Banyra's report, she
10 had raised a question about whether this project
11 involves any governmental funds, which would trigger
12 the State Historic Preservation Commissioner review,
13 and we have responded. But for the record, the
14 answer is no, and it is all being done by private
15 funds.

16 Mr. Marchetto --

17 THE WITNESS: Yes.

18 MR. MATULE: -- I guess we are going to
19 do an electronic thing, so if anybody can't see
20 this, and you need to shift around over here or
21 whatever, feel free.

22 MR. GALVIN: Do we have that like in a
23 paper version also that has been marked as A-1?

24 THE WITNESS: I do.

25 MR. MATULE: You do.

1 Can we mark it then?

2 It hasn't been marked yet.

3 MR. GALVIN: I am not a bit surprised
4 that Mr. Marchetto was prepared.

5 THE WITNESS: Should we go through the
6 exhibits?

7 MR. GALVIN: No. Just present your
8 case any way you want.

9 MR. MATULE: Do you want to premark
10 them?

11 THE WITNESS: Sure.

12 MR. MATULE: We can premark them.

13 So you have the paper copy of the
14 presentation, so we are going to mark that as A-1
15 for the record.

16 (Exhibit A-1 marked.)

17 THE WITNESS: These are site
18 photographs.

19 MR. MATULE: How many photographs are
20 there?

21 THE WITNESS: Seven.

22 MR. GALVIN: Who took the photographs
23 and when were they taken?

24 THE WITNESS: I took the photographs in
25 2014, in the fall of 2014.

1 MR. GALVIN: All right. Awesome.

2 MR. MATULE: It is a series of seven
3 photographs that we will mark as A-2.

4 (Exhibit A-2 marked)

5 THE WITNESS: Mr. Chairman, as in
6 previous meetings, if we could close this one row of
7 lights, I think it would be beneficial.

8 CHAIRMAN AIBEL: Is that possible, Pat?

9 MS. CARCONE: There you go.

10 CHAIRMAN AIBEL: Thank you.

11 THE WITNESS: I think it will be more
12 clear.

13 MR. MATULE: So I am going to turn you
14 loose, but describe the existing building and site,
15 and then, if you will, take us through the proposed
16 addition.

17 THE WITNESS: So we have been working
18 on this project for almost two years now. As Mr.
19 Matule mentioned, I am the architect for the
20 project.

21 I have been in Hoboken for 35 years
22 working on renovating building and churches and the
23 like. This one we recognize is a very special
24 building. It's a Richardson Romanesque building.
25 It is a former Baptist Church. It has been closed

1 down and out of commission for many years now, and
2 it has been for sale.

3 My client bought the building and asked
4 me if I could come up with a creative sensitive way
5 to convert this building and use it, adaptively
6 reuse it for residential purpose.

7 You may know that this building is in
8 the residential R-1 District of Hoboken. It is on
9 9th and Bloomfield Street, northeast corner, and it
10 is a very prominent building with a great history
11 and a beautiful architecture.

12 The building has been deteriorating for
13 a long time. My consultant who is here tonight, as
14 Bob mentioned. You know, the building is
15 potentially at a tipping point because it needs to
16 be restored to be saved.

17 There are bricks and brownstones and
18 joints and copper and slate materials on the
19 building that are in deleterious condition, that we
20 propose to repair.

21 As Bob mentioned, we took this plan to
22 the Hoboken Historical Commission, went through
23 several meetings, revised the design, and wound up
24 getting their approval for the approach we are
25 taking to renovate the building.

1 The renovation of the building, I can
2 start with the photographs, which I marked into
3 evidence, the seven photographs, which I will bring
4 up.

5 The first one is an overall photograph
6 of the building, and I will turn these around as
7 soon as I show them to the Board.

8 This is an overall photograph of the
9 building. You probably recognize the building. It
10 is a great building. It's something worth saving.

11 So the other photographs that I have
12 are intended to show the conditions of the masonry,
13 so you can see what we are up against in trying to
14 save this building.

15 The first one, and these are all part
16 of the photographs I sent you, you can put this --
17 this is a blowup of one of the corners. You can
18 start to see here missing brick, broken brick,
19 brownstones deteriorating, joints are coming out.
20 Of course, all of this needs to be repointed and
21 repaired.

22 The copper work in here is in bad
23 shape, the slate on the roof, you see the pieces
24 missing in here.

25 I am going to leave these here and just

1 turn them around, so you can get a sense of what has
2 to be done.

3 Here is again one of the series, one of
4 the prominent arches. See bricks are missing.
5 These bricks are custom bricks. They are curved and
6 they are special shapes. They have to be custom
7 made.

8 You can look here at the stone sills
9 and see the slate, how it's deteriorating down here,
10 and you can see all of the pointing that needs to be
11 done up here.

12 Again, just another corner of the
13 building, brownstone completely deteriorating away,
14 and it is symptomatic of what you see on the
15 majority of the facade.

16 Even closer yet, you see all of these
17 bricks are sprawled off. This one here has been
18 tried to be patched.

19 This final one is a closeup, again
20 showing -- showing -- I think it is important when
21 you see this building when you are driving by and
22 walking by, you may not see it to the level of
23 detail, but when you show it in a blowup photograph,
24 you can really get to see what is happening.

25 MR. GALVIN: Mr. Marchetto, when you

1 are repairing that, how much of that brick do you
2 have to take off in order to repair that?

3 THE WITNESS: I have a specialist who
4 will answer that question when my presentation is
5 finished.

6 MR. GALVIN: Okay.

7 But my fear with any of these projects
8 are, you know, we are seeing five or six bricks
9 here, and five or six bricks there, and then somehow
10 when we pass the building when it is being
11 renovated, it is like every brick on the building is
12 off, you know?

13 THE WITNESS: It's what?

14 MR. GALVIN: Every brick on the
15 building is off.

16 THE WITNESS: What do you mean, "off"?

17 MR. GALVIN: You know, they took all
18 the bricks down. They took the whole building down
19 to rebuild it.

20 THE WITNESS: Well, what I am proposing
21 tonight is exactly what I'm saying. We are going to
22 repair this, replace the bricks that are damaged and
23 repair and repoint the building as we can.

24 MR. GALVIN: Okay.

25 THE WITNESS: As part of our historic

1 approval, we submitted a specification that detailed
2 exactly what kind of work is going to get done. It
3 was prepared by my consultant, who is a historic
4 architect and a preservation specialist, and that
5 spec has been conditioned as part of the historical
6 approval and it complies with the approval --

7 MR. GALVIN: But you get where I am
8 coming from, right?

9 I just want to know, you know, that it
10 is not going to be substantially taken down and
11 rebuilt, and that you are going to repair these
12 problems.

13 THE WITNESS: Yes. That's exactly what
14 we're going to do.

15 You can look at the photograph, the
16 first one I showed you --

17 MR. GALVIN: No, no, you don't have
18 to --

19 THE WITNESS: -- you can see the
20 majority --

21 MR. GALVIN: -- just telling me that
22 that's what you're going to do is good enough.

23 Please proceed. I am sorry.

24 THE WITNESS: So as part of the
25 historical approval, we agreed to repair this

1 building. We estimated it's over a million dollars
2 worth of restoration on the facade.

3 And what we propose to do is to take
4 the existing building, and there is -- well, you can
5 see in this photograph here. There's a copula here
6 behind the tower, which is an old clear story, which
7 is the majority of the main roof.

8 What we plan to do is to remove that
9 copula in the middle. Now, you know that the
10 building is basically a round plan. As a round plan
11 it presents many complications in terms of how to
12 relayout the building for residential use -- I'm
13 sorry -- how to relay out the building for
14 residential use. It is a round plan with square
15 facades.

16 What we are proposing to do, and this
17 is the sensitive approach to adaptive reuse and an
18 addition, is to extend that drum up one floor in a
19 new material, which I will show you, it's a zinc
20 material, and then put a Mansard cross-shaped dormer
21 up on the roof, so the new roof will be lower than
22 the existing roof, but it will be wider than the
23 existing roof. What we propose to do is use the old
24 roof to salvage pieces for restoration on the rest
25 of the building for the slate.

1 Now, I have a set of drawings, which
2 was submitted to the Board, that shows all of the
3 plans, which we can go through, but I think it would
4 be most helpful if we go right to a 3D model.

5 I have a PowerPoint presentation, where
6 I can fly around the building, and I contrast the
7 existing and the proposed renovation from any point
8 of view. So if I present that, I think it will give
9 you a general overall view of what the whole project
10 is about, and then we can go through the plans
11 specifically, so let me just open that up.

12 Okay. This is a view on 9th and
13 Bloomfield. You can see I am looking east. I'm
14 looking towards Washington Street, and this is the
15 model of the current building.

16 What we did here is we made a model of
17 the surrounding areas, not just the building, but
18 the block south, the block north, the block east,
19 and the block west, so as I go through this model,
20 you will be able to see how the building and its
21 addition fits into the context of the existing new
22 use.

23 So this is the first view looking east
24 on 9th Street. And if we move in a little closer,
25 which is -- and by the way, what I presented on

1 those photographs is every one of those tabs on top,
2 you see there are 22 of them, are the scenes that I
3 am going to present. So there is a still image of
4 this included in the package that you will be
5 getting.

6 So this is scene two, it is a little
7 bit closer in.

8 Then what I can show you here is this
9 is the proposed addition.

10 You can see here what I am adding, this
11 lower beam right in here is the ground form that
12 comes up out of the center of the sanctuary and
13 protrudes up. The round form is about three or four
14 feet set back in from the perimeter, and it goes up
15 one story, and then it sets back again, and you can
16 see that there is this upper dormer or upper floor
17 that has a Mansard style roof that hides the
18 mechanical equipment, which I will show you.

19 So this is the view of the building
20 from 9th. And if I can move around a little closer,
21 what I can show you here is this is a direct
22 45-degree angle view. Again, what we are proposing
23 to do is restore the facade and pop that roof.

24 Now, if you look here in the existing
25 configuration, that is the existing facade and the

1 existing roof, and this is the proposed roof here,
2 so you can see it gets wider.

3 So the purpose here is to reuse this
4 building to create six residential units, six
5 residential units that are comparable in size and
6 dimension to what is permitted in this district.

7 Again, as I mentioned earlier, this is
8 in the R-1 District. This is a 75 by 70 foot lot,
9 and the lot has a density of seven units attached.
10 We are proposing six units.

11 So if I move around the building again,
12 looking north up Bloomfield, you can see again the
13 existing, and this is the proposed.

14 Looking north, and then if you look
15 up --

16 UNIDENTIFIED VOICE FROM THE AUDIENCE:

17 Excuse me. Is this three stories or
18 five stories are you showing --

19 CHAIRMAN AIBEL: Not yet. Not yet.

20 THE WITNESS: Now, if you are walking
21 north on Bloomfield Street, this is the view from a
22 little further south, again existing. You can see
23 this is the part of the roof that we are removing,
24 and this is the proposed addition.

25 A little closer in -- oh, wait, I was

1 there already. Sorry.

2 Backing out.

3 A little further down Bloomfield
4 Street. Clearly, when you walk by this building,
5 the most dominant feature of this building is that
6 corner tower, and the secondly most dominant are
7 those square facades with the gables that you see.

8 In fact, if I could just spin this
9 around, if I just spin this around like this, you
10 can see as a pedestrian on the street level, this
11 tower, this round facade, this tower, this tower,
12 and this tower are clearly the most dominant
13 features on the building, and all of that will be
14 preserved.

15 However, as I mentioned earlier, in
16 order to try to make sense out of a residential
17 conversion on the interior of this building, I had
18 to pop up in the middle of the building and re-alter
19 the roof.

20 So maybe to answer your question, you
21 will see that there is a basement level, that there
22 are two apartments on, and I can show you this in
23 the plan, and then there are four levels above that.

24 So above the ground floor, the
25 sanctuary, there is a two-story space we are putting

1 the mezzanine in, so it becomes two stories in the
2 old sanctuary and an addition of two stories on top.
3 So it is four stories above the sanctuary floor with
4 the basement below, so that's the height.

5 UNIDENTIFIED VOICE: But you just said
6 four stories including the sanctuary?

7 THE REPORTER: I'm sorry. You have to
8 state your name if you're speaking.

9 MR. GALVIN: Yes, we can't have that.

10 CHAIRMAN AIBEL: We can't ask questions
11 now. Hold them for your questioning period.

12 UNIDENTIFIED VOICE: Sorry, okay.

13 THE WITNESS: So let me take you around
14 and show you the building looking south on
15 Bloomfield. So if we started to walk south on
16 Bloomfield, there is a building on the left.

17 You can see the addition popping up
18 over here.

19 I can show you here, this is the
20 existing condition from that point of view, and the
21 proposed condition from that point of view.

22 So here we can move in a little closer,
23 and again, I can flip back and forth to the
24 existing, to the proposed.

25 So now I am going to take a look at it

1 from another point of view. We should probably look
2 at it as we are passing by on Washington Street
3 since this is a place that you can see this
4 building.

5 This is across Washington on 9th
6 looking west. You can see here the tower and these
7 facades, existing, proposed.

8 So then if I get closer, I think this
9 one gets me in a little closer -- no, we are further
10 away. Existing, proposed.

11 And then this one here is a little
12 closer. This is on this side of Washington Street
13 as you get a little bit closer.

14 And then this last one is taking you
15 back up around, and now I can explain from an aerial
16 point of view, maybe if I tilt it this way, you can
17 see here -- maybe in this photo is probably the best
18 view to understand this.

19 You see this lower brick band down
20 here?

21 That is the current perimeter, the drum
22 of the sanctuary, and then you can see up above,
23 this is an inner drum that is a little further
24 recessed a couple of feet off the outer drum, and
25 this is the third floor.

1 Again, in the sanctuary, there are two
2 floors. There is a two-story space we are putting a
3 mezzanine in, so you get two floors in the existing
4 sanctuary.

5 The high clear story is being removed,
6 and we are putting two floors up there. It gets
7 successively smaller as they go up.

8 So this here is the upper floor.

9 You can see in this top floor what we
10 did here. We have a Mansard with a parapet that
11 hides any mechanical equipment.

12 This building occupies I imagine about
13 95 percent of the lot. There's no rear yard. It
14 takes up the whole corner. If I just tilt it up and
15 look down. You can see the building, except for
16 this little corner back in here, it occupies almost
17 the whole site except for some garden space around
18 the front and the side.

19 Again, all of the lower level features
20 are being saved on this building and restored, which
21 includes the doors, the entry, these roofs, the
22 copings and the brick work.

23 Now, what is interesting about the way
24 we use the building is that there are three
25 entrances in this building, and each one of them is

1 going to continue to be used, so that it is not just
2 a false entry.

3 One of the spaces on the ground floor
4 will enter besides entering off the common entrance,
5 we will have a private entrance using the front door
6 of this church, which is right in here, and this
7 will be the front door of somebody's apartment. So
8 it is not a false door. It's actually a used door.

9 This one over here on the side is the
10 same thing. I can zoom in here maybe. There is a
11 gate here, a wrought iron gate, and there's a little
12 vestibule right inside here that enters into a door,
13 and those doors, the one on the corner and the one
14 on the right, they actually enter those two
15 apartments on the ground floor.

16 The main entrance to the building is
17 located here on Bloomfield, and I am just going to
18 have to move around to get there -- oops, sorry.
19 Okay. Oops.

20 MR. GALVIN: By the way, that is a
21 technical term, oops.

22 (Laughter)

23 THE WITNESS: So here is the new main
24 entrance of the building. It is an existing opening
25 doorway, and you walk in, and you go in level. But,

1 remember, I mentioned that the first floor is up
2 those steps.

3 See these steps here?

4 This gets you to the sanctuary floor.

5 That is up off the ground, so if you are handicapped
6 or you have a stroller, you are not going to be able to
7 get up, so we put an elevator lobby on this side of
8 the building. So as you walk in front door, you
9 come into a vestibule, an elevator lobby, and if you
10 don't want to walk up the stairs to your first floor
11 unit, you can go in there, go up the elevator half a
12 level, and get right off on the sanctuary floor
13 apartment. You can get into either one of the two
14 apartments.

15 By the same token, if you live in the
16 lower two units down below, you get in the elevator
17 and you need to go down.

18 Of course, on the third floor, you can
19 get up to the third floor.

20 Now, the third floor and the fourth
21 floor are also duplex apartments, so it's not like
22 you have separate apartments.

23 If you get off on the third floor,
24 there is two apartments, and each one has an
25 internal stair to get you up to the upper level.

1 So I am going to leave this here at the
2 this view, which is kind of like the main view, and
3 take you through the plans.

4 So these plans that I am going to
5 project here are the same plans that were submitted
6 to the Board as part of the application.

7 This on the first page is the location
8 plan showing the building, showing the 200 foot
9 radius, a rendering of the building, and a zoning
10 chart here on the right-hand side.

11 This is the site plan of the project,
12 and I can show you here, these are details on the
13 side that --

14 MR. GALVIN: We don't really -- we got
15 it. You know that.

16 THE WITNESS: Okay. Do you want me to
17 take you through the plan?

18 MR. GALVIN: Why don't you tell us
19 about the floors and the spaces where people are
20 going to live.

21 THE WITNESS: Yeah, that is what I am
22 doing.

23 MR. GALVIN: Okay.

24 THE WITNESS: This is the site plan.
25 You can see this is the main entrance

1 to the vestibule, to the lobby, and this is the
2 elevator. So the elevator is a two-sided elevator.
3 You come in on this side. You come up a level that
4 you want, and then you get off on this side, and you
5 see Apartment 1 and Apartment 2.

6 In general, the Zoning Board does not
7 want to see apartment layouts, but in this
8 particular case, I think we made an exception
9 because the apartment layouts are very specific to
10 the design of the building.

11 So you can see on this apartment, here
12 I have a powder room. I have a den, and I have a
13 kitchen in here with a dining and living space and
14 an internal stair that you would come up here and
15 take you up to your bedroom.

16 On the same token on the left -- and by
17 the way, here is the entrance into that unit from
18 the tower. I mentioned that the tower has a private
19 entrance.

20 This one here I will call this Unit B
21 on this side. Here is your entrance off the street
22 in that little tower on the 9th Street side, and
23 this is your living room, dining room, kitchen, and
24 a den on this floor as well, a den or a second or
25 third bedroom with a powder room, so you can see.

1 And then if I go -- let me go to the
2 next floor. Here is the second floor.

3 So as we were downstairs in the
4 apartments below, you would come up this stair.
5 This is a two-story space, so you get the sense at
6 least in this corner of the space of having the full
7 height.

8 You come up here, and you can see you
9 have a bedroom, bathroom, bedroom, two bedrooms and
10 a bathroom, closet and closet and another bathroom.

11 And on the other side, it looks like we
12 have one, two, three bedrooms and two bathrooms,
13 and this stair is the one that takes you up from
14 down below.

15 You can see here is the elevator. It
16 doesn't get off at this floor because this is a
17 duplex, and there are two stairways. So by code I
18 need to have two fire stairs into this building to
19 make it work.

20 And then if I -- well, let's go down.
21 Let's go down. If I were to get off on the lower
22 level, which we call it the basement, it's about a
23 half a level below grade, you would come down the
24 elevator from up above, get off in here, and you can
25 see two apartments here. I have Unit 1 is 1400

1 square feet, two-bedroom. You have a kitchen,
2 bathroom, bedroom, bedroom.

3 On this side, we have the same thing
4 with a kitchen, living, dining, bedroom here,
5 bedroom here, and you see what we did was we tried
6 to take advantage of these spaces in a creative way
7 and use those small spaces for rooms. In this case
8 they made good-sized layouts of bathrooms.

9 There is also a doorway from the lower
10 level that gets you into this tiny little rear yard
11 that we have here, and that's really just for
12 maintenance. There is no use planned for that rear
13 yard. It is very small, but it is a way to get to
14 the back of the building in case you have to, and
15 that is the size of the rear yard.

16 So now, if I move up, I can get you to
17 the third floor. Okay. So if you were to get off
18 the elevator at the third floor, you would get off
19 into this elevator lobby and two apartments, one on
20 the right and one on the left, both Unit 5 and Unit
21 6.

22 These units -- this is a three-bedroom
23 unit, and this is a four-bedroom unit. And on this
24 floor we have a bedroom, kitchen, living, dining,
25 and stairway that goes up to the bedrooms on the

1 fourth floor.

2 And the same thing on the other side,
3 we have a bedroom. You have a kitchen, dining,
4 living room, and a private stair that takes you up.

5 So now I can go to the fourth floor and
6 show you the upper level.

7 Okay. Here is the fourth floor plan.
8 So when you arrive on the fourth floor, you would
9 arrive up to the private stair right in here,
10 bedroom, bedroom, bedroom. And as I mentioned to
11 you, the building starts to set back. You can see
12 in the model that this is like an X shape or plus
13 sign, and the space between the plus sign and the
14 outside of the circular perimeter would be outdoor
15 space.

16 You can see here you have outdoor
17 space, outdoor space, outdoor space. It sets back
18 and creates terraces for the fourth floor.

19 You can see here in this tower, which
20 goes up another two stories, you can get into the
21 tower from this roof top deck, and this could be
22 used as a maintenance for the tower or maybe it
23 could be used as a studio or maybe a baby's room or
24 something. It is just a small little room here. It
25 is probably around about 12 feet by 12 feet, and

1 there is no reason we shouldn't make use of that. I
2 think that by renovating that tower and restoring it
3 and putting a light inside, that it would be a
4 building that would have life.

5 And so that is -- and this is the roof
6 plan. The roof plan looking straight down. You see
7 the perimeter of the fourth floor up in here, and
8 you can see the recessed area with the mechanical
9 equipment. The mechanical equipment is hidden from
10 view. You wouldn't see it from the sidewalk. It is
11 behind a barrier.

12 As the rest of the drawings go, I think
13 the model shows it a little better, but we are
14 showing you here the elevations.

15 This here is the 9th Street elevation.

16 You can see here this dotted line, the
17 comparison in the overlay of the old roof compared
18 to the new roof, which is this wide lower buttress.

19 This is the third floor addition, which
20 is that rounded portion that comes up from the
21 sanctuary.

22 And then on -- I guess we could go to
23 the next page, so this here is the Bloomfield side.
24 The same thing. It is symmetrical. It's
25 symmetrical on both sides. There is a diagonal that

1 passes through the side of it and then symmetrical.

2 Again, you can see here the perimeter
3 of the existing roof shape that is going to be
4 removed, and this is the new addition up here on the
5 fourth floor, and this, of course, is the tower that
6 is going to be restored.

7 The entrance to one of the units, the
8 main entrance down here.

9 The next page is just a list of
10 property owners within 200 feet, which is part of
11 the application.

12 What can I say?

13 I mean, we have again six units. If
14 you add up the total amount of units, the square
15 footage of those apartments, it comes to somewhere
16 around 12,000 square feet.

17 If you were to take this property and
18 cover it 60 percent, which is what's permitted in
19 this district, multiply it times four stories, it
20 would be about 12,000 square feet.

21 So the point I am trying to make is
22 that the renovation and the addition are comparable
23 with what the density would be permitted on this
24 property. I think it is a sensitive and modest
25 alteration to the building to preserve it.

1 That is the general description, and I
2 would be happy to answer any questions.

3 MR. MATULE: Just specifically, Dean,
4 you received the H2M letter of July 22nd?

5 THE WITNESS: I did.

6 MR. MATULE: And other than the flood
7 plain comments, which I think were addressed by the
8 Flood Plain Administrator, she indicated that the
9 ordinance is not applicable because we are not in
10 the flood plain, any other issues addressing things
11 raised by Mr. Marsden?

12 THE WITNESS: No, there's no issues.

13 MR. MATULE: And Ms. Banyra asked in
14 her report about the stained glass windows.

15 THE WITNESS: Yes.

16 MR. MATULE: Can you just talk a little
17 bit about them, what's going to happen to them and
18 what is the plan is?

19 THE WITNESS: Yes.

20 We have conditions of approval from the
21 Historic Commission. We are basically -- I believe
22 it is five or six of them that we are going to save
23 and install in the lobby as kind of like wall art,
24 you know, lit from behind and put in the lobby.
25 As -- let me go back to the model, and I will

1 explain it.

2 As you look at this building, there is
3 certainly not enough windows in here to make six
4 apartments. So what we are proposing to do is to
5 remove the existing stained glass, preserve six of
6 the less religious ones and install them in the
7 lobby in the back, so they will become part of the
8 building. But by and large, all of the windows will
9 be replaced with clear glass as they will become
10 residential apartments.

11 MR. MATULE: So in summary, you are
12 going to have six units, and four will be duplexes,
13 and two of them will be simplistic,

14 THE WITNESS: That's correct.

15 MR. MATULE: No parking on site?

16 THE WITNESS: No parking is permitted,
17 and we are not proposing it.

18 MR. MATULE: And the restoration
19 specifications that were attached to the Historic
20 Commissioner approval and were outlined Heritage
21 Design Collaborative, that will be the program down,
22 and they will follow it in terms of restoring the
23 building --

24 THE WITNESS: Yes.

25 MR. MATULE: -- as part of the --

1 THE WITNESS: It is submitted as part
2 of the application and it's part of the approval,
3 and that is what we are specifying as the
4 restoration procedures.

