

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

RE: MEETING CALLED TO ORDER,  
OPEN PUBLIC MEETING STATEMENT, MARCH 24, 2015  
ROLL CALL AND FLAG SALUTE,  
WAIVERS: ADMINISTRATIVE MATTERS: WEDNESDAY 7:05 PM  
CARRY 409 JEFFERSON STREET,  
CARRY 1410 GRAND STREET,  
MEMORIALIZATION OF RESOLUTION  
OF DENIAL 830-834 PARK, PUBLIC  
HEARING MATTERS: 601-607 PARK  
AVENUE, 113-121 MONROE STREET,  
258 EIGHTH STREET.

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HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

Chairman James Aibel  
Commissioner Phil Cohen  
Commissioner Michael DeFusco  
Commissioner Antonio Grana  
Commissioner Tiffanie Fisher  
Commissioner Frank DeGrim

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

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

THERESA L. CARIDDI TIERNAN  
CERTIFIED COURT REPORTER  
146 LINDBERGH PARKWAY  
WALDWICK, NEW JERSEY 07463  
(201) 925-7474

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APPEARANCES :

LAW OFFICE OF DENNIS M. GALVIN  
730 BREWERS BRIDGE ROAD  
JACKSON, NEW JERSEY 08527  
(732) 364-3011  
Attorney for the Board.

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I N D E X

| AGENDA ITEMS                   | PAGE       |
|--------------------------------|------------|
| HOBOKEN MEETING<br>MATTERS 1-5 | 1-8, 28-33 |
| 113-121 MONROE STREET          | 9-27       |
| 601-607 PARK AVENUE            | 34-128     |
| 258 EIGHTH STREET              | 129-192    |

E X H I B I T S

| <u>NUMBER</u> | <u>DESCRIPTION</u>   | <u>IDENT</u> |
|---------------|--|--------------|
|               | NO EXHIBITS WERE MARKED.<br>(EXCEPT DURING INDIVIDUAL HEARINGS.) |              |

1                   CHAIRMAN AIBEL: Good evening,  
2                   everybody. I would like to advise all those present  
3                   that notice of the meeting has been provided to the  
4                   public in accordance with the provisions of the Open  
5                   Public Meetings Act, and that notice was published  
6                   in the Jersey Journal and city web site. Copies  
7                   will provided in the Star Ledger, The Record, and  
8                   also placed on the bulletin board in the lobby of  
9                   city hall.

10                   Could you all join me in saluting the  
11                   flag?

12                   (Pledge of Allegiance recited at this time.)

13                   CHAIRMAN AIBEL: Thanks everybody.  
14                   We're here at a special meeting of the --

15                   SECRETARY CARCONE: Regular meeting.

16                   CHAIRMAN AIBEL: Regular meeting.  
17                   Notwithstanding, the notice.

18                   SECRETARY CARCONE: Regular meeting.

19                   CHAIRMAN AIBEL: No, I have an old  
20                   notice. You want to do the attendance?

21                   SECRETARY CARCONE: Commissioner Aibel.

22                   CHAIRMAN AIBEL: Here.

23                   SECRETARY CARCONE: Commissioner Green  
24                   is absent.

25                   Commissioner Cohen.

1 COMMISSIONER COHEN: Here.

2 SECRETARY CARCONE: Commissioner

3 DeFusco.

4 COMMISSIONER DEFUSCO: Here.

5 SECRETARY CARCONE: Commissioner Grana.

6 COMMISSIONER GRANA: Here.

7 SECRETARY CARCONE: Commissioner Marsh

8 is absent. Commissioner Murphy is absent.

9 Commissioner Branciforte is absent.

10 Commissioner Fisher.

11 COMMISSIONER FISHER: Here.

12 SECRETARY CARCONE: Commissioner

13 McAnuff is absent.

14 And Commissioner DeGrim.

15 COMMISSIONER DEGRIM: Here.

16 CHAIRMAN AIBEL: So counsel there's six

17 of us sitting tonight. I guess it may affect the

18 second application, but we have a couple of

19 administrative matters.

20 First, I want to announce for the

21 record that we are going to carry three matters, 509

22 Jefferson Street.

23 SECRETARY CARCONE: 409.

24 CHAIRMAN AIBEL: Okay. 409 Jefferson

25 is being carried to when, Pat?

1                   SECRETARY CARCONE:  It's being carried  
2                   to March 31st.

3                   CHAIRMAN AIBEL:  So without further  
4                   notice.

5                   SECRETARY CARCONE:  Uh-huh.

6                   MR. GALVIN:  Motion is set.  Do we have  
7                   a motion?

8                   COMMISSIONER COHEN:  Motion to carry  
9                   409 Jefferson Street to March 31st without further  
10                  notice.

11                  MR. GALVIN:  Is there a second.

12                  COMMISSIONER GRANA:  Second.

13                  COMMISSIONER FISHER:  Second.

14                  MR. GALVIN:  All in favor?

15                  (Voice vote taken at this time.)

16                  MR. GALVIN:  All right.  Go ahead.

17                  CHAIRMAN AIBEL:  Now, we have a motion  
18                  to -- an application to carry 1410 Grand Street to  
19                  the meeting on April 28th.  It would be without  
20                  notice, and counsel for the applicant is extending  
21                  our time to act.

22                  MR. GALVIN:  All right.  Can I have --  
23                  can I have a motion to carry that without notice to  
24                  April 28th.  Someone want to make that motion?

25                  COMMISSIONER COHEN:  Motion to carry

1 1410 Grand Street to April 28th without further  
2 notice.

3 MR. GALVIN: Is there a second?

4 COMMISSIONER GRANA: Second.

5 COMMISSIONER FISHER: Without further  
6 notice? So the public will have find out about it  
7 how?

8 MR. GALVIN: Is anybody here on 1410  
9 Grand?

10 COMMISSIONER FISHER: Okay. So no.

11 MR. GALVIN: All right. Now, we're  
12 going to do a roll call on this, and our chairman is  
13 not voting. Go ahead.

14 SECRETARY CARCONE: Chairman is not  
15 voting. Okay.

16 Commissioner Cohen.

17 COMMISSIONER COHEN: Yes.

18 SECRETARY CARCONE: Commissioner  
19 DeFusco.

20 COMMISSIONER DEFUSCO: Yes.

21 SECRETARY CARCONE: Commissioner Grana.

22 COMMISSIONER GRANA: Yes.

23 SECRETARY CARCONE: Commissioner  
24 Fisher.

25 COMMISSIONER FISHER: Yes.

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SECRETARY CARCONE: Commissioner  
DeGrim.

COMMISSIONER DEGRIM: Yes.

(Matters for public hearing heard at this  
time.)

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

RE: 113-121 MONROE STREET,  
BLOCK 28, LOTS 7-11

MARCH 24, 2015

PRELIMINARY SITE PLAN REVIEW  
AND VARIANCES FOR THE PROPOSED  
CONSTRUCTION OF A NEW 5 STORY  
RESIDENTIAL BUILDING WITH 12  
DWELLING UNITS IN THE R-3  
RESIDENTIAL REVITALIZATION  
ZONE; VARIANCES: "D" - HEIGHT  
AND STORIES (D-6), "C" - LOT  
COVERAGE, FRONT YARD, ROOF  
COVERAGE,

WEDNESDAY 7:05 PM

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HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

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3 APPEARANCES:4 LAW OFFICE OF DENNIS M. GALVIN  
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6 JACKSON, NEW JERSEY 08527  
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ATTORNEY FOR THE BOARD.7  
8 ROBERT C. MATULE, ESQ.,  
9 89 HUDSON STREET  
10 HOBOKEN, NEW JERSEY 07030  
(201) 659-0403  
ATTORNEY FOR THE APPLICANT.11  
12 PASHMAN STEIN, LLC  
13 BY: DAVID WHITE, ESQ.,  
14 Court Plaza South  
21 Main Street, Suite 200  
Hackensack, New Jersey 07601-7054  
(201) 488-8200  
15 ATTORNEYS FOR THE OBJECTORS.  
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I N D E X

WITNESS                      DIR      CRS      RED      REC

NO WITNESSES WERE SWORN.

E X H I B I T S

NUMBER                      DESCRIPTION                      IDENT

NO EXHIBITS WERE MARKED.

1                   CHAIRMAN AIBEL:  And I believe we have  
2                   a motion to carry 113-121 Monroe.

3                   MR. GALVIN:  It's Mr. Matule's.

4                   MR. MATULE:  Good evening, Mr. Chairman  
5                   and Board Members.  Robert Matule appearing on  
6                   behalf of the applicant.

7                   Yes, we were here previously.  We put  
8                   in our architectural testimony on this matter, and  
9                   we were going to continue this evening.  There are  
10                  objectors on this matter.  The applicant has been  
11                  communicating with the objectors.  The objectors are  
12                  represented by counsel.

13                  Mr. White wants to make appearance.

14                  MR. WHITE:  Good evening.

15                  MR. MATULE:  But we think we are very  
16                  close to, at least, being able to address the  
17                  neighborhood residents' issues with the project, and  
18                  we would like the Board to allow us to carry this,  
19                  at the Board's pleasure, two weeks, three weeks,  
20                  four weeks, whatever fits into your agenda, to allow  
21                  them to have another meeting where they're  
22                  discussing the actual architectural design of the  
23                  building.  We'll certainly consent to an extension  
24                  of time, but we think it would be productive.  I  
25                  realize, and I'm loathe to ask for the adjournment

1 in light of your calendar situation, but under the  
2 circumstances I think it would be the most  
3 productive course of action.

4 CHAIRMAN AIBEL: Well --

5 MR. WHITE: The objectors join in this  
6 application and would seek a little bit more time in  
7 order to accomplish the objective that counsel  
8 discussed, which is to try to hash out whatever  
9 disagreements exist between them. I don't think the  
10 two weeks is enough time, but I think two months is  
11 enough.

12 MR. GALVIN: Counsel, could you put  
13 your full name on the record?

14 MR. WHITE: David White from the law  
15 firm of Pashman Stein.

16 MR. GALVIN: Thank you, Mr. White.

17 MR. WHITE: And I did file a written  
18 entry of appearance.

19 MR. GALVIN: I'm aware of that, but to  
20 that moment you hadn't said who you were.

21 COMMISSIONER COHEN: Could I just ask  
22 is a question?

23 CHAIRMAN AIBEL: Or make a comment  
24 please.

25 COMMISSIONER COHEN: Yes, well, my

1 question was: There had been a prior objector's  
2 counsel at the last hearing. I was going to ask  
3 about that.

4 CHAIRMAN AIBEL: Why don't we just hold  
5 it for a second.

6 COMMISSIONER COHEN: Okay.

7 CHAIRMAN AIBEL: Let me just respond to  
8 the application, and then I'll open it to the Board,  
9 but Mr. Matule understands the applicant was here on  
10 February 4. We had a hearing. Counsel was --  
11 objectors were represented by counsel at the time.  
12 Six weeks or more has passed and now, you know,  
13 shortly before a scheduled hearing, we get this kind  
14 of request, and I'm -- you know, it's basically  
15 saying this for anybody who's appearing before us,  
16 we have too many matters on our agenda to be  
17 listening to them multiple times, and I think in  
18 this case I would seriously raise the possibility of  
19 withdrawing the application or putting it -- I would  
20 say withdrawing the application, and we would  
21 propose putting it back on once you are fully  
22 prepared to present a final plan that won't be  
23 changed and that will be voted up or down. And we  
24 can forego the need to refile and incur those costs,  
25 but I think re-noticing would be, at a minimum,

1 required as well.

2 MR. MATULE: Well, I suppose if that's  
3 the Board's pleasure, then that's the Board's  
4 pleasure. I understand, you know, there's been some  
5 difficulties. One of the, I guess, spokespeople for  
6 the objectors has been having a lot of personal  
7 issues going on, which is, I think affecting the  
8 ability to schedule things and meet, but if what  
9 the Chair is suggesting is that we withdraw the  
10 application and then re-file without having to go to  
11 the end of the line, so to speak.

12 CHAIRMAN AIBEL: Well, that's my  
13 concern. At this point we have many applications  
14 that are ready and prepared to go. So whenever you  
15 guys tell us you're ready to come back, you're going  
16 to, you know, either be bumping somebody who's  
17 already scheduled and ready, and I'm not sure that  
18 in fairness that's appropriate to ask for. So, I  
19 guess, I'd be prepared to listen to my other Board  
20 Members or a professionals on how they want to  
21 proceed, but this is -- it's difficult for us. So  
22 I'm sure Mr. Matule knows this better than anyone.

23 COMMISSIONER DEFUSCO: Mr. Chairman, if  
24 I may?

25 CHAIRMAN AIBEL: Sure.

1                   COMMISSIONER DEFUSCO: Mr. Matule, all  
2 the last meeting when the objector was here, I  
3 specifically asked that they have their planner  
4 ready, which is why, I believe, we had to reschedule  
5 this for this date. Would you fill the Board in why  
6 this has been delayed for the past six weeks? Have  
7 you tried to work with the applicant or --

8                   MR. MATULE: I am not in a position to  
9 answer that question, because I have not been  
10 directly involved in those negotiations. I don't  
11 know if Mr. Minervini can respond. I believe Mr.  
12 Minervini and the applicant have been dealing  
13 directly with the parties. I don't know if  
14 Mr. White can shed any light on that. I think he  
15 was just brought on board last week, so he may not  
16 know, but, Mr. Minervini, can you shed any light on  
17 the negotiations that have taken place, and why  
18 we're at the point we're at today?

19                   CHAIRMAN AIBEL: Bob, I'm not sure we'd  
20 want to really hear about the negotiations.

21                   MR. MATULE: Okay.

22                   COMMISSIONER DEFUSCO: Well, actually,  
23 Mr. Chair, I do, because I specifically said in the  
24 last meeting that I think that in terms of our  
25 workload's importance that we give everyone an equal

1 chance, and if the applicant has, indeed, tried to  
2 work with the community, and has been held up on  
3 account of the objector, I don't think that is fair  
4 to the applicant.

5 So in all due respect, I do think it's  
6 important for our workload, quite frankly, not to be  
7 stopped by an objector.

8 CHAIRMAN AIBEL: And I think that's a  
9 fair position. I just don't want to hear the  
10 details of what you're agreeing to and what you're  
11 not agreeing to, and parenthetically, you can agree  
12 to anything you want, but you have a Board that  
13 needs to approve it, so...

14 MR. MATULE: I totally understand that,  
15 and as I explained to Mr. White and to the client I  
16 don't think it makes any sense to proceed as a  
17 contested matter with this application this evening,  
18 if, in fact, you know, because, I mean, Mr. White  
19 has to do what he has to do, and I don't think that  
20 would be productive if the parties, in fact, are  
21 close to a consensus. And I'm not discounting the  
22 fact that just because the parties have reached a  
23 consensus that the Board doesn't have a say in  
24 things. Obviously, we have to still prove our case  
25 here.

1 MR. GALVIN: And --

2 CHAIRMAN AIBEL: I've been informed  
3 that Mr. Vance a personal problem, and I'm prepared  
4 to accept that as probably part of the reason for  
5 the lack of responsiveness.

6 Mr. Cohen.

7 COMMISSIONER COHEN: I mean, I -- my  
8 concern is that Mr. White said that it's going to  
9 take him two weeks -- two months, two to three  
10 months, I think, he said of additional time.

11 When we had this on six weeks ago, my  
12 feeling -- I mean I'm prepared to go. I mean, the  
13 Board was expecting to hear this tonight. I mean, I  
14 appreciate that new counsel is involved, but I  
15 think, just as a courtesy to the Commissioners, that  
16 if you're going to decide not to have it go forward,  
17 the sooner you can let, you know, the secretary and  
18 the Board know, then the more considerate you are to  
19 the Commissioners, and, you know, I just want to  
20 express that, apart from our calendar, you know, we  
21 have limited band width. We're volunteers. We try  
22 and be prepared for every application that we have,  
23 and I was fully expecting to have this go forward  
24 tonight.

25 So, you know, I share that I think it's

1 great to work with the objectors, but I think the  
2 Chairman makes an important point, is that just  
3 because you and the objectors work it out, doesn't  
4 mean that this Board is going to be happy with what  
5 you do or not do. And it's not really fair to --  
6 for the objectors to ask that this be held for two  
7 months on the possibility that you guys are going to  
8 work it out. I just think that's a ridiculous time  
9 table given our workload and given, you know, what's  
10 expected of us.

11 So I'd like to see this moved sooner  
12 rather than later and deal with it, and if you can't  
13 work it out with your new counsel quickly, then it's  
14 not meant to be. And I appreciate that Mr. Vance  
15 may have health issues, but, you know, we're really  
16 busy here.

17 MR. MATULE: Well, if I may respond. I  
18 was contacted by Mr. White on Thursday, I believe,  
19 late Thursday. I contacted Miss Banyra on Friday,  
20 explained the situation, and that we would be asking  
21 that the matter be carried. Certainly, I would like  
22 to be here sooner than two months from now.

23 COMMISSIONER COHEN: Right.

24 MR. MATULE: I'm hopeful we can -- I  
25 agree, I personal think in light of the lead time

1 the Board needs to schedule things, I think three or  
2 four weeks would be more than sufficient because, I  
3 agree, if we can't resolve it in that time frame,  
4 then, you know, we'll either withdraw the  
5 application or go forward as a contested matter.

6 MR. GALVIN: Phil.

7 COMMISSIONER COHEN: Miss Banyra  
8 reminded me that she did communicate with the Board,  
9 I think, on Friday --

10 MS. BANYRA: Uh-huh.

11 COMMISSIONER COHEN: -- that you were  
12 possibly going to seek an extension.

13 MR. WHITE: For the record, you know, I  
14 want to weigh in in favor of Mr. Matule who did work  
15 with the telephones to try to get this message to  
16 you. Any -- certainly nobody here intended any  
17 disrespect or disregard, it was circumstantial, and  
18 the circumstances do, as you've correctly noted,  
19 involve health issues on the part of Mr. Vance, who  
20 is the leader, as well as just ordinary logistics in  
21 meeting with a busy developer. So it's not  
22 unilateral, there's a little bit on each side.

23 CHAIRMAN AIBEL: Do you have any dates?

24 COMMISSIONER GRANA: Mr. Chair, I just  
25 have a question. So, Mr. Matule, you've said that



1 relay that request to you. I believe that he would  
2 be flexible on that, too. I mean, we've all been in  
3 situations where someone says two months and someone  
4 says two weeks, and there's some space in between  
5 there.

6 SECRETARY CARCONE: Back to April, but  
7 if we're getting -- then we need time for our  
8 professionals to review what they've submitted, so  
9 that's another two weeks on top of that.

10 MS. BANYRA: You know, I've been in  
11 contact with both attorneys. I think two weeks,  
12 first of all, is completely unreasonable because we  
13 can't -- if they turn it around in two weeks, we  
14 can't hear them because we don't have time to  
15 review, number one. We're booked until the end of  
16 April.

17 SECRETARY CARCONE: We're booked until  
18 the end of April.

19 MS. BANYRA: Right up front, and I  
20 think we already have a couple of things slotted in  
21 May.

22 SECRETARY CARCONE: Yeah, so it's the  
23 second, second meeting in May.

24 MS. BANYRA: So whenever we -- I just  
25 wanted to finish, though. Whenever we slot this, I

1 think, though, what I would say, because we don't  
2 know how to slot it, we don't know when it's coming  
3 in, I think we should -- we should be looking for an  
4 extended period of time, no matter when we slot it,  
5 in terms of having the time waived, because the  
6 Board is under duress trying to schedule things and  
7 we don't know when they'll show back up. So I would  
8 say, you know, three or four months slotted out,  
9 even that we slot in the two weeks, we have an  
10 extension of time to some other day and that way the  
11 applicant doesn't have to refile and the applicant  
12 doesn't have to, you know, pay the application fees  
13 again. And that's a courtesy, you know, to them,  
14 because certainly if you hear an application and  
15 proceed on it, and they want to come back, they have  
16 to refile everything all over again.

17 CHAIRMAN AIBEL: So let me just throw  
18 this out: If we schedule it for our last meeting in  
19 May, and you committed to putting plans in at the  
20 end of April, is that a schedule that you can live  
21 with?

22 MR. MATULE: We can certainly live with  
23 that.

24 MR. WHITE: The objectors will live  
25 with that.

1 CHAIRMAN AIBEL: Okay.

2 MR. MARSDEN: And naturally the  
3 applicant will extend the time for the Board to act  
4 at least until the end of May.