5 MR. MATULE: I have no further
6 questions at this time.

7 CHAIRMAN AIBEL: Thanks.

8 Thanks, Mr. Marchetto.

9 Board members?

10 COMMISSIONER FISHER: I have a couple.
11 I have three questions.

12 One is: What is the height on the
13 existing building --

14 UNIDENTIFIED VOICE: Can you speak
15 louder?

16 COMMISSIONER FISHER: Sorry.

17 In the existing building, what is the
18 height of the point, the back part that you are
19 replacing that comes to a higher point versus --

20 MR. GALVIN: I think it is 59 feet.

21 COMMISSIONER FISHER: The original one?

22 MR. GALVIN: The original -- the tower
23 goes to 59 feet.

24 COMMISSIONER FISHER: The front tower I
25 think goes to like 78, right? The corner windows

1 are 78--

2 MR. GALVIN: Correct.

3 COMMISSIONER FISHER: -- for the back
4 went to 59 and it's dropping to 44 --

5 MR. GALVIN: No. The building -- I
6 think he is talking about the proposed building.

7 COMMISSIONER FISHER: Right.
8 there's --

9 MR. MATULE: It is in the zoning chart.

10 THE WITNESS: The bottom --

11 COMMISSIONER FISHER: No, it's more --
12 it's more -- if you look at the original picture of
13 what exists right there, in the center so behind the
14 square or the triangle in the center, how higher is
15 the peak of that?

16 THE WITNESS: It's -- I imagine you are
17 talking about this.

18 COMMISSIONER FISHER: Yes.

19 THE WITNESS: The bottom of this, not
20 the very ball at the top, but the top of the roof is
21 56 feet three inches above the average grade of the
22 site.

23 COMMISSIONER FISHER: Okay.

24 So you are generally dropping that like
25 12 feet-ish, give or take, and spreading it out?

1 THE WITNESS: Correct.

2 COMMISSIONER FISHER: That is one
3 question.

4 My second question is: The tower --
5 the tower on the corner right there, so currently --
6 or if it was used as a church, would it be
7 generally -- kind of hypothetical, but would it
8 generally be lit up at night, if it was an active
9 church?

10 And the question is relative to you --
11 you mentioned that this tower could potentially be
12 used as a room, which means that an individual has
13 the ability to turn lights on and off on that tower
14 in the neighborhood --

15 THE WITNESS: Yes.

16 COMMISSIONER FISHER: -- which seems
17 for such a big beckon in the neighborhood might be a
18 challenge.

19 THE WITNESS: Well, you can see what we
20 did here up in this area where the bell tower is.
21 This is very small little slat windows to mimic the
22 louvers that would have been there to let the sound
23 out. Those windows are way above the usable floor
24 area, which is at this level, so, you know, we can
25 control the light that is put in there. We can

1 limit the light in there. It's not intended to be a
2 beckon, but it should be lit up at night, if
3 somebody is going to use the room.

4 COMMISSIONER FISHER: I know it's not
5 intended to be, but the existence of the church on
6 the corner and the height, et cetera, it's kind of
7 de facto, it's the beckon for the area.

8 THE WITNESS: Yeah.

9 COMMISSIONER FISHER: You mentioned the
10 stained glass windows, that you are keeping six of
11 them that are non religious in nature. What are you
12 doing with -- how many are more religious in nature
13 and what are you doing with them?

14 THE WITNESS: I don't have a count, but
15 they go around the building. There's quite a few.

16 So there are salvage companies out
17 there that take them and refurbish them somehow, so
18 we would have to find some company like that.

19 They are not going to be thrown out.
20 They will be salvaged.

21 COMMISSIONER FISHER: Okay.

22 And then the last question I have is:
23 The parking around the church right now, are they --
24 are they just full spots in front of the church, or
25 any of them kind of held back and not -- are we

1 picking up any parking spots around, like converting
2 this to residential --

3 THE WITNESS: I am not changing
4 anything in the street.

5 COMMISSIONER FISHER: But is -- so can
6 you fully park in front of the church now, or was
7 there ever any type of restriction because it was a
8 church, like Sundays you can't park or, you know,
9 anything like that?

10 THE WITNESS: Not that I'm aware of.

11 MR. LAGANO: They used to have that.

12 COMMISSIONER FISHER: They used to, but
13 they don't any more because --

14 MR. LAGANO: Well, when --

15 THE REPORTER: I'm sorry. What is your
16 name?

17 MR. LAGANO: Stephen Lagano,

18 THE REPORTER: How do you spell that?

19 MR. LAGANO: L-a-g-a-n-o.

20 COMMISSIONER FISHER: We can ask the
21 question later. The question generally about the
22 parking, are we losing any or gaining any, what is
23 it right now?

24 The question just relates to what, if
25 any, will there be changes in the parking around it.

1 CHAIRMAN AIBEL: Elliot?

2 VICE CHAIR GREENE: So you showed us
3 some very interesting close-up photos of the brick
4 damage and the need for pointing and some
5 restoration.

6 What actual physical examination or
7 probing did you do to determine that the bulk of the
8 restoration is superficial as opposed to more
9 complex?

10 THE WITNESS: Well, I have an expert
11 with me who did that review, wrote a report, and you
12 know, these are not final working drawings. This is
13 a schematic plan.

14 Ultimately, once this is approved, we
15 would go through the engineering and the specific
16 brick by brick count, but we have a generalized
17 outline spec that details what we do with broken
18 brick, what we do with patched brick, and what you
19 do with the joints, and it applies universally to
20 all those parts of the building.

21 VICE CHAIR GREENE: I am thinking more
22 of the overall integrity of the building as opposed
23 to the superficial, the facade issues.

24 THE WITNESS: Like the structure?

25 VICE CHAIR GREENE: The structure.

1 THE WITNESS: Well, it will be
2 engineered.

3 VICE CHAIR GREENE: So that hasn't been
4 done yet?

5 THE WITNESS: Right, it's not done yet.

6 VICE CHAIR GREENE: Next question:

7 The two basement units, I recognize
8 that this is not in the flood plain, but can you
9 discuss the advisability of creating two living
10 spaces in a basement, in a general area that is
11 prone to flooding?

12 THE WITNESS: Well, it is, as you get
13 up towards Washington Street, so it is out of the
14 flood zone, and we had quite a hurricane and storm
15 surge a couple of years ago, and it didn't get
16 flooded then.

17 So, you know, the owners, if they need
18 to, they could get flood insurance, or if they were
19 concerned, but we are quite comfortable that it is
20 not going to flood in this area --

21 VICE CHAIR GREENE: And you believe
22 that they would be able to get flood insurance?

23 THE WITNESS: I don't know. I don't
24 know. I have not looked into that.

25 There are plenty of basement apartments

1 in Hoboken and in lower areas.

2 VICE CHAIR GREENE: And many of them
3 got pretty wet.

4 THE WITNESS: This one didn't.

5 COMMISSIONER MC ANUFF: Can you take us
6 through the exterior cladding of the new drum?

7 What exactly is it?

8 Is it something that we typically see
9 in Hoboken now or is it something different?

10 THE WITNESS: Well, it's something that
11 I like to use.

12 COMMISSIONER MC ANUFF: Do you have a
13 sample by chance?

14 THE WITNESS: I do.

15 Let me get to the elevation.

16 Well, actually maybe the model is
17 actually the best way to see it. Let me open up the
18 model now.

19 So if I tilt this up, I am getting
20 close. You can see vertical here. Those are seamed
21 lines on metal panels.

22 I have with me a sample of the
23 material. This is called VM Zinc. It's imported
24 from France. It's solid zinc all the way through.

25 THE REPORTER: What is it called?

1 THE WITNESS: It's VM Zinc, just like
2 the letters. It is written right on the back here.

3 It is a solid material like copper. It
4 is not painted. It's a natural material like brick,
5 like slate. It's authentic. It's solid all the way
6 through, and it develops a patina over time, so it
7 doesn't need to be maintained.

8 MR. MATULE: Just for the record, I
9 marked it A-3, and I will pass it around to the
10 Board members.

11 (Exhibit A-3 marked)

12 THE WITNESS: Now, if you want to see
13 this in action, Garden Street Lofts up on 14th
14 Street, there is the old Coconut Building. We put
15 an addition up on the roof and we used the zinc
16 there, too, so you can see it. It is probably five
17 years old already, so you can see what it looks
18 like. It is comparable to copper in its longevity
19 and it's integrity.

20 COMMISSIONER MC ANUFF: And what is the
21 seams going to be?

22 Is that a standing seam or is that a
23 reveal --

24 THE WITNESS: It's a reveal. It's
25 recessed seams.

1 COMMISSIONER MC ANUFF: Was there any
2 consideration to continue the masonry around the new
3 addition or --

4 THE WITNESS: Yeah -- well, no.

5 First of all, it has to be lighter,
6 because I have to support it from the inside.

7 Secondly, the Historic National
8 Guidelines, the Parks Preservation, they don't
9 encourage us to make an extension that looks like it
10 was part of the original building. It is actually
11 supposed to look like it was an intervention, but
12 sensitively designed, so that is kind of what we are
13 approaching.

14 If we took the same brick and bring it
15 back up, somebody might get confused that that was
16 the original design of the building, and it should
17 be clear that this is intervention, and that is why
18 it is not brick.

19 COMMISSIONER FISHER: I have a
20 question.

21 CHAIRMAN AIBEL: Go ahead.

22 COMMISSIONER FISHER: Just to follow up
23 on something Commissioner Greene asked.

24 The -- you haven't done an
25 investigation yet into the integrity of the existing

1 structure, is that what you said?

2 THE WITNESS: Correct.

3 COMMISSIONER FISHER: So once you get
4 in, if it is determined that the walls can't stay
5 vertical without some sort of significant
6 enhancement to them, like do you -- is that going to
7 be part of the process that you are going to do an
8 integrity test that you are going to bring the
9 proper people in that know how to, you know, keep
10 the facade of the building up while you're
11 constructing around it?

12 We had experiences recently, where that
13 wasn't the case.

14 THE WITNESS: Let me respond to that
15 with another exhibit. We will call it Exhibit 6, I
16 think we are up to. This is my fifth one.

17 These are four churches or historic
18 buildings that I have renovated and preserved in the
19 past.

20 This first one on the top left is now
21 called The Abby. We did this in 1986. There are 22
22 units inside of the building, and the entire
23 building was preserved, but we changed the glass.

24 This building I guess now it is what,
25 20 -- 35 years old. It served as a condominium, and

1 we didn't have any collapses. We brought in the
2 right people and I have a good track record.

3 This one we recently completed two
4 years ago. This one has a roof addition.

5 This is called the Vestry. It's also
6 on Bloomfield Street.

7 This is a building that we renovated
8 into, I believe, six units, and it didn't collapse.
9 We made sure we used the right structural engineer
10 to do this.

11 This here is the old Men's Club, the
12 Columbian Club on Bloomfield as well. Bloomfield
13 has a lot of these great buildings, all the more
14 reason why we want to save this one.

15 So this Columbian Club we renovated
16 into four apartments, very large apartments in the
17 '90s, and it is preserved. We saved it.

18 And this one here is on Willow and
19 13th. This here is my office, and this is the
20 church, and I purchased it and I converted it into
21 an office. It is our office, and there is an
22 addition on the back of that, too.

23 Again, a modern sensitive intervention
24 that lets the building be used for a new purpose and
25 saved from the wrecking ball, because if these

1 churches weren't preserved and saved and repurposed,
2 it is likely we would have lost some of them, so it
3 is all the more important.

4 MR. MATULE: I just want to mark this
5 A-4 for the record. It's a rendering.

6 (Exhibit A-4 marked.)

7 THE WITNESS: So my response,
8 Commissioner, is that we will bring in the right
9 people like we have done in the past, and if the
10 building for some reason -- I mean, I have been in
11 the building. I have looked at the walls. I am
12 familiar enough with renovating buildings that I
13 know we can save it, so it is just a matter of
14 designing it properly.

15 The outside of the building will remain
16 self-supporting, like it's been for a hundred years.

17 The new parts in the middle, we will
18 have new footings in the basement, and new columns
19 that come up and support the third and fourth floor,
20 so the new building is not resting on the old
21 foundations. That is the approach we want to take.

22 COMMISSIONER DE GRIM: I have a couple
23 of questions.

24 CHAIRMAN AIBEL: Go ahead.

25 COMMISSIONER DE GRIM: As far as the

1 procedure is concerned when you do one of these
2 buildings, do you fix the facade first and then do
3 the interior of the building or the other way
4 around?

5 THE WITNESS: No. The other way
6 around.

7 COMMISSIONER DE GRIM: And do you do
8 special bracing then to make sure that while you are
9 doing the interior, that the exterior doesn't fall
10 down?

11 THE WITNESS: Of course.

12 COMMISSIONER DE GRIM: Okay.

13 And then just a point of clarification
14 on 9th Street, I believe you pointed to one door
15 being the entrance to one of the ground floor or the
16 basement apartments?

17 THE WITNESS: Yes.

18 COMMISSIONER DE GRIM: And you said
19 that that was the only door.

20 Aren't there two doors on 9th Street?

21 THE WITNESS: Yes. One of them -- yes.
22 Let me go to the plan.

23 COMMISSIONER DE GRIM: That second door
24 is going to be usable as well?

25 THE WITNESS: I think this apartment on

1 the left, the corner unit, has the main stair that
2 comes up, and it also has an exit that uses the
3 other stairs --

4 COMMISSIONER DE GRIM: So there is that
5 second door --

6 THE WITNESS: -- so it goes to the same
7 place, and it is going to be used, and this is the
8 other one over here.

9 COMMISSIONER DE GRIM: That's fine.

10 Thank you.

11 CHAIRMAN AIBEL: Mr. Grana?

12 COMMISSIONER GRANA: Mr. Marchetto, a
13 couple questions -- actually more than a couple.

14 Is this building on the network for
15 historic preservation or not?

16 THE WITNESS: I think it is, yes.

17 COMMISSIONER GRANA: How does that --
18 how does that status inform what you can and cannot
19 do to the structure?

20 THE WITNESS: Well, I believe it has to
21 do with using public funds.

22 So if we were to take public funds for
23 historic tax credits and things like that, I think
24 that there would be more supervision, but that is
25 not my expertise.

1 Again, I have a historic consultant
2 here who might be able to get a more specific answer
3 for you.

4 COMMISSIONER GRANA: I will save the
5 question.

6 THE WITNESS: That's all I can say.

7 COMMISSIONER GRANA: I will save the
8 question.

9 The -- just doing a site visit, stained
10 glass is a significant part of the structure.

11 What were the architectural decisions
12 that were made to not try to keep those in place and
13 reuse them in some fashion with the redevelopment?

14 THE WITNESS: Well, because it is going
15 to be a residential use.

16 So if you have a residential use in a
17 bedroom or living room, you want to be able to see
18 outside. Those are obscure windows, right?

19 They have colored glass, and they have
20 figurines in them and flowers, so, you know, if
21 you're going to sell condominiums, you might not be
22 able to market them the way you wanted with that
23 kind of glass in them.

24 COMMISSIONER GRANA: Okay. Thank you.

25 The material that was chosen, I

1 understand that there is a desire to keep a
2 distinction between things that are newly
3 constructed versus an existing structure.

4 Why the coloration of this material?

5 Was it designed to be -- I mean, it is
6 markedly a different color I would say --

7 THE WITNESS: Well --

8 COMMISSIONER GRANA: -- it's designed
9 to contrast the -- show the contrast of the new
10 structure, it's to be neutral?

11 I am trying to understand the
12 architecture.

13 THE WITNESS: Yes.

14 Well, the roof that's there now is
15 slate, and it is a blue-gray color slate, and so
16 this is occupying where the old roof used to be, so
17 I thought it was an appropriate color because it
18 matches the slate.

19 COMMISSIONER GRANA: So what would be
20 the color of the new roofing material that's going
21 to sit on top of the structure?

22 THE WITNESS: It's slate.

23 COMMISSIONER GRANA: It will be slate?

24 THE WITNESS: Yeah.

25 COMMISSIONER GRANA: Okay. The

1 coloration of the zinc will develop patina over
2 time?

3 THE WITNESS: Yes.

4 COMMISSIONER GRANA: What is the
5 coloration when that patina forms?

6 Is it a similar color?

7 THE WITNESS: Yes. It doesn't change
8 like cooper to green, but it just stays gray,
9 but, you know, it just has a natural patina.

10 The best -- it is hard to describe
11 because it's still gray, but if you go up to look at
12 the Garden Street Lofts, you can see exactly what it
13 is.

14 COMMISSIONER GRANA: You just showed us
15 Exhibit A-4, which had a number of renovations.

16 THE WITNESS: This?

17 COMMISSIONER GRANA: Yeah.

18 I guess one of the things that I note
19 that is similar in all of these, but different from
20 this, but I wanted to argue this is sensitive, is
21 that a historical structure really stands out in all
22 of these -- in all of this work.

23 On this redevelopment here, it is quite
24 clearly to me that visually, it is an older
25 structure with a new structure attached, so it is

1 visually very different to me than these four.

2 Is there a reason why we would decide
3 to do that?

4 THE WITNESS: Yes.

5 COMMISSIONER GRANA: I mean, this is a
6 strategy, why a different strategy?

7 THE WITNESS: All of these structures
8 are rectangular. It is very simple to take a
9 rectangular building, put a corridor down the middle
10 and put apartments.

11 But this is a much more difficult
12 challenge and requires a very different
13 intervention, and I would submit to you that when
14 you walk by this building, it is the facades and the
15 tower that is clearly the most dominant feature as
16 you're passing by. That's what you see. You look
17 at the facades. They go up three stories with
18 gables, and the tower is upwards of 50-some feet.

19 The roof is the one place that is,
20 let's say, less noble than the rest of the building,
21 and that is one place where I would have to go up
22 and add space to the building.

23 I cannot in this circular structure put
24 the square footage that I need to match what the six
25 apartments would be requiring, so I have to expand

1 the building.

2 COMMISSIONER GRANA: Those are my
3 initial questions.

4 Thank you.

5 CHAIRMAN AIBEL: Thank you.

6 Anybody else?

7 COMMISSIONER MC ANUFF: I just have one
8 follow-up question.

9 The tower, who owns -- I am assuming
10 Unit 5 owns that space on the top of it, is that
11 correct?

12 THE WITNESS: Unit 5, I am sorry --

13 COMMISSIONER MC ANUFF: Page A-3.

14 THE WITNESS: Who owns the top of the
15 tower?

16 Yes. It is connected to Unit 5.

17 COMMISSIONER MC ANUFF: Okay. Thank
18 you.

19 COMMISSIONER BRANCIFORTE: Dean --
20 Dean, on Sheet A-1 --

21 THE WITNESS: Yes.

22 COMMISSIONER BRANCIFORTE: Without
23 comparing it to what is on that projection, so the
24 apartment that is shown on A-1, the windows are the
25 windows there on the ground floor on the sidewalk --

1 THE WITNESS: Yes.

2 COMMISSIONER BRANCIFORTE: -- the three
3 there --

4 THE WITNESS: Yes.

5 COMMISSIONER BRANCIFORTE: -- the
6 sidewalk that's there now, is it concrete or slate?

7 THE WITNESS: Concrete.

8 COMMISSIONER BRANCIFORTE: And you are
9 replacing the sidewalk all of it --

10 THE WITNESS: Yes.

11 COMMISSIONER BRANCIFORTE: -- all the
12 way around, not just in front, but all the way
13 around the building?

14 THE WITNESS: Let me check the plan. I
15 don't remember.

16 Replace the existing sidewalk and curb
17 adjacent to the project, so yes, we're going to
18 replace it.

19 COMMISSIONER BRANCIFORTE: All of it?

20 THE WITNESS: All of it.

21 COMMISSIONER BRANCIFORTE: Yeah, okay.
22 On 9th Street and Bloomfield. Okay.

23 THE WITNESS: That's correct.

24 COMMISSIONER BRANCIFORTE: Where are
25 the roof decks, what floor?

1 THE WITNESS: The roof of the third
2 floor.

3 COMMISSIONER BRANCIFORTE: The roof of
4 the third floor --

5 THE WITNESS: So here you can see it in
6 the model. There is one.

7 COMMISSIONER BRANCIFORTE: Right I see
8 it there --

9 THE WITNESS: Here --

10 COMMISSIONER BRANCIFORTE: -- but they
11 are not really well marked on A-3. That is why I
12 asked.

13 COMMISSIONER MC ANUFF: They're
14 actually on the fourth floor, I believe.

15 COMMISSIONER FISHER: On the fourth
16 floor -- the roof of the third, but they're on --
17 they're on the fourth --

18 COMMISSIONER BRANCIFORTE: Well --

19 THE WITNESS: Yes.

20 So if you look at Page A-3, the fourth
21 floor plan you, can see these four spaces around the
22 perimeter of the building with the grains in them.
23 These are deck grains.

24 COMMISSIONER BRANCIFORTE: They weren't
25 that clearly marked for me. That is why I asked.

1 Did you get the letter from Eileen
2 Banyra?

3 I guess she asked a lot of questions of
4 the architect, the July 8th letter.

5 THE WITNESS: Yes.

6 COMMISSIONER BRANCIFORTE: Did you get
7 that?

8 THE WITNESS: I did.

9 COMMISSIONER BRANCIFORTE: I mean, she
10 asked -- unfortunately, she is not here tonight, but
11 I mean, there is probably -- not probably -- there
12 were 20 questions or 20 issues that she wanted
13 addressed. I am not sure where we stand on these
14 now.

15 Like, for instance, there is a question
16 about bike storage.

17 Well, where is the bike storage?

18 Is there any bike storage?

19 THE WITNESS: In the units. There is
20 no extra closets or basement or anything for bike
21 storage. So these six unit owners will have to
22 bring them into their units.

23 COMMISSIONER BRANCIFORTE: And so there
24 is no -- there is no -- no plan for a bike rack
25 within the property on the sidewalk or something?

1 THE WITNESS: I don't see why we
2 couldn't do it, but there is a no plan for it now.
3 If it is something that -- if it's on public
4 property, if the Board wants to do it, we can
5 inquire and see if we can get a bike rack out in
6 front of the building.

7 I think it is a historic building, and
8 to put a bike rack right in front of the yard, let's
9 say, I am not sure that would be a sensitive
10 response.

11 COMMISSIONER BRANCIFORTE: Yeah.

12 On the other hand, I am afraid that
13 people are going to start locking their bikes up,
14 you know, on the sidewalk -- along the sidewalk and
15 start blocking the sidewalk, on the other hand.
16 That is why I would rather see storage inside.

17 THE WITNESS: Well, I think we can put
18 some kind of language in the deed that prevents
19 that.

20 COMMISSIONER BRANCIFORTE: Hum, I guess
21 that is it unless -- those are the only questions I
22 have really.

23 CHAIRMAN AIBEL: Okay. Great.

24 Let me ask the professionals do you
25 have any questions?

1 MS. RUSSELL: Yes. I had several
2 things that haven't been addressed yet on behalf of
3 Eileen.

4 I have several questions about the
5 windows.

6 THE WITNESS: Yes.

7 MS. RUSSELL: First, I wanted to
8 clarify and have the Board consider as a condition
9 that, if you agree, that the windows aren't going to
10 be enlarged or decreased in size. The voids are
11 actually going to remain the size that they are
12 today, correct?

13 THE WITNESS: Agreed.

14 MS. RUSSELL: Okay.

15 Now, I understand why you are getting
16 rid of the stained glass, but there are examples of
17 adaptive reuses that have retained it.

18 Have you considered any of those, and
19 maybe there are scenarios and their circumstances
20 are different, but it has been done.

21 THE WITNESS: The decision that was
22 made, marketing told us that they would be
23 detrimental to marketing, so --

24 MS. RUSSELL: Okay.

25 Can you go over on the elevations, and

1 it may be easier on your drawings, rather than the
2 rendering, how the floor plate intersects the
3 windows, because it appears that the existing
4 two-story windows are going to have a new mezzanine
5 cutting through them.

6 THE WITNESS: That is correct, and that
7 is what this band is. The floor line occurs right
8 here. This is where the sanctuary floor is down
9 here, and it goes up to the ceiling and the second
10 level of the duplex is up here, so --

11 MS. RUSSELL: What is that band?

12 THE WITNESS: The spandrel.

13 MS. RUSSELL: I mean, is it going -

14 THE WITNESS: Let me see. It may be
15 listed on the drawings --

16 MS. RUSSELL: It happens on --

17 THE WITNESS: -- it is not clear, if
18 that is the question, it is not clear. It is a
19 solid material.

20 MS. RUSSELL: I understand. But you
21 can't just have a floor plate come up to the window.
22 There are fire code issues, so there is some way
23 that you are going to bring that floor to the base
24 of the wall --

25 THE WITNESS: Correct --

1 MS. RUSSELL: -- right --

2 THE WITNESS: -- the floor beams will
3 come into the window, and then it will have a panel
4 on the outside. I believe it is a panel. Let me
5 just see if I speced that out.

6 It is part of the window system. In
7 other words, there is a window frame that goes
8 around, and that framing material, which is metal,
9 will occupy the space where the floor is, and then
10 the windows will start from the floor and go up and
11 start from the ceiling and go down.

12 COMMISSIONER FISHER: So it would be
13 two separate window panels?

14 THE WITNESS: Correct, in one frame,
15 one opening, so it still feels like it is the
16 original opening, but the glass inside will be
17 divided into two levels.

18 MS. RUSSELL: I'm sorry.

19 On the existing entry, and in
20 particular, the primary -- the existing primary
21 entry at the corner, those doors, typical to
22 Richardson Romanesque are set back deep within the
23 plane of the facade --

24 THE WITNESS: Yes.

25 MS. RUSSELL: -- will that setback

1 remain, because it looked like it was reduced. It
2 looked like the doors were pulled more to the base
3 of the building.

4 THE WITNESS: Well, no. What we have
5 done in response to Eileen's question was recessed
6 the door here on the entrance.

7 When we first designed this, it was
8 probably just a slip. This main entrance door here,
9 if I could get past this tree, you see it was flush
10 out, and we set it back.

11 MS. RUSSELL: What -- what actually the
12 question was pertaining to was the one at the grand
13 staircase, the door at the corner.

14 THE WITNESS: I am going to keep them
15 set back as they are.

16 MS. RUSSELL: You are?

17 THE WITNESS: Yes.

18 You see that recess here?

19 MS. RUSSELL: Okay. The reason that it
20 was brought up is because the floor plans didn't
21 look quite as deep as it looked at the site visit,
22 so I just wanted confirmation on that.