5 MR. GALVIN: Well, I was worried about  
6 that.

7 MR. MATULE: I can see you were  
8 sweating it.

9 SECRETARY CARCONE: We're going to  
10 schedule it for May 26, and then extend the time  
11 into June? Is that what you want to do?

12 MR. MATULE: Extend the time to --  
13 what's the second meeting in June?

14 SECRETARY CARCONE: June 23rd.

15 CHAIRMAN AIBEL: Thank you.

16 MR. MATULE: June 23rd.

17 MR. GALVIN: If you could send a letter  
18 confirming that.

19 CHAIRMAN AIBEL: There will be a  
20 motion.

21 MR. MATULE: And plans would have to be  
22 submitted by May 1?

23 MR. GALVIN: The end of April.

24 MR. MATULE: April 30? May 1? You  
25 pick.

1 MR. GALVIN: Okay.

2 COMMISSIONER COHEN: So I'm going to  
3 make a motion to extend the time for 113 to 121  
4 Monroe Street until May 26th without further notice  
5 with plans to be submitted by May 1st.

6 SECRETARY CARCONE: Is that we're going  
7 to that -- we're going to meet on May 26 and carry,  
8 extend to the end of June?

9 MR. GALVIN: The time in which the  
10 Board has to act would be extended into the June  
11 meeting.

12 SECRETARY CARCONE: June meeting.

13 MR. GALVIN: But we're hoping we're not  
14 going to have to get there. I'm hoping we're going  
15 to decide this in that meeting in May.

16 COMMISSIONER COHEN: And that's without  
17 further notice, right?

18 CHAIRMAN AIBEL: Yes.

19 COMMISSIONER COHEN: Okay, that's the  
20 motion.

21 COMMISSIONER GRANA: I'll second that  
22 motion.

23 SECRETARY CARCONE: You want to vote?  
24 Commissioner Cohen.

25 COMMISSIONER COHEN: Yes.

1 SECRETARY CARCONE: Commissioner

2 DeFusco.

3 COMMISSIONER DEFUSCO: Yes.

4 SECRETARY CARCONE: Commissioner Grana.

5 COMMISSIONER GRANA: Yes.

6 SECRETARY CARCONE: Commission Fisher.

7 COMMISSIONER FISHER: Yes.

8 SECRETARY CARCONE: Commissioner

9 DeGrim.

10 COMMISSIONER DEGRIM: Yes.

11 SECRETARY CARCONE: Commission Aibel.

12 CHAIRMAN AIBEL: Yes.

13 MR. GALVIN: So what's the date in May?

14 SECRETARY CARCONE: May 26th.

15 MR. GALVIN: So 1410 Grand is going to  
16 be heard on May 26.

17 SECRETARY CARCONE: No 113.

18 MR. GALVIN: What is it? Like I said,  
19 113 Monroe will be heard on May 26th. You I just  
20 wanted to see if you guys were paying attention.

21

22 (Concluded at 7:28 p.m.)

23

24

25

CERTIFICATE OF OFFICER

1  
2 I, THERESA L. TIERNAN, A Notary Public and  
3 Certified Court Reporter of the State of New Jersey, do  
4 hereby certify the foregoing is a true and correct  
5 transcript of the proceedings as taken stenographically  
6 by and before me at the time, place and on the date  
7 herein before set forth.

8 I DO FURTHER CERTIFY that I am neither a  
9 relative nor employee nor attorney nor counsel of any  
10 of the parties to this action, and that I am neither a  
11 relative nor employee of such attorney or counsel, and  
12 that I am not financially interested in the action.  
13  
14

15 THERESA L. CARIDDI TIERNAN  
16 Notary Public of the State of New Jersey  
17 C.C.R. License No. XI01210  
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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

RE: MEETING CALLED TO ORDER,  
OPEN PUBLIC MEETING STATEMENT, MARCH 24, 2015  
ROLL CALL AND FLAG SALUTE,  
WAIVERS: ADMINISTRATIVE MATTERS: WEDNESDAY 7:28 PM  
CARRY 409 JEFFERSON STREET,  
CARRY 1410 GRAND STREET,  
MEMORIALIZATION OF RESOLUTION  
OF DENIAL 830-834 PARK, PUBLIC  
HEARING MATTERS: 601-607 PARK  
AVENUE, 113-121 MONROE STREET,  
258 EIGHTH STREET.

---

HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

Chairman James Aibel  
Commissioner Phil Cohen  
Commissioner Michael DeFusco  
Commissioner Antonio Grana  
Commissioner Tiffanie Fisher  
Commissioner Frank DeGrim

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

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

THERESA L. CARIDDI TIERNAN  
CERTIFIED COURT REPORTER  
146 LINDBERGH PARKWAY  
WALDWICK, NEW JERSEY 07463  
(201) 925-7474

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APPEARANCES :

LAW OFFICE OF DENNIS M. GALVIN  
730 BREWERS BRIDGE ROAD  
JACKSON, NEW JERSEY 08527  
(732) 364-3011  
Attorney for the Board.

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I N D E X

WITNESS                      DIR        CRS        RED        REC

NO WITNESSES WERE CALLED.

E X H I B I T S

NUMBER                      DESCRIPTION                      IDENT

NO EXHIBITS WERE MARKED.

1 MR. GALVIN: We have two more quick  
2 administrative others.

3 CHAIRMAN AIBEL: We have two  
4 resolutions of approval for the evening.

5 The first is a resolution to approve  
6 Mr. Galvin, whose birthday it is today. I'd like to  
7 take a hand vote on that. Anybody disagree we  
8 should approving Mr. Galvin tonight?

9 SECRETARY CARCONE: Happy birthday.

10 MR. GALVIN: Okay. Thanks.

11 (Happy Birthday sung at this time.)

12 CHAIRMAN AIBEL: We have a resolution  
13 of denial for 830-834 Park, Block 170, Lot 23.

14 MR. GALVIN: All right. On this case,  
15 Mr. Cohen, Mr. Grana, and Chairman Aibel are  
16 eligible to vote.

17 Do I have a motion?

18 COMMISSIONER COHEN: Motion to approve.

19 MR. GALVIN: Second? You voted to  
20 deny.

21 COMMISSIONER GRANA: I voted --

22 MR. GALVIN: 830 Park Avenue.

23 COMMISSIONER GRANA: I voted to deny.

24 MR. GALVIN: Yes, you do.

25 COMMISSIONER FISHER: I remember, yeah,

1 I do.

2 COMMISSIONER GRANA: Sure, second.

3 MR. GALVIN: Thank you.

4 And so now we do the roll call.

5 Mr. Cohen?

6 COMMISSIONER COHEN: Yes.

7 MR. GALVIN: Mr. Grana?

8 COMMISSIONER GRANA: Yes.

9 MR. GALVIN: And Chairman Aibel.

10 CHAIRMAN AIBEL: Yes.

11 (Concluded at 7:30 p.m.)

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CERTIFICATE OF OFFICER

1  
2 I, THERESA L. TIERNAN, A Notary Public and  
3 Certified Shorthand Reporter of the State of New  
4 Jersey, do hereby certify that the foregoing is a true  
5 and correct proceedings of the testimony as taken  
6 stenographically by and before me at the time, place  
7 and on the date herein before set forth.

8 I DO FURTHER CERTIFY that I am neither a  
9 relative nor employee nor attorney nor counsel of any  
10 of the parties to this action, and that I am neither a  
11 relative nor employee of such attorney or counsel, and  
12 that I am not financially interested in the action.  
13  
14

15 THERESA L. CARIDDI TIERNAN  
16 Notary Public of the State of New Jersey  
17 C.C.R. License No. XI01210  
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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

RE: 601-607 PARK AVENUE,  
BLOCK 181, LOTS 1  
PRELIMINARY SITE PLAN REVIEW  
FOR THE CONSTRUCTION OF A  
5 STORY ADDITION.

MARCH 24, 2015

WEDNESDAY - 7:30 PM

VARIANCES: "D" - BUILDING  
STORIES (D-6), "C" - LOT COVERAGE,  
BUILDING HEIGHT, REAR YARD SETBACK  
FACADE MASONRY, CURB CUT.

---

HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

Chairman James Aibel  
Commissioner Phil Cohen  
Commissioner Michael DeFusco  
Commissioner Antonio Grana  
Commissioner Tiffanie Fisher  
Commissioner Frank DeGrim

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

Eileen Banyra, Planning Consultant

Jeffrey Marsden, PE, PP  
Board Engineer

Patricia Carcone, Board Secretary

THERESA L. CARIDDI TIERNAN  
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(201) 925-7474

## 1 APPEARANCES:

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4 730 BREWERS BRIDGE ROAD  
5 JACKSON, NEW JERSEY 08527  
(732) 364-3011  
Attorney for the Board.

6  
7 JAMES J. BURKE AND ASSOCIATES  
8 BY: JAMES J. BURKE, ESQ.,  
236 HUDSON STREET  
9 HOBOKEN, NEW JERSEY 07030  
(201) 610-0800  
ATTORNEY FOR THE APPLICANT.

10  
11 BRACH EICHLER, LLC  
12 BY: SUSAN R. RUBRIGHT, ESQ.,  
101 EISENHOWER PARKWAY  
13 ROSELAND, NEW JERSEY 07068  
SRUBRIGHT@BRACHEICHER.COM  
14 (973) 403-3157  
ATTORNEY FOR THE OBJECTOR.

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I N D E X

| <u>WITNESS</u>     | <u>DIR</u> | <u>CRS</u> | <u>RED</u> | <u>REC</u> |
|--------------------|------------|------------|------------|------------|
| SUE ELLEN NEWMAN   | 52         | 61         |            |            |
| ANNA MARIA SANCHEZ | 69         | 111        |            |            |

E X H I B I T S

| <u>NUMBER</u> | <u>DESCRIPTION</u> | <u>IDENT</u> |
|---------------|--------------------|--------------|
| A-1           | SANCHEZ DOCUMENT   | 73           |
| A-2           | SANCHEZ DOCUMENT   | 73           |
| A-3           | SANCHEZ DOCUMENT   | 73           |
| A-4           | SANCHEZ RENDERING  | 75           |

1                   CHAIRMAN AIBEL: Okay. And now we're  
2 going to proceed with 601-607 Park Avenue. We'll  
3 start -- my understanding is that we'll get through  
4 the architectural testimony tonight and then at some  
5 point break off.

6                   MR. BURKE: Mr. Chairman.

7                   CHAIRMAN AIBEL: Mr. Burke.

8                   MR. BURKE: James Burke representing  
9 the applicant, and let me begin by there will be two  
10 witnesses; one will be the -- I'm going to get the  
11 name right, the director. I was going to say  
12 principal, but director of the school who will give  
13 you an overview, of the Hudson School, and then the  
14 second witness will be the architect, Anna Sanchez.

15                  MR. GALVIN: Let me help you. The  
16 other thing that we discussed, and I only -- you  
17 should, and Jeff, you guys should concur with this,  
18 there's some details of their site plan that are not  
19 up to our professionals, they're not meeting our  
20 professionals' concerns, so what we're suggesting  
21 the Board should do is bifurcate this matter.  
22 Decide the -- decide the variances, and what we will  
23 do is allow the applicant time to put their site  
24 plan in order, right?

25                  MS. BANYRA: Right. That's correct. I

1 did speak with Mr. Burke today and we talked about  
2 the details, there's a lot of details and the  
3 engineer has an extensive letter, but I thought  
4 rather than if the variances aren't approved,  
5 there's no need to get to the details. So I thought  
6 it would be prudent to get through that, there's  
7 plenty of information to make a decision, I think,  
8 on the variances, and then at that point, should the  
9 Board approve that, then they can go for preliminary  
10 and possibly Mr. Burke asked me if they could file  
11 final approval and have preliminary and final at  
12 that same time, and I thought that that might be a  
13 wise thing to do, rather than come back and do it as  
14 an another two steps that you don't add an extra  
15 step in the process.

16 Is that correct, Mr. Burke?

17 MR. BURKE: And that's been agreed to,  
18 Mr. Chairman.

19 MR. GALVIN: Okay.

20 MR. MARSDEN: And I agree.

21 MR. GALVIN: So I need a motion and a  
22 second to permit the bifurcation of this matter.

23 COMMISSIONER COHEN: I make a motion.

24 COMMISSIONER DEGRIM: I second.

25 MR. GALVIN: I can't move it. Is there

1 a motion? No, you did good. So you made a motion,  
2 you made a second.

3 COMMISSIONER COHEN: I make a motion.

4 MR. GALVIN: Mr. Cohen made the motion.

5 Mr. DeGrim made the second. Roll call.

6 SECRETARY CARCONE: Okay.

7 Commissioner Cohen.

8 COMMISSIONER COHEN: Yes.

9 SECRETARY CARCONE: Commissioner  
10 DeFusco.

11 COMMISSIONER DEFUSCO: Yes.

12 SECRETARY CARCONE: Commissioner Grana.

13 COMMISSIONER GRANA: Yes.

14 SECRETARY CARCONE: Commissioner

15 Fisher.

16 COMMISSIONER FISHER: Yes.

17 SECRETARY CARCONE: Commissioner

18 DeGrim.

19 COMMISSIONER DEGRIM: Yes.

20 SECRETARY CARCONE: And Commissioner

21 Aibel.

22 CHAIRMAN AIBEL: Yes.

23 MR. GALVIN: Sorry about that.

24 COMMISSIONER DEGRIM: No problem.

25 MR. GALVIN: I appreciate your help.

1 MS. RUBRIGHT: Excuse me, Mr. Galvin.

2 MR. GALVIN: State your name for the  
3 record.

4 MS. RUBRIGHT: Sure. Mr. Galvin and  
5 Mr. Chairman, Susan Rubright. I'm an attorney with  
6 Brach Eichler in Roseland, New Jersey. I just  
7 wanted to put my appearance in on the record. I'm  
8 here representing 609 Park Avenue, LLC, who is an  
9 adjoining property owner.

10 MR. GALVIN: Is that a church?

11 MS. RUBRIGHT: No, that is an  
12 apartment, right that backs up to the parking lot.

13 MR. GALVIN: Okay.

14 MS. RUBRIGHT: I did have a question  
15 with regard to the adequacy of the legal notice.  
16 The term "educational use as not otherwise  
17 mentioned" is described as a conditional use in your  
18 ordinance, and the original approval, my  
19 understanding, was granted as a use variance, and I  
20 don't see mention of either a use variance or a  
21 request for a conditional use variance in the legal  
22 notice, and I just wanted to note my concern or my  
23 objection to that on the record.

24 MR. GALVIN: What's that? I didn't  
25 look at the notice.

1 MS. BANYRA: I don't get the notice.

2 MR. BURKE: I think, you know, the  
3 purposes of meeting the statute, the notice, I  
4 think, provided a general overview and mentioned  
5 both.

6 MR. GALVIN: Can I physically see it?

7 MS. RUBRIGHT: Sure.

8 MR. GALVIN: I'm sorry, Mr. Burke.

9 MS. RUBRIGHT: Well, I have a marked-up  
10 copy, if that's okay.

11 SECRETARY CARCONE: I have a copy.

12 MS. RUBRIGHT: You can't read my  
13 writing anyway.

14 MR. GALVIN: That's okay. How do you  
15 know I can't read your writing?

16 Ms. Rubright, when did you come into  
17 the case?

18 MS. RUBRIGHT: This morning. Actually,  
19 today is Tuesday. Yesterday.

20 MR. GALVIN: Okay. Because I was in my  
21 office all day.

22 MS. RUBRIGHT: Well, I had some other  
23 emergencies, but it was -- it was yesterday,  
24 and I -- believe me, I just -- I appreciate what you  
25 just went through in terms of what --

1 MR. GALVIN: Because we really have a  
2 calendar problem.

3 MS. RUBRIGHT: I understand that, and  
4 I -- my apologies, and my -- I meant no disrespect.

5 MR. GALVIN: I know, I know. You and I  
6 are friends.

7 MS. RUBRIGHT: I had a lot of  
8 challenges today as well.

9 MR. GALVIN: What is -- is there a D  
10 variance required?

11 MS. BANYRA: There's another D variance  
12 that is not listed there. So the D variance is a  
13 conditional use. It doesn't -- you know, we don't  
14 have conditions, so then it becomes a use variance,  
15 which I think I have in my report.

16 MS. RUBRIGHT: Which, frankly, I  
17 haven't seen. I have the engineer's report.

18 MS. BANYRA: Right.

19 MS. RUBRIGHT: My client did come to  
20 town hall on Friday and picked up --

21 MS. BANYRA: My report came out late  
22 Friday.

23 MS. RUBRIGHT: And I don't have a copy  
24 of your report, otherwise.

25 MS. BANYRA: I'll make sure you get

1 one. If you could just leave me your card, I'll be  
2 happy to do that.

3 MS. RUBRIGHT: I'll leave you my card.

4 MR. GALVIN: When could we carry this  
5 to? Do you have an argument to make?

6 MR. BURKE: Yeah, I do. I think based  
7 on the case law, the notice is adequate. It gives  
8 you a general description of what we're trying to  
9 accomplish, and there's a provision in there that  
10 says, "Any other variance that the Board may require  
11 shall be considered." So I think it's a very slim  
12 read to say "It's a conditional use without  
13 conditions." I think it's a very slim read to argue  
14 that that renders the notice deficient.

15 MR. GALVIN: What was in Eileen's  
16 report? She put down that it was a D -- D variance.

17 MS. BANYRA: Yeah, well, I also  
18 received -- yeah, I mean, and Ken Ochab called it  
19 out in his latest report as well. It's a  
20 conditional use, and as you know many of the  
21 conditional use applications in Hoboken don't have  
22 conditions, and pursuant to case law, anything  
23 without conditions makes it an expansion of a  
24 nonconforming use or D-1, actually D-1 variance.

25 MR. GALVIN: Well, let me say this --

1 MS. RUBRIGHT: Use variance.

2 MR. GALVIN: -- that it's generally the  
3 accepted practice to list all the variances that  
4 are --

5 MS. RUBRIGHT: I'm sorry.

6 MR. GALVIN: It's generally the  
7 accepted practice to list all the variances that are  
8 required. The other thing is you have to give the  
9 public notice and the applicant seeks approvals to  
10 expand its existing school building by adding five,  
11 a five-story addition to the north side of the  
12 building. I think that does a pretty good job of  
13 telling you what it is. We have an objector's -- an  
14 attorney here. I know we have other objectors here  
15 because I spoke to them before we started the  
16 meeting. The only thing I have to caution everybody  
17 on is that if Mrs. Rubright is -- Ms. Rubright is  
18 correct, that whatever we accomplish, if you get an  
19 approval, it's going to be set aside, because if the  
20 Court finds the notice is defective, it's a  
21 jurisdictional issue and we'll have to do the redo  
22 the entire hearing.

23 MR. BURKE: I understand that, and I'm  
24 confident that the Court would find it acceptable,  
25 because people are here, and I think people

1 understand what this application is about, and the  
2 variances listed, I think, again, not to repeat  
3 myself, but that's a very slim read, that is a  
4 conditional use, specifically needed to be  
5 mentioned.

6 MR. GALVIN: Well, there's some case  
7 law that supports Miss Banyra's position, so, and  
8 we've looked it up recently for other reasons,  
9 that's why we're on top of it, but...

10 MR. BURKE: Uh-huh.

11 MR. GALVIN: You know, if I had to do  
12 this notice over again, I would have just said to  
13 you to add something that, you know, you're  
14 required -- I would have added one more sentence  
15 that says D-1 variance there, but...

16 MS. RUBRIGHT: Mr. Galvin, if I can  
17 just respond briefly. A use variance is a pretty  
18 significant variance, and, yes, while I was noticed,  
19 and I reached -- my client was noticed because she's  
20 right next door, and if you're representing that  
21 there are other objectors here as well, they're here  
22 because they got legal notice. However, I would  
23 submit that we don't know if there were other people  
24 who may have shown up to have their voices heard as  
25 well, if, in fact, indeed, a significant D variance

1 had been noticed, set forth in the notice. Granted,  
2 we know it's a five story, but is it a five story  
3 that's being -- that is permitted or is it a  
4 five-story addition that's a use variance? I think  
5 it's not a slim read. It's a significant -- it's a  
6 significant difference, but the Board, you know, can  
7 make their own decision obviously.

8 MR. GALVIN: I think, you know, again,  
9 I always like to err on the side of caution. It  
10 would normally be my natural instinct to say just  
11 reschedule this thing. With Mr. Burke saying that  
12 he's willing to take -- go and proceed, I think  
13 there are times when I think the Board should say,  
14 "No, you can't go further," but I do think that we  
15 could -- I think there's a little sliver of gray  
16 area here, because you're telling them right up  
17 front what you're proposing to do. I think the  
18 public -- I mean, short of telling them -- I would  
19 say that -- under normal circumstances, I would say  
20 this is not good enough because it doesn't say a D-1  
21 variance is required, but I think where it says,  
22 "The applicant seeks approvals to expand its  
23 existing school building by adding a five-story  
24 addition to the north side of the building," I think  
25 that that puts the adjacent property owners on

1 notice of what's going on here, and it also needs a  
2 D variance, so it needs five affirmative votes for  
3 these other reasons.

4 MS. RUBRIGHT: For the height.

5 MR. GALVIN: So I think some Court  
6 could conclude that the notice is adequate. I don't  
7 think that all Courts would, so, but if it's a risk  
8 you're willing to take, it's up to the Board. You  
9 guys have to ask me what you think.

10 CHAIRMAN AIBEL: I'm not inclined to  
11 want to waste our time, but we have a room full of  
12 people, and I'm inclined to spend an hour if  
13 Mr. Burke is still inclined.

14 MS. BANYRA: Should we hear if there's  
15 another attorney?

16 CHAIRMAN AIBEL: You're inclined to  
17 move Ford.

18 MR. BURKE: We're inclined to move  
19 forward.

20 MR. GALVIN: Is there any other  
21 objector attorneys here? No.

22 CHAIRMAN AIBEL: Okay. I guess, my --  
23 my suggestion to the Board would be we'll allot  
24 until 9 o'clock for this matter -- for this matter,  
25 and then we'll break it, and we go to Eighth.

1 MR. GALVIN: Just for the record, if  
2 they were to -- if, even though we hear this, if  
3 they were to say, "Okay, we'll re-notice for the  
4 next meeting," I just want you to understand, we'd  
5 have to start over. You know, in other words, if  
6 you're going to try to cure it by re-noticing the  
7 next time, whatever you put on now is not going to  
8 be --

9 COMMISSIONER FISHER: Maybe it's time  
10 to do 15 minutes, and we can go to the next one.

11 MR. GALVIN: That won't be -- it's  
12 not --

13 CHAIRMAN AIBEL: You can't re-notice,  
14 not for the next session. They have to re-file the  
15 application.

16 COMMISSIONER FISHER: No.

17 MR. GALVIN: Listen, I think the public  
18 will understand. I think you guys will understand  
19 if we decide not to hear this at all. I mean, why  
20 make the stay here and talk and then not have it be  
21 fruitful? So I think we just have to decide. Ask  
22 me questions, guys. Let' gets to the bottom of  
23 this.

24 COMMISSIONER COHEN: I want a second  
25 the Chairman's view on this. We have a room full of

1 people. You know, we've heard the prior discussion  
2 of a prior application, which we reluctantly moved  
3 two months off. We've got a jammed calendar. The  
4 risk is absolutely on the applicant here, and the  
5 applicant knows what risk it's taking by doing that.  
6 If the applicant's willing to proceed with the risk  
7 that someone who's unhappy with this approval could  
8 say that this needs to be vacated, and then let the  
9 judge decide that, that's the risk that the  
10 applicant would have to take, but, you know, I'd  
11 like to move forward, and if the applicant's willing  
12 to take that risk, then I think we should let them.

13 CHAIRMAN AIBEL: Anybody else?

14 MR. GALVIN: All right. Let's have  
15 a -- let's do a vote on this.

16 All in favor of proceeding?

17 COMMISSIONER COHEN: Proceeding. Based  
18 on the notice as issued. I make that motion.

19 COMMISSIONER GRANA: And I'll second  
20 that motion.

21 CHAIRMAN AIBEL: We're not approving  
22 the notice, we're simply --

23 COMMISSIONER COHEN: To moved forward.

24 MR. GALVIN: Just to move forward.

25 COMMISSIONER GRANA: And I'll second.

1 CHAIRMAN AIBEL: Okay. Pat. You need  
2 a majority. You could have a tie with three, don't  
3 do that.

4 SECRETARY CARCONE: Commissioner Cohen.

5 COMMISSIONER COHEN: Yes.

6 SECRETARY CARCONE: Commissioner

7 DeFusco.

8 COMMISSIONER DEFUSCO: Yes.

9 SECRETARY CARCONE: Commissioner Grana.

10 COMMISSIONER GRANA: Yes.

11 SECRETARY CARCONE: Commissioner

12 Fisher.

13 COMMISSIONER FISHER: No.

14 SECRETARY CARCONE: Commissioner

15 DeGrim.

16 COMMISSIONER DEGRIM: Yes.

17 SECRETARY CARCONE: Commissioner Aibel.

18 CHAIRMAN AIBEL: Yes.

19 MR. GALVIN: All right. You get your  
20 chance. Go ahead.

21 MS. RUBRIGHT: Thank you for hearing  
22 this, and also if I just may ask a question with  
23 regard to the bifurcation, is it the Board's  
24 intention, when the applicant returns after the  
25 testimony tonight, to have the completed site plan?

1                   Some of our concerns with regard to the  
2                   variance do relate to some of the site conditions.  
3                   So is the Board not intending to hear the site  
4                   conditions, or I'm a little confused about how this  
5                   can be bifurcated.

6                   MR. GALVIN: You know, listen, when --  
7                   we don't have to hear all -- we don't have to hear  
8                   all of the site plan issues. We have to decide if  
9                   we're gong to grant the variances.

10                  MS. RUBRIGHT: So to the extent that --

11                  MR. GALVIN: And then they'll  
12                  eventually make all the corrections to the plan and  
13                  they'll provide them to us, and then our  
14                  professionals will check them, and then we'll have a  
15                  hearing on the site plan. So, and as you know,  
16                  counsel, it's like in a lot of communities, not too  
17                  often in Hoboken because our projects are so  
18                  complicated, people like to know if they're getting  
19                  the variances first.

20                  MS. RUBRIGHT: Understood.

21                  MR. GALVIN: And then spend all the  
22                  money on the site plan, and that's the way the  
23                  Municipal Land Use Law is designed.

24                  MS. RUBRIGHT: I know. I agree.  
25                  Understood. Is it possible to flip -- to angle

1 these a little bit so that the public can see these  
2 exhibits when they're introduced?

3 CHAIRMAN AIBEL: I was going on ask the  
4 same thing. So maybe we can use -- we can use that  
5 side as your exposition so that we can all see and  
6 the public can see as well.

7 Mr. Burke, proceed.

8 MR. BURKE: That is fine. Thank you.

9 First witness is Miss Newman.

10 MR. GALVIN: Let's move the boards.

11 Let's get the boards out of the way.

12 CHAIRMAN AIBEL: The witness?

13 S U E E L L E N N E W M A N, being first duly sworn  
14 by the Notary, testifies as follows:

15 MR. GALVIN: Thank you. Time out for a  
16 second. We kind of have this table here for a  
17 reason.

18 We want you guys to go back, okay?

19 MS. BANYRA: Can you sit down?

20 MR. GALVIN: No offense, but that's the  
21 old way we do it. We don't do that anymore.

22 MS. NEWMAN: One of my students today  
23 told me that if I put my hands out like this I would  
24 feel more empowered. I would feel a little bigger,  
25 so I thought I would start by doing that.

1 MR. GALVIN: How is that working for  
2 you?

3 MS. NEWMAN: Now I feel a little  
4 bigger.

5 CHAIRMAN AIBEL: Before this meeting  
6 starts, I wanted to disclose a situation. My son  
7 was a student at Hudson School 15 years ago, so if  
8 that's a problem for anybody in the audience...

9 MR. GALVIN: Counsel, you have an  
10 objection to that? I thought that that was too  
11 attenuated, that the time had lapsed long ago.

12 MS. RUBRIGHT: I guess I would ask the  
13 question: Does your son keep in touch with anything  
14 in connection with the Hudson School?

15 CHAIRMAN AIBEL: That I don't know.

16 MS. RUBRIGHT: Does he contribute to  
17 the Hudson School?

18 CHAIRMAN AIBEL: That I don't know.

19 MR. GALVIN: Does your son live in your  
20 household?

21 CHAIRMAN AIBEL: No, he does not.

22 MS. RUBRIGHT: Do you talk to your son  
23 about the Hudson School?

24 CHAIRMAN AIBEL: I don't.

25 MS. RUBRIGHT: I'm going to -- I'm

1 going to reserve judgment at this point.

2 MR. GALVIN: There's case law that says  
3 if you do that --

4 MS. RUBRIGHT: Yeah.

5 MR. GALVIN: -- it's not -- you're not  
6 going to be able to raise that objection.

7 MS. RUBRIGHT: Understood. I would  
8 prefer not -- 15 years? Were you an active,  
9 involved parent?

10 CHAIRMAN AIBEL: Personally, I was not.

11 MR. GALVIN: Do we have to bring his  
12 wife in for cross examination?

13 MS. RUBRIGHT: I was going that was a  
14 bad question to ask a father.

15 CHAIRMAN AIBEL: That was a bad  
16 question.

17 MS. RUBRIGHT: You know, yeah, was the  
18 school -- the school was in the same location as it  
19 is now?

20 CHAIRMAN AIBEL: No.

21 MS. RUBRIGHT: It was in a different --  
22 yeah, so you don't believe that that will cause a  
23 problem for you in deciding this application?

24 CHAIRMAN AIBEL: Absolutely not.

25 MS. RUBRIGHT: Okay. My clients said

1 she doesn't have any issues with that, so we'll --

2 MR. GALVIN: Thank you so much.

3 CHAIRMAN AIBEL: Thank you. Anybody  
4 else have an admission or a confession?

5 MR. GALVIN: All right.

6 MR. BURKE: All right. Miss Newman, as  
7 director of the school, and you've been involved for  
8 many years, I think it's worth it for the audience  
9 and some of the Board Members, who aren't familiar  
10 with the Hudson School, to hear a little about the  
11 school and why we're here tonight.

12 MS. NEWMAN: Thank you for the  
13 opportunity, and good evening again.

14 I am the founder and the director of  
15 the Hudson School.

16 We are an intentionally small,  
17 co-educational, college preparatory school for  
18 children in grades five to 12.

19 We are accredited by the Middle States  
20 Association of Colleges and Schools. This is my  
21 37th year as director. It has been a great  
22 privilege to have been part of the lives of two  
23 generations of students, and some of our previous  
24 graduates are now enrolling their children in the  
25 school, and some have returned to teach in the

1 school. And I think there's nothing more gratifying  
2 for an educator, than to be part of the journey of,  
3 not one, but two generations of children.

4 I founded this school with a small  
5 group of educators who believed in offering an  
6 innovative, educational program where students could  
7 take intellectual risks and explore their interests  
8 and talents in depth with teachers who were  
9 passionate about their own fields of expertise.

10 My background as an educator, I majored  
11 in education at Oberlin College in Ohio. I joined  
12 the United States Peace Corps and served in West  
13 Africa for two years before returning to get my  
14 masters degree in curriculum and education at the  
15 University of Chicago. I later did post-graduate  
16 work at Columbia University Teachers' College.

17 The school began with six students in  
18 grades six, seven, and eight. A total of 18  
19 students. At that time there were no middle schools  
20 in Hoboken, but we felt that the children in ages  
21 ten to 13 would benefit from a special program  
22 designed to meet their social and emotional needs as  
23 well as their intellectual abilities. We believe  
24 that the children their age, for example, were more  
25 than capable of exploring subjects in depth engaging

1 in philosophical debates, studying music, art and  
2 drama, and learning languages. And we wanted to  
3 demonstrate the special curriculum to the community  
4 because we felt some of our ideas might eventually  
5 be adopted by the public schools, which, indeed, I  
6 believe they were in many, many cases.

7 We added fifth grade the second year,  
8 and our enrollment soared to 36. With the city's  
9 support, we were to able to rent five classrooms in  
10 the library building. Our school has grown from  
11 being just a middle school of 18 students to its  
12 present size of 200. The high school was added when  
13 five determined middle school eighth graders  
14 literally crashed a board meeting and asked to stay  
15 for four more years. That is the truth. That was  
16 more than 20 years ago.

17 For a few years we shared space with  
18 OLG, Our Lady of Grace School, which is now Mustard  
19 Seed School, and in 2002 we moved into our present  
20 space.

21 As some of you know, my husband, Tom,  
22 and I moved to Hoboken in the late sixties. We  
23 raised our five children here. We now have eight  
24 grandchildren, and our youngest daughter, who went  
25 through the Hudson School, as did some of her

1           siblings and her husband, live on our block in  
2           Hoboken, and they have started their family.

3                         Hoboken is a wonderful place to raise a  
4           family, and we believe that parents want and  
5           children deserve educational alternatives to reach  
6           their full potential. Our present school building  
7           has eight classrooms, a science lab, an art room, a  
8           technology room, three very small seminar-type  
9           rooms, a guidance counselor's office, a lunch room,  
10          and a performance space, and an all purpose room,  
11          which got a lot of use during the snow this winter.  
12          We have an administrative office, a college  
13          counselor's office, a director's office, and two  
14          small teachers' rooms shared by ten to 12 members of  
15          the faculty. In these rooms, by some very creative  
16          scheduling, we are able to offer nearly 150  
17          academic, music, and arts courses each week.  
18          Courses ranging from anatomy and physiology,  
19          American history, music history, foundations of art,  
20          to mathematics through AP calculus and mathematics  
21          for engineers, literature, personal finance,  
22          psychology, physics, robotics, chemistry, French,  
23          Spanish, Russian, German, Japanese, Mandarin,  
24          American Sign Language, and Latin and ancient Greek.

25                         About half of the middle school

1 students come from Hoboken, and the others, the  
2 other members of the community, school community  
3 commute from outside of Hoboken, from nearly 30 or  
4 more communities. Most of our teachers live in  
5 Hoboken or nearby, or have moved here to be closer  
6 to the school.

7 Our present building is a replica of  
8 the Martha Institute that once served as a teacher  
9 training institute, or as they called it then, a  
10 normal school, and it was -- as it was known then,  
11 and later as Hoboken's first high school.

12 When we received permission to  
13 replicate the Martha Institute, we promised that our  
14 school would serve more than just those who  
15 enrolled, who, by the way, are admitted based on  
16 their academic and creative potential, regardless of  
17 their family's financial circumstances.

18 We have a need-blind admission policy.  
19 We provide over \$600,000 in financial aid, so we  
20 don't have to turn away a deserving child.

21 When we first received permission to  
22 replicate the Martha Institute, one of the promises  
23 we made to the community of Hoboken was to make our  
24 school a true community center. I can honestly say  
25 that we have fulfilled that promise. Here, for

1           example, are some of the groups who currently call  
2           the Hudson School their home; Alpha Minds, which --  
3           who teaches chess, creative writing, technology, and  
4           robotics; Be Lingual, classes for Spanish; SAT  
5           classes; the Japanese Swordsman Society; Music  
6           Together for Infants and Toddlers; ballroom dancing  
7           teacher; a folk dancing instructor; a yoga  
8           instructor; a fencing instructor; Saturday Dodge  
9           Poetry workshops; the Girls Scouts, the Hudson  
10          Theater Ensemble; the Toastmasters of Hoboken; the  
11          Mandarin For Fun, Mandarin classes for children and  
12          adults; the Summer Institute for the Gifted from the  
13          Johns Hopkins University; Cantigas rehearsals for  
14          the women's choir; Capoeira classes for Brazilian  
15          martial arts; art exhibits; Think Thursdays, which  
16          are monthly adult speakers and film series; Indian  
17          dancing; chamber music concerts; and several  
18          instrumental music teaches who teach guitar, cello,  
19          violin and voice after school.

20                         This evening we are here to ask  
21           permission to build an extension to our present  
22           building because we simply need more space to  
23           accomplish our admission. Our architect, Anna  
24           Sanchez, will provide more specific information, but  
25           I really wanted to thank you on behalf of the Hudson

1 School community for your consideration of our  
2 request. The new building or the annex, as we like  
3 to refer to it, will help to ensure that the school,  
4 which has become an important part of Hoboken,  
5 continues to serve the community long into the  
6 future.

7 Thank you so very much.

8 CHAIRMAN AIBEL: Thank you, Miss  
9 Newman.

10 MR. BURKE: Does anyone have any  
11 questions?

12 MR. GALVIN: Board Members have  
13 questions?

14 Members of the public have questions of  
15 this witness?

16 Yes, Miss Rubright.

17 CROSS EXAMINATION BY MS. RUBRIGHT:

18 MS. RUBRIGHT: Yeah, I have just a few.  
19 Thank you.

20 Just a couple of clarifications.

21 You mentioned the very long list of  
22 other groups you have classes and it is impressive,  
23 I must admit. When do these groups meet?

24 MS. NEWMAN: They -- the ones I  
25 discussed usually meet, a lot of them, on Saturdays

1 and Sundays when the students aren't there, but  
2 especially babies that come for their music classes,  
3 and before or after school, 3:30 to 5, 4:30 to 6.

4 MS. RUBRIGHT: Any time into the  
5 evening also?

6 MS. NEWMAN: Yeah, they do. The SAT  
7 classes, for example, meet in the evenings, yeah.

8 MS. RUBRIGHT: When would be the  
9 last -- like 10 o'clock would be the latest that  
10 someone would be there?

11 MS. NEWMAN: 9:30 is -- 9:30 usually,  
12 sometimes 10.

13 MS. RUBRIGHT: And that's Saturdays and  
14 Sundays. So it's basically seven days a week?

15 MS. NEWMAN: No, it's not that late on  
16 the weekends.

17 MS. RUBRIGHT: But 6 or 7?

18 MS. NEWMAN: Weekends, I don't think we  
19 have anybody past 5; unless there's a theater  
20 rehearsal. Not usually.

21 MS. RUBRIGHT: Do those groups cater  
22 mostly to Hoboken residents?

23 MS. NEWMAN: A lot of the Hoboken  
24 families are taking advantage of the programs, yeah,  
25 they do, because they can walk to the school and/or



1 add, because we added the high school, we still only  
2 have one science room, one art room, and children  
3 spanning the ages of 10 to 18, would benefit from  
4 different facilities for their obvious reasons.

5 MS. RUBRIGHT: Understood. Thank you.

6 I'm representing Connie Coppola, who  
7 lives next door. Actually her LLC.

8 Do you know Miss Coppola?

9 MS. NEWMAN: Yes.

10 MS. RUBRIGHT: Have you ever spoken to  
11 her about this application or what your intentions  
12 are with regard to the expansion?

13 MS. NEWMAN: I haven't personally  
14 spoken to her, but I know she's spoken to members of  
15 the trustees and to a member of the faculty that  
16 was --

17 MS. RUBRIGHT: But that was recent.

18 MS. NEWMAN: Yeah, very recently.

19 MS. RUBRIGHT: When did you start  
20 having discussions about this proposal to do this  
21 addition? Was it in the last summer?

22 MS. NEWMAN: I don't remember.

23 MS. RUBRIGHT: Or before that?

24 MS. NEWMAN: Was it last spring it  
25 would be? We had -- we had an open house, I mean,

1 an open viewing of the -- of one set of drawings in  
2 our cafeteria.

3 MR. BURKE: Would be that --

4 MS. NEWMAN: Was it maybe in June, I  
5 believe. In June, I don't really recall. It was  
6 last -- it was about a year ago.

7 MS. RUBRIGHT: Did you ever approach  
8 Mrs. Coppola about those plans?

9 MS. NEWMAN: At that time we didn't  
10 because they were just sketches, and, in fact, we  
11 had our students look at them and make suggestions  
12 and put Post-It notes on them to give a feedback.  
13 So they weren't in any shape at that time to even  
14 share officially.

15 MS. RUBRIGHT: Okay. Understood.

16 Does the school -- I noticed on a  
17 aerial map that the school has solar panels.

18 Do they still -- are they still active?

19 MS. NEWMAN: Uh-huh.

20 MS. RUBRIGHT: When did you install --

21 MR. GALVIN: I was just going to say, I  
22 think that that should be left to --

23 MR. BURKE: Understood.

24 MR. GALVIN: That no one's testified to  
25 solar panels. We're, like, at a loss for right now.

1 MS. RUBRIGHT: I guess she's there and  
2 that's why, she's the one who would know, but I will  
3 ask someone else about it.

4 MR. GALVIN: Well, go ahead. Tell them  
5 when you put them in. I just want to -- there's a  
6 limit to what we should be asking this witnessed.