23 THE WITNESS: Okay. Let me look at the
24 photo.

25 Yes. It is deeper in reality. We will

1 set it back. I looked at the photograph --

2 MS. RUSSELL: Keep the existing
3 setback, okay?

4 THE WITNESS: Yes, we will do that.

5 MS. RUSSELL: Thank you.

6 Also, on -- I understand the decks on
7 the fourth floor, there appeared to possibly be one
8 roof deck on the third floor. I couldn't tell if
9 that just was for access or if that was actually --

10 THE WITNESS: It is. It's for roof
11 access.

12 Does that answer your question?

13 MS. RUSSELL: Yes, yes.

14 THE WITNESS: It is a roof access.

15 MS. RUSSELL: And I think last, but not
16 least, have you added the landscaping details that
17 Eileen was looking for?

18 I know there was just perimeter
19 landscaping along those street fronts, but at the
20 time there was no indication of species or caliber
21 and type of details.

22 THE WITNESS: Let me just see.

23 These drawings were re-issued after the
24 ARC comments on June 1st.

25 MS. RUSSELL: Uh-huh.

1 THE WITNESS: I believe her letter is
2 dated July 8th, and then reissued August 6th, so
3 these drawings have not been updated since that
4 time.

5 However, we could -- I don't think that
6 there are actual tree species, but whatever the
7 Shade Tree Commission allows us to use as far as on
8 the permitted tree list, we are happy to comply.

9 MR. GALVIN: Here is what I recommend,
10 that the landscaping plan is to be submitted to the
11 Board's Planner for her review and approval.

12 THE WITNESS: Fine.

13 MR. GALVIN: And you will work out what
14 you have to do with the Shade Tree Commission, and
15 you will present that to Eileen, and if she agrees,
16 you are good to go.

17 MS. RUSSELL: One more, I'm sorry.

18 THE WITNESS: Yes.

19 MS. RUSSELL: I like how you had
20 bisected the existing sanctuary like sort of a
21 mezzanine to make that two stories.

22 Was there any consideration for doing
23 that to the lantern or copula that already exists
24 rather than tearing that down and building the new
25 addition on top, so taking the existing height and

1 bisecting that as opposed to the new structure?

2 THE WITNESS: I want to make sure I
3 understand your question. Let me go back here and
4 look at this and put in the existing building.

5 MS. RUSSELL: So was there any
6 consideration to just use the square lantern on top,
7 where your pointer is, and perhaps lowering some of
8 the roof and putting the living space in there
9 rather than building a new addition on top?

10 THE WITNESS: Well, we couldn't find
11 the windows to get in.

12 MS. RUSSELL: Well there are windows
13 behind that facade of the square.

14 THE WITNESS: Behind this?

15 MS. RUSSELL: Yes.

16 THE WITNESS: Yes, but I couldn't get
17 at them. They are at the wrong height.

18 MS. RUSSELL: I am asking if you could
19 have put floors in there to bring the living space
20 up to those windows?

21 THE WITNESS: And remove this roof?

22 MS. RUSSELL: I'm not sure. I am not
23 an architect.

24 (Laughter)

25 I'm just trying to figure out if there

1 was a way to accomplish floor space while doing a
2 minimal amount of disruption to the roof line.

3 THE WITNESS: There was not.

4 MS. RUSSELL: Okay.

5 CHAIRMAN AIBEL: Was there any
6 consideration to lowering the floor?

7 THE WITNESS: Excuse me?

8 CHAIRMAN AIBEL: Was there any
9 consideration to lowering a floor?

10 THE WITNESS: No.

11 MS. RUSSELL: That is all I have.

12 CHAIRMAN AIBEL: I guess I would like
13 to open it up to the public.

14 COMMISSIONER MC ANUFF: Well, can I
15 just have a follow-up question?

16 CHAIRMAN AIBEL: Go ahead. Okay.

17 COMMISSIONER MC ANUFF: Can you just
18 tell us the height of the window from the base to
19 the top of the arch -- the height of the windows,
20 the arch windows, what is the height of those?

21 THE WITNESS: These windows here?

22 COMMISSIONER MC ANUFF: Yes.

23 THE WITNESS: Okay. Let me just see.

24 COMMISSIONER MC ANUFF: No, no, no.
25 after the spandrel. Above --

1 THE WITNESS: Here?

2 COMMISSIONER MC ANUFF: Yes, that whole
3 panel.

4 THE WITNESS: Six foot seven.

5 COMMISSIONER MC ANUFF: Okay.

6 Thank you.

7 CHAIRMAN AIBEL: Jeff?

8 MR. MARSDEN: Yes.

9 Was I correct in you saying that you
10 are not in the flood plain?

11 THE WITNESS: Yes.

12 MR. MARSDEN: Did you look at the
13 survey?

14 THE WITNESS: No. We went to the flood
15 manager, who made the determination that we weren't
16 in the flood zone.

17 COMMISSIONER MARKS: Did she have the
18 survey?

19 THE WITNESS: Of course.

20 MR. MARSDEN: Because the elevations on
21 the survey say 10.5. Elevation 12 is the flood, so
22 you are 18 inches along Bloomfield.

23 Now, the question I have is: Are there
24 any staircases going through this integrated
25 sidewalk down to the basement?

1 THE WITNESS: There is one now, but it
2 is going to be closed.

3 MR. MARSDEN: And then the windows are
4 recessed, so they would be -- and then the first --
5 the ground floor, the basement floor is below the
6 flood plain.

7 THE WITNESS: The basement floor is
8 below the flood -- yes, but the property is out of
9 the flood zone according to the flood plain --

10 MR. MATULE: If I can, Mr. Marsden, I
11 don't know if you got a copy of this, but --

12 MR. MARSDEN: I got the letter, yes.

13 MR. MATULE: -- from Ms. -- the July
14 14th letter?

15 MR. GALVIN: I think what Jeff is
16 suggesting is it might be wrong.

17 MR. MATULE: From Ann Holtzman?

18 MR. MARSDEN: Well, she recognizes that
19 it is below the flood plain, and she says that
20 chances of getting flood insurance are going to be
21 minimal on their basement units.

22 THE WITNESS: But it is in the X Zone,
23 which is permitted.

24 MR. MARSDEN: Well, the map itself is
25 based on an aerial photograph looking and assuming

1 grades.

2 The survey actually gives you real
3 elevations, and that's why you get an elevation
4 certification, because even the elevation cert says
5 you are at Elevation 11 at the lowest point of the
6 outside grade. So you mean you're still -- the
7 sidewalk is a foot below grade -- flood elevation
8 along from Bloomfield, and that is my concern.

9 I would probably ask to meet with Ann
10 and make sure everybody is on the same page --

11 THE WITNESS: Fine.

12 MR. MARSDEN: -- because I don't think
13 that if it was submitted to DEP with Ann's
14 approval --

15 CHAIRMAN AIBEL: Okay. Board members?

16 MR. GALVIN: What is the number -- how
17 many -- you said you are going preserve some stained
18 glass windows --

19 THE WITNESS: Yes.

20 MR. GALVIN: -- but you didn't really
21 give us a number. Do you know?

22 Did he say six and I messed it up?

23 MR. MATULE: If I might, just to be
24 expedient, in the report from Heritage Design, they
25 said there are nine stained glass windows, nine

1 leaded and stained glass windows, six of which will
2 be reinstalled in the lobby corridor.

3 MR. GALVIN: Okay. I had six, but I
4 was not confident with that.

5 Okay. Thanks. Sorry. Thank you.

6 COMMISSIONER BRANCIFORTE: So what
7 happens to the other three, if there's --

8 COMMISSIONER DE GRIM: They're going to
9 be salvaged.

10 COMMISSIONER BRANCIFORTE: -- they are
11 going to be salvaged, not to be held onto the
12 building --

13 MR. MATULE: They'll be --

14 COMMISSIONER BRANCIFORTE: -- sold --

15 MR. GALVIN: -- sold or whatever, yes.

16 CHAIRMAN AIBEL: I would --

17 THE WITNESS: The --

18 CHAIRMAN AIBEL: -- I would like to
19 open it up to the public for questions for Mr.
20 Marchetto.

21 MR. GALVIN: You already have a picture
22 of all of those windows on the plan.

23 THE WITNESS: That's in the historic
24 application.

25 MR. GALVIN: The ones that are -- okay,

1 got it. Okay.

2 CHAIRMAN AIBEL: I don't know how many
3 people want to make questions or put questions to
4 Mr. Marchetto, but let's be sensitive to not
5 duplicating work.

6 So does anybody have questions for the
7 architect?

8 Please come forward.

9 MS. ROHTER: Yes.

10 CHAIRMAN AIBEL: You have to state your
11 name and address for the record.

12 MS. ROHTER: Flowie Rohter, I'm at 904
13 Bloomfield.

14 MR. GALVIN: Spell your last name.

15 MS. ROHTER: R-o-h-t-e-r.

16 CHAIRMAN AIBEL: And we are asking
17 questions now. There will be time later for
18 comments.

19 MS. ROHTER: Right.

20 I wanted to know where the water, sewer
21 and gas connections come from.

22 Are they on Bloomfield or are they on
23 9th, and where is the biggest dig-up in the street?

24 THE WITNESS: All three services will
25 come off of Bloomfield Street.

1 MS. ROHTER: Bloomfield.

2 CHAIRMAN AIBEL: Any other questions
3 of Mr. Marchetto?

4 Come forward.

5 MS. TUZMAN: Gail Tuzman, T-u-z-m-a-n,
6 and it's G-a-i-l.

7 And I own 161 9th Street.

8 What is the ceiling height of the
9 units?

10 THE WITNESS: About nine feet.

11 MS. TUZMAN: All nine feet.

12 Was there any type of study of the
13 impact on light and air on the surrounding blocks --

14 THE REPORTER: I'm sorry. Can you talk
15 louder?

16 MS. TUZMAN: Was there any study done
17 on what the impact would be on the light and air on
18 the surrounding properties and blocks and streets?

19 THE WITNESS: The only study that has
20 been done was the comparative model, so you can see
21 the relative bulk between the two.

22 MS. TUZMAN: So we don't know exactly
23 how it is going to affect the actual light on the
24 street --

25 THE WITNESS: Correct.

1 MS. TUZMAN: -- or from the windows of
2 the building? There is nothing --

3 THE WITNESS: There is no specific
4 study, but you can compare the bulk of this building
5 versus the bulk of the existing roof, and I think it
6 is a minimal intervention. It will be light and
7 air. It's set back.

8 You know, so there is no particular
9 study of a report, except that you can see with your
10 own eyes. That is why I did this to make it
11 perfectly clear, so you could see the difference
12 between the two.

13 MS. TUZMAN: Okay.

14 And do you have a view -- I know you
15 have a view right at the corner of 9th and
16 Bloomfield.

17 THE WITNESS: Right.

18 MS. TUZMAN: Do you have a view further
19 down on 9th or further west --

20 THE WITNESS: I could try to --

21 MS. TUZMAN: -- from the street level.
22 I know you have a high one, but from the street.

23 THE WITNESS: Down 9th --

24 MS. TUZMAN: Similar to the view you
25 have from Washington Street down at the street

1 level, but that view was from the street.

2 MR. MATULE: There you go.

3 THE WITNESS: Okay.

4 So my model goes halfway down to
5 Garden, but this is the proposed.

6 This is the existing building.

7 This is the proposal.

8 COMMISSIONER FISHER: No, the other way
9 around.

10 COMMISSIONER GRANA: The other way
11 around, Dean.

12 MS. TUZMAN: What's that?

13 (Laughter)

14 MR. GALVIN: They are actually lowering
15 the roof.

16 MS. TUZMAN: Okay.

17 THE WITNESS: Did I misspeak?

18 COMMISSIONER FISHER: Yes, you did.

19 THE WITNESS: If I did, I am sorry.

20 CHAIRMAN AIBEL: We got it.

21 Please come forward.

22 MR. LUIZZI: Lenny Luizzi, L-u-i-z-z-i,
23 902 Bloomfield Street.

24 And I can answer that lady's question.

25 MR. GALVIN: No, no. We are asking

1 questions now. We're not --

2 MR. LUIZZI: Well, he is lowering the
3 height of the roof. He's making it wider --

4 MR. GALVIN: Stop for a second --

5 MR. LUIZZI: -- right now it's directly
6 across the street --

7 MR. GALVIN: Stop, stop, stop. We are
8 asking questions. So you can say --

9 MR. LUIZZI: Well, my question is --

10 MR. GALVIN: Wait, wait, wait. I am
11 going to help you.

12 MR. LUIZZI: Help me.

13 MR. GALVIN: All right. No. You got a
14 question, go ahead and ask your question. I
15 apologize. Go ahead.

16 I was going to turn your sentence into
17 a question.

18 MR. LUIZZI: My house is directly
19 across the street. It is that tall house, the
20 second house off the corner.

21 THE WITNESS: This one here with the
22 addition on the top?

23 MR. LUIZZI: Yes.

24 As it is now --

25 (Audience talking at once)

1 MR. LUIZZI: Can I talk?

2 As it is now, when the morning sun
3 comes up, the tower --

4 MR. GALVIN: No.

5 MR. LUIZZI: -- casts a shadow on my
6 entire building --

7 MR. GALVIN: Mister --

8 MR. LUIZZI: -- and if he is going to
9 widen the roof, the third floor of my house is going
10 to get less light and air.

11 CHAIRMAN AIBEL: We are only asking
12 questions now. You are going to have a chance at
13 the end --

14 MR. GALVIN: To tell us --

15 CHAIRMAN AIBEL: -- to make your
16 arguments, so it's just the wrong time.

17 MR. LUIZZI: I thought this was the
18 time.

19 MR. GALVIN: No. We are asking
20 questions of the witness.

21 MR. LUIZZI: My question is: How wide
22 are you going to make that extension?

23 CHAIRMAN AIBEL: That is a good
24 question.

25 THE WTINESS: 44 feet.

1 MR. LUIZZI: 44 feet wide?

2 THE WITNESS: No. 44 feet in total.

3 MR. GALVIN: Remember, the conversation
4 is with us, guys, okay?

5 THE WITNESS: So to make it clear, the
6 answer here is: The width of this upper level is 20
7 feet in the middle right in here, 20 feet wide, and
8 44 feet at the widest point.

9 MR. LUIZZI: So that's three lines --

10 MR. GALVIN: Next question.

11 THE WITNESS: 44 feet.

12 MR. GALVIN: Mr. Luizzi, next question.

13 MR. LUIZZI: From the opposite side of
14 the street, our house is at 20 feet wide, so that is
15 900, 902 and 904. Okay.

16 MR. GALVIN: Thank you.

17 CHAIRMAN AIBEL: Mr. Marchetto, can you
18 estimate the increase in volume of the upper floors?
19 Is it double, triple?

20 THE WITNESS: You mean, how much volume
21 is being removed and how much it's putting back?

22 I can't do that at this moment. It is
23 a complex calculation.

24 MR. GALVIN: Is it more or less?

25 THE WITNESS: Let's check it out.

1 It might be slightly more, but I don't
2 know the answer to that, but I am looking at the
3 volume of the roof --

4 MR. GALVIN: No, no. Thank you. You
5 gave me the answer. It's slightly more.

6 Let's get the next question.

7 CHAIRMAN AIBEL: Please come forward.

8 MR. HARTMANN: Greg Hartmann,
9 H-a-r-t-m-a-n-n, 906 Bloomfield Street.

10 Mr. Marchetto, in light of your
11 testimony this evening concerning restoration and
12 historic rehabilitation, what assurances will be
13 provided that contractors of requisite expertise
14 will be used to handle the kind of work that's
15 required, for example, on the masonry, the metal
16 version and so forth?

17 THE WITNESS: What kind of assurance
18 can I give you?

19 We don't have a contractor selected.

20 MR. HARTMANN: Can any assurances be
21 given that --

22 THE WITNESS: Well, all I can say is
23 that we will go out to a set of contractors. We
24 will have qualifications and bid documents, and I am
25 not the owner. I am the architect. I am going to

1 specify what the building needs to be and what has
2 to be fixed. I am not going to build it, but my
3 drawings will indicate what the requirements are.

4 I can't tell you right now who is going
5 to build this, but I imagine we will have a
6 qualified builder.

7 MR. HARTMANN: For the builder, and
8 then the particular expertise --

9 THE WITNESS: For the trades.

10 MR. HARTMANN: -- for the trades --

11 THE WITNESS: Yes.

12 Well, the specs that I can control will
13 require quality workmanship.

14 At this point, you know, once we get a
15 bid sent out, we can interview contractors.

16 It is our intention to use qualified
17 contractors, but again, I am not the owner. I am
18 just the architect, and I will specify the right
19 kind of solutions and repairs and additions that are
20 necessary to build the property.

21 And if the contractor doesn't build it
22 as per the specs, he won't get paid.

23 MR. HARTMANN: Okay.

24 A follow-up question: We heard your
25 testimony in part on possibly performing the

1 historic preservation and the maintenance and, what
2 are the funding sources that will be committed to
3 those expenditures?

4 THE WITNESS: Excuse me?

5 MR. HARTMANN: The source of funding --

6 THE WITNESS: Private capital.

7 MR. HARTMANN: Private capital.

8 Any other details available on that?

9 THE WITNESS: Not that I know of.

10 MR. HARTMANN: So just to be clear, my
11 question goes to the financial feasibility or
12 non-feasibility of the project in light of the
13 public interest in maintaining this sort of a facade
14 and the other work on the building --

15 THE WITNESS: Right. Well --

16 MR. HARTMANN: -- and I would like to
17 know also the third question.

18 Assurances of funds that are available
19 committed to the project to be completed and
20 historic reservation is an integral part of the
21 overall project will be completed, any assurances to
22 be given on every part of that?

23 THE WITNESS: Yes. What we are calling
24 for and the spec that was submitted is part of the
25 application.

1 MR. HARTMANN: And that will be -- can
2 I ask the Chairman -- those assurances and those
3 specifications will be -- that may be read into any
4 resolution that is memorialized?

5 CHAIRMAN AIBEL: They will be built in
6 as conditions in the resolution.

7 MR. HARTMANN: Thank you so much.

8 CHAIRMAN AIBEL: And just to make the
9 comment, if the building can't be built in
10 accordance with the resolutions, the applicant would
11 have to come back to the Board. I will make that
12 very plain.

13 Thank you.

14 Come forward.

15 MS. BECKER: Jean Becker, 1129 Park
16 Avenue.

17 After -- this is going to be
18 condominiums?

19 THE WITNESS: Yes.

20 MS. BECKER: After they are sold, is
21 there anything to prevent the owners of the
22 individual condominiums or the Board from making
23 changes to the facade, such as removing the tower?

24 (Board members confer)

25 CHAIRMAN AIBEL: Did you hear the

1 question?

2 MR. GALVIN: Yes.

3 THE WITNESS: That is a legal question.
4 I can't answer that question.

5 MR. MATULE: I would proffer that
6 any -- there would be controls in any constituent
7 documents, you know, dealing with that, controlling
8 that.

9 I mean, I suppose if the owners of the
10 six condominium units at some point in time wanted
11 to get together and say, we want to tear the
12 building down and put up a new building, that would
13 be within their legal authority to do. I don't know
14 any way legally we could -- we could certainly put
15 language that says in the budget, they have to put
16 aside sufficient funds to maintain the facade of the
17 building. But I don't know that you could have an
18 enforceable deed restriction that says that you
19 could never change the exterior of the building.

20 I mean, I certainly wouldn't have a
21 problem putting it in the documents. I just don't
22 know how enforceable it would be long-term.

23 That is all I can say.

24 I wouldn't be adverse to having a
25 condition in a resolution to the effect that if they

1 wanted to make any substantial changes to the
2 exterior, they would have to come back to the
3 Historic Commission and to the city, but I don't
4 know short of that what we can do.

5 MR. GALVIN: I mean, if you think about
6 it, it is the whole basis that you would get an
7 approval is that you are preserving that building,
8 and so we are giving you a little latitude for
9 height in order to get the preservation of the
10 structure, right?

11 MR. MATULE: No, I understand.

12 And like I said, language would be
13 built in any constituent documents that required the
14 association to maintain the exterior of the
15 building, you know, appropriately, but I am just
16 taking the absolutely worst case hypothetical.

17 MR. GALVIN: A future Board or a future
18 governing body can undo any deed restrictions. It
19 would depend on the circumstances. I marked it
20 down.

21 CHAIRMAN AIBEL: Please come forward.

22 COMMISSIONER BRANCIFORTE: Dean, on
23 your projection, can you just go from existing to
24 proposed?

25 (Witness complies)

1 COMMISSIONER BRANCIFORTE: Thank you.

2 MS. ONDREJKA: Mary Ondrejka. That's
3 O-n-d-r-e-j-k-a, 159 9th Street.

4 Regarding the repairs to the bricks,
5 mainly that is a cosmetic repair, correct?

6 THE WITNESS: I wouldn't say so.

7 MS. ONDREJKA: And you are only going
8 to repair the bricks that really need to be
9 repaired.

10 I am kind of worried you are not going
11 to tear down the whole facade down.

12 THE WITNESS: No. That is not our
13 intention.

14 MS. ONDREJKA: Because how are they are
15 going to replace color of the brick?

16 Is that going to be very, you know,
17 sensitively done?

18 THE WITNESS: Yes. We have a
19 preservation specialist who is trained in specifying
20 these kinds of things.

21 MS. ONDREJKA: Right, because the brick
22 is from 1890, so we kind of want to keep as many
23 1890 bricks on there as possible.

24 THE WITNESS: Yes, yes.

25 MS. ONDREJKA: Okay. Will you -- my

1 understanding is: You will extend that circular
2 shape all the way up to the fourth floor?

3 THE WITNESS: It will be up to the
4 floor of the fourth floor, correct.

5 MS. ONDREJKA: All right.

6 Now, the extension, the two floor
7 extension is obviously another color.

8 Wouldn't it be less of an eyesore to
9 blend it in with this color?

10 THE WITNESS: I don't think so.

11 MS. ONDREJKA: Well, I think so.

12 (Laughter)

13 THE WITNESS: I think it would get
14 pretty confusing.

15 MS. ONDREJKA: Because it obviously
16 like a structure -- well, never mind.

17 Questions only.

18 CHAIRMAN AIBEL: That's right, yes,

19 MR. GALVIN: Thank you.

20 MS. ONDREJKA: So all together with the
21 basement floor, which is not a basement, it is
22 really like a garden apartment, would be five
23 floors?

24 THE WITNESS: Four stories and a
25 basement.

1 MS. ONDREJKA: That is five floors,
2 okay. All right.

3 The door with the gate, the beautiful
4 wrought iron gate on 9th Street on the south side of
5 the building, you didn't specify what would happen
6 to that.

7 You specified three entrances would be
8 used.

9 It is this one right here.

10 Right now you can go in this one that's
11 here --

12 THE WITNESS: Yes.

13 MS. ONDREJKA: -- you didn't tell us
14 what you were going to do with that, or how it is
15 going to be used. It sounds like you're going to
16 close it off?

17 THE WITNESS: No. It is still going to
18 be used. The gate is going to be restored,
19 repaired, rehung, and it's going to be used as an
20 exit for Apartment Number 1.

21 MS. ONDREJKA: So then there is four
22 entrances?

23 THE WITNESS: One's an exist -- there
24 is three entrances and an exit.

25 MS. ONDREJKA: Which one is the exit?

1 THE WITNESS: This one that you are
2 referring to.

3 MS. ONDREJKA: The big one?

4 You can only go out, you can't go in.

5 THE WITNESS: Well, I guess you can go
6 in.

7 (Laughter)

8 MS. ONDREJKA: Well, I don't know why
9 not. I mean, you can go in now.

10 THE WITNESS: If the people decide they
11 want to go in that the; door, it's --

12 MS. ONDREJKA: So right now there is
13 four entrances, okay?

14 THE WITNESS: Yes.

15 MS. ONDREJKA: Now, the basement door
16 that's right here, I believe that's a door --

17 THE WITNESS: Yes.

18 MS. ONDREJKA: -- that's to be blocked
19 off?

20 THE WITNESS: That will be turned into
21 a window.

22 MS. ONDREJKA: A window?

23 THE WITNESS: Yes.

24 MS. ONDREJKA: And isn't there a door
25 over here -- there is a door here, but isn't there a

1 door down here -- no, maybe not --

2 THE WITNESS: No.

3 MS. ONDREJKA: -- no, there is not.

4 Okay.

5 Now, you got four bedrooms in one of
6 the units. That is really pushing it, in my
7 opinion, because I was just curious.

8 The square footage on average seems to
9 be, I saw Unit 1 was 1400, and you have a 1365 --
10 and Units 3 and 4, I didn't get -- didn't stop on
11 that one -- but Unit 5 is 1,120 square footage, but
12 you had a total square footage.

13 Is that just one of the floors? That's
14 the three-bedroom.

15 THE WITNESS: I have a unit breakdown
16 here on the drawings.

17 MS. ONDREJKA: What is the total square
18 footage on Unit 5?

19 THE WITNESS: Hold on.

20 MS. ONDREJKA: I wrote a number 1120,
21 but I think that is only for one of the floors.

22 MR. MATULE: It is on A-2. Look on
23 A-2.

24 THE WITNESS: Oh, here it is.

25 I got two units that are two-bedrooms.

1 One is 1365, and one is 1400.

2 I got two units that are
3 three-bedrooms. One is 2,030, and another one is
4 2545.

5 MS. ONDREJKA: Okay. The four-bedroom
6 one.

7 THE WITNESS: I have two four-bedroom
8 units. One is 2,065, and the other one is 2,230.

9 MS. ONDREJKA: Okay. Now, that is
10 amazing.

11 You have four-bedrooms -- those
12 bedrooms are going to be quite small.

13 What is the average size of a
14 four-bedroom in the total 2850 unit, because that is
15 a circular structure -- the duplexes are both
16 circular except that the second duplex has the
17 Mansard roof squared off the top, correct?