7 MS. RUBRIGHT: I know that.

8 MR. GALVIN: She testified. She's just  
9 testifying about the school --

10 MS. RUBRIGHT: Understood.

11 MR. GALVIN: -- in general.

12 MS. RUBRIGHT: Understood.

13 MR. GALVIN: Go ahead. Could you  
14 answer that question about the solar panels? When  
15 did they go in?

16 MS. NEWMAN: What was the question.

17 MR. GALVIN: Are there solar panels --

18 MS. RUBRIGHT: I'll ask you another --

19 MR. GALVIN: No, no. Are there solar  
20 panels on the school?

21 MS. NEWMAN: Yes, yes, there are.

22 MR. GALVIN: When were they put in?

23 VOICE: I'm going to say 2003.

24 MR. GALVIN: So the witness doesn't  
25 know the answer.

1 MS. NEWMAN: About a year after we  
2 moved.

3 MR. GALVIN: The witness doesn't know  
4 the answer.

5 MS. RUBRIGHT: I withdraw the question.

6 MS. NEWMAN: About a year after we  
7 moved in.

8 MS. RUBRIGHT: Okay. Okay.

9 And you said -- you answered my  
10 question about the number of students or about half  
11 the children come from Hoboken and about half --  
12 most -- you said most of the teachers?

13 MS. NEWMAN: Uh-huh. Most of the  
14 teachers --

15 MR. GALVIN: Again, I would say that  
16 that's not relevant to us.

17 When you have a school as an inherently  
18 beneficial use and whether it exclusively serves  
19 Hoboken or not, if it serves the general public,  
20 it's --

21 MS. RUBRIGHT: No, I understand. It  
22 really goes more to the parking issue for them, than  
23 the parking need.

24 MR. GALVIN: That's fair.

25 MS. RUBRIGHT: Thank you. Thank you.

1                   CHAIRMAN AIBEL: Can we open up to  
2 public? Anybody else in the public care to ask the  
3 witness a question?

4                   VOICE: Can we read a letter on behalf  
5 of the church?

6                   MR. GALVIN: Not until we get to the  
7 point where we're -- where it's -- what we do is we  
8 have witnesses. We cross examine those witnesses  
9 like we're all attorneys. At the very end of the  
10 hearing, the public gets to make their statements  
11 about the case under oath, and then you could be  
12 asked questions about what you testified to, and  
13 that would be the appropriate time to do that. I'm  
14 not sure we're going to get there tonight because of  
15 a bunch of reasons, but let's see what happens.

16                  VOICE: Thank you for educating the  
17 late guy.

18                  MR. GALVIN: No, no. I'm actually am  
19 telling everybody, so I do this every night, and you  
20 guys need to hear it so you know what we're doing.  
21 We're going to treat everyone fairly, we're going to  
22 listen to what everybody has to say. All right.

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

25                  CHAIRMAN AIBEL: Could I get a second?

1 COMMISSIONER DEFUSCO: Second.

2 CHAIRMAN AIBEL: All in favor?

3 (Voice vote taken at this time.)

4 MR. GALVIN: Mr. Burke.

5 MR. BURKE: The next witness would be  
6 Miss Sanchez.

7 MR. GALVIN: Miss Sanchez, raise your  
8 right hand.

9 A N N A M A R I A S A N C H E Z, being first duly  
10 sworn by the Notary, testifies as follows:

11 DIRECT EXAMINATION BY MR. BURKE:

12 MR. GALVIN: All right. Your witness,  
13 counsel.

14 MR. BURKE: Miss Sanchez, you live here  
15 in town and your office is here?

16 MS. SANCHEZ: Yes.

17 MR. BURKE: All right. And you're also  
18 a licensed architect in the State of New Jersey?

19 MS. SANCHEZ: Yes.

20 MR. BURKE: And you're licensed in  
21 currently --

22 MR. GALVIN: Can I ask this? Can you  
23 tell -- give us three boards that you've appeared  
24 before in the past in New Jersey.

25 MS. SANCHEZ: I've appeared in front of

1 this board, and I actually serve on the Historic  
2 Board of the City of Hoboken. I have not testified,  
3 other than in these -- oh, actually, I testified up  
4 in Cold Spring, New York.

5 MR. GALVIN: Oh, we're not going to  
6 count that.

7 Are you licensed -- are you licensed in  
8 State of New Jersey?

9 MS. SANCHEZ: Yes.

10 MR. GALVIN: All right. Mr. Chairman,  
11 will you accept Mrs. Sanchez's credentials? Are you  
12 an RA or an AIA?

13 MS. SANCHEZ: AIA.

14 MR. GALVIN: Thank you.

15 Go ahead, Mr. Burke. You're all set.

16 MR. BURKE: Miss Sanchez, what I'd like  
17 you to do is walk through your plans for the benefit  
18 of the Board and the audience, and first let's  
19 provide a summary, if you would, of what exists  
20 presently at the site.

21 CHAIRMAN AIBEL: Mr. Burke, you're  
22 going to have to help us out, too.

23 MR. GALVIN: And we're going to need to  
24 mark those exhibits.

25 MS. SANCHEZ: Yes.

1 MR. GALVIN: You're going to have to  
2 help them.

3 MS. SANCHEZ: I have three site  
4 photographs.

5 MR. GALVIN: And who took those  
6 pictures?

7 MS. SANCHEZ: Excuse me?

8 MR. GALVIN: Who took the pictures?

9 MS. SANCHEZ: I did.

10 MR. GALVIN: Thank you.

11 When did you take them, approximately?

12 MS. SANCHEZ: Sunday morning.

13 MR. GALVIN: Cool.

14 MS. SANCHEZ: The resolution of the  
15 previous pictures I had were not adequate for  
16 printing them of this scale. These three pictures,  
17 sort of, show the location of the school, and also  
18 the context.

19 To begin with, as Miss Newman said, the  
20 Hudson School exists on the site of the Martha  
21 Institute that was established by the Stevens family  
22 in 1865. It was a teaching facility.

23 When the school first took the building  
24 over they wanted to restore it, but the structural  
25 feasibility study proved that unreasonable, it was

1 too cost prohibitive. They reached an agreement,  
2 actually, to follow the proportions and the -- and  
3 to replicate the building on the outside and adapt  
4 the inside to -- to what the Hudson School is today.  
5 The Hudson school exists in Hoboken and it is one of  
6 the many different uses that you will find in this  
7 area. There are churches, there are schools, there  
8 are row houses, there are other apartment building.  
9 The lot right now is an irregular lot. So if you  
10 look at an old tax map in Hoboken as late as 1982  
11 you would find that there were two equal hundred  
12 foot lots. As the property was purchased from the  
13 church, the easement was developed along the back in  
14 order to allow access to their parking lot, and also  
15 provide the church access to the garage.

16 So what you find is that the Hudson  
17 School has an 85-foot frontage along Park Avenue,  
18 which is the main entrance to the building, as it  
19 was for the Martha Institute, and then on Park  
20 Avenue it -- basically, the gap in the street is  
21 about 38 feet. The Park Avenue side continues a  
22 hundred feet.

23 SECRETARY CARCONE: Are you calling  
24 that A-1.

25 MS. SANCHEZ: Yes, so this is --

1                   VOICE: Some people can't see. The  
2 Board can't see it.

3                   MR. BURKE: So all right. These are  
4 A-1 and 2 and 3.

5                   SECRETARY CARCONE: Which one is which?

6                   MR. GALVIN: Small, medium, and large  
7 photos.

8                   MR. BURKE: Small, medium, and large.  
9 That makes sense.

10                  MR. GALVIN: Thanks, Jim.

11                  (Exhibits marked A-1, A-2, and A-3.)

12                  SECRETARY CARCONE: Works for me.

13                  MR. BURKE: I thought about it.

14                  MS. SANCHEZ: So as we said before, the  
15 proposed expansion of the building is -- is really  
16 to allow breathing room for the students and for the  
17 faculty, and although we are providing classrooms,  
18 almost a third of the project is going to be  
19 dedicated to the faculty. This will include a  
20 faculty office on every floor. It will include --  
21 and, actually, maybe I should jump to the plans and  
22 run through those.

23                  MR. BURKE: Yeah. These are the exact  
24 plans there were submitted?

25                  MS. SANCHEZ: Yes.

1                   MR. BURKE: All right. So we will not  
2 mark those into evidence.

3                   MR. GALVIN: Correct, correct.

4                   MR. BURKE: Okay.

5                   MS. SANCHEZ: So, basically, as I said  
6 before, a third of -- almost a third of the building  
7 is dedicated to facilitating the life of the  
8 faculty. Each proposed floor plan will have a  
9 faculty office. In addition, the second, third, and  
10 the fourth floors will have a faculty work room.  
11 This is a room that will allow the teachers to  
12 prepare class work, to print information, to store  
13 supplies. In addition, each floor will now have a  
14 staff bathroom. This is something that the school  
15 currently does not have. And as Miss Newman said,  
16 it will also have a nurse's office. Right now if  
17 anyone is sick in school they go to the  
18 administrative office, which is usually pretty  
19 crowded. Expansion will also create seven new  
20 classrooms, and this is on the three floors. The  
21 top floor will -- would be dedicated to a new  
22 science lab and be adjacent to a roof garden.

23                   If I go back to our elevations and I  
24 break down the elements of the outside, and maybe  
25 this will be Exhibit 4.

1                   MR. BURKE: Mark this A-4, and just  
2 state, again, what this A-4 represents.

3                   (Exhibit marked A-4.)

4                   MS. SANCHEZ: Exhibit 4 is a rendered  
5 elevation of the front facade of the building along  
6 Sixth Street and the proposed facade along Park  
7 Avenue.

8                   So what we have tried to do is,  
9 basically, continue the fabric of Hoboken, which is  
10 sort of a row house language, and then it comes  
11 across and meets the existing building, which is a  
12 mid-19th century building. The connector piece is  
13 what I've been calling the atrium. The atrium piece  
14 is -- would be a three-story glass space that would  
15 be open on the inside. On the bottom floor there  
16 would be a student lounge, and then on each balcony  
17 that would have glass there would be a small area  
18 for the students to gather. I see this element,  
19 one, of connecting the old part of Hoboken to this  
20 newer piece, but also the opportunity to bring light  
21 through the building and into the center of the  
22 corridor, and also give the three stories some  
23 vertical connection.

24                   Exhibit 5 is a rendered elevation that  
25 would face the rear courtyard of -- one of the

1 things that we tried to do is incorporate sort of  
2 green strategies. There are several reasons for  
3 doing this on the rear facade; first, we felt that  
4 we were proposing sort of a large building, and that  
5 the green facade would help to soften it. We then  
6 had other advantages of providing a thermal  
7 insulation for the building. The greenery on the  
8 building will help clean the air around it, and then  
9 it created opportunities to engage the students  
10 between the classroom and what was going on outside.

11 MR. GALVIN: Could you do me a favor?

12 MS. SANCHEZ: Yes.

13 MR. GALVIN: Could you speak up just a  
14 little bit more? Everyone is, like, being really  
15 well behaved, but they're all, like, leaning  
16 forward. I'm worried they're going to tip over.

17 MS. SANCHEZ: Okay. I will. Okay.

18 So let me go through the floor plans.

19 MR. GALVIN: Louder.

20 MS. SANCHEZ: Floor by floor.

21 MR. BURKE: There you go.

22 MS. SANCHEZ: Okay? This here is the  
23 existing footprint of the building. This is a  
24 cafeteria, and this is the performance space.

25 Right now this is an outdoor parking

1 lot, which we are proposing to enclose. The outdoor  
2 parking lot currently has 90-degree angled parking  
3 and has eight parking spaces. As -- the lot size is  
4 actually 38, so our guide is you need 40 feet to  
5 back out into the space, but the parking lot works.  
6 As we build the building, we diminish that space  
7 from 38 to now 37 or less, and this is why we  
8 introduced the angled parking. Right now the  
9 parking also backs -- goes in reverse, backs out,  
10 and comes to on Sixth Street in instead of, sort of,  
11 driving through. One of the, variances we were  
12 requesting is actually to be allowed to drive  
13 through the parking area, facilitating, basically,  
14 how the parking is used and the congestion that  
15 tends to back up a little bit back on Sixth Street.  
16 The building really begins --

17 MS. BANYRA: Excuse me, Miss Sanchez,  
18 you're indicating that curb cut. That's the  
19 variance you're requesting?

20 MS. SANCHEZ: That's a variance.

21 MS. BANYRA: Okay. Thank you.

22 MS. SANCHEZ: Yes.

23 On the second floor, this is where the  
24 classrooms begin. We're providing an auxillary, a  
25 second administration office, and the existing

1 corridor that ties to the building would connect to  
2 the new building, basically, the layouts are all  
3 similar. It's sort of faculty space in the center  
4 with a classroom to the east and to the west. The  
5 bottom portion of the atrium is where the student  
6 lounge is. If you look at Z-6, shows a third and  
7 the fourth floor. This is where we find the  
8 students -- the nurse's office, and this is the  
9 first occurrence of the teacher work space. And,  
10 once again, the classroom on either side. The  
11 fourth floor is similar.

12 The top floor is one that we're  
13 requesting addition for height. It is set back both  
14 from Park Avenue, and it is set back from the rear  
15 area of the building, and it would become the  
16 science floor, where they would be a roof garden  
17 that would serve -- would serve the science and add  
18 to how they interact with the outside, and could  
19 also be used for quiet relaxation. There are also  
20 offices and a lab prep on this level, actually.

21 So the other thing that we tried to do  
22 with the project is that the proposed expansion is  
23 an opportunity to address one of the most pressing  
24 issues of our time, which is our changes in the  
25 environment and the need for sustainability, and we

1 saw no better option than teaching the young people  
2 that will go forth in the world.

3 And as we've discussed in the school,  
4 becoming a green school is not an event, but a  
5 journey, and there are several elements that we  
6 tried to incorporate into this project in order to  
7 foster this. The first one is the one I've  
8 mentioned before is the fifth story, the roof garden  
9 next to the science lab that will function as an  
10 outdoor classroom.

11 Above that floor, we've also introduced  
12 passive green roofs, and this is in an effort to  
13 reduce storm water runoff. And in addition we've  
14 added storm water planters and tree pits to the  
15 sidewalk plan and the rear wall. The walls to --  
16 the walls that face the church and the interior  
17 courtyard of the city are the green walls that will  
18 serve to have insulation and mitigate air pollution.  
19 In addition, the project will incorporate  
20 sustainable strategies for passive heating and  
21 cooling, and I strongly believe that if we reduce  
22 the energy consumption for the school, the equipment  
23 noise will also be reduced since one follows the  
24 other.

25 In conclusion, I'd like to say that

1 we've -- we strongly feel that this is the greatest  
2 opportunity the Hudson School has for expansion, and  
3 we've tried to explore every possibility to create  
4 and maximize the space that it will yield. We also  
5 understand that the Hudson School exists in a  
6 vibrant community, and in this process we've also  
7 tried to be mindful of how the changes that we are  
8 creating will impact the community.

9 At first glance, when we go through  
10 this, it appears that we are asking for a lot of  
11 variances, but many of them are really driven by  
12 existing conditions and site constraints.

13 For example, education is the historic  
14 use for this property. It was established by the  
15 Stevens family in 1865. It also is part of a  
16 community where, within two blocks, there are three  
17 other schools. There's a library. There's a  
18 church. So I think it is -- I think that's what we  
19 love about our city, the fact that all these  
20 different uses, sort of, overlap and interact with  
21 each other.

22 As I noted before, the lot was once a  
23 hundred by a hundred, but as it was sold, it became  
24 smaller. Creating it, so it has two rectilinear  
25 sides and the back side moves back and forth to

1 create actually several easements that are described  
2 on the first page. That irregular lot depth  
3 requires another variance for the lots.

4 Our proposed lot coverage is 88 percent  
5 where 60 percent is allowed, but corner buildings in  
6 Hoboken tend to close the courtyard or close the  
7 doughnut, so to creating a street wall that we are  
8 familiar with, and in creating really private and  
9 individual gardens behind that. We have tried to  
10 close that gap a Park Avenue, on the Park Avenue  
11 side, and we believe that the building that we're  
12 proposing is in proportion with the neighbors. One  
13 of the things we've done is we've respected the  
14 height of the neighbor immediately to our north, and  
15 set back the fifth floor so it doesn't encroach upon  
16 it.

17 The Hudson School is also -- to go back  
18 to the height of the building, the Hudson School is  
19 located in the mixed neighbored that exists with  
20 three-floor and five-story masonry buildings, and  
21 even though it is an R-1 designation, again, this is  
22 what adds interest to the fabric of our city. The  
23 front yard will also require a variance simply to  
24 match the prevailing setback, which is zero. The  
25 proposed building has no rear yard and the variances

1 requested for that, and in enclosing the parking  
2 area we will reduce the total number of parking  
3 spaces from eight to six. The proposed elevation  
4 also requires a variance. It is 65 percent masonry,  
5 with the remainder being glass. But I do feel that  
6 the atrium piece is an important element allowing  
7 light inside the building and in allowing for some  
8 vertical connection between the stories.

9 And the final variance that we're  
10 requesting tonight is that one -- is the curb cut  
11 along Park Avenue, which we believe will allow to  
12 facilitate the function of the parking with a car,  
13 and also alleviate some of the congestion on Sixth  
14 Street, which is a narrower street than Park Avenue.

15 MR. BURKE: Thank you. Any questions?

16 CHAIRMAN AIBEL: Mr. Cohen.

17 COMMISSIONER COHEN: Thanks, Miss  
18 Sanchez.

19 I'm going to start with where you ended  
20 off with the curb cut.

21 As you know in the R-1 curb cuts are  
22 not allowed. I was looking at the resolution that  
23 the Zoning Board granted for this application, and I  
24 noticed that at that time there was originally a  
25 plan to have a vehicle exit onto Park Avenue and a

1 curb cut then, and in that resolution it notes that  
2 there was concern of certain neighbors about that  
3 and that it was amended so that there wouldn't be a  
4 curb cut. And I'm wondering if you are familiar  
5 with that history or have any comments about how  
6 there was an original plan when the Hudson School  
7 was originally developed to have that curb cut, but  
8 that was abandoned.

9 Do you know anything about that?

10 MS. SANCHEZ: I was not -- I was not a  
11 part of that, so my experience is, sort of, how the  
12 parking lot currently works.

13 COMMISSIONER COHEN: Okay. If there's  
14 someone who can speak to that, because I'd just be  
15 curious to know what that history was.

16 MR. BURKE: We'll be coming back, so  
17 we'll answer that question.

18 COMMISSIONER COHEN: Okay.

19 With respect to the roof, usage of the  
20 roof, you mentioned that it would be an outdoor  
21 classroom. The way I noticed the plan, it looked  
22 like, I guess, on Z-7 the green roof appears to be  
23 sort of a passive space, a green space.

24 MS. SANCHEZ: That was not the  
25 intention.

1 COMMISSIONER COHEN: Okay.

2 MS. SANCHEZ: As we've discussed and as  
3 we're separating out, there are additional work that  
4 needs to be done in developing the roof, but it is  
5 meant to be an active space.

6 COMMISSIONER COHEN: So the thought is  
7 that students will be, weather permitting, you know,  
8 will be out there on the roof as a classroom space  
9 or as an active play space? What --

10 MS. SANCHEZ: It's not really a play  
11 space. It would be too small to do that. It's  
12 really designed to be an active classroom space.

13 COMMISSIONER COHEN: Okay.

14 MS. SANCHEZ: So that would work that  
15 conjunction with the sciences and possibly the arts.

16 COMMISSIONER COHEN: Okay. So has  
17 there been any work -- does your design reflect any  
18 kind of safety elements for students that are going  
19 to be accessing the roof?

20 This came up with a recent application  
21 where there was play space anticipated on top of a  
22 school, and there was testimony from the architect  
23 about what planning there had been done for safety  
24 of students on the roof. Have you --

25 MS. SANCHEZ: Well, currently the

1 parapet is at 42, which would be what the guardrail  
2 size would recommend, and I'll be honest with you, I  
3 think we need to further develop it, but for me it  
4 has been envisioned as something that would always  
5 work as part of the classroom, and, therefore, we'd  
6 always have supervision, so it wouldn't -- so  
7 supervision of a classroom setting as opposed to,  
8 yes, outright recreation.

9 COMMISSIONER COHEN: Okay. So the  
10 parapet's at 42 inches. So that's what, about  
11 4 feet? My math. All right.

12 MS. BANYRA: Three and a half.

13 COMMISSIONER COHEN: Three-and-a-half  
14 feet.

15 MS. SANCHEZ: Three-and-a-half feet.

16 COMMISSIONER COHEN: Three-and-a-half  
17 feet. So I guess I would ask that there be some  
18 incorporation into safety elements on the roof  
19 beyond a three-and-a-half foot parapet to protect  
20 the safety of the students that are going to be  
21 regularly accessing the roof as part of the design?

22 MS. SANCHEZ: Okay. Yes. And we can  
23 add that. And the perimeter actually was treated  
24 differently, so it wasn't part of the active area.  
25 The idea was to keep them near the center and near

1 the classroom and not -- not hang off the sides.

2 COMMISSIONER COHEN: Right, so...

3 MS. SANCHEZ: So, but yes, we can  
4 incorporate that.

5 COMMISSIONER COHEN: Well, I mean, if  
6 the sides are fenced off or if there's a gate to  
7 access it for, you know, maintenance or however you  
8 want to deal with it, I'm not -- I don't want to  
9 tell you how to do it.

10 MS. SANCHEZ: Yes.

11 COMMISSIONER COHEN: But I would like  
12 to just see some consideration about that just so  
13 that this use is, you know, enhancing the school and  
14 also protecting the safety of the kids that are  
15 going to be up there.

16 With respect to the setback, I  
17 appreciate the fact that you've matched the facades  
18 to your neighbor to the north on Park.

19 How far is the setback for the  
20 additional story?

21 MS. SANCHEZ: On the first along Park  
22 Avenue, it is about 10 feet, I have the dimension on  
23 one of the drawings. And then at the rear it's  
24 basically the -- it's set back half. So let me go  
25 to the drawing that has the dimension. So the front

1 portion is a passive green roof, and it's only  
2 6 feet and 6 inches, that's a setback from Park  
3 Avenue. On the back side, the first setback occurs  
4 above the garage, so, and then this is the green  
5 roof, which is basically at the fourth -- the roof  
6 of the fourth floor, which is 32 away from --  
7 from -- 32 feet away from the property line.

8 COMMISSIONER COHEN: So let me just see  
9 if I understand your testimony.

10 The front setback is six-and-a-half  
11 feet.

12 Is that correct?

13 MS. SANCHEZ: Yes.

14 COMMISSIONER COHEN: Okay.

15 MS. BANYRA: Miss Sanchez, what's the  
16 back one?

17 MS. SANCHEZ: And the back one is a  
18 total of 37 feet.

19 COMMISSIONER COHEN: 37 feet.

20 MS. BANYRA: But that gap, is that the  
21 floor below? Is that what you're saying?

22 COMMISSIONER FISHER: This is on the  
23 roof.

24 MS. SANCHEZ: This here occurs above  
25 the garage, and then the building sets back on both

1 sides to allow for windows.

2 MS. BANYRA: Okay.

3 CHAIRMAN AIBEL: So how large is the  
4 structure on the fifth floor?

5 MS. SANCHEZ: The structure on the  
6 fifth floor, it's sort of an L-shaped structure.  
7 Part of it occurs above the existing building in  
8 order to have ADA access to that floor. It's --  
9 say, it's approximately 30 feet by 45 feet along  
10 Park Avenue with 45 being the Park Avenue side, and  
11 then it sets back probably another 40 feet.

12 COMMISSIONER COHEN: Okay. Just one  
13 last thing about the history of the curb cut on Park  
14 Avenue. I would just ask if it's possible to  
15 accomplish what you want to do with respect to the  
16 parking without having the additional curb cut, or  
17 as -- do you think that's an essential part of your  
18 design to have entrance on one side and exit on the  
19 other street as a one-way passage?

20 MS. SANCHEZ: It's very difficult to K  
21 turn out of an angled parking spot, and I've  
22 actually been giving just a lot of thought to see if  
23 we could change it around. Once we introduce the  
24 angle, the distance to back out of it becomes less,  
25 so I'm not going to completely discount the

1 possibility that they could make a K turn and exit  
2 back in the same direction, but I -- I don't know  
3 that I --

4 COMMISSIONER COHEN: Okay. Thank you.  
5 That's all I have.

6 COMMISSIONER DEFUSCO: Mr. Chair.

7 CHAIRMAN AIBEL: Yes.

8 COMMISSIONER DEFUSCO: Miss Sanchez, so  
9 on the first floor of your building where the  
10 parking is, it corresponds to your neighbor to the  
11 west with a window. I don't see a setback on the  
12 first floor, so is it correct to assume that that  
13 window of your neighboring building will be covered  
14 by your first story?

15 MS. SANCHEZ: Yes, the windows along  
16 the property would be closed by the building that  
17 we're proposing tonight.

18 COMMISSIONER DEFUSCO: Now, are we just  
19 talking about the first floor or the second -- is  
20 the second through five is set back by 5 feet?

21 MS. SANCHEZ: It's not set back in that  
22 position. So the setback actually ends at the side  
23 of the building, so the windows would be covered.  
24 Right now they're -- currently they're lot-lined  
25 windows.

1                   COMMISSIONER DEFUSCO: So all of the  
2 windows along the lot line are going to be  
3 completely covered?

4                   MS. SANCHEZ: Yes.

5                   COMMISSIONER DEFUSCO: Have you talked  
6 to the neighbor about that?

7                   MS. SANCHEZ: Actually, we did,  
8 although it was very recently, it was last Friday.  
9 The windows are on the lot line, and they are no  
10 longer allowed by code for fire reasons.

11                  COMMISSIONER DEFUSCO: Yeah, I'm aware  
12 of that. The other question, just to follow up on  
13 Commissioner Cohen's question, the upper balcony on  
14 the science lab that's facing Park Avenue, are you  
15 aware of any other balconies on Park Avenue, that  
16 block?

17                  MS. SANCHEZ: It's not really a  
18 balcony, it's really more of a setback with a  
19 passive green roof on it.

20                  COMMISSIONER DEFUSCO: On the fifth  
21 floor I see a door?

22                  MS. SANCHEZ: Oh, I thought we would  
23 need access for maintenance and things like that,  
24 but it was not meant to operate as a --

25                  COMMISSIONER DEFUSCO: Perhaps there's

1 a planning option that you can work in where that's  
2 not necessarily a use as opposed to maybe just a  
3 maintenance function, concern being if it is a  
4 setback, to minimize the impact of the building, an  
5 actual use, you know, a use of an occupant is kind  
6 of negating that fact, if you will.

7 MS. SANCHEZ: Okay.

8 COMMISSIONER DEFUSCO: Great. Thank  
9 you very much.

10 COMMISSIONER FISHER: I have a  
11 question. Where are -- are there external  
12 staircases on the building now?

13 MS. SANCHEZ: No.

14 COMMISSIONER FISHER: And why --  
15 conceptually I understand why you have to have them,  
16 but if they weren't necessary before, why are they  
17 necessary now?

18 MS. SANCHEZ: The third staircase is --  
19 we've had this discussion with the building. We  
20 probably could squeak by and say that the third  
21 staircase is not necessary, but we didn't feel  
22 because of the occupancy of the building that it  
23 would be, really, a safe or prudent approach. So  
24 even though this is -- the intent is not to increase  
25 the population, the size of the building, sort of,

1 warrants the third staircase. The building is fully  
2 sprinklered, and there are, sort of, all sorts of  
3 guidelines to get around it but, we felt that it was  
4 a more conservative approach to introduce it.

5 COMMISSIONER FISHER: You just said  
6 something, I don't know that you're the right person  
7 to answer it, but the intent of this significant  
8 expansion is not to increase the number of students  
9 going to this school?

10 MS. SANCHEZ: Right now the school --  
11 there will be an increase, but not as --

12 MR. GALVIN: Time out. We had  
13 testimony from the first witness that said that a  
14 lot of this had to do with the faculty, right?

15 COMMISSIONER FISHER: Yeah. She kind  
16 of stopped it, kind of, where they are now, and then  
17 said generally it's to give better -- better  
18 accommodation for the faculty, which I get. I'm  
19 just -- I'm curious, it's a significant expansion  
20 that there wouldn't be additional kids going there.

21 MR. GALVIN: I think that -- I don't  
22 think this witness is the right witness for that. I  
23 think the person we had on is the right witness.

24 COMMISSIONER FISHER: Yes.

25 MR. GALVIN: Where is your prior

1 witness?

2 COMMISSIONER FISHER: I'm following up  
3 on something she just said. I don't disagree, but  
4 she made -- she just made the statement that they  
5 will be increasing the size of school --

6 MR. BURKE: No, let's clarify. Let's  
7 clarify right here.

8 COMMISSIONER FISHER: I mean, Whenever  
9 you think it's the right time to --

10 MR. BURKE: Let's clarify it.

11 MR. GALVIN: I would just say that, I  
12 hear this a lot when you have an inherently  
13 beneficial use like a church or a school, where the  
14 suggestion is we're improving the facilities, but  
15 it's not our intention. I think you have to apply,  
16 you know, your own life experience to that as to  
17 whether or not, even if they don't believe they're  
18 growing, whether or not these changes will result in  
19 growth. I mean, any time you make an improvement  
20 there's a likelihood that there's going to be a  
21 growth right? So to think that you would approve  
22 this, that would not grow is probably -- but I think  
23 we would like that answer from, you know, what's the  
24 current -- what are the current enrollment and  
25 what's the expected increase based on the

1 renovation?

2 MR. BURKE: Okay. Let's get it right  
3 now.

4 Miss Newman?

5 MS. NEWMAN: I'm sorry, I couldn't hear  
6 the question.

7 MR. GALVIN: What's your current  
8 enrollment.

9 MS. NEWMAN: We have 200. With the  
10 annex, it's not so much about increasing the numbers  
11 of students, really, it's trying to use the facility  
12 to better the current program, but it's possible  
13 with the addition that we could accept anywhere  
14 between 25 and 40 more students, but not more than  
15 that. We're not doing it to increase our  
16 enrollment, per se. That's not our intention. But  
17 if -- if we had the extra classrooms, it's possible  
18 that we could have -- for example, we have one fifth  
19 grade now with 21 children. It's possible we could  
20 have a second fifth grade, or something like that.

21 COMMISSIONER FISHER: Okay. I mean, I  
22 ask the question because when we started talking  
23 about a curb cut and the impact on the neighborhood  
24 and you're trying to understand what really inherent  
25 beneficial use, or whatever you called it, is, if

1           you're doubling the school and more students are  
2           going in --

3                       MS. NEWMAN:  No.

4                       COMMISSIONER FISHER:  We start thinking  
5           about --

6                       MR. GALVIN:  You got your answer.

7                       COMMISSIONER FISHER:  What?

8                       COMMISSIONER COHEN:  You got your  
9           answer.

10                      COMMISSIONER FISHER:  Yeah.

11                      MR. BURKE:  Thank you, Miss Newman.

12                      MS. NEWMAN:  Thank you.

13                      COMMISSIONER COHEN:  Could I?

14                      COMMISSIONER FISHER:  I have another  
15           question, just.  Around the windows that are going  
16           to be blocked on that building.

17                      MS. SANCHEZ:  Yes.

18                      COMMISSIONER FISHER:  It looks like  
19           there is -- there is this -- some sort of, I guess,  
20           setback is not right.  What is the -- that 5-foot  
21           space that's on the second, third, and fourth at the  
22           back of the classroom?  You're saying -- is it just  
23           like a little tunnel?  So the wall on the exterior  
24           is -- will abut the building next door, and it's  
25           just a 5-foot little area around the classrooms?

1 MS. SANCHEZ: I have this drawing might  
2 show it best.

3 MR. BURKE: So you're looking at A-5.

4 COMMISSIONER FISHER: Yeah.

5 MS. SANCHEZ: So this is, sort of, the  
6 top floor, but you're talking about this area here.  
7 This is a setback, so this is the line of the  
8 proposed garage structure, and this here is the line  
9 of the proposed four stories that go above it. This  
10 area, the setback allows us to place windows, sort  
11 of, on that side.

12 COMMISSIONER FISHER: So where are the  
13 windows on the building next door on your diagram?

14 MS. SANCHEZ: The windows, they're  
15 right here.

16 COMMISSIONER FISHER: Okay.

17 COMMISSIONER COHEN: Could I just ask a  
18 follow up on that?

19 CHAIRMAN AIBEL: Were you finished?

20 COMMISSIONER FISHER: Yeah.

21 COMMISSIONER COHEN: So just to follow  
22 up on Commissioner Fisher's question, how many  
23 floors of windows are there on that northern  
24 property that would be abutting against your  
25 property line?

1 MS. SANCHEZ: I think four.

2 COMMISSIONER COHEN: Four floors of  
3 windows.

4 MS. SANCHEZ: Four floors.

5 COMMISSIONER COHEN: And those -- and  
6 your building will be on the property line and their  
7 windows are on the property line?

8 MS. SANCHEZ: Yes.

9 COMMISSIONER COHEN: And how many  
10 windows per floor are on there on the floor?

11 MS. SANCHEZ: Two.

12 COMMISSIONER COHEN: So a total of  
13 eight windows, two per floor.

14 MS. SANCHEZ: Yes, I think there might  
15 be one down below, but yes.

16 COMMISSIONER FISHER: You see that on  
17 that picture right there.

18 COMMISSIONER COHEN: Okay.

19 MS. SANCHEZ: Oh, and actually there is  
20 only seven.

21 COMMISSIONER COHEN: Seven, got it.

22 And have there been discussions with  
23 the neighbors about how to address the impact that  
24 there's going to be on the windows? It sounds like  
25 you've had some recent discussions?

1 MS. SANCHEZ: It is. It was very  
2 recent. It was last Friday.

3 COMMISSIONER COHEN: Okay. And was  
4 there no accommodations with respect to how that's  
5 going to be addressed? I understand that they're  
6 illegal and not currently permitted on the lot  
7 lines, but beyond that, because, again, we had a  
8 similar application from another school that had  
9 this issue, and there were discussions, and there  
10 were accommodations about how to address that.

11 Do you know if there have been any  
12 discussions like that?

13 MS. SANCHEZ: No, we did offer to  
14 consider it and to work with them and because this  
15 will continue when the planner presents, it gave us  
16 that small window in order to --

17 COMMISSIONER COHEN: To work with them.

18 MS. SANCHEZ: -- to work with them.

19 COMMISSIONER COHEN: Okay.

20 MR. BURKE: We felt it would be better  
21 to present this as is and then take the comments and  
22 come back since we would be back.

23 COMMISSIONER COHEN: Thank you.

24 MR. GALVIN: I think in the other case,  
25 though, we were looking for the school to work that

1 out, so take that under advisement.

2 MR. BURKE: Noted, duly noted.

3 COMMISSIONER DEFUSCO: Mr. Chair, one  
4 more question.

5 CHAIRMAN AIBEL: Sure.

6 COMMISSIONER DEFUSCO: My only  
7 question, just since you're asking for a facade  
8 masonry variance, stucco. Can you just -- just -- I  
9 understand stucco, just --

10 MS. SANCHEZ: That only occurs, really,  
11 on the top area, the part that's recessed from the  
12 other areas, so the parts that are visible.

13 COMMISSIONER DEFUSCO: You know, the  
14 history of the facade masonry variance, from my  
15 understanding, is that, you know, it was introduced  
16 when stucco was just applied to the faces of  
17 buildings, and I'm sure your stucco is going to be  
18 very nice, but perhaps you can bring a rendering of  
19 that, what it's actually going to appear like, just  
20 so we're all on the same page.

21 MS. SANCHEZ: All right. So the stucco  
22 area is where the areas that are really not visible  
23 to from the street.

24 COMMISSIONER DEFUSCO: But they're not  
25 visible, perhaps the sight line schematic, something

1 of that nature, because you are asking for height,  
2 and I just want to make sure that the material and  
3 the appearance on the street is going to be a  
4 positive as opposed to a negative to the  
5 neighborhood.

6 MS. SANCHEZ: Sure.

7 COMMISSIONER DEFUSCO: Thanks.

8 Antonio.

9 COMMISSIONER GRANA: Mr. DeFusco just  
10 asked my question. Thank you.

11 COMMISSIONER DEFUSCO: Okay.

12 COMMISSIONER GRANA: Thank you.

13 COMMISSIONER DEFUSCO: Sorry.

14 CHAIRMAN AIBEL: Is that it?

15 COMMISSIONER COHEN: Yeah.

16 COMMISSIONER GRANA: Thank you.

17 COMMISSIONER DEGRIM: I have some. You  
18 had mentioned some easements before. What are the  
19 easements that you had to take into consideration?

20 MS. SANCHEZ: So you go on the first  
21 page.

22 COMMISSIONER DEGRIM: Yeah.

23 MS. SANCHEZ: Is the existing survey.  
24 So there are actually -- there is two easements.  
25 This easement is from the church to the school in

1 order to allow access into -- well, into the parking  
2 lot, and also into the garage. And then this  
3 easement is back from to the school to the church.  
4 So once upon a time there were two equal lots, and  
5 as the sale proceeded, this line, sort of, began to  
6 modify the need simply to parties.

7 COMMISSIONER DEGRIM: Okay. And as I  
8 understand it, the three floors of glass are  
9 actually how far? They're sticking out from the  
10 facade?

11 MS. SANCHEZ: They -- they replicate a  
12 bay, and they stick out about 18 inches. You, sort  
13 of, see a little bit of it on this side, so it does,  
14 and I understand that we'll need to make an easement  
15 request.

16 MR. BURKE: Just reference the exist  
17 exhibit number.

18 MS. SANCHEZ: The Exhibit A-4. Sort of  
19 shows the line, sort of, peeking about.

20 COMMISSIONER DEGRIM: So 18 inches?

21 MS. SANCHEZ: 18 inches, yes.

22 COMMISSIONER DEGRIM: You.

23 MR. GALVIN: So then that's going  
24 attach to the building so --

25 MS. SANCHEZ: Yes.

1 MR. GALVIN: -- so we don't need to see  
2 what it looks like on that side because it will be  
3 gone by the building.

4 MS. SANCHEZ: Yes, even though it  
5 would -- basically, it would be the same on both  
6 sides, the idea would be to bring in as much light  
7 as possible into the corridor. One of the very nice  
8 features of the school right now is when you're at  
9 the -- at the corridor there's a very large window  
10 at the end, so it's a very bright place.

11 CHAIRMAN AIBEL: Will there be class on  
12 both size of the column?

13 MS. SANCHEZ: Yes.

14 CHAIRMAN AIBEL: Okay. Well, while  
15 you're with that, maybe I could ask you a couple of  
16 questions.

17 I guess one of the things that is a  
18 little bit troublesome to me is that there's a  
19 beautiful building there. It's a -- you know, it's  
20 modeled after a building of great historic value,  
21 and, I guess, I'm struggling to see how the addition  
22 is going to impact the -- the significance of that  
23 historic site. I'm looking north, I guess, from  
24 Sixth Street, there is a -- it looks like maybe,  
25 what, 6 or 8 feet of side wall on your fifth floor?

1 MS. SANCHEZ: That occurs, if we look  
2 at this plan, that occurs about 40 feet --

3 CHAIRMAN AIBEL: Okay.

4 MS. SANCHEZ: -- in. So even though,  
5 obviously, on an elevation I have to show it, it is  
6 not anything you would -- we would experience.

7 CHAIRMAN AIBEL: You're not going to  
8 see that from the north.

9 MS. SANCHEZ: No.

10 CHAIRMAN AIBEL: And coming down Park,  
11 you're going to see -- not going to see it.

12 Let me ask you about the Park  
13 elevation. What would one see from the Park side of  
14 the fifth floor?

15 MS. SANCHEZ: Well, I think --

16 CHAIRMAN AIBEL: You're 6 or 8 feet set  
17 back, I understand, but what is the impact going to  
18 be on -- on light and air, sort of, the mass of the  
19 building.

20 MR. GALVIN: She might not have it.

21 MS. SANCHEZ: Well, I haven't done a  
22 study to -- I mean, the idea of setting it back is  
23 to relieve the view from the street as you're  
24 walking down. So I was trying to see if any of  
25 these drawings would, sort of, begin to give you, of

1 the photographs -- yeah, I would really have to do a  
2 study, but as it sets back, if we do, you know, your  
3 sight line will not pick it up.