18 THE WITNESS: What --

19 MS. ONDREJKA: One duplex is circular
20 completed, and one duplex is half circular and half
21 square.

22 THE WITNESS: No.

23 MS. ONDREJKA: No?

24 THE WITNESS: Each one of the upper
25 duplexes is half of the circle and half of the

1 square shape on the top.

2 Maybe it is easier to show you here.

3 MS. ONDREJKA: Show me.

4 THE WITNESS: If I look down from the
5 top --

6 MS. ONDREJKA: Okay. Show me the first
7 duplex.

8 THE WITNESS: This is the lower level
9 of the duplex, and this is the upper level of the
10 duplex, and the same thing happens on the other
11 side.

12 MS. ONDREJKA: Okay. But the upper
13 level has no circular floor plan.

14 THE WITNESS: Correct.

15 MS. ONDREJKA: Okay.

16 The first duplex does.

17 THE WITNESS: You mean the lower level?

18 MS. ONDREJKA: The lower level, that's
19 what I was trying to say.

20 THE WITNESS: Yes, and you can see it
21 on the floor plan.

22 MS. ONDREJKA: Okay. Because that's
23 why -- but you said it was smaller going up.

24 CHAIRMAN AIBEL: Okay. Are we getting
25 to a point?

1 MS. ONDREJKA: Yes. I was trying to
2 understand how they are going to fit four bedrooms
3 in there without being closets.

4 Okay. The roof decks, How many are
5 there?

6 THE WITNESS: There are -- I believe
7 there are four.

8 MS. ONDREJKA: How many?

9 THE WITNESS: Four.

10 MS. ONDREJKA: Four.

11 And that's for unit what?

12 THE WITNESS: That's for the two upper
13 duplexes.

14 MS. ONDREJKA: Okay.

15 And that starts on literally the third
16 floor?

17 THE WITNESS: Yes.

18 MS. ONDREJKA: Okay.

19 I noticed from your drawing that the
20 deck looks like a wall.

21 You know, usually decks are kind of
22 open.

23 Is this all solid?

24 THE WITNESS: Yes. There is a railing.

25 MS. ONDREJKA: So you won't see the

1 people from the street?

2 THE WITNESS: No.

3 MS. ONDREJKA: Well, that is good.

4 Okay.

5 THE WITNESS: It hides the furniture --

6 MS. ONDREJKA: Right. That's good.

7 that would be an eyesore, too.

8 Hum, I will take the other windows if

9 you have extra.

10 (Laughter)

11 MR. MATULE: Was that a question?

12 CHAIRMAN AIBEL: No. We need a

13 question.

14 MR. GALVIN: That was a question.

15 (Audience and Board members all talking
16 at once.)

17 MS. ONDREJKA: All right. Now this is
18 a zoning question.

19 Since this is a nonconforming
20 structure, and for -- since 1890, it has been a
21 church of some denomination and went up to 2012, I
22 believe.

23 How is it that you are allowed to go up
24 two more floors because it is now higher than the
25 brownstones -- the homes next to it on Bloomfield,

1 and it is going to be almost as high as the
2 one-story -- the one across the street -- how is it
3 that you are allowed to -- what in the zoning law --
4 can you answer this question, or am I asking the
5 wrong person?

6 What is allowing you to go up two
7 floors?

8 THE WITNESS: We are making an
9 application in front of the Board for permission to
10 build this. That is why we are here.

11 MS. ONDREJKA: You need the variance.

12 THE WITNESS: We need permission to do
13 this.

14 MS. ONDREJKA: Okay. So you're just
15 hoping for that.

16 MR. GALVIN: There is another witness,
17 though that will address the proofs for that, Mr.
18 Ochab.

19 MS. ONDREJKA: Okay. All right.
20 that's good.

21 THE WITNESS: Let me also finish my
22 answer.

23 MS. ONDREJKA: Sure.

24 THE WITNESS: In order to preserve this
25 building, a certain amount of development has to

1 happen to pay for it.

2 The building was sold at I think it was
3 \$2 million --

4 MS. ONDREJKA: No, it wasn't.

5 THE WITNESS: That is what my
6 information was.

7 MS. ONDREJKA: 1.2 I thought.

8 THE WITNESS: That is not the
9 information I got.

10 MS. ONDREJKA: Okay. Well, I got it.

11 THE WITNESS: We expect to spend over a
12 million dollars to restore it --

13 MS. ONDREJKA: That's pretty sad.

14 THE WITNESS: -- so what I am saying to
15 you is in order to create enough value in the
16 building to preserve it, there has to be a certain
17 amount of revenue that building can make, and that
18 is what adaptive reuse is.

19 It provides for reusing a building to
20 create a value that generates the funds to save the
21 building and restore it, so that is what we have to
22 do.

23 I mean, it would be --

24 MS. ONDREJKA: So you could --

25 THE WITNESS: -- let me finish.

1 It would be great for everybody, if we
2 didn't have to expand this building and just restore
3 it as a monument somehow. But it has been for sale
4 for so long. There it no church buying it. It is
5 in disrepair, and in order to save this building,
6 this is the kind of thing that needs to be done.

7 And if it can't be done, the building
8 can't be saved, and so that is why I am presenting
9 to you a plan that expands the building, and we
10 tried to do it as a compromise in a sensitive way
11 that makes sense with the building, but still allows
12 the funds to pay for it.

13 MS. ONDREJKA: Okay.

14 You have six units now.

15 THE WITNESS: Yes.

16 MS. ONDREJKA: It is not feasible for
17 four?

18 THE WITNESS: No.

19 MS. ONDREJKA: Okay.

20 Because of the nature of the circular
21 plan, and I'll get in there, I can't remember -- are
22 there beams in that circular area that hold up the
23 structure in the center?

24 THE WITNESS: I think there is some
25 brackets, some wooden brackets.

1 MS. ONDREJKA: I think -- right.

2 When there is demolition, is there any
3 chance that you are going to destabilize the
4 structure?

5 THE WITNESS: Well, no, we don't plan
6 to destabilize it.

7 MS. ONDREJKA: I know you don't plan
8 to, but sometimes that does happen.

9 THE WITNESS: Anything could happen,
10 but, you know, we will make sure that we have the
11 right design in there, so it doesn't happen.

12 I've had, like I said, success with
13 four others.

14 MS. ONDREJKA: Okay.

15 Unit 5 you said has the tower.

16 Does each of the units have some
17 section of the tower -- the tower near the front --

18 THE WITNESS: I --

19 MS. ONDREJKA: -- so what happens to
20 the bottom of the tower?

21 THE WITNESS: -- okay. Two units have
22 access to the --

23 MS. ONDREJKA: That is the third and
24 fourth?

25 THE WITNESS: That is the corner unit

1 on the ground floor right here --

2 MS. ONDREJKA: Yes, uh-huh.

3 THE WITNESS: -- this -- this piece in
4 the tower is the entry vestibule for this apartment.

5 As soon as you get to this level, I
6 believe there is a bathroom in this part of the
7 turret, and then when you get up in here, it
8 connects to this floor, and you can go up inside of
9 here and --

10 MS. ONDREJKA: Oh, okay. So only one
11 unit really has use of this whole thing.

12 THE WITNESS: No.

13 The lower unit down here --

14 MS. ONDREJKA: One here --

15 THE WITNESS: -- that's to the bottom
16 of the tower, the upper unit has the upper part of
17 the tower.

18 MS. ONDREJKA: Oh, so it's two units
19 that has it?

20 THE WITNESS: Yes.

21 MS. ONDREJKA: All right.

22 Now, the windows -- the windows that
23 the arch is right here, this basically is covering
24 and concealing the floor.

25 THE WITNESS: Correct.

1 MS. ONDREJKA: So you are going to have
2 a window starting at the base going up six feet
3 going --

4 THE WITNESS: Yes.

5 MS. ONDREJKA: -- seven-five --okay.

6 How many new windows are going to be
7 added to the new structure added in the center of
8 the building?

9 THE WITNESS: You mean the new
10 addition?

11 MS. ONDREJKA: Yeah, the new addition.

12 THE WITNESS: How many new windows?

13 MS. ONDREJKA: How many windows?

14 THE WITNESS: I don't know. I have to
15 add them up. There's a real number on the plan. I
16 just have to add them up. I have them counted --

17 MS. ONDREJKA: Well, yeah. That is the
18 number I would like to know.

19 THE WITNESS: Okay. I will write it
20 down, and maybe by the end of the night, I will be
21 able to have it for you.

22 MS. ONDREJKA: Okay.

23 Hum, one of the problems that I had
24 with this is the lighting.

25 First of all, what kind of lighting --

1 now I live around fronting Vestry, so I saw what was
2 down there. That was your building, I believe you
3 said, right?

4 THE WITNESS: Yes.

5 MS. ONDREJKA: What kind of exterior
6 lighting are you going to add to the building,
7 because you know, all of these homes -- all of these
8 homes have a little light by their door, so I am
9 assuming with four doors, are you going to be adding
10 four exterior lights near the doors?

11 THE WITNESS: We show a light fixture
12 over each door.

13 MS. ONDREJKA: Okay. The door -- okay.
14 There is four door light fixtures, all right.

15 So we won't have any of the little
16 circular ones, like on the Vestry now, will we?

17 THE WITNESS: I don't remember what
18 light fixture is there. But the fixture that is in
19 the plan is specified, and there is a picture of it
20 here. It is a pendent fixture, and it looks like
21 this.

22 MS. ONDREJKA: Oh, like that, looking
23 down?

24 THE WITNESS: Yes.

25 MS. ONDREJKA: Okay.

1 Because when all of these windows are
2 removed and clear glass, that is going to light the
3 block quite a bit, and you have no idea how much it
4 is going to light up the block.

5 THE WITNESS: No. But I imagine they
6 might have some windows treatments on those windows,
7 and at night they might close them for privacy like
8 any other home --

9 MS. ONDREJKA: Well, they don't do that
10 at Vestry, so I don't know why they would do that
11 there.

12 Okay. So that was my main concern
13 about the lights.

14 The lights here -- I mean, the windows
15 here, these are -- they looked louvered now if you
16 look at them. But these are going to be solid
17 pieces of glass --

18 THE WITNESS: No. The mullions are in
19 there to make them look like a louver.

20 MS. ONDREJKA: They'll stay?

21 THE WITNESS: They are a little
22 horizontal like Japanese windows --

23 MS. ONDREJKA: They will stay?

24 THE WITNESS: -- no, know they are
25 being replaced with windows that will look like

1 THE WITNESS: It will look like
2 louvers --

3 MS. ONDREJKA: So how does a person
4 look out?

5 THE WITNESS: You see the volume in
6 this window here, the vertical piece of metal?

7 MS. ONDREJKA: Yes.

8 THE WITNESS: That is what these are.
9 These are horizontal pieces of metal. These are
10 individual panes of glass --

11 MS. ONDREJKA: Okay.

12 So there's going to be -- it's going to
13 be broken up with little pieces of metal.

14 THE WITNESS: Yes, to mimic the design
15 of a louver.

16 MS. ONDREJKA: Gotcha, Gotcha. All
17 right.

18 MR. GALVIN: By the way, I have a
19 condition, too, that I have been working on.

20 The residential unit in the tower is to
21 be limited to standard residential lighting and
22 wattage.

23 THE WITNESS: Okay. I don't see a
24 problem with that.

25 CHAIRMAN AIBEL: Ms. Ondrejka --

1 MR. MATULE: You can't put a treadmill
2 light in here --

3 MR. GALVIN: What's that?

4 MR. MATULE: -- you can't put --

5 (Everyone talking at once.)

6 MS. ONDREJKA: Okay. I just wanted to
7 say, we are not in the flood plain. You --

8 MR. GALVIN: You can't say that.

9 MS. ONDREJKA: -- you were asked if you
10 need flood insurance --

11 MR. GALVIN: You can't say that.

12 MS. ONDREJKA: I'm just going to say
13 that.

14 CHAIRMAN AIBEL: Anybody else?

15 Please come forward.

16 MR. GALVIN: You can say it later, but
17 you can't say it now.

18 MR. LAGANO: All right. Steve Lagano,
19 931 Bloomfield Street.

20 THE REPORTER: I need you to spell your
21 last name again.

22 MR. LAGANO: L-a-g-a-n-o.

23 I know you did nice renovations on
24 those four buildings.

25 My question to you was: Did any of

1 those have additions, or were they just
2 restorations?

3 THE WITNESS: Two of them had
4 additions.

5 MR. LAGANO: And what was the ratio of
6 that renovation compared to this addition?

7 THE WITNESS: One of them here was a
8 new roof. It was a flat-roofed building, and we put
9 an attic in there. That's the one at the Vestry,
10 which is here.

11 And the other one is my office, which
12 is an addition in the back.

13 In terms of like what kind of
14 percentage of additional square footage we've added?

15 25 percent, 20 percent.

16 MR. LAGANO: I have a question, but I
17 am not sure if it is for the Board or for Dean.

18 MR. GALVIN: Go ahead. Ask the
19 question, and we will make the determination.

20 We normally don't answer questions, but
21 go ahead.

22 MR. LAGANO: Yeah. But I didn't know
23 if it would be for Dean.

24 MR. GALVIN: Yeah. Go ahead, go ahead.

25 MR. LAGANO: So I know you said the

1 building, you know, had deleterious, you know,
2 aspects to it, and there is no structural analysis,
3 and I guess the onus is on the person buying the
4 building, that if it is structurally a bigger
5 problem than everyone anticipates, like what happens
6 then?

7 MR. GALVIN: Listen, what we are going
8 to do is, and I raised it earlier, and it as
9 important question for us.

10 We like the fact that people want to do
11 adaptive reuses. What we don't want to have happen
12 is we don't them to tell us we are saving this
13 building and doing adaptive use, and then have the
14 entire building taken down or replaced, okay, so we
15 are going to have a condition that says -- right now
16 what I have is they are going to repair and repoint
17 the bricks, and I am going to have something in
18 there specifically that says that the building is
19 not to be demolished in any way beyond which was
20 shown or described to the Board.

21 Right now the plans don't show any
22 demolition, so the building -- other than swapping
23 out windows --

24 THE WITNESS: And the roof.

25 MR. GALVIN: -- and the roof. But that

1 is on the plans, right?

2 THE WITNESS: Right.

3 MR. GALVIN: It's on the plans.

4 So other than that, if they want to do
5 something else, they have to return to the Board.
6 But effectively that would mean that their approval
7 is revoked.

8 MR. LAGANO: Okay. Thank you.

9 COMMISSIONER FISHER: Is there anything
10 that we can do that says they have to have --
11 ultimately with the zoning officer and the building
12 commissioner has to approve like specific
13 professionals experienced in the field of
14 restoration in order to approve the build-out of
15 this, something like that?

16 Can you put that in there to make sure,
17 because we have been in that situation, where a
18 developer just didn't hire somebody, and the
19 building collapsed. I think anyway.

20 So, I mean --

21 UNIDENTIFIED VOICE: We couldn't hear
22 the question.

23 MR. GALVIN: I --

24 COMMISSIONER FISHER: The question is:
25 Can we have a condition that we are pointing towards

1 with more specificity to the zoning officer in the
2 building, whatever his title is, that they have to
3 hire an expert in restoration of historic buildings,
4 et cetera, to ensure that it doesn't happen or just
5 something.

6 Can we put that in there?

7 MR. GALVIN: Well, let me stop you.

8 I do have something. I am on it, okay?

9 COMMISSIONER FISHER: Okay.

10 MR. GALVIN: The geo-tech report and
11 structural engineering review must be provided to
12 the Board's Engineer for his review and confirmation
13 that the building can be maintained as described.

14 COMMISSIONER FISHER: I think it's a
15 slight --it is taking that a little bit further, if
16 possible, and I don't know if it is, to the point
17 that Dean was making, where once the contractor is
18 hired, it is great that you have these plans, but if
19 you don't have a contractor that puts the right
20 bracing, et cetera, in there, you know, do we have
21 the ability --

22 MR. GALVIN: But I don't know we're
23 getting -- we might be getting too far into their
24 management of the building.

25 I mean, what I am concerned with is

1 that I want to make sure that the zoning official
2 and then the people in the building department
3 recognize that we want to save this building to the
4 extent of this plan.

5 I don't want them under the impression
6 that if it comes out and looks like the way we saw
7 it, that that's all we wanted.

8 We want the actual bricks and mortar to
9 the extent they can save them to save them.

10 But how I make that happen, I can put a
11 few words down on paper, if it doesn't get
12 followed --

13 CHAIRMAN AIBEL: Well, we are going to
14 also have the Historical Preservation Commission
15 report and the report of the professional, so that
16 can be made part of the record and part of the
17 resolution.

18 MR. GALVIN: Well, I am always open to
19 other conditions. I am just not sure if we can make
20 it work.

21 CHAIRMAN AIBEL: I would like to keep
22 going.

23 Please come up.

24 MR. HULING: My name is Phil Huling,
25 H-u-l-i-n-g.

1 My address is 938 Bloomfield Street.

2 Thanks.

3 CHAIRMAN AIBEL: Questions.

4 MR. HULING: Yeah.

5 Thank you, Dean, for everything you've
6 done --

7 MR. GALVIN: I just want to ask the man
8 in the back, did you turn it so it gets warmer, or
9 did you turn it so that it gets colder?

10 UNIDENTIFIED VOICE: Warmer.

11 MR. GALVIN: Warmer, okay.

12 UNIDENTIFIED VOICE: Everying is
13 freezing back here.

14 MR. GALVIN: Oh, I am chilly also.

15 MR. HULING: I tried to turn it off --

16 MS. CARCONE: I'm the expert on the
17 dial.

18 (Laughter)

19 I will fix it.

20 MR. GALVIN: It is connected to Pat's
21 body temperature.

22 (Laughter)

23 (Air conditioner turned off)

24 COMMISSIONER DE GRIM: There you go.

25 (Applause)

1 MR. HULING: Mr. Marchetto, have you
2 reviewed a copy of the planner's report that the
3 Board members and their professionals received by
4 email this past Thursday afternoon, August 6th,
5 i.e., the memorandum three that was updated by
6 Eileen Banyra --

7 COMMISSIONER FISHER: Banyra.

8 MR. HULING: -- a memorandum, too,
9 dated July 8th?

10 THE WITNESS: I have it.

11 MR. HULING: You have it.

12 And you reviewed it?

13 THE WITNESS: I did, sure.

14 MR. HULING: Okay.

15 And memorandum three recommends that,
16 quote, the scope of the work outlined in the
17 Heritage Design Collaborative's letter, dated
18 October 30th, 2014, should be included directly as
19 notes on plans, end of quote.

20 Do you agree with that recommendation?

21 THE WITNESS: Well, I can -- we can
22 attach it -- it is made as part of the application.

23 Physically drawing this letter on to
24 the plans, I think we can just attach it and make it
25 an exhibit as part of the plans.

1 I mean, if we could take this and
2 spread it out amongst the drawings and copy it, that
3 would be fine, too. But just because it is in a
4 different format doesn't mean it is not part of
5 the --

6 MR. HULING: No. I just wanted to
7 confirm that it truly will be attached to the plan.

8 MR. MATULE: May I make a suggestion,
9 that it would be an exhibit to any resolution of
10 approval?

11 MR. GALVIN: What?

12 MR. MATULE: The Heritage Design
13 Collaborative report of October 30th that outlines
14 the scope of the restoration.

15 MR. GALVIN: Okay.

16 We are agreeing with you. We are
17 already there.

18 I have: The applicant must comply with
19 the HPC review letter, which then has the Heritage
20 Design attached to it.

21 MR. HULING: Which specifically
22 includes the memorandum three, true?

23 MR. GALVIN: Yes, true.

24 MR. HULING: Thank you. Thank you,
25 sir.

1 Hum, and as far as the Historic Board's
2 Commission's review and comments are important to
3 consider in any application, and that the commission
4 is an advisory Board, do you agree with those
5 sentiments?

6 THE WITNESS: You have to be specific.

7 MR. MATULE: If I could just, I want to
8 interrupt you.

9 Are you asking if he agrees that the
10 Historic Commission is an advisory board?

11 MR. HULING: Well, in relation to
12 memorandum three --

13 MR. MATULE: I don't know whether
14 that's an appropriate question for the architect.

15 MR. GALVIN: No, no.

16 Listen, as a matter of clarification,
17 the Zoning Board does not have to follow the
18 recommendations of the Historic Commission, okay?

19 So the point of it being advisory means
20 they tell us what they think should happen, and then
21 the Zoning Board decides to what extent they are
22 following it.

23 CHAIRMAN AIBEL: But we have a report
24 that has ten conditions.

25 THE WITNESS: Yes.

1 CHAIRMAN AIBEL: Is it going to be the
2 applicants's position that you will comply with
3 those conditions?

4 MR. MATULE: Oh, absolutely,

5 THE WITNESS: Yes.

6 MR. GALVIN: All right. That's
7 settled. So we got what you are after.

8 MR. HULING: So, in other words, I just
9 wanted to reiterate that -- well, I hope that you
10 would agree that any granting of variance would
11 entertain every one of those conditions.

12 MR. GALVIN: I am going to say yes, we
13 already agreed that that is the case. We are going
14 to make it a condition of approval, and we are going
15 to attach it, and they have already said under oath
16 that they are going to do that.

17 MR. HULING: Thank you, Counsel.

18 MR. GALVIN: All right.

19 MR. HULING: Let me see.

20 That should do it.

21 Thank you.

22 MR. GALVIN: Thank you.

23 CHAIRMAN AIBEL: Thank you.

24 Please come forward.

25 MS. MURCKO: My name is Susan Murcko,

1 M, as in Mary -u-r-c-k-o.

2 157 9th Street in Hoboken.

3 Mr. Marchetto, you are proposing a
4 two-story addition, the width of two and a half row
5 houses approximately in height, and all of that for
6 a total of six units.

7 I am not an engineer, but that suggests
8 to me that it is going to take larger HVAC units in
9 the back than are normally found on the back of a
10 brownstone or a row house.

11 I am wondering if more studies have
12 been done to figure out what effect that might have
13 on the quality of life in the backyards.

14 THE WITNESS: The only mechanical
15 equipment that we have is up on the roof, and it is
16 pointed upward and surrounded by these four or eight
17 walls that go around.

18 These are the same backyard condensers
19 that you might have for your air conditioning that
20 sits in the backyard. They are located up on the
21 roof, and they are surrounded by walls, so the sound
22 is deflected and it goes up.

23 MR. HULING: You are sure that it goes
24 up?

25 THE WITNESS: Yes. It goes up. It is

1 much better than putting them in the yard. It is
2 way up above.

3 And six apartments need six air
4 conditioners, and there is a seventh one in there
5 for the common area, but they are residential
6 capacity. Just because the units are two, three and
7 four-bedroom units doesn't mean that the units are
8 excessive. They're the same kind of units you might
9 have in your brownstone or an apartment, yes.

10 They're residential-sized units.

11 MR. HULING: That's all.

12 CHAIRMAN AIBEL: Thank you.

13 Anyone else, questions for Mr.

14 Marchetto?

15 MS. HEALEY: Mr. Marchetto, at any of
16 your other --

17 CHAIRMAN AIBEL: Your name and address,
18 please?

19 MS. HEALEY: Oh, I'm sorry.

20 Leah Healey, 806 Park Avenue.

21 In any of the other renovations that
22 you talked about, the Abbey, and the three or four
23 other buildings, did you actually have to hire an
24 engineer to deal with structural integrity?

25 THE WITNESS: Yes.

1 MS. HEALEY: And who was that that you
2 used?

3 THE WITNESS: There were all different
4 engineers. I don't remember exactly.

5 Some of those plans go back 30 years,
6 those renovations.

7 MS. HEALEY: You don't remember who you
8 used on the Abbey?

9 THE WITNESS: I don't.

10 MR. GALVIN: What is the relevancy of
11 that question?

12 MS. HEALEY: I'm just wondering if
13 he --he seemed to not know who he was going to use.

14 I am assuming that he may be offering
15 up recommendations for somebody he might have used
16 in the past, but he doesn't remember who he has
17 used, so...

18 MR. GALVIN: Okay.

19 MS. HEALEY: Does the purchase price
20 have anything to do with what you obtain from this
21 Board in terms of relief?

22 THE WITNESS: I am not sure I
23 understand the question.

24 MS. HEALEY: You indicated how much you
25 bought the building for.

1 THE WITNESS: Well, I didn't buy it.

2 (Laughter)

3 MS. HEALEY: Well, whoever bought it.

4 THE WITNESS: I was told -- I was told
5 what the purchase price was.

6 MS. HEALEY: And you indicated that you
7 need to make up value --

8 THE WITNESS: Yes --

9 MS. HEALEY: -- of the improvements --

10 THE WITNESS: -- I will tell you what I
11 said.

12 In order to save the building and
13 restore it, I have to be able to create enough value
14 that the purchase of those apartments will pay for
15 the purchase and restoration and construction of the
16 building.

17 MS. HEALEY: Do you know whether the
18 purchase occurred before or after the Historic
19 Preservation approval?

20 THE WITNESS: I don't know.

21 MS. HEALEY: Does the 12,000 square
22 feet that you talked about being the total square
23 footage that you would have for the improvement,
24 does that include the square footage on the roof
25 deck?

1 THE WITNESS: No.

2 MS. HEALEY: And do you meet all of the
3 requirements for a roof deck under the zoning
4 ordinance on this building?

5 THE WITNESS: I am not sure. If you
6 can ask me the question specifically, I am not sure
7 which ones you are referring to about the
8 requirements.

9 We do have a request for a variance on
10 roof coverage. We are looking for 19 percent roof
11 coverage. I believe we are entitled to ten, so
12 there is a variance for roof coverage being
13 requested.

14 MS. HEALEY: And you have no space that
15 you think you can carve out in this 12,000 square
16 feet of space to put an interior bike storage?

17 THE WITNESS: I mean, the only place we
18 could do it is maybe in the basement or in the
19 backyard, if we cover a little shed out there in the
20 back.