4 CHAIRMAN AIBEL: I guess what I'm  
5 struggling from on the diagrams is the -- what I  
6 perceive to be a heavy mass, sort of, attached to a  
7 very elegant older looking building, so, maybe it's  
8 just the --

9 MS. SANCHEZ: I think it's the nature  
10 of the elevation that everything is shown on the  
11 same plane.

12 CHAIRMAN AIBEL: Okay.

13 MS. BANYRA: Miss Sanchez, can you  
14 do -- on the street, could you do a view of the  
15 angle of incidents, for example, somebody walking on  
16 the street at the sidewalk and what they would see  
17 from the sidewalk? That might be -- I think that  
18 would answer, I think, a couple of Board Members'  
19 questions.

20 MS. SANCHEZ: Yes.

21 MS. BANYRA: That would be great.

22 CHAIRMAN AIBEL: And what the sight  
23 lines would be from the neighbors on the other side  
24 of Park.

25 MS. SANCHEZ: Okay.

1 MS. BANYRA: Uh-huh.

2 CHAIRMAN AIBEL: Then I did have a  
3 question about the green wall extension that would  
4 be abutting 609 in the rear.

5 There was discussion about the windows  
6 that would be on the cut out. Are those going to be  
7 sealed windows or are they going to be open?

8 MS. SANCHEZ: That, again, because we  
9 met on Friday, there was not time to change any of  
10 that. Some of this would be -- right now the plans  
11 show two sets of windows similar to the windows that  
12 are used throughout the building. I think we would  
13 be very amenable to change it to one further away  
14 from the building to maintain the privacy of the  
15 other units.

16 CHAIRMAN AIBEL: But you would be  
17 looking right into the back windows of that, of 609.

18 MS. SANCHEZ: Yes, so, one, we would  
19 make that accommodation. The same thing with the  
20 terrace, we would make provisions so it's not  
21 accessible.

22 CHAIRMAN AIBEL: And so there will be a  
23 loss of two parking spots?

24 MS. SANCHEZ: Yes.

25 CHAIRMAN AIBEL: Where will drop-off

1 be, generally?

2 MS. SANCHEZ: Drop-off currently is in  
3 the front of the building.

4 CHAIRMAN AIBEL: On Sixth.

5 MS. SANCHEZ: On Sixth. And they're --  
6 I mean, they're older students that come here and  
7 many do walk, and take -- actually take the train  
8 and the bus in.

9 CHAIRMAN AIBEL: And you've heard some  
10 comments about the curb cuts, which are prohibited  
11 in this zone, so, again, I guess, my -- looking at  
12 all this, I want to see what we can do to mitigate  
13 the impact on your neighbors while, you know,  
14 allowing you to expand in the way that will help  
15 you.

16 MS. SANCHEZ: Okay.

17 CHAIRMAN AIBEL: Anybody else. Board  
18 Members?

19 COMMISSIONER GRANA: Yes, I have a  
20 question, and it follows on yourself, Commissioner  
21 Aibel, something you just triggered.

22 So I'm -- I guess, I'll either refer  
23 to -- I will refer to Z-8. So the original  
24 structure, I think the testimony was that that was,  
25 indeed, a replica of the historic structure.

1 MS. SANCHEZ: Yes.

2 COMMISSIONER GRANA: That was  
3 testimony. So it's not testimony, it was in my  
4 assessment that it was architecturally significant,  
5 and that the structure that abuts the house --

6 MS. SANCHEZ: This one.

7 COMMISSIONER GRANA: -- to the north,  
8 the attempt was to recreate the row house feel.

9 The top floor will -- the material will  
10 be stucco.

11 Is that correct?

12 MS. SANCHEZ: Yes.

13 COMMISSIONER GRANA: And so just  
14 following on this question, is it your testimony  
15 that from -- we have -- we have an architecturally  
16 significant structure, that's my assessment, and a  
17 row house feel.

18 Is it your testimony that the mass of  
19 the fifth floor will not be visually significant to  
20 somebody walking down the street? There will not be  
21 significant visual impact of that stucco?

22 MS. SANCHEZ: That is the intent, and I  
23 think I will do the study to see someone who is  
24 about my height crossing Sixth Street, how much of  
25 that will I be able to see, sort of, within my way

1 of vision.

2 CHAIRMAN AIBEL: If you could go --

3 COMMISSIONER GRANA: Hard to see from  
4 Z-8.

5 CHAIRMAN AIBEL: If you would also take  
6 it from Garden looking through the church yard, it  
7 would be nice to understand how that looks.

8 MS. SANCHEZ: Yes.

9 Actually, when we started exploring  
10 that, it was -- it's actually -- in my mind, it's a  
11 very prominent view and yet when you walk through  
12 the street, because of the greenery, it's actually  
13 very obscured view to get it accurate, so, but I  
14 will show --

15 COMMISSIONER GRANA: My dogs love that  
16 fence.

17 MS. SANCHEZ: Well, the back of the  
18 building would not be stucco. The back is actually  
19 a brick also.

20 CHAIRMAN AIBEL: I understand.  
21 Commissioners, anything else from Miss Sanchez? Ms.  
22 Banyra?

23 MS. BANYRA: I just have a question.  
24 Miss Sanchez, so the stucco area, it's light in  
25 color because it is a feeling that if you gave it

1 some kind of coloration that you would make more --  
2 make it more prominent, and that being keep it a  
3 light color it's, kind of, lost in the sky.

4 Is that what the intention was?

5 MS. SANCHEZ: That's the intent.

6 MS. BANYRA: Okay. And the other  
7 question I had was if you were familiar with the  
8 surrounding parking situation and whether or not  
9 there's parking within the area in terms of parking  
10 garages, or does any of the staff that maybe doesn't  
11 park on site, where would they park?

12 MS. SANCHEZ: The school is in  
13 discussion in order to have off-site parking. The  
14 nearest parking, either south or north, I think, is  
15 about four blocks away. So this is something that  
16 is being considered and is being looked into as a  
17 possibility.

18 I see that parking really serving for  
19 people who come for special presentation, to  
20 facilitate photograph day, for deliveries, and for  
21 teachers that, basically, teach. When you have that  
22 many courses, you have many people coming in to  
23 teach, so you don't have that many full time, so  
24 it's not a full day occurrence.

25 MS. BANYRA: And then that parking lot,

1 also, I think when you and I discussed this, I think  
2 you indicated to me that the church next door would  
3 also use that parking lot potentially on other days?

4 MS. SANCHEZ: Yes. They currently use  
5 it on Sundays, and that would continue and, you  
6 know, I've seen performances of the Hudson School  
7 inside their beautiful church, so there is an  
8 existing and a really nice relationship there.

9 MS. BANYRA: Relationship. Okay.  
10 Thank you.

11 MR. MARSDEN: If I may, just one  
12 question. You said you're losing two spots inside,  
13 but you're also going to lose one spot dispute in  
14 the street.

15 MS. SANCHEZ: Yes.

16 MR. MARSDEN: Okay.

17 CHAIRMAN AIBEL: Commissioners.

18 Let me open it to the public. Anybody,  
19 this is our questions only, questions for the  
20 architect. Please come forward.

21 MS. RUBRIGHT: I have a few.

22 CHAIRMAN AIBEL: Well, we have one from  
23 the public first and then counsel.

24 MR. GALVIN: Let me just tell you, I  
25 would normally let counsel because you counsel might

1 ask the question that the public might overlook. My  
2 view is not to upset anybody, but my view is  
3 normally to let the attorney go first, all right?  
4 We normally let the attorney go first. We're going  
5 to let -- because they might ask questions that you  
6 would ask, and I think it's sensible.

7 CROSS EXAMINATION BY MS. RUBRIGHT:

8 MS. RUBRIGHT: I would like to ask a  
9 few questions, and then because I haven't seen some  
10 of the exhibits that were marked tonight, I would  
11 like to look at those as well, but I just want to  
12 ask a couple of follow-up questions, Miss Sanchez.

13 MR. BURKE: Excuse me, when you say  
14 "look at the exhibits", what do you mean?

15 MS. RUBRIGHT: These exhibits, I  
16 haven't seen.

17 MR. BURKE: Tonight you want to look at  
18 them or another --

19 MS. RUBRIGHT: Well, I want to refer to  
20 a couple of them, and then I don't know if this is  
21 something I haven't seen or not. I can't tell  
22 whether I've seen them or not.

23 I have -- you were kind -- the school  
24 was kind enough to drop off a set of plans to my  
25 client at 10 o'clock last night, so I was able to --

1 she brought them up to my office today, so I was  
2 able to look at some of it tonight or some of it  
3 today, but I just need to check to see if I have  
4 everything, but I would like to -- if I can use  
5 these exhibits just to follow up on a couple of  
6 questions about my client's property, there were  
7 some questions about the windows.

8 Are you aware that this is Miss  
9 Coppola's building?

10 MS. SANCHEZ: Yes.

11 MS. RUBRIGHT: It's the row house that  
12 has been referred to, and I'm referring to Exhibit  
13 A-1.

14 You've talked about the windows as  
15 being on the lot line. Do you have -- are you aware  
16 of when the building was built?

17 MS. SANCHEZ: No, but we have our -- I  
18 don't know the exact date.

19 MS. RUBRIGHT: So do you know whether  
20 or not those windows -- they may not be legal now,  
21 but if they were, do you know whether or not that  
22 they're nonconforming, but they were conforming when  
23 they were built?

24 MS. SANCHEZ: I'm sure they were  
25 conforming when they were built.

1 MS. RUBRIGHT: And why would that be?

2 MS. SANCHEZ: Well, because codes  
3 change, and they usually change because of disasters  
4 and fires.

5 MS. RUBRIGHT: Have you ever been  
6 inside this particular building?

7 MS. SANCHEZ: No.

8 MS. RUBRIGHT: So do you know the  
9 layout?

10 MS. SANCHEZ: No, Mrs. Coppola actually  
11 explained it to us on Friday.

12 MS. RUBRIGHT: Which -- so do you  
13 understand that these -- or do you have an  
14 understanding of what these windows on the side  
15 serve?

16 MS. SANCHEZ: They serve the bedrooms.

17 MS. RUBRIGHT: Okay. And is it your  
18 understanding from your discussion that there are --  
19 there is no other access into the bedroom except  
20 that window or there's no other light going into  
21 those rooms except through that window?

22 MS. SANCHEZ: Well, this is from the  
23 conversation with on Friday, yes.

24 MS. RUBRIGHT: Okay.

25 MR. GALVIN: I just want to note for

1 the record that that's a very, very common situation  
2 in Hoboken, that properties have windows on the side  
3 lot line, and then we have to put a building and  
4 then we have to close the windows off, so...

5 MS. RUBRIGHT: That's your testimony  
6 Mr. Galvin.

7 MR. GALVIN: No, that's my observation  
8 from sitting here for a few years.

9 MS. RUBRIGHT: I understand that, but  
10 that is not the condition now, and I just -- I just  
11 wanted to follow up because she did testify, Miss  
12 Sanchez did testify that the windows are lot line  
13 windows, and that they would -- and then I think  
14 there was on a number of questions that were asked  
15 whether or not the windows would be closed -- no,  
16 and I'm not trying to be fresh.

17 MR. GALVIN: I just think, you know,  
18 again, I'm just trying to offer to you to be fair  
19 that you understand what the communities standards  
20 are.

21 MS. RUBRIGHT: I understand.

22 MR. GALVIN: And if you don't want me  
23 to do that, then I'll remain silent, and you can go  
24 away. You can go along on your way.

25 MS. RUBRIGHT: I appreciate your

1           comments. I appreciate your comments.

2                       So I wanted to ask you then about --  
3           there was -- I think one of the Board Members asked  
4           a question about the green wall on the fifth floor,  
5           and how does it -- do you have an understanding of  
6           how that's going to interact with Miss Coppola, with  
7           the 609 building?

8                       MS. SANCHEZ: The green wall occurs --

9                       MS. RUBRIGHT: That's what I haven't  
10          been able to see, I think, in the exhibits that were  
11          presented.

12                      MR. BURKE: There you go.

13                      MS. RUBRIGHT: This is what I haven't  
14          seen.

15                      MS. SANCHEZ: So the green wall occurs  
16          along this wall.

17                      MS. RUBRIGHT: All right. So you're  
18          looking at A-5, which is -- is this a colorized  
19          version?

20                      MS. SANCHEZ: This is the same drawing.

21                      MR. GALVIN: Just remember, you're  
22          trying to win the Board over, so we need to know  
23          what you're doing.

24                      MS. RUBRIGHT: Maybe put it on.

25                      MR. GALVIN: Maybe you could put it

1 on --

2 MS. RUBRIGHT: Actually, that's a great  
3 idea.

4 MR. GALVIN: Guys, could you put it on  
5 the board over here?

6 MS. RUBRIGHT: And I'll try to step  
7 back, too.

8 MR. GALVIN: There you go.

9 MS. RUBRIGHT: So this is a colorized  
10 version?

11 MS. SANCHEZ: This is the colorized  
12 version.

13 MS. RUBRIGHT: Okay.

14 MR. GALVIN: And that's exhibit what?

15 MS. RUBRIGHT: Exhibit A-5.

16 MS. SANCHEZ: Yes, the green wall  
17 occurs here and occurs on the north elevation.

18 MS. RUBRIGHT: All right. So I'm going  
19 to be in your way.

20 MS. BANYRA: That's okay. We know what  
21 we're looking at.

22 MS. RUBRIGHT: I'm trying to get a  
23 reference to the 609 building.

24 MS. SANCHEZ: The 609 building is here,  
25 and this is where the green wall occurs.

1 MS. RUBRIGHT: So you're showing,  
2 you're looking at the aerial view.

3 MS. SANCHEZ: Yes, this is the aerial  
4 view.

5 MS. RUBRIGHT: But you don't actually  
6 show completely 609?

7 MS. SANCHEZ: No, I don't show 609  
8 completely, and I did not show that elevation.

9 MS. RUBRIGHT: All right. Do you know  
10 whether or not there is a fire escape along -- on  
11 609 along where you have the green wall proposed  
12 that would abut the green wall?

13 MS. SANCHEZ: Well, no, because our  
14 building sets -- there is a 5-foot setback from  
15 where the garage wall would be to where this wall  
16 is. So if the fire escape is on this property.

17 MS. RUBRIGHT: There would be a visual  
18 gap as well?

19 MS. SANCHEZ: There will be a gap,  
20 yeah. There will be a gap, yes.

21 MS. RUBRIGHT: From -- okay. Does  
22 this -- and I hate to keep saying "this" and "that"  
23 because we are on the record, but we're looking at  
24 the wall, I guess, it's to the rear?

25 MS. SANCHEZ: If you look at it in the

1 plan.

2 MR. GALVIN: No, no, listen to the  
3 attorney.

4 MS. RUBRIGHT: You've got the wall, is  
5 this wall set back 5 feet the entire depth of the  
6 building -- the entire height of the building or is  
7 it just the fifth floor that's set back 5 feet?

8 MS. SANCHEZ: So in order to maintain  
9 the parking, the parking structure has -- we covered  
10 the entire lot. The setbacks began on the second  
11 floor and they extend up to the fifth.

12 MS. RUBRIGHT: All right. So the  
13 setback is 5 feet in this last portion of the --

14 MS. SANCHEZ: The setback -- I think,  
15 it is. If you see in the elevation, this is the  
16 garage structure. This is the line of the setback,  
17 and it occurs the entire height.

18 MS. RUBRIGHT: All right. I'm going  
19 to -- I'm going to have to study this a little bit  
20 because I'm not quiet understanding, and I don't  
21 want to take more time on that.

22 MR. GALVIN: You know, we're probably  
23 not deciding the case tonight.

24 MS. RUBRIGHT: No, I understand.

25 MR. GALVIN: But if we were, we would

1 be moving along.

2 MS. RUBRIGHT: Okay, got you.

3 Do you show any mechanicals or are  
4 there any mechanicals or compressors or any  
5 additional mechanicals added in connection with this  
6 addition?

7 MS. SANCHEZ: There will be mechanical  
8 equipment necessary.

9 MS. RUBRIGHT: Are they shown?

10 MS. SANCHEZ: It has not been --

11 MR. GALVIN: And we'll probably deal  
12 with those at the time of site plan.

13 MS. RUBRIGHT: Okay.

14 MR. GALVIN: That's one of the things  
15 that you're noting is some of the green plans and  
16 some of those mechanicals are in a place where we  
17 should see them, so that's one of the reasons we're  
18 deciding to put the site plan off.

19 MS. RUBRIGHT: But they are issues of  
20 concern to my client and she's directly affected.

21 MR. GALVIN: You will make a list and  
22 e-mail me, tell me.

23 MS. RUBRIGHT: Okay. But I will move  
24 on with that.

25 MR. GALVIN: I'll make sure I condition

1 any site plan on our examining those.

2 MS. RUBRIGHT: Let me -- you testified  
3 about the building. Let me just see if I have any  
4 questions, and you're coming back, Miss Sanchez  
5 with, I think, one of -- the planner asked for a  
6 rendering just from the street, so you would be  
7 coming back to discuss that, right?

8 MS. SANCHEZ: We'll do a mass study.

9 MS. RUBRIGHT: Mass study.

10 All right. I don't have any additional  
11 questions with regard to Miss Sanchez's testimony  
12 right now, but I would like to have the opportunity  
13 to review the exhibits after, if we can do that.

14 MR. BURKE: That's up to the --

15 MR. GALVIN: No, it's up to you.

16 MR. BURKE: Sure. We can put them to  
17 the side, if you want, but they stay here tonight.  
18 Pat will be taking them.

19 MR. GALVIN: Yeah, Pat will take them,  
20 and then you can come -- she asked if she'll come to  
21 the office and take a look.

22 CHAIRMAN AIBEL: Okay. Public. Any  
23 questions for the architect?

24 MR. GALVIN: There was one. Do we  
25 still have it?

1 MR. BURKE: Finally, he gets up. He's  
2 trying.

3 MR. CRAFT: My name is Carter Craft,  
4 C-R-A-F-T, neighbor to the school.

5 Just two questions on the testimony,  
6 one, is there elevator access to the roof space?

7 MR. GALVIN: Is there elevator access  
8 to the roof space?

9 MS. SANCHEZ: To the roof garden, yes.

10 MR. CRAFT: Okay. And then the other,  
11 you know, as mentioned, and with our collaboration  
12 with the school over the years, we have a lot of  
13 activities in the garden, so the outdoor space is  
14 kind of important to us. Has any kind of -- in the  
15 exhibits which I couldn't see from back there, are  
16 there shadow studies of anything that was done?

17 MS. SANCHEZ: I don't believe a shadow  
18 study, but I will. I think the church is in the  
19 fortunate position of being -- receiving south sun,  
20 which will continue, so I think any effects would  
21 be, sort of, the afternoon, that late afternoon sun,  
22 but I will provide some diagrams so we have an idea.

23 MR. CRAFT: Okay. That would be  
24 helpful.

25 MR. GALVIN: It might be a good idea to

1 have conversations with both neighbors.

2 MR. CRAFT: Yeah, to be fair, we have  
3 had some conversations which are referenced in the  
4 letter, but I just wanted to take the opportunity to  
5 raise some things which hadn't been clarified in our  
6 review which was last summer.

7 CHAIRMAN AIBEL: Great. Thank you very  
8 much.

9 MR. GALVIN: Thank you.

10 CHAIRMAN AIBEL: Anybody else?  
11 Questions for the architect? Seeing none.

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

14 COMMISSIONER GRANA: Second.

15 CHAIRMAN AIBEL: All in favor?

16 (Voice vote taken at this time.)

17 CHAIRMAN AIBEL: Okay. We made it by  
18 30 seconds. There we are.

19 MR. GALVIN: Well, the study that  
20 you're proposing, the study, Miss Sanchez, how long  
21 do you need to do the studies?

22 MS. SANCHEZ: For the mass study, I  
23 would say probably to have them ready when we come  
24 back in April with a planner.

25 MR. GALVIN: We're trying to figure out

1 when to bring you back.

2 SECRETARY CARCONE: Two weeks? Three  
3 there's?

4 MS. SANCHEZ: Say, a month.

5 SECRETARY CARCONE: A month for you to  
6 prepare them?

7 MS. SANCHEZ: Well, no, maybe two weeks  
8 to submit them since they would need to be submitted  
9 prior to --

10 MR. BURKE: I think a month would be  
11 reasonable.

12 SECRETARY CARCONE: A month?

13 MS. BANYRA: Mr. Burke, when is your  
14 planner available also? Have you checked his  
15 schedule, so if we schedule it tonight, are you in a  
16 position that you can --

17 MR. GALVIN: Who is the planner?

18 MS. BANYRA: Is it Ken Ochab?

19 MR. BURKE: Ken. He didn't give me  
20 every date, but he said every Tuesday in -- every  
21 Tuesday in April he's available.