21 There is a little yard in the back that
22 actually has access, and I could spin this around.

23 Oh, right here. I could put a bike
24 storage down here in the backyard because it is
25 unused space.

1 MS. HEALEY: Is that accessible to all
2 of the units?

3 THE WITNESS: Yes. Accessible to the
4 elevator core, so that you could have maintenance.
5 I could zoom in on that and it around, so -- right
6 in here.

7 THE REPORTER: I'm sorry, Dean, can you
8 talk louder?

9 THE WITNESS: I am looking through the
10 trees here, so I can't see it that well. Maybe the
11 best thing is to look at the plan.

12 MR. MATULE: Look at A-2.

13 THE WITNESS: Yeah.

14 On A-1 or A-2, there is a basement
15 level, a door that accesses, I showed the Board,
16 this little yard out here. It's about the size of a
17 bedroom. You can certainly fit six bikes in there,
18 and I could put a bike rack in there. It gives
19 access to the elevator. You can come up and go
20 right out the main floor, so that could be done.

21 MS. HEALEY: And I assume, because
22 these are three, four -- did you say five
23 bedrooms --

24 THE WITNESS: Well, there is two,
25 three, and four-bedroom units. Two of each.

1 MS. HEALEY: So I am assuming that
2 there is a possibility that there are children in
3 this building?

4 THE WITNESS: I imagine there could be.

5 MS. HEALEY: So there might be a need
6 for bike storage?

7 THE WITNESS: There might be, yes.

8 MS. HEALEY: Or any other rolling
9 vehicle like strollers?

10 THE WITNESS: There might be.

11 CHAIRMAN AIBEL: Okay. Any more
12 questions for Mr. Marchetto?

13 Please come forward.

14 MS. KELLY: Mary Kelly, 925 Bloomfield
15 Street.

16 A very simple question to follow up on
17 Leah Healy's question.

18 She asked if there was a -- if there
19 was a roof terrace issue, if we are coming within
20 the new zoning requirements, and you had indicated
21 that there was a roof coverage issue --

22 THE WITNESS: Yes.

23 MS. KELLY: -- but I have the notice of
24 hearing to property owners, and I believe that this
25 does in fact say that there is a setback variance

1 that's being requested as well.

2 MR. MATULE: I can address that, if you
3 would like.

4 THE WITNESS: Yes.

5 MR. MATULE: Between the time we filed
6 the application and tonight's hearing, the ordinance
7 changed --

8 MS. KELLY: Yes.

9 MR. MATULE: -- so we've modified our
10 notice to reflect we don't need a roof coverage, and
11 maybe Ms. Russell wants to weigh in on this, but the
12 variance changed from needing a roof coverage
13 variance to the fact that we were not meeting the
14 setback requirements of three feet from the edge of
15 the property, so that is why the notice was revised,
16 the second notice.

17 MS. KELLY: Thank you.

18 CHAIRMAN AIBEL: Okay. Last call.

19 VICE CHAIR GREENE: Seeing no one, I
20 move to close the public portion for questions of
21 the witness.

22 COMMISSIONER GRANA: Second.

23 CHAIRMAN AIBEL: All in favor?

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

1 CHAIRMAN AIBEL: Thanks, Mr. Marchetto.

2 Okay. We are going to take a break for
3 ten minutes and be back at 9:15, please.

4 (Commissioner Fisher excused)

5 (Recess taken)

6 CHAIRMAN AIBEL: Okay. Good evening,
7 everyone.

8 MR. GALVIN: Okay. Let's go.

9 VICE CHAIR GREENE: If we don't have
10 any more video presentations, perhaps we can turn on
11 the lights.

12 CHAIRMAN AIBEL: Thank you, Mr. Matule.

13 So it is about 9:25. Mr. Matule has a
14 couple of additional witnesses. We will probably go
15 for another hour or so, but, you know, we will see
16 where we stand around 10:30.

17 Mr. Matule, why don't we try to be as
18 efficient as possible.

19 MR. MATULE: As expeditious as
20 possible.

21 At this time I would like to call Carl
22 Dress.

23 MR. GALVIN: Raise your right hand.

24 Do you swear to tell the truth, the
25 whole truth, and nothing but the truth so help you

1 God?

2 MR. DRESS: I do.

3 C A R L D R E S S, having been duly sworn,
4 testified as follows:

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: Carl Dress, D-r-e-s-s.

8 MR. GALVIN: All right. And you are
9 being called as an expert in historical
10 reconstruction, is that what it's called?

11 THE WITNESS: Historic preservation.

12 MR. GALVIN: Historic preservation.

13 MR. MATULE: Historic preservation.

14 MR. GALVIN: Why don't you give us
15 three Boards you've appeared before in the not too
16 distant past?

17 THE WITNESS: Oh, the Hoboken Historic
18 Commission here, and the Philadelphia Historic
19 Commission, and probably most recent in Media, Media
20 Pennsylvania, their Historic Commission.

21 MR. GALVIN: Do you accept his
22 credentials?

23 CHAIRMAN AIBEL: We do.

24 MR. MATULE: And you are an AIA?

25 THE WITNESS: I'm an AIA architect, an

1 AIA member, and I'm actually the Chair of
2 Philadelphia's AIA Historic Commissioner --
3 Historic --

4 MR. GALVIN: Subcommittee or whatever?

5 THE WITNESS: -- yes.

6 MR. MATULE: So, Mr. Dress, just as an
7 overview, when you are called in to be a member of a
8 team in a project like this, what is it that, you
9 know, is your function and how do you go about doing
10 that?

11 THE WITNESS: Well, in this case we
12 were asked to come, I believe it was about a year
13 ago, to come visit the site, review the building.
14 My partner and I -- my partner happens to be a
15 structural engineer, and I am an architect, and
16 review the building, top to bottom.

17 MR. GALVIN: I so apologize to you.

18 Are you affiliated with the Heritage
19 Design?

20 THE WITNESS: I am a partner at
21 Heritage Design.

22 MR. GALVIN: Okay. Very good.

23 CHAIRMAN AIBEL: So we are going to
24 mark the report?

25 MR. MATULE: I was going to get to

1 that.

2 We are going to mark that report A-7, I
3 believe.

4 CHAIRMAN AIBEL: Thank you, Mr. Matule.

5 MR. MATULE: I'm sorry to interrupt.

6 Go ahead.

7 THE WITNESS: So we conducted a
8 relatively brief for us several-hour inspection and
9 review of the building.

10 We did not inspect using lifts. We did
11 everything from the sidewalk or within the building,
12 and from that, had several other meetings with Dean
13 Marchetto and his team and client to review our
14 findings, concerns and considerations for the
15 restoration of the exterior.

16 MR. MATULE: And you have dealt with
17 restoring historic structures of this vintage in the
18 past?

19 THE WITNESS: Yes. This is the primary
20 focus of our practice.

21 In fact, in our office right now we
22 have about a half dozen buildings that are even
23 national historic landmarks, which is a step higher
24 than National Register properties, and we have a
25 handful of National Register properties, and we also

1 have other buildings that are on local registers.

2 MR. MATULE: And you were requested as
3 part of the application to the Historic Commission
4 and your review of the building to create a plan of
5 the scope of work for the restoration of the
6 building?

7 THE WITNESS: Yes. An outline,
8 something between an outline spec and
9 specifications.

10 MR. MATULE: Okay. So we have a drum
11 roll.

12 (Laughter)

13 I am going to show you a letter, dated
14 October 30th, 2014, which appears to be on your
15 letterhead. I marked it A-7 for identification --

16 MS. CARCONE: How did you get A-7?

17 MR. MATULE: -- is this in fact the --

18 MR. GALVIN: Time out.

19 MS. CARCONE: A-5?

20 MR. MATULE: What was the last --
21 Dean's church board?

22 MS. CARCONE: A-4.

23 MR. MATULE: Was that A-4?

24 MS. CARCONE: This was already
25 distributed to the Board, too.

1 MR. MATULE: We'll call this A-5.

2 (Exhibit A-5 marked)

3 MR. GALVIN: For purposes of the
4 hearing, let's do it because there has been an awful
5 lot of confusion about which report is which and --

6 MR. MATULE: A-5, and it's dated
7 October 30th, 2014.

8 THE WITNESS: That is mine.

9 MR. MATULE: And you prepared this for
10 the Historic Commission application as an outline of
11 the specifications and scope of work, correct?

12 THE WITNESS: Correct.

13 MR. MATULE: So without obviously going
14 through all of the how many pages it is, could you
15 kind of walk the Board through how you approached
16 this and how you came up with these guidelines and
17 give us your professional opinion about if they are
18 followed, how successful the restoration of the
19 building will be to the extent that you can do that?

20 THE WITNESS: Well, our approach to the
21 building was to identify what we thought of as the
22 character defined issues and components of this
23 design, the materials, the configuration of the
24 building and -- both in terms of our inspection and
25 from a practical experience and experience with

1 similar buildings and materials come up with an
2 approach to this restoration.

3 The approach that we took was not
4 driven by the potential client or the location, but
5 by what we saw on the building and the nature of its
6 construction.

7 So we believe this is a -- the document
8 put together is consistent with the Secretary of the
9 Interior standards and what would be considered an
10 appropriate restoration approach, whether here in
11 Hoboken or Philadelphia or in Texas, wherever,
12 wherever you would find a building of this sort.

13 MR. MATULE: So, for example, the
14 pictures Dean has shown us, there are bricks that
15 are broken, bricks that are missing. How do you
16 deal with that?

17 How would one address that in terms of
18 either repairing them or replacing them or --

19 THE WITNESS: We have outlined several
20 approaches.

21 In dealing with a historic building of
22 this sort, there is not necessarily a singular
23 approach to replacing brick or dealing with a slate
24 roof or a brownstone repair.

25 We have identified a range of solutions

1 from mining the building, taking, for example, when
2 the central roof is removed, salvaging the slate to
3 use as repair material on other portions of the
4 building.

5 We are going to look at the building
6 more carefully to find examples of brick, where we
7 can remove it from areas that are less, that are
8 more hidden, less prominent to use on the more
9 prominent facades.

10 If we can't find enough material, we
11 are going to look for newer materials that we can
12 install.

13 This image that Dean shared earlier,
14 this closeup, makes the brick look like it is a very
15 monotone color, all orange. But when you look at
16 this image just a little further back, you can see
17 there is actually a range of color from browns,
18 oranges, to light yellows, and so that is an
19 advantage that we will use to find new material to
20 patch with. It gives us -- instead of finding a
21 singular color, salmon colored orange brick, we now
22 have potentially three or four different colors that
23 we can fit in and try to find a way to place new
24 brick to repair examples like areas like this, less
25 accessible repairs, or this sprawled brick. So it

1 will be a combination of salvage and new material.

2 And as a last resort, we would look at
3 cemetitious patching materials, like cathedral
4 stone, patching material, to do a more appropriate
5 patch than what has been done prior on the building.
6 But that is really only a last resort, something
7 like this. This is an inappropriate patch.

8 MR. MATULE: And that brick that is in
9 the building now, that is not a common sized brick
10 today. That brick --

11 THE WITNESS: It is not common --

12 MR. MATULE: -- the size and the
13 pointing is --

14 THE WITNESS: -- the color, the size is
15 uncommon. It is hard to find, and it is one of the
16 things we deal with on a regular basis, both talking
17 to modern manufacturers, but also going to salvage
18 yards to find -- there are salvage yards that have
19 slate, that have brick, terracotta, other materials
20 as another alternative to try and find patching
21 materials.

22 MR. MATULE: Can you just kind of go
23 through the high points of your report in terms of
24 the different materials?

25 I see you talk about the brick, the

1 masonry, the steel, the stone.

2 THE WITNESS: Yeah. We touched on
3 pretty much every piece of the exterior with the
4 exception of the windows, and our approach is not
5 to -- we wouldn't be looking at repointing at all.

6 We believe that, especially in a
7 building of this sort, where the pointing is and the
8 joint work is so fine, that we would really only be
9 looking at specified pointing in select areas, where
10 the pointing is either missing entirely or is
11 falling out.

12 But in a lot of areas, you can see
13 here, for example, you have a very fine joint that
14 has original mortar, so you go around and oftentimes
15 when you repoint entirely, you are going to cut out
16 joints and make them larger than they originally
17 were, so we would be hesitant to specify repointing
18 all.

19 We would be more interested in
20 identifying specific areas for repointing.

21 We would also look at the same issue
22 with some of the brownstone. Some of it is clearly
23 in bad shape, but other areas are consistent with a
24 building that's over a hundred years old and not
25 necessarily in very bad shape, so we would be

1 looking at retaining a lot of that, even though the
2 detailing may be a little softer than if it was done
3 today.

4 It is representative of the building
5 that has a hundred years plus of age, and we see
6 that not as negative, but as part of the story of
7 the building.

8 MR. MATULE: And specifically these
9 questions were raised I know at the Historic
10 Commission and some of the reports here, the wooden
11 doors and the hardware on them, the intention is
12 to --

13 THE WITNESS: To restore them.

14 We will -- given the new use, there may
15 be some need for some new hardware, but that is
16 really only the locking mechanism.

17 The strap hinges and other original
18 hardware, the intent is to restore it and keep it,
19 and that is true of the wood doors in their
20 entirety.

21 I don't know if there is a really a
22 good photograph of the doors, but the outline spec
23 talks specifically about wood restoration, and we
24 would recommend that the doors be removed and be
25 brought to a specialist.

1 There are a number of specialists in
2 this area, who are very qualified at restoring wood
3 of this sort. That may require some new material.
4 Some of the doors, especially the sills, the lower
5 portions are in pretty bad shape, so there is only
6 so much you can do, if the door is rotted in certain
7 areas, it needs replacement. But that can be done
8 in a considerate and careful way.

9 MR. MATULE: And what about your
10 opinion of the overall state of the building right
11 now?

12 You know, as somebody who has
13 experience dealing with these kinds of structures,
14 can you opine, you know, on a scale of one to ten
15 what kind of shape this building is in?

16 THE WITNESS: Well, it has -- I heard
17 earlier somebody mentioned the building was being
18 used as a church recently within the last three to
19 five years, but clearly from what you see on the
20 exterior, it hasn't been well maintained for many,
21 many years.

22 From my experience working on other
23 churches, the worst thing that can happen is to lose
24 the congregation. And as soon as that happens, and
25 there isn't a new congregation ready to move in,

1 there is often a very steep incline, and the
2 building starts to go downhill very quickly, and the
3 signs here of that are evident to some degree on the
4 interior, some roof leaks, nothing that couldn't be
5 repaired, but there are leaks.

6 And the form of the building, if left
7 unattended, even though it is quite miraculous,
8 doesn't do it any favors. It is a very complex roof
9 system like flashings, gutters and all of which tend
10 to without treatment, without maintenance, tend to
11 deteriorate quickly. That all sort of suggests a
12 potential for a steep decline.

13 And there are areas of the building
14 that the tower, for example, that are -- have not
15 been touched in many, many years. It is not easy to
16 get to, and the concern I would have would be -- and
17 typically this is why I am called in on projects,
18 something falls off a building, and there is the
19 immediate reaction, we got to tear it down. It is
20 unsafe. Oftentimes, it will be fine, but on closer
21 inspection it is not unsafe.

22 And the structure, there is no outward
23 sign of any -- even a structural failure on a
24 building. We have not done a complete
25 investigation, so I would like to qualify that

1 statement a little bit, but there are no signs. The
2 tower is not leaning. There are no signs of
3 significant cracks at corners, all which suggest
4 that the structure is relatively sound.

5 MR. MATULE: And you will be
6 continuing, assuming this project were approved by
7 the Board, you would continue to work with the
8 applicant and Mr. Marchetto's office during the
9 course of the renovation?

10 THE WITNESS: Certainly, yes.

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

13 CHAIRMAN AIBEL: Great.

14 Thanks, Mr. Matule.

15 Board members?

16 COMMISSIONER GRANA: I just have one
17 question I asked Mr. Marchetto earlier.

18 So the building is registered. Does
19 that do anything to inform what can and cannot be
20 done with the structure itself in terms of
21 redeveloping it?

22 THE WITNESS: Well, I think Mr.
23 Marchetto is correct in that his comment was that
24 one of the keys to that oversight is the funding
25 source. If the owner was going to, whether it be

1 the state or the city or other funding resources to
2 get money, grant money, et cetera, then that would
3 trigger a National Park Service review, because it
4 is a National Register property.

5 Since the funding is entirely private,
6 there is no such requirement.

7 COMMISSIONER GRANA: Thank you.

8 THE WITNESS: I don't believe that if
9 the project were undertaken, that the National
10 Register status would go away, so there was a
11 comment earlier about removing elements of the
12 building. The building remains now on the National
13 Register.

14 So if somebody were to come along in 20
15 years or 40 years and decide they want to take the
16 tower down and get funding to do it, then it would
17 trigger a National Park Service review.

18 CHAIRMAN AIBEL: Thanks.

19 MR. GALVIN: But if they didn't get
20 funding, then it wouldn't.

21 THE WITNESS: No. But it would still
22 go through the local Historic Commission here and to
23 the Zoning Board.

24 MR. GALVIN: Right.

25 CHAIRMAN AIBEL: Good.

1 Professionals, anything for this
2 witness?

3 MR. MARSDEN: Yes.

4 CHAIRMAN AIBEL: Jeff?

5 MR. MARSDEN: Are you actually
6 proposing any openings, new openings, or removals of
7 any structural walls or structural members?

8 THE WITNESS: We are not, no.

9 We are essentially looking at
10 restoration of the existing envelope in time and
11 place.

12 MR. MARSDEN: Well, did you consider
13 revisions to the cupola and the new floor you're
14 putting in or in the sanctuary itself?

15 THE WITNESS: That's not included in my
16 scope of work.

17 MR. MARSDEN: It's not.

18 So the additional loading on the
19 outside member -- the outside structural member of
20 that and the increased loading from the new
21 residential floor level, you didn't do that?

22 THE WITNESS: That is a real -- that's
23 a good question, but it is not part of what we have
24 been asked to do at this point.

25 MR. MARSDEN: Okay.

1 THE WITNESS: It is the purview of a
2 structural engineer, and for the purposes of this
3 meeting I am just an architect.

4 MR. MARSDEN: Oh, I thought you said
5 your partner was a structural engineer.

6 THE WITNESS: He is a structural
7 engineer.

8 MR. MARSDEN: But he didn't actually
9 review it for that purpose?

10 THE WITNESS: He has not reviewed, no.

11 MR. MARSDEN: Okay.

12 Did you look in the foundation and the
13 basement with the walls and see if there was any
14 evidence of shear cracking or differential
15 settlement or anything like that?

16 THE WITNESS: We took a very, very
17 cursory look in the basement and didn't see anything
18 that was overtly problematic, but --

19 MR. MARSDEN: Any evidence of water
20 damage or anything like that to a leaking roof and
21 wood members, structural members under it?

22 THE WITNESS: Well, there were signs of
23 staining on the ceiling that indicate --

24 MR. MARSDEN: No rotting?

25 THE WITNESS: -- no sign of rotting,

1 but, you know, we were 30 to 40 feet away because we
2 were at the ground floor of the current sanctuary,
3 but you can see staining on the plaster painted
4 sections of the upper walls that indicate that
5 moisture is getting through.

6 MR. MARSDEN: Okay. Thank you.

7 CHAIRMAN AIBEL: Thank you.

8 Let me open it up to the public.

9 Anybody have questions for this
10 witness?

11 Please come forward.

12 MR. HULING: Phil Huling.

13 Mr. Dress, thank you very much for
14 appearing here tonight.

15 Mr. Dress, in your report that we are
16 discussing tonight interspersed in the text are
17 headings such as Section 02411, Sections 04900 that
18 appeared to refer to another document.

19 Perhaps the manual industry standards
20 they refer to or perhaps a proposal that your firm
21 prepared for another client. Those numerals, those
22 section references, do they have a specific meaning
23 in this report?

24 THE WITNESS: I would have to find the
25 exact reference, but it sounds like there are other

1 spec sections that were probably inadvertently
2 referenced.

3 MR. HULING: Thank you for the
4 explanation.

5 CHAIRMAN AIBEL: Thank you.

6 MR. HULING: Oh, also, one other
7 question. I'm sorry.

8 And you testified to a series of
9 outlined specifications. Is there a more detailed
10 set of specs for construction bid drawings?

11 THE WITNESS: There would be, yes.

12 MR. HULING: Thank you.

13 CHAIRMAN AIBEL: Thank you.

14 Come forward.

15 MS. KELLY: Mary Kelly, 925 Bloomfield
16 Street.

17 Thank you, Mr. Dress.

18 A question with respect to the mining
19 for bricks. When you indicate that you will
20 probably take it from a less visible area, would it
21 be appropriate to presume that that would be the
22 back of the property which would face the
23 neighboring properties on the donut?

24 THE WITNESS: No, because the back
25 facing brick is red brick on the back corner.

1 MS. KELLY: So you would anticipate
2 that that brick work would continue to --

3 THE WITNESS: Be what it is.

4 MS. KELLY: Thank you.

5 CHAIRMAN AIBEL: Thank you.

6 Anybody else, questions?

7 Please come forward.

8 MS. ONDREJKA: Mary Ondrejka,
9 O-n-d-r-e-j-k-a.

10 159 9th Street.

11 In replacing brick, isn't it true that
12 you can customize bricks?

13 THE WITNESS: You can.

14 MS. ONDREJKA: And why would you even
15 mention that as a possible, viable -- one of the
16 ways you could replace them, why not?

17 THE WITNESS: I think we did in our
18 outline spec as one of the options. It is an
19 expensive option. It is an option. Typically
20 getting custom colored or shaded bricks is -- it is
21 a custom mold --

22 MS. ONDREJKA: Yes, that's right.

23 THE WITNESS: -- but to do, let's say
24 we were going to do three, that is a very expensive
25 mold to print for these three bricks.

1 MS. ONDREJKA: Then there's my next
2 question: Approximately how many bricks would you
3 have to do?

4 Say you had a hundred, won't it be
5 feasible to make them all?

6 THE WITNESS: Possibly.

7 It comes down to a -- its cost is based
8 on quantity in that case, so if you have a larger
9 quantity of brick, then your cost for a custom run
10 is smaller.

11 If you are making one special brick,
12 then it is enormously expensive.

13 MS. ONDREJKA: Right.

14 But you're obviously not going to be
15 making one brick, because we can see more than that
16 in the photograph.

17 THE WITNESS: Yes.

18 MS. ONDREJKA: So I would think, since
19 this is a historic structure, don't you think it
20 would be wise to try to replicate that brick as
21 closely as possible with a custom brick --

22 THE WITNESS: It's --

23 MS. ONDREJKA: -- because you don't get
24 the width you said --

25 THE WITNESS: -- one of the options --

1 MS. ONDREJKA: -- you don't get the --

2 THE WITNESS: -- it's not the only
3 option.

4 MR. MATULE: Mary, when you ask a
5 question, you have to give him time to answer, so
6 she can take it down.

7 MS. ONDREJKA: Certainly.

8 MR. MATULE: Thank you.

9 THE WITNESS: There are multiple
10 options. So what I am saying at this point in the
11 process, I am not limiting our choices to one.

12 I am saying that we might be able to
13 find a very close match, actually maybe even an
14 exact match of a brick that is currently
15 manufactured, and given the range of colors that are
16 present here maybe --

17 MS. ONDREJKA: But didn't you say they
18 don't manufacture this width, so how could you find
19 one that would match?

20 THE WITNESS: Well, as I also said,
21 that you can find bricks in salvage yards, that
22 there is specialty salvage bricks of this sort that
23 are hard to find and difficult to manufacture, and
24 you can purchase brick that way.

25 MS. ONDREJKA: How are your choices

1 made in finding ways to restore a building?

2 Are they based upon what your client is
3 willing to pay?

4 THE WITNESS: No.

5 Our approach is best practice standard,
6 Secretary of Interior standards, what we feel is
7 best preservation practice, and what the building
8 needs.

9 MS. ONDREJKA: What if your client
10 doesn't want to spend the money for the best
11 possible preservation?

12 THE WITNESS: Well, I can tell him or
13 her what I recommend, and I can give them
14 alternatives that I think are suitable for a
15 building of this sort, a National Register property.
16 And if they choose to ignore my recommendation, I
17 can't --

18 MS. ONDREJKA: Do anything about it.

19 THE WITNESS: -- I can't force them.
20 It's not within --

21 MS. ONDREJKA: I'm trying --

22 THE WITNESS: -- the realm of my
23 ability.

24 MS. ONDREJKA: -- I'm trying to gauge
25 just how serious your client is in restoring this

1 building. He wants to make money obviously, and to
2 do that he has to restore it first.

3 So I am just wondering, nice words
4 could be said tonight to restore it, but how serious
5 are we talking about?

6 You should know. You talked to him.

7 THE WITNESS: Well, I would suspect
8 that this client could find many parcels, open lots
9 in the North Central Jersey area that would be much
10 easier to develop than a historic property such as
11 this one. I think he has already or she has
12 already --

13 MS. ONDREJKA: He.

14 THE WITNESS: -- gone down the path of
15 taking out a challenge that most developers
16 wouldn't.

17 MS. ONDREJKA: Yes, I know.

18 I am curious about these grills here
19 that are on all of the same --

20 THE WITNESS: They are not original.

21 MS. ONDREJKA: -- I know. Of course
22 not. That is not my question.

23 THE WITNESS: Okay.

24 MS. ONDREJKA: In removing them, is
25 that going to be a problem?

1 Will it cause damage to the brick or to
2 the window itself because that's -- they have
3 probably been there a long time.

4 How long would you say?

5 I can't date them. I don't know the
6 circuit of that.

7 The fifties?

8 THE WITNESS: I would have guessed
9 sixties --

10 MS. ONDREJKA: Sixties?

11 THE WITNESS: -- but it looks to me
12 like they are anchored into the wood frame of the
13 building --

14 MS. ONDREJKA: That is what they look
15 like to me --

16 THE WITNESS: -- so --

17 MS. ONDREJKA: -- so what kind of a
18 problem is that going to present?

19 THE WITNESS: It won't present a
20 problem at all because as far as I understand, the
21 windows and the wood frame that's existing is
22 already planned to come out.

23 MS. ONDREJKA: Coming out. Okay.

24 But isn't the anchoring into the brick?

25 THE WITNESS: For the frame, the window

1 frame, it's dependent upon how the window is
2 attached. It could be into the brick, but given
3 that, it can also be easily removed. If you are not
4 trying to save --

5 MS. ONDREJKA: Are you going to just --

6 THE WITNESS: -- the wood frame --

7 MR. REPORTER: Wait a second. Mary,
8 can you wait until he finishes his sentence?

9 MS. ONDREJKA: Sorry.

10 THE WITNESS: -- if you're saving the
11 sash, which is being proposed, that can be removed
12 cleanly. But the frame, that is integral with the
13 wall, it could either be cut out in pieces.

14 There may be a sign, that indication of
15 whether it is plug or an anchor that is visible on
16 the inside, where the window was attached to the
17 brick, that can be backed out, so there are a number
18 of ways it can be done without causing significant
19 damage to the wall.

20 MS. ONDREJKA: Do you ever cut the
21 anchor, so that you leave part of it in the brick
22 just to save the brick?

23 THE WITNESS: No. We would not --

24 MS. ONDREJKA: You always take the
25 whole thing out --

1 THE WITNESS: -- we wouldn't recommend
2 that.

3 MS. ONDREJKA: You wouldn't recommend
4 what?

5 THE REPORTER: Wait a second.

6 MS. ONDREJKA: What do you not
7 recommend?

8 THE WITNESS: We would not recommend
9 leaving a piece of ferrous metal in the brick wall
10 because if it ever were to be exposed to moisture in
11 the future, it would rust and expand --

12 MS. ONDREJKA: And it would break it --

13 THE WITNESS: -- and contract and break
14 apart --

15 MS. ONDREJKA: -- yes --

16 THE WITNESS: -- so if you are going
17 down the path of removing windows, it's best to
18 remove the anchor.

19 MS. ONDREJKA: Okay.

20 And what is your percentage of bricks
21 that will be damaged in doing this?

22 They are going to have to be taken out.
23 We all know that. All of those windows, all those
24 grills, the sash, everything will be taken out.

25 There must be some ballpark figure of

1 bricks that will possibly be ruined in the process,
2 and those are curved bricks.

3 CHAIRMAN AIBEL: Mrs. Ondrejka, let's
4 get to a point.

5 MS. ONDREJKA: Well, I am asking him
6 how many.

7 CHAIRMAN AIBEL: Well, but we could go
8 on like this for hours, I'm sure. It is a big
9 building.

10 MS. ONDREJKA: Well, you know, the
11 church is important to me. I live across the street
12 from it.

13 CHAIRMAN AIBEL: I totally understand
14 that, and I think --

15 MS. ONDREJKA: -- so I think I'm asking
16 fair questions --

17 CHAIRMAN AIBEL: -- let me ask that you
18 to come to a point.

19 MS. ONDREJKA: How many approximately
20 do you think, in your professional opinion, do you
21 think will be ruined?

22 THE WITNESS: Ruined?

23 None.

24 MS. ONDREJKA: None?

25 THE WITNESS: No. If a brick is

1 already damaged, the removal may cause it to
2 deteriorate and fail. But a solid brick that's
3 already in good condition, if the windows are
4 carefully removed, not somebody with a jackhammer
5 and --

6 MS. ONDREJKA: Okay. Well, that is
7 good to hear because I would hate to have to replace
8 more bricks.

9 Thank you.

10 THE WITNESS: It is our intent to keep
11 as many bricks as possible.

12 MS. ONDREJKA: That's good.

13 Thank you.

14 CHAIRMAN AIBEL: Thanks, Ms. Ondrejka.

15 MR. HULING: I have one more follow-up.

16 CHAIRMAN AIBEL: We usually don't do
17 doubles or --

18 MR. GALVIN: And I call them twosies.
19 But go ahead.

20 (Laughter)

21 MR. HULING: In referring to the
22 numbered headings that you inadvertently placed in
23 the report that were not relevant to this report,
24 would you by chance offer a new report with that
25 corrected?

1 THE WITNESS: I can.

2 MR. HULING: And also to that, will you
3 prepare full specifications of construction
4 drawings?

5 THE WITNESS: If I am hired to do so,
6 yes.

7 MR. HULING: You would. You would

8 MR. GALVIN: Time out. Time out.

9 MR. HULING: Thank you.

10 MR. GALVIN: If you are hired to do so.
11 You may not be hired to do so. So for purposes of
12 this hearing, are we doing that, or we're not doing
13 that?

14 MR. MATULE: We don't know at this
15 point.

16 He is talking about full construction
17 specifications. We have not gotten that far. It is
18 certainly the plan, but --

19 MR. GALVIN: But I just don't want to
20 mislead the witness. You know, I am not necessarily
21 asking to do anything. I just want to make sure
22 that whatever we are promising, we are getting. So
23 you kind of answered the question, but, you know.
24 Okay.

25 THE WITNESS: I look forward to working

1 on the project, and I hope I get to pursue it.

2 CHAIRMAN AIBEL: Thank you.

3 Any other questions for the witness?

4 Seeing none.

5 COMMISSIONER GRANA: Motion to close
6 public portion for this witness.

7 COMMISSIONER MC ANUFF: Second.

8 CHAIRMAN AIBEL: All in favor?

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

11 CHAIRMAN AIBEL: Thank you.

12 Thank you, sir.

13 MR. MATULE: Mr. Ochab.

14 MR. OCHAB: Finally.

15 (Laughter)

16 MR. GALVIN: They told you it was going
17 to be a religious experience.

18 MR. OCHAB: To bless myself first.

19 MR. MATULE: Okay.

20 MR. GALVIN: Raise your right hand

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

24 MR. OCHAB: I do, yes.

25 K E N N E T H O C H A B, having been duly sworn,

1 testified as follows:

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

4 THE WITNESS: It's Ken Ochab. That's
5 O-c-h-a-b.

6 MR. GALVIN: Mr. Chairman, do we accept
7 Mr. Ochab's credentials as a licensed planner?

8 CHAIRMAN AIBEL: We do.

9 MR. MATULE: Mr. Ochab, do you have any
10 exhibits?

11 THE WITNESS: Two actually.

12 MR. MATULE: Okay. More photos. Okay.

13 THE WITNESS: I'm sorry.

14 MR. MATULE: So we have a board with
15 four photos on it. It looks like it was taken
16 around the Christmas holidays, and I will mark that
17 A-6.

18 THE WITNESS: Okay.

19 (Exhibit A-6 marked.)

20 MR. MATULE: Could you just tell us
21 what that is for the record?

22 THE WITNESS: Okay.

23 Many of the photographs replicate what
24 Dean has, and since he went first, I will go through
25 them quickly.

1 The upper left is a photograph of the
2 existing church building from the corner of 9th and
3 Bloomfield.

4 The upper right is the 9th Avenue
5 frontage or 9th Street frontage, I should say.

6 The lower left is the Bloomfield Avenue
7 frontage.

8 The lower right is a view of the
9 buildings across Bloomfield Street from the church
10 building.

11 MR. MATULE: And you took those
12 pictures?

13 THE WITNESS: I did, yes, around
14 Christmastime, as you can see. It's so fairly
15 obvious.

16 (Laughter)

17 MR. MATULE: And I will mark the second
18 board A-7.

19 THE WITNESS: How appropriate.

20 (Exhibit A-7 marked.)

21 MR. GALVIN: Could you show the public
22 for a second?

23 MR. MATULE: Oh, absolutely, sure.

24 THE WITNESS: So here are the
25 photographs I took.

1 Again, the upper left is the church in
2 the corner.

3 The upper right is the view from 9th
4 Street.

5 The lower left is from Bloomfield
6 Street.

7 Then the lower right is a view from the
8 Church looking across Bloomfield. So we have the
9 corner, the street on the left side of the
10 photograph, as you go up a little bit to the
11 south -- the north.

12 The next A-7 is again four photographs.
13 The photograph in the upper left is a view from the
14 church on 9th Street looking up towards Washington.
15 This is a building across the south side of 9th
16 Street.

17 This is the building next to it in the
18 upper right on the corner of 9th and Bloomfield,
19 again across on the 9th Street side.

20 And then the lower left is a view
21 diagonally across the intersection and from the
22 church building, again on Bloomfield and 9th, and
23 just a photograph of the wrought iron gates, which
24 Dean did not have, so I got one.

25 (Laughter)

1 MR. MATULE: So why don't you show that
2 to the audience, please.

3 THE WITNESS: Okay.

4 So we have again across 9th Street
5 looking towards Washington.

6 The upper right directly across again
7 on 9th at Bloomfield and 9th.

8 Diagonally across the intersection, and
9 then the wrought iron gates.

10 That is that.

11 MR. MATULE: Okay. And you are
12 familiar with the zoning ordinance and the master
13 plan of the city?

14 THE WITNESS: Yes, I am.

15 MR. MATULE: And you are obviously
16 familiar with the proposed project.

17 THE WITNESS: Yes.

18 MR. MATULE: Did you prepare a
19 planner's report, dated January 8th, 2015?

20 THE WITNESS: I did, yes.

21 MR. MATULE: And you received Ms.
22 Banyra's letters of July 8th and August 6th?

23 THE WITNESS: Yes, I did.

24 MR. MATULE: And you are also aware of
25 the amendments that were made to the plan to reflect

1 the recent changes in the zoning ordinance?

2 THE WITNESS: Yes, I was.

3 MR. MATULE: Okay.

4 Can you go through your report and give
5 us your professional opinion regarding the requested
6 variance relief?

7 THE WITNESS: Okay.

8 So we are in the R-1 Zone. Permitted
9 uses in the R-1 Zone are approved residential and
10 public buildings and commercial buildings related to
11 residential development.

12 Churches are a permitted conditional
13 use with no condition, with no conditions, and under
14 the case law what that means essentially is that
15 churches are essentially not permitted within the
16 R-1 Zone, and that is called out in Ms. Banyra's
17 report as well.

18 So oddly enough, the existing church is
19 a preexisting nonconforming use in the R-1 Zone.

20 The proposal here is to construct six
21 units, and Dean went through the details and how
22 that would be done.

23 From a zoning standpoint, we don't have
24 any use variance for use. We don't have a D
25 variance for density. Seven units are permitted,

1 because we have a lot that is 5,057 square feet,
2 which equates to 7.66 units rounding down to seven
3 units. We are proposing six units, so we don't have
4 a density variance.

5 There is no FAR requirement in the
6 zone. We don't have FAR requirements here as well.

7 We do have a height variance. We have
8 a height variance because we are proposing a
9 building that is 44.54 feet above design flood
10 elevation, and the issue with that is that we are at
11 a half a foot basically above where we would
12 separate a C variance for height and a D variance
13 for height.

14 As you know, we are -- the Municipal
15 Land Use Law allows ten percent above the permitted
16 height allowable as a C variance. We are
17 essentially six inches above that, which
18 unfortunately puts us into the D variance category,
19 so we have one D variance with respect to that.

20 With respect to that particular
21 variance, of course, then because it is a D, we go
22 under Grasso or Coventry criteria, in which case we
23 look at the proposed height relative to the
24 character of the particular neighborhood and whether
25 there would be any substantial problems associated

1 with the additional height.

2 In this case, of course, because it is
3 an adaptive reuse, we are trying to protect the
4 building and save the building as it were.

5 There certainly is no particular
6 problem associated with that additional height,
7 which again, is a matter of about six inches above
8 the C variance criteria.

9 Also, you should take into
10 consideration the fact that the existing dome of the
11 church is at 58 feet above BFE, so we are
12 essentially lowering the roof from 58 to 44 and a
13 half.

14 Yes, we are -- I will call it spreading
15 the roof out, because right now the dome only in
16 terms of volume only occupies the center, we are
17 spreading that out, as you saw in Dean's plans, but
18 again, the issue for me, of course, is whether or
19 not there are any problems associated with that that
20 would be substantial and would be deleterious to the
21 saving of the building and the construction of the
22 residential units here, and my opinion would be no,
23 as far as that is concerned.

24 Also, in terms of height, the dominant
25 portion of the building is the tower. That is at 78

1 feet, so we have a tower, which is on the corner at
2 78, and we are proposing 44 and a half.

3 So I think we do in this case meet the
4 Grasso criteria with respect to this portion of the
5 D variance part of the application.

6 We have several C variances, because we
7 have an existing building at the ground level, which
8 goes up basically two stories, essentially from a
9 zoning perspective we look at the new construction
10 and how the new construction relates to the zoning
11 ordinance with respect to setbacks. So in this case
12 we are going to wind up with a front yard and rear
13 yard setback.

14 The issue here is that, of course, we
15 have a corner lot, so we have two front yard
16 setbacks, one from 9th and one from Bloomfield.

17 The new ordinance says that we can be
18 at zero feet setback, back or we can match the
19 existing setback on either side of us, but we cannot
20 go -- be set back further than ten feet. That is
21 what the new ordinance specifies.

22 In this case, we are going to be at 13
23 feet on both 9th and Bloomfield. Our new floor, our
24 new third floor, well, the new third floor will be
25 set back 13 feet, which is exceeding the ten foot

1 limitation, so that is a variance in accordance with
2 the zoning ordinance.

3 So my thinking on that is that, of
4 course, this is a C2 variance, where we are trying
5 to adaptively reuse the building, so certainly a
6 good basis and rationale to have that additional
7 setback on that floor and on the fourth floor as
8 well.

9 It doesn't change the existing setbacks
10 of the original portion of the building, which are
11 basically on the street line. So with respect to
12 that, we do meet the ordinance, but those are
13 existing conditions, and we will be maintaining
14 those existing conditions.

15 Also there is rear yard setback because
16 our rear yard in this case is the side of the
17 property facing Washington Street or the rear of the
18 properties on Washington Street.

19 There, again, we have an existing
20 setback of zero, where the ordinance would require
21 30 feet, and in the R-1 Zone, as you know, this is a
22 typical R-1 development, where we have a 60 foot
23 building and a 35 foot rear yard, and we have open
24 yard space. This is a completely different animal
25 because we have an existing building which occupies

1 basically the entire property itself.

2 So again, that third floor is set
3 back -- it is set back 11 feet from the rear yard,
4 and here again, I think we have the basis to accept
5 that requirement because, again, we are trying to
6 retrofit the new portion of the building over the
7 existing building itself, and that is the area we
8 need to deal with.

9 There is one other variance of note
10 here, and that is for the roof part of the roof
11 terrace, and that is on the fourth floor on the side
12 yard, which is the side of the property facing north
13 for our adjacent properties to the north on
14 Bloomfield. The ordinance -- the new ordinance
15 requires a three foot setback. We have a zero
16 setback on one of those terraces, and it is only
17 that one on the north side.

18 It is a small terrace, which then leads
19 around on the fourth floor to a larger terrace in
20 the rear.

21 We have, as Dean indicated, a wall,
22 walls on those terraces to ensure privacy, and no
23 visual connection between what is there and the
24 adjoining properties. There is no other roof decks,
25 as I am aware of, within the immediately adjoining

1 properties, so in terms of the impact, I think the
2 impact here would be minimal.

3 So with respect to the variances here,
4 I think, again, we do meet the Grasso criteria, in
5 my opinion. We do also meet the C2 criteria with
6 respect to those C variances, where the benefits,
7 i.e., adaptive reuse of the building would outweigh
8 any detriment in this case.

9 With respect to the negative criteria,
10 again, there is always two prongs to the negative
11 criteria. (A) is there a substantial detriment to
12 the public, i.e., what is the impact of the proposed
13 addition.

14 Here again, with respect to where the
15 building is located, it is centered in the property,
16 so that again the adaptive reuse can be done
17 sensibly. It's doesn't --it is separated adequately
18 from the adjoining property line, so that we have
19 good separation, and I don't think the impact of
20 doing that with respect to the zoning criteria leads
21 to any substantial detriment.

22 The second prong of the negative
23 criteria has to do with whether or not there is a
24 substantial impairment to the zone plan, if the
25 Board would grant the variances.

1 And here more of a planning issue with
2 respect to what the master plan discusses with
3 respect to historic preservation and how that gets
4 filtered into the zoning ordinance. Here it is a
5 very strong recommendation, a set of criteria in the
6 historic preservation section of the master plan to
7 preserve buildings that have values, historic
8 values, and this certainly does, and there is also a
9 discussion about adaptive reuse about savings the
10 buildings using adaptive reuse. It is a well-known
11 planning concept.

12 All of us planners have been involved
13 in adaptive reuse at one point or another, and this
14 is an opportunity to preserve the portions of the
15 building that can be preserved and also reuse the
16 building for a use that is permitted in the zone,
17 and that will protect and preserve the building for
18 many, many years.

19 So with that said, I think we do then
20 meet the positive and negative criteria under the
21 Municipal Land Use Law and with respect to the R-1
22 zoning criteria.

23 Thank you, Mr. Chairman.

24 CHAIRMAN AIBEL: Thank you.

25 Board members, any questions for Mr.

1 Ochab?

2 MR. GALVIN: Questions?

3 CHAIRMAN AIBEL: Mr. Grana?

4 COMMISSIONER GRANA: Mr. Ochab, I am
5 going to clarify it. I think it is partially myself
6 and maybe for everybody in the room.

7 The current structure covers -- what is
8 the current lot coverage?

9 I am going to imagine somewhere between
10 90 and a hundred percent.

11 THE WITNESS: It's close to 99 percent.

12 COMMISSIONER GRANA: 99 percent.

13 So when you described the variances
14 required for height at 44 feet, front at 13 feet,
15 and rear at 11 feet, we are not talking about
16 changing the existing structure, which meets the lot
17 line.

18 We are really only referring to
19 variances that apply to the new container, if you
20 will, the new volume that will sit inside of the
21 existing structure. Is that true?

22 THE WITNESS: That is absolutely
23 correct, yes.

24 CHAIRMAN AIBEL: Anybody else?

25 Questions, Board members?

1 COMMISSIONER BRANCIFORTE: Well, yeah,
2 I am a little confused on that.

3 I mean, I don't ever recall us, you
4 know, when somebody goes to put an addition on their
5 building -- I am sorry -- an extra floor or two on
6 top of their building, I mean, they always had to
7 fall within this idea of setbacks and stuff, no.

8 THE WITNESS: Yes.

9 COMMISSIONER BRANCIFORTE: They have?

10 THE WITNESS: Yes.

11 So if we have an existing three-story
12 building, and we are adding a fourth floor, that
13 fourth floor is subject to the setback requirements
14 of the zone.

15 COMMISSIONER BRANCIFORTE: Got you.

16 And you are saying now that you are set
17 back 13 feet, when you only allowed to be set back
18 ten?

19 THE WITNESS: Right.

20 Well, the new zoning allows zero or
21 matching the adjoining, but no further back than ten
22 feet.

23 In this case, we can't do that. We
24 would have to pull the addition closer to the street
25 line, which in my view, wouldn't probably be a good

1 idea in this case because of what Dean is trying to
2 do with respect to using the existing structure, so
3 it would be a C2, clearly a C2, where the design
4 would be the most appropriate design for the site.

5 COMMISSIONER BRANCIFORTE: Well, that
6 creates a bit of a problem then for me at least
7 because I am looking at that structure on top, and I
8 am thinking it comes too close to the street and
9 it's too visible from the street, and I was
10 wondering from a planner's point of view, would it
11 make a huge difference if we sort of shrunk that
12 addition and brought it in, you know, rather than
13 being like this, we just brought it in to be a
14 little bit more narrow.

15 THE WITNESS: You mean pull it in
16 towards the center further?

17 COMMISSIONER BRANCIFORTE: Right. I
18 mean, that's what -- I am kind of curious if it can
19 be done and what the planner's thought on that would
20 be, and then I don't know if Dean wants to opine on
21 it, that's up to him.

22 THE WITNESS: I would only say it could
23 be done from a planning perspective because that --
24 we don't generally deal with the architectural
25 aspect of it. But just keep in mind the ordinance

1 actually specifies that it should be on the street
2 line.

3 So if we actually pulled those
4 additions to the street line, we wouldn't be
5 standing here asking for a variance.

6 COMMISSIONER BRANCIFORTE: Right. But
7 at the same time you wouldn't be really saving any
8 of the historical value of the building at the same
9 time.

10 THE WITNESS: Right. Which is why it
11 is at 13 feet.

12 COMMISSIONER BRANCIFORTE: Right.

13 And the fact we are using the basement
14 now, that triggers the number of stories?

15 THE WITNESS: There is no numbers of
16 stories variance here. There's no requirement for
17 number of stories.

18 COMMISSIONER BRANCIFORTE: Got you.

19 All right. Thanks.

20 CHAIRMAN AIBEL: Professionals?

21 Let me open it up to the public.

22 Anybody have questions for Mr. Ochab?

23 Please come forward.

24 MS. RANA: Rose Ann Rana. R-a-n-a.

25 919 Bloomfield

1 THE REPORTER: Can you speak louder?

2 MS. RANA: I'm sorry?

3 THE REPORTER: Can you speak louder?

4 MR. GALVIN: You know what we did, we
5 turned off the air conditioning because we were
6 freezing, and now we are all like fading.

7 (Laughter)

8 I brought you back up. It is okay. Go
9 ahead.

10 MS. RANA: I believe that I heard you
11 say that --

12 MR. GALVIN: Hold on.

13 You guys are barely talking, but you
14 can't if it's going to be that quiet.

15 MS. RANA: I believe that I heard you
16 say that your opinion is that the impact on the
17 neighborhood would be minimal because you said it
18 was centralized.

19 My question is: If you don't have a
20 light, shadow and air study done, how could you
21 conclude that the impact would be minimal on the
22 neighborhood?

23 THE WITNESS: Well, just again from a
24 zoning perspective, the issue here is whether there
25 would be a substantial -- substantial impact. There

1 is always some level of impact when anything is done
2 to any building, but the test is whether it be
3 substantial.

4 I didn't think, and I don't think Dean
5 thought also it was, because of the nature of the
6 existing height of the building, also the nature of
7 what the project is, that there would be a need to
8 do an outright light, air study in this case.

9 MS. RANA: Okay. I respect what you
10 are saying.

11 One of my neighbors has photos. I live
12 on 9th and Bloomfield, and we have very tiny
13 backyards, so she has like a view from our tiny
14 backyards to --

15 UNIDENTIFIED VOICE: You have --

16 MR. GALVIN: Hold on, hold on, guys.
17 Stop, stop, stop. Time out. Okay.

18 Just let's let Mr. Matule look at the
19 photos. There is a procedure for this, and you are
20 not presenting your case right now. You are
21 cross-examining a witness.

22 MR. MATULE: Do you have a whole series
23 photos?

24 MS. TORRES: I do have a whole series
25 of photos.

1 MR. GALVIN: Well, you and Mr. Matule
2 have to look at them first.

3 MR. MATULE: Is that it?

4 MS. TORRES: That's it. Sorry for the
5 low tech.

6 MR. GALVIN: Sometimes that is better.

7 THE REPORTER: What is your name?

8 MS. TORRES: Gail Torres, 915
9 Bloomfield Street.

10 I live a few doors down from Rose Ann.

11 MR. MATULE: Well, I guess the only
12 thing I can say is there is one series of four
13 photographs that appear to be photographs of
14 commercial HVAC exhaust stacks on the back of
15 buildings on Washington Street.

16 I guess my first question is, and no
17 disrespect, but what is the relevance or what's the
18 point you're trying to make with that?

19 MR. GALVIN: Well, if they're --

20 UNIDENTIFIED VOICE: With respect to
21 what we are referring to in these photos right here
22 right now --

23 MR. GALVIN: No, no. Which photos are
24 you talking about, guys?

25 MR. MATULE: Well, I was given --

1 (People in the audience talking at
2 once.)

3 MR. GALVIN: Wait, wait, wait. I am
4 hearing a lot of voices, and they're not just the
5 ones in my head.

6 (Laughter)

7 MR. MATULE: I will pass these forward
8 to counsel and you can look at them. I just --

9 UNIDENTIFIED VOICE: Can I have the
10 opportunity to just clarify?

11 MR. GALVIN: Can you be patient with me
12 for one second?

13 No, you can't look at these. I have
14 not made a ruling on them yet.

15 (Counsel views photographs)

16 MR. MATULE: Mr. Galvin, I haven't
17 raised an objection to them. I am just asking what
18 the relevance is, so then I can decide whether I
19 want to object to them.

20 (Laughter)

21 MR. GALVIN: I understand, but I may
22 not need a relevance if I think that -- all right.
23 Go ahead.

24 Let's indulge Mr. Matule. Tell him
25 what the relevance of these pictures are.

1 MS. RANA: Well, I would say what I
2 think the relevance of the photos are is that we do
3 have very tiny backyards. That open space is a very
4 critical issue for us, and light and air is very
5 important to us --

6 MR. GALVIN: Time out for a second.
7 Okay?

8 Just give me one second, everybody.
9 Let's be patient.

10 The way this procedure -- you want to
11 ask questions -- the reason why we are going to put
12 these into evidence, they want to ask Mr. Ochab a
13 question. I think it is all fair and reasonable.
14 Okay?