22 MR. GALVIN: Okay. That's good.

23 SECRETARY CARCONE: We can go -- is the  
24 21st -- April 21st?

25 MR. GALVIN: April 21st. Anybody have

1 a problem with April 21st?

2 SECRETARY CARCONE: Do you have to  
3 review anything before April 21st?

4 MS. BANYRA: No, I think --

5 SECRETARY CARCONE: Before they come  
6 back?

7 MS. BANYRA: Just the view shed study,  
8 but that's not a full. Yeah, I think we're okay.  
9 If we get that in a week or, you know, at least ten  
10 days, I'd say, before -- ten days to two weeks  
11 before, it would be great.

12 SECRETARY CARCONE: So the 21st.

13 CHAIRMAN AIBEL: The 21st?

14 So how about a motion to carry this to  
15 the 21st. Phil, could you do it?

16 COMMISSIONER COHEN: To the 24th?

17 CHAIRMAN AIBEL: 21st.

18 COMMISSIONER COHEN: Motion to carry --  
19 I've making a motion to carry this application to  
20 April 24th --

21 CHAIRMAN AIBEL: 21st.

22 COMMISSIONER COHEN: 21st without  
23 further notice. So everyone in the room is aware  
24 that --

25 MR. GALVIN: Ms. Rubright, are you

1 available on the 21st also?

2 MS. RUBRIGHT: Thank you for asking. I  
3 appreciate that.

4 MR. GALVIN: No problem.

5 MS. RUBRIGHT: A lot of times that's  
6 not done.

7 MR. GALVIN: If you send me a letter  
8 afterwards, really, our calendar is really a mess.

9 MS. RUBRIGHT: No, I'm checking. I  
10 believe that I am. Let me check. April 21st is  
11 good.

12 MR. GALVIN: It's good, okay, awesome.  
13 You waive the time in which the Board has to act.

14 MR. BURKE: I would.

15 MR. GALVIN: We have a motion to carry  
16 this without further notice. Do I have a second?

17 COMMISSIONER GRANA: Second to move 601  
18 Hudson to April 21st.

19 CHAIRMAN AIBEL: All in favor?

20 COMMISSIONER FISHER: I'm not.

21 CHAIRMAN AIBEL: Okay. Well, we had --  
22 we have a -- do the roll call, please.

23 SECRETARY CARCONE: Okay.

24 Commissioner Cohen.

25 COMMISSIONER COHEN: Yes.

1 SECRETARY CARCONE: Commissioner  
2 DeFusco.  
3 COMMISSIONER DEFUSCO: Yes.  
4 SECRETARY CARCONE: Commission Grana.  
5 COMMISSIONER GRANA: Yes.  
6 SECRETARY CARCONE: Commissioner  
7 Fisher.  
8 COMMISSIONER FISHER: No, no.  
9 MR. GALVIN: Do you have a reason?  
10 COMMISSIONER FISHER: Yeah, I do think  
11 it should be noticed.  
12 MR. GALVIN: She thinks it should be  
13 noticed.  
14 COMMISSIONER FISHER: I'm okay moving  
15 it, I just think it should have been noticed because  
16 you want a variance.  
17 MR. GALVIN: No problem. Understood.  
18 MS. RUBRIGHT: Commissioner DeGrim.  
19 COMMISSIONER DEGRIM: Yes.  
20 SECRETARY CARCONE: Commissioner Aibel.  
21 CHAIRMAN AIBEL: Yes.  
22 MR. GALVIN: You heard that? You know,  
23 if you re-notice, we still over, but I don't think  
24 that's the worst thing in the whole world. You have  
25 to think about it.

1 MR. BURKE: Yeah, I understand. Thank  
2 you.

3 CHAIRMAN AIBEL: Are you okay to keep  
4 going?

5 MR. GALVIN: I'm not.

6 MS. BANYRA: Ten minutes.

7 MR. GALVIN: The birthday boy needs  
8 five minutes.

9

10 (Recess taken at 9:03 p.m.)

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CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and correct transcript of the proceedings as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of 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.

THERESA L. CARIDDI TIERNAN  
Notary Public of the State of New Jersey  
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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

RE: 258 EIGHTH STREET,  
BLOCK 170, LOT 41  
COMPLETION OF A SINGLE FAMILY  
HOME NOW LOCATED ON THE SITE.  
THE BUILDING WILL BE 35.1 FEET  
TALL AND CONSIST OF THREE  
RESIDENTIAL FLOORS OVER  
REFUSE/RECYCLING IN THE R-1  
RESIDENTIAL CONSERVATION ZONE.  
VARIANCES: "D" - STORIES  
(D-6), "C" - LOT COVERAGE,  
FRONT YARD, REAR YARD, ROOF  
COVERAGE.

MARCH 24, 2015  
WEDNESDAY 9:03 PM

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HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Tiffanie Fisher
- Commissioner Frank DeGrim

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

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

THERESA L. CARIDDI TIERNAN  
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146 LINDBERGH PARKWAY  
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APPEARANCES:

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ATTORNEY FOR THE APPLICANT.

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I N D E X

| <u>WITNESS</u>     | <u>DIR</u> | <u>CRS</u> | <u>RED</u> | <u>REC</u> |
|--------------------|------------|------------|------------|------------|
| FRANK MINERVINI    | 135        |            |            |            |
| ED KOLLING         | 168        |            |            |            |
| PAUL LICHSTEIN     | 176        |            |            |            |
| CARMINE PERCONTINO | 177        |            |            |            |

E X H I B I T S

| <u>NUMBER</u> | <u>DESCRIPTION</u> | <u>IDENT</u> |
|---------------|--------------------|--------------|
| A-1           | PHOTOS             | 137          |
| A-2           | PHOTOS             | 151          |

1                   CHAIRMAN AIBEL: Back on the record.  
2                   Mr. Matule, 258 Eighth Street.

3                   MR. BURKE: Good evening, Mr. Chairman,  
4                   Board Members. Robert Matule appearing on behalf of  
5                   the applicant.

6                   This is an application for variances to  
7                   rehabilitate a residential structure at 258 Eighth  
8                   Street, and to add an additional floor, but before I  
9                   get for Mr. Minervini's testimony, I'd just like to  
10                  give the Board a little bit of an overview of this  
11                  case, because it has quite a history.

12                  It's here as a result of a resolution  
13                  of litigation. In June of 2013, the applicant  
14                  applied for a first certificate of zoning compliance  
15                  to raise the existing building at the site up out of  
16                  the floor plain and add a new third floor with 60  
17                  percent lot coverage. That plan included stairs  
18                  into the public right-of-way, which was going to be  
19                  the subject of an easement ordinance or license  
20                  agreement with the City. The applicant actually  
21                  commenced construction and substantially completed  
22                  all of the structural framing.

23                  In January of 2014, when the applicant  
24                  applied for the license for the stairway from the  
25                  City. The City denied that application, and which

1 triggered a cascading series of events. There was a  
2 lawsuit instituted by a neighbor, filed an order to  
3 show cause, and sued the applicant, the zoning  
4 officer, the building official, and the City.

5 As a result of the application for the  
6 license being withdrawn, the zoning officer then  
7 withdrew the first certificate of zoning compliance  
8 and issued a stop work order. Litigation ensued.  
9 That litigation was resolved in February of 2014,  
10 and as part of the resolution of that case the  
11 applicant agreed to come back to this Board, submit  
12 an application for zoning variances with a modified  
13 plan, modified from that which was originally  
14 approved, the modifications being driven by the back  
15 and forth with the objector. So now the building  
16 has been further modified. It's now -- we'll go  
17 through the specifics, but it's now a one-family  
18 house. The rear yard has been made substantially  
19 larger on all the floors, and I think the original  
20 building was going to have a roof deck, that's now  
21 gone away. And, hopefully, the Board will find the  
22 application as agreeable as the neighbor now does.

23 So on that note I'd like to have  
24 Mr. Minervini sworn and he can give you the  
25 specifics.

1                   MR. GALVIN: Before we get moving. We  
2 have a certificate of taxes paid in our package  
3 that's kind of blank. It's got a block and lot, but  
4 it's not no response.

5                   MR. MATULE: I don't -- I can't address  
6 it. I'll be happy to check -- check into it. I  
7 mean, we take that certificate and give it to the  
8 tax collector's office.

9                   MR. GALVIN: But can you client  
10 represent that the taxes are paid?

11                   MR. MATULE: Can you --

12                   MR. GALVIN: Property taxes?

13                   MR. MATULE: Can you represent the  
14 taxes are current on the property?

15                   VOICE: I believe so.

16                   MR. MATULE: Okay.

17                   COMMISSIONER COHEN: Do you want to  
18 swear him?

19                   MR. MATULE: My client is saying he  
20 believes the taxes are current. I could check, if  
21 you would, with the --

22                   MR. GALVIN: I'll make a condition of  
23 approval being --

24                   MR. MATULE: Make it on any resolution  
25 being adopted.

1 MR. GALVIN: Provide proof of taxes  
2 before any certificate of -- before any building  
3 permit is issued.

4 MR. MATULE: Okay. Fair enough thank  
5 you. I appreciate that courtesy.

6 Mr. Minervini.

7 MR. GALVIN: Raise your right hand.

8 F R A N K M I N E R V I N I, being first duly sworn  
9 by the Notary, testifies as follows:

10 DIRECT EXAMINATION BY MR. MATULE:

11 MR. GALVIN: Okay, Mr. Chairman, accept  
12 Mr. Minervini's credentials?

13 CHAIRMAN AIBEL: Yes.

14 MR. GALVIN: Good, okay.

15 MR. MATULE: All right. Mr. Minervini,  
16 again, as always if we're doing to prefer to  
17 anything that's not in the plans or anything that's  
18 in the plans that's been colorized, we need to mark  
19 it for identification for the record.

20 MR. MINERVINI: Yes.

21 MR. MATULE: Could you please describe  
22 the existing site and the building, the current  
23 improvements on the site?

24 MR. MINERVINI: I think the best  
25 drawing to start with, and describe where we started

1 where we are is sheet Z-2.

2 So the site as it previously existed  
3 prior to Sandy was a one-family home on a 17-foot  
4 wide by 40 -- pardon me, 62-foot deep property on  
5 the north side of Eighth Street between Park and  
6 Willow. At that time the building was two stories  
7 tall, the first residential floor was about one step  
8 off of the sidewalk, and I've got a photograph that  
9 I'll show, and it extended back to about 2 feet --  
10 about 30 inches from the rear property line.

11 So when this all started, meaning the  
12 previously existing structure, that has since been  
13 demolished and was damaged by Sandy, this is the  
14 footprint on top of the property. So you had about  
15 a 30-inch rear yard here.

16 Received a zoning compliance letter of,  
17 as Mr. Matule said, to raise the building out of the  
18 flood plain, which takes us to 14 feet above sea  
19 level, approximately 8 feet higher than the sidewalk  
20 here, and I'll, again, get to that as in further  
21 drawings, and replace the existing two floors above  
22 that non-habitable space, which was raised because  
23 of Sandy, extend back 5 feet from the property line.  
24 So the approval took the back wall on those two  
25 floors 5 feet from the rear property line. The

1 third floor that we were adding would have been at  
2 60 percent.

3 The actual construction of this rear  
4 wall because the building, you've got photographs  
5 there and I'll refer to that board as it stands  
6 currently.

7 MR. MATULE: Can we mark that?

8 MR. MINERVINI: This is the same photos  
9 that they've got.

10 MR. MATULE: They're colored. Do you  
11 want to mark it?

12 MR. GALVIN: Yeah, let's just do it.

13 MR. MATULE: Mark it A-1. These are  
14 photos you took these photographs?

15 (Exhibit marked A-1.)

16 MR. MINERVINI: Myself and my office,  
17 yes. It would be both at two separate times.

18 So these are the photographs you've  
19 got. So the -- this version of the building has  
20 been construction, in terms of its shell. It's not  
21 finished. This is the condition it's in now. You  
22 see it's a non-habitable space and this takes us out  
23 of the flood plain, then three residential floors.  
24 Also as it exists, the lower two floors extend back  
25 to 3-foot 8 from the property line and 4-foot 1 from

1 the property line. It was supposed to be built at  
2 5 feet from the property line. It wasn't  
3 constructed that way. What we're proposing now is  
4 to keep the building at its current height, which  
5 is -- we're calling it four stories, because in  
6 effect it's three residential floors above that  
7 non-habitable space.

8 MR. GALVIN: Whoa, whoa, whoa. Come  
9 back to that for a second.

10 MR. MINERVINI: Yes.

11 MR. GALVIN: Say that again.

12 MR. MINERVINI: The height that it is  
13 currently in terms of its construction and  
14 unfinished condition.

15 MR. GALVIN: No, no, no, different  
16 reason for asking.

17 MR. MINERVINI: Is three residential  
18 floors above a non-habitable first floor. So in  
19 total it's four stories. However, we're built at  
20 the 14 foot requirement for flood standards, the  
21 Hoboken standard, not the DEP standard. Hoboken's  
22 standards flood level is higher with three floors  
23 above that.

24 MR. GALVIN: So the first floor is a  
25 basement?

1 MR. MINERVINI: It's non-habitable.  
2 It's not below grade, so it's not a basement. It's  
3 just a non-habitable space. This Board has seen  
4 this condition many times.

5 MR. GALVIN: It's not a story?

6 MS. BANYRA: It's a story.

7 MR. MINERVINI: Yeah, it is a story.

8 MS. BANYRA: It is a story.

9 MR. GALVIN: Huh.

10 MR. MINERVINI: Now, there's debate,  
11 because my opinion is it certainly should not be  
12 counted as a story, and we've had this discussion  
13 many times. I think the zoning ordinance hasn't  
14 quite caught up, not habitable, it's required of the  
15 8 feet 2 inches approximately above sidewalk, and  
16 I'll get the exact measurements.

17 MR. GALVIN: Because the way we've been  
18 reading, my office recently, and I might be getting  
19 it wrong.

20 MS. BANYRA: Yeah, you are mixing it  
21 up.

22 MR. GALVIN: It's possible. That  
23 there's a difference between a cellar and a  
24 basement.

25 MR. MINERVINI: And this is neither.

1 MR. GALVIN: Okay.

2 MR. MINERVINI: A cellar is completely,  
3 from my understanding, and --

4 MR. GALVIN: A basement is more than  
5 half out of the ground, a cellar is more than half  
6 underground.

7 MR. MINERVINI: That's correct. But  
8 the basement is partially underground.

9 MR. MATULE: Not in our definition, but  
10 I'm not -- well, we're not arguing. We're asking  
11 for the variance.

12 MR. MINERVINI: Nevertheless, this is  
13 the requirement based on the Hoboken flood standard.

14 MR. GALVIN: Are you seeking four  
15 stories?

16 MR. MATULE: Yes.

17 MR. GALVIN: Okay.

18 MR. MATULE: That's the variance.  
19 That's the D variance we're asking for.

20 MR. GALVIN: Because there's -- yeah, I  
21 guess we're not agreeing, though. We're not  
22 agreeing. Okay.

23 MR. MATULE: I know our ordinance says  
24 that if it's a basement and it's not used for  
25 residential or commercial or habitable space, it

1 doesn't count as a story, but I think where the  
2 disconnect is, is can you have a basement that's  
3 100 percent above grade? I would argue that under  
4 our ordinance you could and it shouldn't count as a  
5 story, but...

6 MR. GALVIN: Just, I want everyone to  
7 pay very close attention to that, because I think  
8 that's an issue that we're going to have to deal  
9 with. Okay? It doesn't matter -- if we were to  
10 grant this case, it doesn't matter. Okay?

11 CHAIRMAN AIBEL: That's right.a.

12 MR. MINERVINI: If I may, we have dealt  
13 with this. I have, certainly, with this Board.

14 COMMISSIONER COHEN: Yes, we have.

15 MR. MINERVINI: At other projects.

16 MR. GALVIN: Yeah, but I wasn't  
17 listening those times. I would obviously have  
18 understood it, but I don't --

19 CHAIRMAN AIBEL: You're a year wiser  
20 now with your birthday.

21 MR. GALVIN: A lot has transpired, yes,  
22 I agree.

23 COMMISSIONER FISHER: But just for  
24 clarity, if they dug down a foot, it would suddenly  
25 be considered a basement, and it's not -- it would

1 be three over --

2 MR. GALVIN: I don't want to go that  
3 far. We don't decide anything we don't have to. As  
4 a Court, we don't want to decide anything we don't  
5 have to decide, but I know we have another matter  
6 we're going to have to look at from that  
7 perspective, and I thought this was a good teaching  
8 moment, and it's something that --

9 MS. BANYRA: It's different.

10 MR. GALVIN: It's a different -- it's a  
11 different.

12 MR. MINERVINI: And it's to your point.

13 MR. GALVIN: It's a different moment,  
14 okay.

15 MR. MINERVINI: We were not, based on  
16 Hoboken ordinance, which is, again, more strict than  
17 the DEP. We're not permitted to dig down below  
18 grade once you're within a flood hazard area or  
19 zone, so we didn't, and this is the first floor that  
20 is -- I'll go through the plans and describe it, but  
21 basically it's a storage space.

22 MS. BANYRA: Mr. Minervini, can you  
23 just go back to the picture of the plans, again,  
24 though? So when it -- when this -- no, the  
25 photographs.

1 MR. MINERVINI: Yes.

2 MS. BANYRA: So when they were  
3 originally going to create two new stories above  
4 that, so then how did the fourth story come up then?  
5 How did that come up? Because there's the ground  
6 floor, and then --

7 MR. MINERVINI: The ground floor.

8 MS. BANYRA: And then it was a  
9 two-story building.

10 MR. MINERVINI: It was two stories.  
11 So, in essence, the two stories were replicated  
12 above basement elevation, Hoboken's version.

13 MS. BANYRA: Yeah.

14 MR. MINERVINI: And then because of  
15 them thinking at the time of the zoning officer was  
16 that the third floor is permitted in this zone at 60  
17 percent, and that's what this is.

18 So the thinking at the time was three  
19 stories above our -- where we start our  
20 measurements.

21 MS. BANYRA: So, okay. So I thought it  
22 was just going to lift it up, but no, it was lifted  
23 up and added.

24 MR. MINERVINI: Yes, correct. Now,  
25 lifting up was going to, in essence, replicate the

1 two floors that were there.

2 MS. BANYRA: Right.

3 MR. MINERVINI: And 92 percent lot  
4 coverage. The third floor, which we're thinking,  
5 again, was a new construction, it would have been at  
6 60 percent. So what the drawings that you've got in  
7 front of you reflects this structure, however, on  
8 all floors we've cut the building back, so, in  
9 essence, we've removed this section of building, so  
10 to the point where there's a 17-foot rear yard. So  
11 ground floor, we'll call it is first, second, third,  
12 and fourth all have 17 feet -- 17-foot dimension  
13 between the back wall of the building and the  
14 require property line. We're proposing access there  
15 to connect the landscaped rear yard to our second  
16 floor at three feet, so three feet off the building  
17 is a stair, and then there's a 14-foot rear yard  
18 left. Also, I should mention that the previous  
19 approval, and it is the construction which is  
20 already started and stopped, was for a two-unit  
21 building. As part of the plans now in this  
22 application, it's a one-story building -- pardon me,  
23 one family.