15 The only thing I have to do is who took
16 the pictures?

17 Raise your right hand.

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

21 MS. TORRES: I do.

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

24 MS. TORRES: Gail Torres, T-o-r-r-e-s.

25 CHAIRMAN AIBEL: All right.

1 Gail, where do you live?

2 MS. TORRES: 915 Bloomfield.

3 MR. GALVIN: Okay.

4 And you took both sets of these
5 pictures?

6 MS. TORRES: Yes.

7 MR. GALVIN: Okay. And when did you
8 take them?

9 MS. TORRES: I'm sorry?

10 MR. GALVIN: When did you --

11 MS. TORRES: Oh, when?

12 This morning.

13 MR. GALVIN: Awesome.

14 I am going to ask our secretary to mark
15 these as N-1 --

16 MR. MATULE: N-1 and N-2?

17 MR. GALVIN: -- thank you.

18 He knows where I'm going.

19 MR. MATULE: So we will make the one
20 page with two photos on it N-1, and then we will
21 make the set of exhaust stacks N-2.

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

23 MR. GALVIN: Now, the pictures have
24 been introduced into evidence. So what you are
25 going to do is, you can ask Mr. Ochab questions

1 about them, but he may never have seen them before,
2 so he may not be able to do much. But the thing to
3 keep in mind -- is everybody with me?

4 The thing to keep in mind is we are
5 probably not going to do it tonight, but when we get
6 to the point where you comment, you can come on back
7 with those pictures, and tell us why they are
8 relevant.

9 You can't tell us why they are relevant
10 now. You gave Mr. Matule his answer, but you are
11 going to be asking questions of Mr. Ochab, if you
12 can.

13 MR. RANA: I guess my last question is:
14 Would you anticipate doing a light and shadow open
15 space study before pursuing the construction, if it
16 goes impose through?

17 THE WITNESS: That is not my decision
18 to make. I don't think --

19 MR. GALVIN: Can I -- I am going to say
20 this.

21 Up until now, they didn't do a shadow
22 study. If they were going to do a shadow study,
23 they would have been wise to present it tonight.

24 Are you going to produce a shadow
25 study?

1 MR. MATULE: I can't say. I have to
2 ask my client. Unfortunately, he is not here. He
3 is in -- wherever.

4 MR. GALVIN: Okay.

5 MR. MATULE: I will suggest to him it
6 might be a good idea, but I can't make a commitment
7 tonight.

8 MR. GALVIN: I don't know that the
9 Board has said any -- the Board has not made any
10 comment on that.

11 MS. TORRES: I know don't if Mr. Ochab
12 is the one that I would ask this of as well.

13 Has anybody done any kind of noise
14 evaluation?

15 That was the reason for the other
16 photos.

17 THE WITNESS: So that would have been
18 Mr. Marchetto.

19 MR. GALVIN: Threw him right under the
20 bus.

21 (Laughter)

22 MR. MATULE: Just for the record, Mr.
23 Marchetto did testify in response to an earlier
24 question about the HVAC units not being in the
25 backyard and being up on the fourth floor roof, and

1 they're behind a parapet wall, and they are
2 residential --

3 MS. TORRES: Right. But nobody did any
4 sort of impact study.

5 Nobody called in the original
6 commission to look at what the decibels are back
7 there currently, which is a real problem already
8 because there are six commercial HVAC units, thus
9 the pictures --

10 MR. GALVIN: See, now you are
11 testifying, and I have to stop you. Okay?

12 MS. TORRES: Okay. I'll have to wait.
13 Okay. So I will sit down.

14 MR. GALVIN: All right.

15 CHAIRMAN AIBEL: Any other questions?

16 A VOICE: Hi.

17 MR. GALVIN: Oh, boy.

18 (Laughter)

19 CHAIRMAN AIBEL: Name and address.

20 MR. LAGANO: Steve Lagano, 931
21 Bloomfield Street.

22 THE REPORTER: Can you spell your name,
23 please?

24 MR. LAGANO: L-a-g-a-n-o.

25 MR. GALVIN: Yes, every time. Sorry

1 about that. And in every town, not just here.

2 MR. LAGANO: So I have a question for
3 you, and it is kind of an item that has been
4 discussed each time.

5 And you say, you know, you feel there
6 is very little impact, and -- but nobody has done a
7 volumetric exchange.

8 Everybody talks about this piece going
9 up, and you know, we are actually lower than that.
10 But that piece going up is this much, and you are
11 putting in this much. But yet, you have a very high
12 level of confidence in saying it will have no
13 impact.

14 So how are you guys saying it's going
15 to have no impact?

16 THE WITNESS: Well, first of all, Dean
17 said that he would do a volumetric set of
18 calculations.

19 So given that being done, from a
20 planning perspective, my perception is that the
21 effect of an addition on light and air, and open
22 space is generally associated with buildings that
23 are built out to the property lines, or that extend
24 out over the site in question, so that there is a
25 view of -- substantial view of the new addition.

1 A typical example would be, as the
2 Commissioner indicated, with a three-story building,
3 you put a fourth story on that building on a 25 foot
4 lot, and you got both side yards occupied, and you
5 got a front yard up to the front.

6 So, you know, there is an issue there,
7 a relatively simple issue to say, okay, now I need
8 to investigate.

9 But here, we have a completely
10 different animal, because we have other factors
11 associated with where the building is going to be
12 located, which is essentially in the center of the
13 property. We're beyond where our typical required
14 setbacks are with regard to the front yards, and
15 with the exception of the rear yard, which is facing
16 the Washington Avenue -- the back of the Washington
17 Avenue stores and retail area.

18 So for me, that wasn't significant
19 enough to say, well, we need to do a study, an
20 outright study of light, air and open space.

21 That is sort of the criteria for where
22 I am coming up.

23 MR. LAGANO: So if you want to respond
24 to that, you do that after?

25 MR. GALVIN: You mean you disagree with

1 his opinion, yeah.

2 MR. LAGANO: I think I unequivocally
3 disagree.

4 (Laughter)

5 MR. GALVIN: Yes. But he is not -- no
6 professional expert is ever going to agree with
7 people who don't like it, so you have to wait until
8 it's your --

9 MR. LAGANO: No. It's not that I don't
10 like it. Let's get to the facts.

11 MR. GALVIN: No, no, no.

12 There is no way we are getting to
13 comments tonight. We probably are not going to get
14 through all of the questions.

15 So, you know, when it is your turn to
16 comment, you will come up and tell us how you feel.

17 MR. LAGANO: If that's the process,
18 then that is what I am saying, I will wait then.

19 MR. GALVIN: And listen, as a
20 professional planner what he has done is he has
21 given us the appropriate testimony. If we were to
22 consider this application, there are things that the
23 court is looking for, and he touched on those
24 things, and one of the things are: What do you
25 think about the negative impact on the surrounding

1 property owners, and he is opining that he doesn't
2 think that it is that bad.

3 You can disagree, but he is a
4 professional planner. Okay?

5 CHAIRMAN AIBEL: Please come forward.

6 MS. SZABLA: My name is Elizabeth
7 Szabla, S-z-a-b-l-a, 923 Bloomfield.

8 I have a question.

9 You know, you are talking a lot about
10 impact. There's a lot of roof deck space in my
11 opinion, that is being added here that hasn't been a
12 factor on the structure or on our block until now.

13 Can you tell us what some of the impact
14 of outdoor space when we're talking about -- I know
15 that we may not see furniture, but there are bodies,
16 grills, parties,

17 How is the impact of the outdoor space,
18 how does that figure into your response as a
19 planner?

20 THE WITNESS: Well, there is no ground
21 level open space to speak of, so I thought it was
22 very appropriate to have some areas within the
23 building that the occupants can get out to the open
24 area, and the terraces are the way to do that.

25 The terraces essentially are facing the

1 Washington Street side of the building, except for
2 the two little portions, and one faces the north
3 side, and one comes around to the 9th Street side.

4 These are small areas. They are not
5 huge expansive decks, like for instance, you would
6 see on a roof deck, where you see a 500 square foot,
7 one massive roof, with everything that goes with it.

8 So my take on it and working with Dean
9 is let's establish small outdoor spaces, where
10 people can get out and at least get some air,
11 because you don't have the open space at the ground
12 level.

13 With respect to the other things, I
14 can't comment on parties, and there will be some,
15 you know, chairs. They need to put chairs out. I
16 don't think that is an issue.

17 There is going to be a wall or a visual
18 separation from the street, so you can't see the
19 terraces, so I think it is really in the purview of
20 good planning to provide something.

21 CHAIRMAN AIBEL: Anybody else,
22 questions?

23 Please come forward.

24 MS. TUZMAN: Gail Tuzman, T-u-z-m-a-n,
25 owner of 161 9th Street.

1 You had said something about the height
2 of six inches more than the different kinds of
3 areas. Can you explain that again?

4 THE WITNESS: Sure.

5 Under the Municipal Land Use Law, there
6 are two different types of variances. Let's call
7 them minor variances and more significant variances.

8 The Municipal Land Use Law allows you
9 to go ten percent higher than the allowable height,
10 which is 40 feet. So we can go up to that 44 feet
11 and still come under the classification of what is
12 called a minor variance. But because we are at 44
13 and a half feet, we went beyond the ten percent, and
14 that gets us classified into a different variance
15 category called a D variance.

16 There are completely different criteria
17 for those two sets of variances, and that is what I
18 was addressing the Board about, the differences in
19 criteria.

20 MS. TUZMAN: So I am just curious
21 about -- I had asked earlier about the ceiling
22 heights, and there is nine feet which is generous.

23 So I am wondering, if consideration was
24 given to keep it at that minor variance, not that I
25 am sure how I would feel about that, but by just

1 lowering two floors by three inches, and then you
2 would be under the lower variance.

3 THE WITNESS: Well, that is a --
4 that's --

5 MS. TUZMAN: Well, it's not a question
6 for you.

7 MR. GALVIN: No, no, no, no, no. Let
8 me just say this.

9 That was a very sound question that
10 many Boards in other towns ask planners when they
11 come in with a half foot that pushes them over into
12 a D variance, because you could eliminate the D
13 variance, and then instead of needing five Board
14 members to vote yes, you only need four Board
15 members to vote yes.

16 THE WITNESS: We always have a
17 discussion about that, particularly when we are this
18 close, but we felt in this case that the 9 foot
19 ceilings were appropriate because of the way in Dean
20 designed the actual units.

21 You are not dealing with boxes, but you
22 are dealing with units that have unusual shapes, and
23 unusual room shapes, so the 9 foot ceiling gives it
24 more volume.

25 We felt that that was necessary, and

1 that we would, you know, assume the risk of going
2 for the variance.

3 CHAIRMAN AIBEL: Thank you.

4 Any other questions for Mr. Ochab?

5 MS. MURCKO: Susan Murcko, M, like in
6 Mary, u-r-c-k-o, 157, 9th Street.

7 Mr. Ochab?

8 THE WITNESS: Hi.

9 MS. MURCKO: The point has been made
10 more than once tonight, that the developer needs six
11 units in order to create value. He paid 2 million
12 for the property, and he has to spend more than a
13 million to upgrade it.

14 I know that similar units in our
15 neighborhood several years ago had sold north of \$1
16 million, and the real estate person in our
17 neighborhood told me that since November, the market
18 has increased one percent per month.

19 So I am wondering why -- have you
20 considered why you can't make these four units and
21 still make a profit?

22 MR. GALVIN: Let me --

23 THE WITNESS: Well, I'll just -- I will
24 answer it this way.

25 I don't do the economics of the

1 project. My role is to look at the zoning criteria,
2 and you should know that under the zoning criteria,
3 you can actually do seven units without asking for a
4 variance, but in this case we are proposing six.

5 But other than that, I can't answer
6 your question because I don't do the economics of
7 the project.

8 MR. GALVIN: You know, the problem is
9 we don't -- I know. You should answer that.

10 MR. MARCHETTO: I can answer it.

11 MR. GALVIN: Is that okay?

12 CHAIRMAN AIBLE: That's fine.

13 MR. MARCHETTO: The numbers -- the
14 thing I mentioned before was north of \$1 million to
15 restore it. It cost them \$2 million, I am told. I
16 didn't see the paper.

17 We estimate it is about \$3 million for
18 construction, not the restoration, just the
19 restoration on the facade. We estimate \$3 million
20 in construction costs. That is a total of \$6
21 million.

22 So think about six units, think about
23 insurance and soft costs and all kinds of other
24 expenses. Where is the profit margin?

25 You know that these apartments -- you

1 know what the value is, if you own a home on
2 Bloomfield, maybe they are a million, three, two, or
3 maybe five. So if you multiply that by six, you
4 would see there is no major profit margin, so what I
5 think you forgot in your calculations was the
6 construction costs.

7 MR. GALVIN: Guys, let me just say this
8 also. The Board doesn't really consider economic
9 data, like whether or not the developer is going to
10 make a profit, okay? And we don't consider the
11 impact on taxes. There are some things that the
12 courts don't want us to consider.

13 We have to look at this from the
14 standpoint of zoning and planning, and what the law
15 allows, and do they meet the standards for
16 deviating. But I think as a general proposition,
17 the suggestion is when you are going to do an
18 adaptive reuse, and I'm not talking about this case,
19 that if you can't make it so that it works for the
20 developer from an economic standpoint, they could
21 take the entire building down and just build a new
22 building that conforms to the ordinance.

23 So that is what you have to weigh,
24 because the Board is going to have to weigh, do you
25 allow the variances that are being requested, or

1 that with the possibility that if you don't, and it
2 doesn't work out for this developer, that maybe the
3 better alternative for that developer is to take the
4 building away that we want to preserve.

5 MS. MURCKO: Right.

6 But I guess we are wondering if it's
7 possible to go down say a story or two stories --

8 MR. GALVIN: The hearing is not done
9 yet and you'll have plenty of opportunity to
10 comment. We have no idea what the outcome is going
11 to be.

12 MS. MURCKO: It is not a comment. It's
13 a question.

14 MR. GALVIN: No. I said you will have
15 plenty of time to comment.

16 MS. MURCKO: Thank you.

17 CHAIRMAN AIBEL: Ms. Ondrejka.

18 MS. ONDREJKA: Mary Ondrejka,
19 O-n-d-r-e-j-k-a, 159 9th Street.

20 I wanted to ask you something that you
21 said, but I don't really understand all of this that
22 well.

23 It is in the R-1 Zone District,
24 correct, and you said that because it is a church
25 there are no -- there is nothing designated for a

1 church because I believe you said that churches are
2 not allowed in the R-1 District now?

3 THE WITNESS: It is a little tricky.

4 In the R-1 Zone, churches are permitted
5 conditional uses. Conditional uses typically have
6 specific conditions attached to them. Like let's
7 say a church would have a condition relative to
8 parking or assembly or some other architectural
9 features. That is specifically for churches.

10 In the Hoboken ordinance, there are no
11 conditions --

12 MS. ONDREJKA: There are no conditions
13 for churches --

14 THE WITNESS: -- for churches.

15 Right. There is no conditions for
16 churches. And there is a case law, in other words,
17 there has been judges' decisions on this type of
18 issue that says if there are no conditions attached
19 to a conditional use, it is deemed as not a
20 permitted use, so --

21 MS. ONDREJKA: By fault basically --

22 THE WITNESS: -- well, that is what the
23 judges have decided.

24 So essentially this church in the R-1
25 Zone, even though it is a permitted conditional use,

1 essentially it's not permitted. Because it has been
2 there forever, it is a preexisting nonconforming
3 use.

4 MS. ONDREJKA: Okay.

5 Because it is a nonconforming use, and
6 it has been sold, there are no conditions as to what
7 can go there except you say there is allowed seven
8 units.

9 Why is seven units allowed in a
10 building of a church, because of the district?

11 THE WITNESS: Oh, no, no, no, no, no.

12 Forget about the fact that it is a
13 church now. So you have a piece of property --

14 MS. ONDREJKA: Property --

15 THE WITNESS: -- in the R-1 Zone.

16 Under the R-1 Zone, there is a method
17 to calculate how many units you can legally put on
18 that property, and it's based on the lot size and a
19 factor that's used to then calculate the density.

20 In this case, 7.66 units can completely
21 be put on the property.

22 MS. ONDREJKA: Okay.

23 Is that based upon the size because my
24 understanding with lots, there is a 60 percent lot
25 coverage --

1 THE WITNESS: That is completely
2 different --

3 MS. ONDREJKA: -- Well, this is
4 covering almost the entire lot. What is it,
5 90-something percent lot coverage?

6 THE WITNESS: Right.

7 But when you calculate --

8 MS. ONDREJKA: So how is that
9 calculated -- is that calculating the 90 percent lot
10 coverage, or if it were a 60 percent or say if it
11 was like a brownstone sitting there --

12 THE WITNESS: Forget lot coverage --

13 MR. MATULE: Just let him answer now,
14 Mary.

15 MS. ONDREJKA: Okay. I'm trying to
16 understand.

17 THE WITNESS: Forget lot coverage.

18 MS. ONDREJKA: Okay. Forget lot
19 coverage.

20 THE WITNESS: Right.

21 It's just you are taking the size of
22 this property and you are using the formula in
23 zoning ordinance to calculate what the density is.

24 It has nothing to do with the coverage.
25 It has nothing to do with the existing building. It

1 is just the size of the lot factored by the density
2 of the calculation, which 7.66.

3 And so just to continue -- finish the
4 story here, you can't round up. So we have 7.66,
5 and we can't round up to 8, but you have to round
6 down to 7.

7 MS. ONDREJKA: All right.

8 THE WITNESS: So seven units are
9 legitimately allowed on this parcel in this R-1
10 Zone.

11 MS. ONDREJKA: Okay.

12 There is no commercial use allowed in
13 this zone for that site?

14 But commercial would be a church, so
15 that was like grandfathered in.

16 THE WITNESS: You are getting too far
17 afield here.

18 MS. ONDREJKA: No. What I'm asking is:
19 Can something like a performance space be used in
20 that space instead?

21 I'm just asking.

22 Is it just only for residential?

23 THE WITNESS: Well, no, if you look at
24 the R-1 ordinance, public buildings or schools,
25 hospitals --

1 MS. ONDREJKA: Okay. So it would not
2 have to have been condos for a home or housing for
3 people?

4 THE WITNESS: But I doubt if you are
5 going to get --

6 MS. ONDREJKA: I'm just asking that
7 question.

8 THE WITNESS: -- I doubt if you are
9 going to get a school, a hospital or a public
10 building, i.e., a municipal building on a 5,000
11 square foot lot. It is not logical to assume that
12 fact.

13 MS. ONDREJKA: You said the roof
14 deck -- I mean the roof terrace on the fourth floor
15 did not qualify for the three feet setback.

16 THE WITNESS: I did.

17 MS. ONDREJKA: That is why you need a
18 variance.

19 THE WITNESS: I did say that.

20 MS. ONDREJKA: Okay.

21 What about the third floor?

22 You just said fourth floor because I'm
23 losing track here.

24 The terraces are on the third floor or
25 the fourth floor?

1 THE WITNESS: I thought the terraces
2 that are --

3 MS. ONDREJKA: You are just mentioning
4 one --

5 THE WITNESS: -- are within the --

6 MR. GALVIN: The architect has four
7 fingers up.

8 (Laughter)

9 MS. ONDREJKA: Okay, all right.

10 So when you say that you need this
11 variance it's because now it's going to be closer to
12 the street?

13 THE WITNESS: No. It is closer to the
14 internal property line. It's not closer to the
15 street --

16 MS. ONDREJKA: Okay, okay. It's
17 supposed to be -

18 THE WITNESS: -- it is on the back side
19 of the building not along the street line.

20 THE REPORTER: Wait a second. You
21 can't ask a question until he finished his answer,
22 okay, please?

23 MS. ONDREJKA: Oh, all right.

24 THE WITNESS: It's in the back side of
25 the building. It's not all on the street line.

1 MS. ONDREJKA: It's on the back?

2 THE WITNESS: It's in the back, yes.

3 MS. ONDREJKA: North?

4 THE WITNESS: North, correct.

5 MS. ONDREJKA: My last area is this:

6 Have you seen the building at night,
7 the structure at night?

8 THE WITNESS: I have passed by at
9 night.

10 MS. ONDREJKA: Very dark, very dark.

11 THE WITNESS: Well, nobody is in there.

12 (Laughter)

13 MS. ONDREJKA: That is right. Well,
14 that is my point.

15 You didn't mention in your negative
16 criteria anything about the light and air that other
17 people have brought up.

18 Obviously, there is going to be more
19 windows added to that two stories, so that is more
20 light.

21 There will be lights added to the
22 exterior of the building for all four doors, so how
23 can there not be any impact with light?

24 And then, of course, the windows that
25 wouldn't be opaque any more, they will be clear

1 glass with shining light and a very large tower at
2 78 feet with light, this is a lot of light on that
3 corner.

4 Do you not consider that as a planner
5 that would have some sort of impact, considering it
6 is a corner structure that will flow from the east
7 and the west and the -- maybe not north -- south --
8 south -- certainly I am going to see it.

9 MR. GALVIN: Whoa, Whoa. That was a
10 statement, not a question.

11 MS. ONDREJKA: Don't you think --

12 MR. GALVIN: But let him answer --

13 MS. ONDREJKA: -- don't you think that
14 light is a --

15 MR. GALVIN: Come on.

16 UNIDENTIFIED VOICE: Let him answer.

17 Go ahead.

18 MR. GALVIN: We're getting help here.

19 (Laughter)

20 Dennis, get in the game here, stop her.

21 (Laughter)

22 THE WITNESS: Will there be an increase
23 in light?

24 Undoubtedly, because the nature of the
25 windows will change. But I think it is speculative,

1 because we don't know what kind of window
2 treatments --

3 MR. GALVIN: Let me stop you. Let me
4 stop you for a second.

5 THE WITNESS: -- okay.

6 MR. GALVIN: It is not speculative.
7 It's definitely going to be more light than there
8 was before. However --

9 MS. ONDREJKA: Thank you.

10 MR. GALVIN: -- the standard -- that's
11 not the standard. The standard is, is there going
12 to be a substantial negative impact.

13 THE WITNESS: I am getting there.

14 MR. GALVIN: Oh, okay. No problem.

15 THE WITNESS: That is okay --

16 MS. ONDREJKA: You don't think that --

17 THE WITNESS: -- if I can finish -- if
18 I can finish the statement that I was going to make
19 was the test for the Board is whether the increase
20 in light, the impact of that is substantial. That
21 is the test for them to determine.

22 MS. ONDREJKA: And how many 78 foot
23 story towers of light do you deal with to face any
24 kind of suggestion that that might have some impact
25 for a long way?

1 THE WITNESS: I am not going to opine
2 on that, but I am just saying --

3 MS. ONDREJKA: It is not a usual thing
4 is what I'm saying.

5 So -- and the air, the air and the
6 space that is going to be blocked out --

7 THE WITNESS: Well, I did talk about
8 that extensively --

9 MS. ONDREJKA: -- just --

10 THE WITNESS: -- so I am not going to
11 go over that.

12 MS. ONDREJKA: Thank you.

13 CHAIRMAN AIBEL: Thank you.

14 Please come forward.

15 MS. KELLY: Mary Kelly, 925 Bloomfield
16 Street.

17 Mr. Ochab, thank you for your testimony
18 this evening.

19 I wanted to go back to your original
20 report, the January 8th report.

21 I don't know if that was given an
22 exhibit number or not.

23 CHAIRMAN AIBEL: For the record --

24 MR. MATULE: We generally don't give
25 them exhibit numbers because they are part of the

1 record.

2 MR. KELLY: Okay. Beautiful. Thank
3 you.

4 Was that ever amended or is that the
5 only report --

6 THE WITNESS: The only report.

7 MS. KELLY: Okay.

8 Hum, and I am a little confused about
9 the height that we are talking about here.

10 I realize that we are only talking a
11 matter of inches, but nonetheless when you are
12 talking about something that is newly evasive into
13 our backyards, that adds up.

14 In your discussion today, I thought I
15 heard you say that the height was going to be 44.6,
16 but I believe in your report on Page -- let me find
17 it -- I believe in your report you said it was 44.8.

18 Then I believe that the plan says that
19 it is going to be 46.25 above grade.

20 As I said, these are, quote, nominal
21 amounts, nonetheless there seems to be a lack of
22 consistency, and I am trying to figure out exactly
23 what that page is that we're talking about --

24 MR. MATULE: Dean, do you want to talk
25 about that or I could talk about it?

1 I mean, since that report was written,
2 the ordinance has changed.

3 Dean, you can jump in here.

4 MR. GALVIN: Let me just say this also,
5 and I don't mean to interrupt, but I think we have
6 to have an updated zoning chart before this
7 continues --

8 MR. MATULE: Well, I think we have it,
9 but that is why I asked Mr. Ochab at the beginning
10 of his testimony if he was aware of the changes,
11 because the point where we measure from has changed.

12 We used to measure from something
13 called BFE, which was the Base Flood Elevation, and
14 now we measure from something called the Design
15 Flood Elevation.

16 Dean, you can jump in here, but I think
17 it is a difference of either one or two feet.

18 MR. MARCHETTO: It's a difference of
19 one foot.

20 MR. GALVIN: You know, guys, our
21 planner has not seen the updated chart, so if you
22 updated the chart, we think you should provide it to
23 us.

24 MR. MATULE: I don't know.

25 Has the chart been updated or not?

1 MR. MARCHETTO: The last issue was
2 June --

3 MR. MATULE: We would be happy to
4 provide an updated chart.

5 MR. GALVIN: Thanks. That would be
6 helpful, because I am looking at some variances that
7 we don't need, so that makes it more complicated
8 than it needs to be.

9 MS. KELLY: If I may, so I guess I'll
10 go back to my question.

11 I recognize that Mr. Ochab's report was
12 done well in advance of the modification to the
13 planning resolutions.

14 What is the exact height that we are
15 talking about above grade that is -- that will
16 eventually be reflected in the section that says --

17 MR. MATULE: Can you answer that
18 question, Dean?

19 But just for the record, we don't
20 measure from grade.

21 MS. KELLY: Okay. I appreciate that.
22 I am trying to find out what the num -- there is a
23 number --

24 MR. MATULE: Yes.

25 MR. GALVIN: I know why you used the

1 word "grade."

2 She wants to know what the height is --

3 MR. MATULE: I am trying to get you an
4 answer to that question.

5 MS. KELLY: Okay. Thank you.

6 MR. GALVIN: Because I thought it was
7 44.8.

8 MR. MARCHETTO: Okay. The height is 46
9 feet three inches above the average grade.

10 The average grade is no longer the
11 point where we measure the height from.

12 MR. GALVIN: Right.

13 I want to know what it is from the DFE.

14 MR. MARCHETTO: The DFE.

15 MR. GALVIN: D, Design Flood Elevation,
16 which is the correct standard today.

17 MR. MARSDEN: It is not on the plan.

18 (Board members confer.)

19 MR. MATULE: I know it will be less --

20 MR. GALVIN: It might be something we
21 have to get at the next hearing.

22 MS. KELLY: Okay.

23 CHAIRMAN AIBEL: But we will get a
24 number. We will get the right number.

25 MS. KELLY: Okay. That will be great.

1 I just have a couple of more questions.

2 CHAIRMAN AIBEL: Yes, go ahead.

3 MS. KELLY: It won't be significant, I
4 promise.

5 Again, going back to your report, Mr.
6 Ochab, you indicated in the report that the
7 additional height in the building is incorporated
8 above the existing church structure, so that the
9 addition is set back on the facade along 9th Street,
10 and accordingly, it is not going to be a significant
11 alteration to the neighborhood.

12 Then it proceeds to say that with
13 respect to accommodating the problems associated
14 with the height, the addition of the structure set
15 back into the center of the site, and quote, as a
16 result will not create any impact on adjoining
17 properties, end quote.

18 And I think that that is a little
19 different from what you testified to today about
20 significant impact or substantial impact because I
21 think it might be hard for us to say that this would
22 have no impact on the neighbor to the north.

23 Would you agree that that is --

24 THE WITNESS: I will stand by my
25 testimony this evening, which is a modification of

1 the report.

2 MS. KELLY: Okay. Great.

3 And then finally, when you were
4 preparing, when you came to do your site visit and
5 prepared for the -- to collect information related
6 to the area, did you in fact look at the interior at
7 the donut inside the neighborhood walls, and you had
8 testified earlier I heard that there were no other
9 roof decks in the area, but Exhibit N-1 does show
10 that there are. There's at least one documented
11 there, and I didn't know if you looked at --

12 THE WITNESS: No. It was hard for me
13 to get into a position anywhere on the site, where I
14 could actually see the rear yard without trespassing
15 on lots of people's property, which I don't do,
16 so --

17 MS. KELLY: I can certainly appreciate
18 that.

19 THE WITNESS: So what I used instead
20 was an aerial photograph to try to best determine,
21 you know, what was in that rear yard area,
22 particularly between Washington and Bloomfield.

23 MS. KELLY: Okay.

24 And just finally, you do recognize that
25 these are very small lots.

1 THE WITNESS: I do.

2 MS. KELLY: Could you tell me what you
3 would think like a normal lot in Hoboken would be
4 with respect to depth?

5 THE WITNESS: Well, typically a hundred
6 feet.

7 MS. KELLY: Okay. And these are?

8 THE WITNESS: Somewhat short of that.

9 MS. KELLY: And the plan says that this
10 is a 72 foot depth. Would that be accurate?

11 THE WITNESS: It would be.

12 MS. KELLY: Thank you.

13 CHAIRMAN AIBEL: Thank you.

14 Okay. Do we have one more question,
15 one more person, or do we have one than one, because
16 we're --

17 A VOICE: Does somebody else want to
18 go?

19 CHAIRMAN AIBEL: No, that's okay. Hold
20 on.

21 MR. GALVIN: If you're the last person,
22 we are good to go.

23 CHAIRMAN AIBEL: Yes.

24 MR. GALVIN: I just want to know if
25 there's one person, we might want to wait.

1 CHAIRMAN AIBEL: Come on up.

2 MR. GALVIN: Come on up.

3 MR. THOMPSON: This is a pretty quick
4 question.

5 There was test --

6 CHAIRMAN AIBEL: Name and address.

7 MR. THOMPSON: Daniel Thompson.

8 MR. GALVIN: Thank you.

9 VICE CHAIR GREENE: Address, please.

10 MR. THOMPSON: There was testimony
11 here --

12 COMMISSIONER GRANA: We need your
13 address.

14 MR. GALVIN: Your address.

15 MR. THOMPSON: Did I forget my address?

16 MR. GALVIN: Yes, you did.

17 MR. THOMPSON: 230 Park Avenue,
18 Hoboken, New Jersey.

19 Okay.

20 MR. GALVIN: I didn't think you forgot.
21 You just didn't tell us.

22 (Laughter)

23 I didn't think you forgot. I just
24 assumed you didn't tell us.

25 CHAIRMAN AIBEL: All right. Let's get

1 going.

2 THE WITNESS: It is getting late now.

3 A VOICE: Don't humor him.

4 MR. THOMPSON: I believe there was
5 testimony here that the total amount of square
6 footage in this project is 12,000 square feet,
7 right?

8 THE WITNESS: I believe that is what
9 the architect testified.

10 MR. THOMPSON: Okay, okay.

11 ANOTHER VOICE: Close, not exactly.

12 MR. THOMPSON: Approximately.

13 Let's just say that the Zoning Board
14 says no, sorry, you can't do that.

15 And you abide by the zoning ordinance
16 about how many square feet you can do on this block.

17 How many square feet would you be able
18 to do?

19 THE WITNESS: That is a good question.

20 MR. MATULE: Mr. Marchetto, perhaps you
21 could answer that.

22 MR. MARCHETTO: 12,136.

23 MR. THOMPSON: Same amount?

24 MR. MARCHETTO: Yes, approximately the
25 same amount.

1 MR. THOMPSON: So it's the same amount?

2 MR. MARCHETTO: Yes.

3 MR. THOMPSON: Okay. Thank you.

4 CHAIRMAN AIBEL: Thanks. All right.

5 VICE CHAIR GREENE: Seeing no one, I

6 move to close public portion.

7 COMMISSIONER MC ANUFF: Second.

8 CHAIRMAN AIBEL: All in favor?

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

11 CHAIRMAN AIBEL: Okay. Well, we are at
12 10:45. It would be great to finish tonight, but
13 that is not going to happen.

14 So, Pat, do we have another proposed
15 date?

16 MS. CARCONE: September 22nd, does that
17 work?

18 MR. HULING: We request that the
19 official objector be included in the next meeting.

20 CHAIRMAN AIBEL: Everybody is going to
21 have notice right now when we are going to have our
22 next hearing.

23 MR. GALVIN: Everyone is an official
24 objector.

25 MR. HULING: Okay. Well, I had an

1 official status I wanted to maintain for that
2 next --

3 MR. GALVIN: You do not have an
4 official status --

5 MR. HULING: Okay.

6 MR. GALVIN: -- you have somebody who
7 has a report that you're going to introduce, and
8 when it is your turn to speak during comments.

9 VICE CHAIR GREENE: No, it's Yom
10 Kippur.

11 MS. CARCONE: That would bump us up
12 into October then.

13 MR. MATULE: How about August 18th?

14 (Laughter)

15 CHAIRMAN AIBEL: What do you have next
16 week?

17 MR. GALVIN: How about it?

18 MS. CARCONE: Then we go up to October
19 20th or October 27th.

20 CHAIRMAN AIBEL: No. What do you have
21 next week?

22 MR. MATULE: 118 Madison.

23 MS. CARCONE: No. We have 1420 Willow,
24 and we have 118 Madison.

25 CHAIRMAN AIBEL: Are you on 118

1 Madison?

2 MR. MATULE: Yes. I don't think that
3 is going to be a short one. Just a feeling.

4 (Laughter)

5 No, no. Obviously the 18th is not
6 viable.

7 CHAIRMAN AIBEL: So what is next, Pat?
8 What's the next date in October?

9 MS. CARCONE: October 28th or October
10 27th are our two scheduled meetings.

11 MR. MATULE: Is October 20th a regular
12 meeting?

13 MS. CARCONE: October 20th is a regular
14 meeting.

15 MR. MATULE: It comes late.

16 Dean, October 20th?

17 CHAIRMAN AIBEL: October 20th?

18 VICE CHAIR GREENE: It's okay with me.

19 MR. MATULE: My team is saying yes, and
20 I will extend the time in which the Board has to act
21 through October 20th.

22 No notice, no further public notice?

23 MR. GALVIN: The Board is going to have
24 to make that call.

25 CHAIRMAN AIBEL: We need a motion to

1 carry to October 20th without further notice. We
2 will be here in this same room, and Mr. Matule will
3 extend the time in which we can act.

4 COMMISSIONER GRANA: A motion that we
5 move to October 20th, with no further notice. This
6 is the notice.

7 That is the motion.

8 MR. GALVIN: That is it.

9 Is there a second?

10 COMMISSIONER MC ANUFF: Second.

11 CHAIRMAN AIBEL: Pat?

12 MS. CARCONE: Do you want to do a roll
13 call or all in favor?

14 CHAIRMAN AIBEL: Please do a roll call.

15 MS. CARCONE: Okay. Commissioner
16 Greene?

17 VICE CHAIR GREENE: Yes.

18 MS. CARCONE: Commissioner Grana?

19 COMMISSIONER GRANA: Yes.

20 MS. CARCONE: Commissioner Branciforte?

21 COMMISSIONER BRANCIFORTE: Yes.

22 MS. CARCONE: Commissioner McAnuff?

23 COMMISSIONER MC ANUFF: Yes.

24 MS. CARCONE: Commissioner DeGrim?

25 COMMISSIONER DE GRIM: Yes.

1 MS. CARCONE: Commissioner Aibel?

2 CHAIRMAN AIBEL: Yes.

3 Would everybody please be quiet? We
4 have some other business we have to finish up
5 tonight, but thank you.

6 See you October 20th.

7 VICE CHAIR GREENE: Shouldn't we also
8 make it clear what else we need to see?

9 CHAIRMAN AIBEL: Yes. Let's talk to
10 Mr. Matule.

11 Mr. Matule, when you have a chance?

12 We have a request for a piece of
13 evidence.

14 Dean?

15 COMMISSIONER MC ANUFF: For the zinc
16 paneling, can we get a mock-up?

17 MR. MARCHETTO: I don't know what you
18 mean.

19 COMMISSIONER MC ANUFF: That is not
20 going to be in my opinion sufficient.

21 I would like to see the drawing how it
22 was drawn together. Can you get something made?

23 MR. MATULE: We are going to have the
24 zinc panels affixed to the building.

25 COMMISSIONER MC ANUFF: Well, that

1 doesn't show the joints, so can we get something
2 made?

3 MR. MARCHETTO: The joints are on the
4 drawings.

5 MR. MATULE: Maybe you can draw up a
6 little colored rendering.

7 It is the same thing that's up at the
8 Coconut Building, right, or whatever it's called.

9 MR. MARCHETTO: Right.

10 I will bring a substitute.

11 COMMISSIONER MC ANUFF: Or if you could
12 bring some panels in. Are they manufactured
13 already?

14 MR. MARCHETTO: No, no. It's custom
15 made on the job, like all the other ones.

16 COMMISSIONER MC ANUFF: Okay. Either
17 that or I would like a drawing, something that shows
18 the details.

19 COMMISSIONER DE GRIM: You said you had
20 one on a building that is up, right?

21 MR. MARCHETTO: Yes.

22 COMMISSIONER DE GRIM: Would color
23 photographs of that be satisfactory for you?

24 (All Board members talking at once.)

25 CHAIRMAN AIBEL: Okay. Are we

1 resolved?

2 COMMISSIONER MC ANUFF: Yes.

3 (The matter concluded.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the 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, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: August 14, 2015
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
HOBOKEN ZONING BOARD OF :
ADJUSTMENT CITY OF HOBOKEN :August 11, 2015
SPECIAL MEETING :Tuesday 10:50
p.m. ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Antonio Grana
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

- Kristin Russell, Planning Consultant
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1 MS. CARCONE: Okay. The first one is
2 1404 Grand Street. All right. That's the first
3 one.

4 (Discusison held off the record.)

5 MR. GALVIN: Mr. Chairman, let me take
6 you down to -- Guys, let me, let me -- could I have
7 everybody's attention for a second?

8 COMMISSIONER DE GRIM: Yes, you do.

9 MR. GALVIN: Okay. Number one, the
10 Boys Club and Girls Club, what is going on with
11 that?

12 MR. MATULE: The application has been
13 withdrawn --

14 CHAIRMAN AIBEL: Thank you.

15 MR. MATULE: -- because there is a lot
16 of moving parts, but apparently the city is engaged
17 in some kind of land swap with Green Acres. The
18 charter school is doing some projections -- long
19 story short --

20 MR. GALVIN: But if you're withdrawing,
21 we're great.

22 MR. MATULE: I am withdrawing. I sent
23 Ms. Carcone a letter yesterday that said the matter
24 will not be moving forward. My client has already
25 had a conversation with the administration, so they

1 are aware of it, so --

2 MR. GALVIN: So that one is done.

3 MR. MATULE: That one is done.

4 MR. GALVIN: Now, there was a second
5 case that we needed your advice on.

6 Pat, do you remember the second case?
7 Was it 315 Park?

8 CHAIRMAN AIBEL: No.

9 MR. GALVIN: Oh, that's Jim Burke.

10 MS. CARCONE: Jim Burke is the Hudson
11 School. Yeah, I have not gotten a letter yet back.

12 MR. GALVIN: Thank you for that,
13 though, I appreciate that.

14 You might be on some of these
15 properties. You might want to hang around for ten
16 minutes anyway, and we will do the resolutions last.

17 MS. CARCONE: We have no resolutions.

18 MR. GALVIN: Oh, okay. Thank you.

19 CHAIRMAN AIBEL: Okay. So the first
20 matter is 1404-2406 Grand.

21 MR. GALVIN: Okay.

22 CHAIRMAN AIBEL: Dennis, can you take
23 us through it?

24 MR. GALVIN: All right.

25 "The above development project was

1 approved by the Board of Adjustment on January 15th,
2 2013 and completed January 6, 2015. A few weeks ago
3 I noticed that a canopy had been added to the front
4 of the building over the residential entrance.
5 The canopy was not included on the final site plan
6 as approved by the Board, and no approvals or
7 permits were obtained for the installation of the
8 canopy.

9 "I issued a notice of violation to the
10 manager of the property and we have been in regular
11 communication since. Rather than remove the canopy
12 to abate the violation, they wish to pursue whether
13 approvals are necessary to keep the canopy. Please
14 advise at your earlier convenience if the Board will
15 be conducting an informal or formal administrative
16 review to consider approval of the canopy and the
17 amendment to the final site plan. If the Board will
18 not be considering amendment of the site plan, I
19 will take the necessary steps to remove it."

20 What is really supposed to happen here
21 is, if it is not something that was approved, the
22 applicant should be filing an amended plan or make a
23 request of us, but --

24 CHAIRMAN AIBEL: We are looking at a
25 canopy that is 40 inches in depth, so I am assuming

1 that triggers a legitimate review.

2 MR. MATULE: Is this Larry Bijou?

3 MR. GALVIN: 1404 Grand Street?

4 COMMISSIONER DE GRIM: Marquee Lofts.

5 MR. MATULE: I apologize. It's not
6 ringing a bell.

7 MR. GALVIN: You're not one of the
8 people that's on the cc, just the Board's
9 professionals. What we are doing is we are trying
10 to find our way through this process.

11 MR. MATULE: Oh, wait a minute.

12 Yes. I see that I was handed that.
13 This might be the building on the corner of 14th and
14 Grand, but it is called 1404, even though --

15 CHAIRMAN AIBEL: Yes, it's right --

16 MR. MATULE: -- it's on the corner.
17 It's the building with the colored panels --

18 CHAIRMAN AIBEL: It is a Minervini
19 building.

20 (Laughter)

21 MR. MATULE: -- I don't know anything
22 about it. But I know the building we are speaking
23 of, and I don't believe there was anything on there
24 at the time we presented the application.

25 MS. CARCONE: Jim, I'm going to catch a

1 train.

2 CHAIRMAN AIBEL: Go on, Pat.

3 MS. CARCONE: And you guys can sort
4 this out.

5 VICE CHAIR GREENE: See you next week.

6 (Patricia Carcone, Secretary, excused.)

7 CHAIRMAN AIBEL: Dennis, what is the
8 proper procedure?

9 MR. GALVIN: I think that what Ann
10 should be doing, she is trying to find a way to be
11 referring these things back to us when she gets
12 these problems. But I think what she should be
13 doing is going to the developer, saying I'm going to
14 have to make you remove that unless you go to the
15 Board and get their permission to have it.

16 Either the applicant should be making a
17 letter to us telling us why they need it or
18 requesting an amended final site plan for the --

19 CHAIRMAN AIBEL: Or why it's on
20 objection --

21 MR. GALVIN: -- yeah --

22 MR. MATULE: Yeah. I mean, I could try
23 to have a conversation with Ms. Holtzman tomorrow
24 and my former client.

25 MR. GALVIN: That's all I'm saying.

1 But, again, what we are trying to do is Ann is
2 really struggling here. I mean, I'm glad I'm not
3 saying it -- I want you to understand that she is
4 trying to do the right thing, but the procedure has
5 got to be more like, you got to go to the developer
6 and say this is no good, the Board didn't approve
7 this, and then the developer should be coming to us
8 saying, give me some relief.

9 Let's look at the next one.

10 MR. MATULE: Yes. I guess my question
11 is, does it fall under the sign ordinance or
12 whatever it is --

13 MR. GALVIN: All right. Here we go.

14 The second one is 516 Monroe.

15 "The above project was approved by the
16 Zoning Board of Adjustment on September 16, 2014.
17 The project is currently under construction and the
18 applicant for the project recently submitted
19 drawings to my office for minor a minor amendment to
20 the first floor dwelling unit. The proposed changes
21 are to the kitchen and one of the bathrooms, making
22 each ADA accessible. The proposed amendments do not
23 change the layout of the unit or the occupancy of
24 the building and do not affect any of the variances
25 that were granted in the application. I did however

1 feel that it should be brought to your attention."

2 CHAIRMAN AIBEL: Again, so should the
3 developer or the applicant write --

4 VICE CHAIR GREENE: We don't consider
5 the interior --

6 COMMISSIONER DE GRIM: Yeah. We don't
7 have anything to do with the interior. I mean if he
8 wants to --

9 (Board members talking at once.)

10 THE REPORTER: You all can't talk at
11 once.

12 MR. GALVIN: No, we can't.

13 (Laughter)

14 THE REPORTER: Well, you can, but --

15 MR. MATULE: Yes, but you can't record
16 it.

17 (Laughter)

18 MR. GALVIN: Wait a minute. Everyone,
19 don't get mad at me. Shush.

20 All right. Who wants to go first?

21 Let's go in order.

22 COMMISSIONER GRANA: Would we have
23 reviewed this during testimony and ruled on it?

24 CHAIRMAN AIBEL: Is it part of the
25 final site plan --

1 MR. GALVIN: We normally don't look
2 into the interior of the buildings. As Mr.
3 Marchetto said tonight, he showed us because the
4 building was unique, but you know, there are times
5 when you have to consider what is going on inside.

6 I don't believe you would have in this
7 instance. They might have showed us, but I don't
8 know that it would have mattered to you, so we
9 could --

10 VICE CHAIR GREENE: If I could opine.

11 MR. GALVIN: Sure.

12 VICE CHAIR GREENE: I would have
13 assumed that if they were looking for variances,
14 they would have used this as a positive criteria in
15 inducing us to grant the variance.

16 The fact that they didn't include it,
17 to me is not a --

18 MR. GALVIN: Right. So what Ann is
19 trying to learn is what's the process.

20 When somebody does something that's
21 going to call into question what you did, if it is
22 on the outside of the building or it requires
23 variance relief, she should be telling them that if
24 you don't go to the Board, I am going to make you
25 rip it off.

1 So on the first case, she should be
2 going to the developer, and the developer should be
3 making a request that they want to keep this canopy
4 and requesting whatever variance they need for it,
5 okay?

6 If it doesn't need a variance, maybe
7 you will grant it.

8 On the second case, I think we can
9 advise Ann that we have no objection.

10 Is that the way everybody --

11 VICE CHAIR GREENE: I would.

12 I would also make the point, however,
13 that the opposite, the inverse, might not have the
14 same response, that if they had proposed ADA
15 accessibility, and then decided not to do it, I
16 think that would have been something they would
17 have -- that we might have considered.

18 COMMISSIONER GRANA: I would add that I
19 would agree with that, especially if that had been
20 used as an argument for variance relief.

21 MR. GALVIN: Yeah, right.

22 CHAIRMAN AIBEL: Well, is there a
23 bright line simple rule that we can give to Ann? I
24 am more concerned that everyone is going to be --

25 (Laughter)

1 (Board members talking at once.)

2 MR. GALVIN: No. Well, the first step
3 is: If she's got a concern, she has got to make the
4 developer return to the Board, either by sending us
5 a letter or by filing some sort of an application.

6 In other words, I have had cases -- let
7 me just say this, and if you guys would be patient
8 with me -- in Point Pleasant Beach, we wanted -- the
9 bottom of the building had to be covered down to
10 three feet of the wall.

11 They had some reason because of
12 flooding that they couldn't bring the siding down,
13 so they sent a letter to the Board saying, instead
14 of bringing the siding down, we are going to put up
15 a stone facade.

16 And the Board looked at it and said, if
17 they had told us a stone facade over the siding, we
18 would have been okay with that.

19 So we authorized it without having a
20 whole big hearing and new action, so it is common
21 for some of my other Boards for a developer to send
22 a short letter telling us what the minor change is.
23 Okay?

24 But if it's a major change or if it
25 requires -- once you guys look at it, you may say,

1 oh, no, that's major, I want to see what the stone
2 looks like. Then we would make them come in and
3 present it.

4 COMMISSIONER GRANA: So to the point
5 made by Commissioner Aibel, the practice should be
6 in both of these scenarios, that a letter should
7 have been written to the Board.

8 Now, in the second one, we would have
9 said, we have no objection, please proceed.

10 MR. GALVIN: But the letter should be
11 coming from the developer.

12 COMMISSIONER GRANA: Right. I think
13 that's the --

14 MR. GALVIN: When she raises -- that's
15 the simple one.

16 COMMISSIONER GRANA: Okay.

17 MR. GALVIN: 70 Monroe Street.

18 "Development of the above-referenced
19 location was approved by the Zoning Board on May
20 15th, 2007. The resolution of approval includes
21 minor site plan approval and variances," and she
22 lists all of these variances.

23 "It should be noted that the project
24 was approved for four dwelling units, even though
25 there was no discussion of density noted in the

1 resolution and no density variance enumerated.

2 It is my understanding from" Pat "that amended plans
3 were submitted after the approval hearing in 2007,
4 but those plans were never signed.

5 "Recently the applicant submitted plans
6 for review by my office for the development of this
7 property. The plans by a different architect than
8 the ones approved by the Zoning Board. While the
9 revised plans do not trigger any additional
10 variances, there are significant changes, both
11 interior and exterior, from the original plans."

12 Well, that's the first red flag if --
13 (Everyone talking at once.)

14 MR. GALVIN: -- there's a different set
15 of plans.

16 There's also going to be a flood damage
17 impact.

18 70 Monroe?

19 MR. MATULE: That doesn't mean --

20 MR. GALVIN: And Minervini -- it is Tom
21 Chartier.

22 COMMISSIONER GRANA: It's Tom
23 Chartier's --

24 MR. GALVIN: I think it is his
25 property.

1 COMMISSIONER GRANA: -- his project.

2 MR. GALVIN: She has got him down as
3 applicant on the cc's.

4 COMMISSIONER GRANA: Okay.

5 MR. GALVIN: "Under the circumstances,
6 I am referring this application back to the Board.
7 You can determine if a new hearing on the
8 application is warranted."

9 I don't know about a new hearing, but
10 certainly he has got to come back to amend the plan.

11 MR. MATULE: Yeah, I had Tom Chartier,
12 but not 70 Monroe --

13 (Everyone talking at once.)

14 MR. MATULE: -- I am not seeing it
15 anyway --

16 COMMISSIONER GRANA: Good night.

17 MR. GALVIN: So my instructions are on
18 the middle one, on the one where they are changing
19 the ADA, can I have motion and a second that that is
20 okay?

21 VICE CHAIR GREENE: I would move that.

22 COMMISSIONER DE GRIM: Second.

23 CHAIRMAN AIBEL: That's fine. But I
24 think in the future, though, we ought to be
25 requiring --

1 MR. GALVIN: Well, we are going to tell
2 her that, but I want to make sure that we are not an
3 impediment, that we are moving the ball. Okay?

4 COMMISSIONER GRANA: Yes. But as long
5 as it is clear in the future what the consistent
6 process is going to be, that will be good.

7 MR. GALVIN: I will take on that
8 responsibility.

9 COMMISSIONER GRANA: So do we need a
10 vote on it?

11 MR. GALVIN: We have a motion and a
12 second.

13 All in favor?

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

16 MR. GALVIN: Anyone opposed?

17 There you go. The ayes have it.

18 CHAIRMAN AIBEL: And the other two that
19 we'll --

20 MR. GALVIN: The other two are going --
21 we think that future action is required and what Ann
22 should do is have the developer make an application
23 to the Board --

24 CHAIRMAN AIBEL: Or send a letter --

25 MR. GALVIN: -- or take some position,

1 yeah.

2 CHAIRMAN AIBEL: -- and we will act on
3 it.

4 Motion to close the meeting.

5 VICE CHAIR GREENE: So moved.

6 COMMISSIONER GRANA: Motion.

7 COMMISSIONER DE GRIM: Second.

8 CHAIRMAN AIBEL: All in favor?

9 (All Board members voted in the
10 affirmative.).

11 CHAIRMAN AIBEL: I oppose.

12 (Laughter).

13 Thanks, everybody.

14 (The meeting concluded at 11:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 Dated: 8/14/15
 My commission expires 11/5/2015.
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.