24 MR. GALVIN: Family.

25 MR. MINERVINI: One single-family home.

1                   So that's where we are now. And I'll  
2 go through the plans, Z-3, I guess, we can start  
3 with. Z-3 shows the ground floor, non-habitable,  
4 storage space, storage, we're showing bicycles,  
5 we're showing trash, a separate room for trash.  
6 Relative to the previous application we were  
7 proposing a stair on the sidewalk above -- on City  
8 property, we were trying to get City Council  
9 approval and it was denied. Since then, and as part  
10 of this design, we've incorporated the stairs into  
11 the footprint of the building. So the stair  
12 connection at the front is within the building, not  
13 proposed to extend past the sidewalk. So, again,  
14 this ground -- this first floor is approximately at  
15 grade, non-habitable, access door from the street,  
16 and access door to the rear yard, and it's up  
17 approximately level with the rear yard landscaping.  
18 So you would go up the stair here, takes you to --  
19 and sheet Z-4, this plan, first floor plan, is the  
20 same as I just described, takes you to a lobby  
21 space. So here is your stairs, which are, in  
22 essence, exterior, but it's not conditioned, it  
23 opens here to the residential apartment. So three  
24 floors, pardon me, Z-4 is showing the as-constructed  
25 plan. So Z-4 is showing the rear yard as is

1 constructed at 3 foot 10 and 4 foot 1. Again, this  
2 section is being -- assuming our proposal and  
3 application is approved, this section of the  
4 building is to be removed. Z-5 shows the proposed  
5 floor plan. First floor plan that described.  
6 Second floor takes you to the lower level, the  
7 living space of the single-family home. In total  
8 the house would be 2,226 square feet. Four  
9 bedrooms. The depth of the building is 45 feet  
10 depth, that translates to 70, the exact lot coverage  
11 as proposed. Ed Kolling, our planner, will go  
12 through this in more detail, 72.6 percent on floors  
13 two, three, and four. And that's the building  
14 extended 45 feet, which incidentally is aligned  
15 approximately with the adjacent building to our  
16 east. So second floor, lower level, a part of a --  
17 the living area of the residential house, we'll call  
18 it a home, kitchen, living room, dining. Third  
19 floor, front bedroom, front bedroom, rear bedroom,  
20 master's in the rear, bathrooms. The fourth floor,  
21 which is our third residential floor, has a bedroom  
22 either on the front and the back. Roof, we're not  
23 proposing any habitable space, no use of the roof.  
24 We are proposing 330 square feet of extensive green  
25 roof, and that's delineated here. Z-6, building

1 elevation. In terms of this mass is not changing  
2 relative to what has already been constructed and  
3 what is previously approved. However, now our main  
4 residential entry is here. This is -- takes this  
5 door on a the western part of the facade, takes it  
6 to the lower storage. Rear facade shows the stair  
7 connecting the first residential floor to the rear  
8 yard. And the lower part of Z-6, you can see this  
9 outline, what I've outlined in the blue, is the  
10 building as it was originally constructed, and then  
11 here is as proposed. Of course, proposing to  
12 reconstruct the sidewalks, install a street tree.  
13 Again, what's different relative to what's existing  
14 is we're reducing unit count from two to one. We're  
15 stepping the rear yard by removing the structure on  
16 floors one, three, and three, with the result being  
17 a 17-foot rear yard, 14 feet to the stairs that  
18 connects the second floor to the, again, rear yard.  
19 Adjacent building to us to the west is a two-story  
20 structure, two-story structure as well to our east,  
21 and we are next to an elevated deck at the rear of  
22 the structure to our east, and we are approximately  
23 matching that wall of that building, hence the  
24 45 feet. Yes.

25 MR. MATULE: How tall is the building

1 going to be measured from the base part elevation?

2 MR. MINERVINI: Yes. The elevation.

3 So the overall height of the building measured from  
4 the basement elevation, which is the zoning  
5 ordinance, is 12 feet, is 35 feet 1 inches. We are  
6 required to actually have the building at 14 feet.  
7 The building was constructed with that in mind. The  
8 Hoboken ordinance is 14 feet. As our  
9 post-construction survey tells us, it was actually  
10 constructed slightly higher than the 14 feet, so  
11 which explains the 14.1 NADV88 dimension. So from  
12 that point, it's 35 feet 1 inches. Gives you  
13 approximately 8 feet 6 inches for our first floor  
14 above the sidewalk, first residential floor, pardon  
15 me. So the sidewalk is 8 feet 6 inches below  
16 the first residential floor, which is at 14.1 feet,  
17 slightly higher than the 14 feet we're required to  
18 be at given at the Hoboken flood plain ordinance.

19 MR. MATULE: And did you receive  
20 Mr. Marsden's letter last dated 3/17?

21 MR. MINERVINI: I did.

22 MR. MATULE: Any issues in addressing  
23 the questions?

24 MR. MINERVINI: No, I have no issues  
25 with Mr. Marsden's letter.

1                   MR. MATULE: And just two things, on  
2 your rear yard plan, you show pavers in the rear  
3 yard?

4                   MR. MINERVINI: Yes.

5                   MR. MATULE: Those are permeable  
6 pavers?

7                   MR. MINERVINI: Yeah, there's a couple  
8 of revisions I would like to describe to the Board.  
9 We're showing in sheet Z-5, there's a clear drawing,  
10 this is an outdoor grill. We're actually proposing  
11 to move that outdoor grill to the western fence,  
12 western property line, so I'll have to revise that  
13 for the Board. All the pavers here will be  
14 permeable, and I think I have the detail, but I may  
15 have missed the note. All the fencing at the  
16 property line connecting, extending from the  
17 building to the rear property line on both sides  
18 will be 6 foot high have board-on-board fence, wood.  
19 So those items are missing from the drawing.  
20 Hopefully, within an approval, I will revise the  
21 drawings showing the grill to the western property  
22 line, and I'll describe the fence in more detail.

23                   MR. MATULE: Okay. I have no further  
24 questions.

25                   CHAIRMAN AIBEL: Board members?

1                   COMMISSIONER GRANA: Just one quick  
2 question about your testimony on Z-2.

3                   MR. MINERVINI: Yes.

4                   COMMISSIONER GRANA: The depth of the  
5 lot from the front lot line to the back is?

6                   MR. MINERVINI: 62 feet.

7                   COMMISSIONER GRANA: Thank you.

8                   MR. MINERVINI: Yes.

9                   COMMISSIONER GRANA: The principal  
10 structure will be 45 feet in depth.

11                  MR. MINERVINI: 45 feet, correct.

12                  COMMISSIONER GRANA: Thank you.

13                  CHAIRMAN AIBEL: Phil.

14                  COMMISSIONER COHEN: Yeah. Looking at  
15 the drawing, I guess, that shows the line of the  
16 neighbor that is to the west and how your structure  
17 abuts up against it.

18                  MR. MINERVINI: To our east.

19                  COMMISSIONER COHEN: To your east?

20                  MR. MINERVINI: Yes.

21                  COMMISSIONER COHEN: Okay.

22                  MR. MINERVINI: So Z-2 shows 45 feet  
23 where line -- one of the other drawings I noticed  
24 the line goes -- we're actually a bit less.

25                  COMMISSIONER COHEN: Yeah, it looks



1 looking down into that space.

2 MR. MATULE: Why don't you describe  
3 what that A-2 is.

4 (Exhibit marked A-2.)

5 MR. MINERVINI: Yes, A-2 has some  
6 additional photographs, some of the original  
7 building, and I should probably go through that.

8 So here's the original building in  
9 terms of the front facade along Eighth Street. This  
10 is a photograph looking from the roof of the  
11 original building down into the rear yard and deck  
12 as being discussed now. This is a view looking at  
13 what was three-and-a-half to four foot rear yard.  
14 So this was the back of the existing building, had a  
15 door to the small little rear yard space. And this  
16 is an axonometric, colored, amassing model meant to  
17 show you where the building is going to lie on the  
18 property. So this is our rear yard. This red area  
19 is the deck of the adjacent property that we're  
20 discussing, and the green section is the building  
21 we're proposing.

22 COMMISSIONER COHEN: Okay. And is  
23 there any privacy fencing or anything between what's  
24 on the side of the common lot where the deck exists  
25 and where your client's properties is?

1 MR. MINERVINI: Yeah, back to when I  
2 had described is missing from the drawings is a  
3 6-foot high fence will be around our property in its  
4 entirety.

5 COMMISSIONER COHEN: And can you  
6 subscribe what that fence will look like?

7 MR. MINERVINI: I think I have a  
8 detailing. It's a fence similar to what we have  
9 used in the past, and this Board has approved.  
10 Actually, I don't have the detail. In essence, it's  
11 what we call a board-on-board fence. It is a series  
12 of vertical planks that are connected via a stud,  
13 and what it allows is no visibility because they're  
14 alternated in a their location, but allows air to  
15 pass through.

16 COMMISSIONER COHEN: Okay. And it  
17 sounds like there's been significant compromise and  
18 discussions or agreement with neighbors.

19 Has that element been something that's  
20 been discussed between the neighbors?

21 MR. MINERVINI: Yes, that is part of  
22 the agreement.

23 COMMISSIONER COHEN: Okay. Thank you.

24 MS. BANYRA: Just --

25 COMMISSIONER COHEN: Just a quick --

1 MS. BANYRA: Okay, go ahead.

2 COMMISSIONER COHEN: I think it's great  
3 that neighbors are working together on this project.  
4 I think it's making for a much better project. I  
5 know it's not time for comments, but I just want to  
6 throw that out there.

7 MS. BANYRA: Your detail is on Z-3, No.  
8 4, rear planned detail. You do have No. 4, right in  
9 the middle.

10 MR. MINERVINI: Oh --

11 MS. BANYRA: You have your fence there.

12 MR. MINERVINI: Yeah, in this case it's  
13 slightly different, because that's connected to the  
14 planter, but it's the same concept.

15 MS. BANYRA: Yeah.

16 MR. MINERVINI: In the rear yard we're  
17 showing a planter bed that is "L" shaped on the  
18 northern property line as well as the western  
19 property line, not along the eastern. So that  
20 detail reflects the fence at those two locations  
21 here as I described.

22 MS. BANYRA: Yeah.

23 CHAIRMAN AIBEL: So the east, west, and  
24 north exposures are going to be clad in aluminum  
25 cladding?

1 MR. MINERVINI: I've got them all  
2 drawn. And the aluminum siding, low maintenance,  
3 and I think the owner's open to the color.

4 CHAIRMAN AIBEL: I mean, that --

5 MR. MINERVINI: On the property line --

6 CHAIRMAN AIBEL: Aluminum sitting just  
7 throws, you know, terrible, I mean --

8 MR. MINERVINI: I think it's certainly  
9 a negative connotation actually, but these days it  
10 doesn't look like you want -- I mean, it certainly  
11 could be a stucco. It has to be something  
12 non-combustible. We have a drawing -- it will look  
13 being the same as you see, but instead of using  
14 aluminum, I've just been told by the applicant that  
15 we'll use what's called a HardiPlank board, it's  
16 meant to replicate siding, but it's a cement fiber  
17 board. So it won't have any of the movement that we  
18 don't -- normally gets associated with aluminum.

19 CHAIRMAN AIBEL: And, again, I'm  
20 thinking of the neighbors and what they're going to  
21 look at the --

22 MR. MINERVINI: Yes.

23 CHAIRMAN AIBEL: -- extension above.  
24 So if your neighbors are happy with it, I guess I'm  
25 happy.

1 MR. MINERVINI: Is that part of the  
2 agreement?

3 MR. MATULE: I don't believe so, but I  
4 certainly think Hardie Board is a better  
5 alternative.

6 MR. GALVIN: It would please the Board  
7 also.

8 MR. MINERVINI: I will absolutely  
9 revise it.

10 MR. GALVIN: How do we define where  
11 it's going? What's it called?

12 MR. MINERVINI: This facade -- well,  
13 it's two facades it will be on -- actually, three  
14 facades. It will be on the east facing facade,  
15 which is on the property line; it would be on the  
16 west facing facade, on the property line above the  
17 adjacent building, which we're showing here, these  
18 two drawings; and the rear facade which is set back  
19 17 feet.

20 MR. MATULE: North facing?

21 MR. MINERVINI: North facing, rear  
22 facade, set back 17 feet from the property line.

23 MR. GALVIN: Mr. Galvin, I think, to  
24 make it simple you could say "wherever the plans  
25 refer to aluminum siding".

1 MR. MINERVINI: Yes.

2 MR. MATULE: It's going to be  
3 HardiPlank.

4 MR. GALVIN: Okay. Thank you.

5 COMMISSIONER DEFUSCO: Mr. Chair.

6 MR. GALVIN: It's a birthday present.

7 CHAIRMAN AIBEL: Sure.

8 COMMISSIONER DEFUSCO: It's a minimal  
9 point, but, you know, with flood regulations being  
10 what they are, and the encouragement of street level  
11 life in accordance with the Master Plan is  
12 difficult. I like to you set back the interior  
13 stairwell and it's not infringing on the right of  
14 way, but there is a bit of a dead space that I'm  
15 wondering on the first floor that I'm wondering,  
16 have you considered putting planters or some sort of  
17 greenery there to kind of ease that -- that wall?

18 MR. MINERVINI: It has not made it to  
19 the drawings. I don't know how this, and this is  
20 because of its previous history, how City Council  
21 would approve. We need City Council's approval for  
22 anything going past the property lines.

23 COMMISSIONER DEFUSCO: Don't you have  
24 the -- you have the bay windows that are going to  
25 trigger a City Council --

1 MR. MINERVINI: Yeah, that's a very  
2 good point. That's a very good point.

3 COMMISSIONER DEFUSCO: So while you're  
4 doing it, maybe you might to consider just --

5 MR. MINERVINI: I think, Bob, should  
6 this would be something discussed with the neighbor?

7 MR. MATULE: Well, if the neighbor has  
8 no objections, we certainly have no objections while  
9 we're going to the Council for the easement  
10 ordinance for the bay windows to ask for a planter.  
11 I'm assuming you're talking between the --

12 COMMISSIONER DEFUSCO: The two doors.

13 MR. MATULE: -- the two doors, some  
14 kind of 2 foot deep --

15 COMMISSIONER DEFUSCO: Something --

16 MR. MATULE: At the entrance.

17 VOICE: I'm not the neighbor that would  
18 care about that, but I don't know if you talked to  
19 those neighbors.

20 MR. MATULE: Well --

21 COMMISSIONER FISHER: Can I say  
22 something?

23 MR. MATULE: I just don't want to do  
24 anything to upset the --

25 COMMISSIONER FISHER: I think I had a

1 similar observation that kind of where the people  
2 are in that --

3 MR. MINERVINI: Yes.

4 COMMISSIONER FISHER: Just when you  
5 look at the street, unfortunately, it's not a very  
6 attractive block. So I was -- is there something  
7 that you could do that, maybe even -- nothing,  
8 sorry -- no, no, but, you know, it's like not --

9 VOICE: I'll be waiting for you  
10 outside.

11 COMMISSIONER FISHER: Sorry, about  
12 that.

13 CHAIRMAN AIBEL: What's that guy's  
14 name?

15 COMMISSIONER FISHER: With these  
16 buildings, some of them are just windows, and so the  
17 question is: Is there, even if you don't do  
18 something on the sidewalk, can you do something to  
19 make that solid brick, or maybe even setting back,  
20 like, if you did a setback there and put the  
21 planters in.

22 MR. MINERVINI: I would think that that  
23 would be -- that would be the solution if we could  
24 not get City Council approval, but I'm glad that I  
25 was reminded, we need City Council approval for the

1 bay anyway, so we'll happily draw it in here, the  
2 applicant will talk to the neighbor and make sure --  
3 other neighbor and make sure it's no issue, and that  
4 should be probably solve the question.

5 COMMISSIONER FISHER: Because you guys  
6 are going back to City Council for two bay windows.  
7 You could just not have windows there, and not go to  
8 City Council.

9 MR. MINERVINI: I guess those aren't  
10 decisions for me.

11 CHAIRMAN AIBEL: Anybody else?

12 MR. MARSDEN: Yeah. Just for the  
13 record you don't need a street encroachment -- a  
14 flood hazard area permit as such, an IP of general  
15 permit for this specific use, because No. 1, it's a  
16 one family, and No. 2, it falls under permit by  
17 rule. So all you have to do is to notice DEP, send  
18 them a set of plans, say that we're applying for a  
19 permit by rule 14 days prior to. So you're a little  
20 out of that, but I talked to DEP on that and they  
21 said just tell the architect to send a letter and  
22 saying permit by rule.

23 MR. MINERVINI: We are required to  
24 conform to the Hoboken flood plain ordinance.

25 MR. MARSDEN: Yes, no, but I'm saying--

1 MR. MINERVINI: In terms of process.

2 MR. MARSDEN: -- in terms of process  
3 you should notify the DEP.

4 MR. MINERVINI: Okay, thank you.

5 COMMISSIONER FISHER: Could I ask one  
6 more question? I haven't raised this in a long  
7 time.

8 In looking at the streetscape, how do  
9 you feel your facade fits with the rest of the  
10 streetscape?

11 MR. MINERVINI: I guess you haven't  
12 raised that question in a while.

13 COMMISSIONER FISHER: I haven't. It's  
14 been, like, six months or so.

15 MR. MINERVINI: Well, the assessment we  
16 made was that, and I've said part of this to this  
17 Board many times, I think the new building should  
18 look like a new building, save for the exception if  
19 it's within a historic district and you're adding to  
20 the building. Historic guidelines, as this Board  
21 knows, require even a new building within an  
22 historic area to be of its day.

23 Having said that, there is no real  
24 context, as some other places in Hoboken have. It's  
25 more, and I don't mean this in a negative way, hodge

1 podgy.

2 COMMISSIONER FISHER: Is it --

3 MR. MINERVINI: And that's not -- just  
4 that's a reflection of when the buildings were  
5 built, a reflection of when they were renovated, and  
6 reflections of the different heights.

7 Back to what I originally said, I think  
8 in a building with the materials of its day and an  
9 aesthetic of its day makes sense here, as it could  
10 anywhere.

11 MS. BANYRA: So will you be talking --  
12 it is there a coloration thing that you're doing  
13 with that?

14 MR. MINERVINI: I haven't provided it,  
15 but let me get back to the elevation. The brick  
16 will be a Hudson River Red, that will help tie into  
17 the majority -- or, yeah, a majority of brick  
18 buildings in Hoboken. The bay is probably a lighter  
19 color contrast.

20 MS. BANYRA: And then if you, Mr.  
21 Chair, just I would like to ask a couple of  
22 questions. So the sidewalk width, what's the  
23 sidewalk width?

24 MR. MINERVINI: It's about 11 feet, as  
25 I recall. I can confirm that. Slightly up more.

1 Oh, sorry. It's 13 feet 5 inches. That's the  
2 sidewalk to edge of curb.

3 MS. BANYRA: And on either side of  
4 this, are there any planters or gates or anything  
5 that you're modeling in terms of putting a planter  
6 in there that you could match up with that space.

7 MR. MINERVINI: I don't see any on the  
8 photographs. I don't think the survey shows it  
9 either. I don't think there are any on the adjacent  
10 properties. Let me confirm that. Yes, yeah, this  
11 is 13 feet. We'll still have more than 10 feet  
12 past.

13 Mr. Matule has brought up a point that  
14 if we do to a planter here, there will be enough  
15 dimension distance between the planter and the edge  
16 of the base of the street, and there will be.

17 MS. BANYRA: It looks like there's  
18 some. There should be --

19 MR. MINERVINI: We assume that -- we  
20 assume the planters, let's say, 18 inches, if -- I  
21 mean, 2 feet, 3 feet.

22 MS. BANYRA: Well, that's --

23 MR. MINERVINI: It's probably too  
24 narrow for that.

25 MS. BANYRA: Well, I mean, that's why

1 I'm asking.

2 MR. MINERVINI: I think we would do a 2  
3 feet and ensure that the construction of it is very  
4 narrow as opposed to in each block. So 2 feet --  
5 this will be three. So you're left with  
6 eight-and-a-half feet of clear walk-through space.  
7 Now, I don't remember actually if the Shade Tree  
8 Commission, because they changed it recently, but  
9 they're requiring for the base of the tree pit, I  
10 don't recall if it's ADA compliant or not.

11 MR. MATULE: No, they want the fence.

12 MR. MINERVINI: Yeah, they want the  
13 fence. So having said that, then that dimension  
14 that I mentioned 8 feet, eight-and-a-half feet  
15 between will still be -- that will be the result of  
16 a planter and this tree.

17 MS. BANYRA: Okay. Eight-and-a-half  
18 feet, you can fit -- it's a 2-foot planter.

19 MR. MINERVINI: I will ensure, and I  
20 will happily provide a detail you that.

21 MS. BANYRA: Okay.

22 CHAIRMAN AIBEL: So can your neighbors  
23 to the west and east replicate what you're doing?

24 MR. MINERVINI: In terms of?

25 CHAIRMAN AIBEL: Building up.

1 MR. MINERVINI: Have they?

2 CHAIRMAN AIBEL: Can they?

3 MR. MINERVINI: They'd to come to this  
4 Board for approval.

5 CHAIRMAN AIBEL: And probably on Willow  
6 build up right against those windows?

7 MR. MINERVINI: I think the conditions  
8 are certainly different. To our west, that  
9 building's western facade is very close to the back  
10 of the building on Willow, so we would be  
11 encroaching on windows above. The condition is  
12 different, of course, for us. And the same  
13 condition applies to the east, which is the back  
14 section of that taller five-story building, which  
15 has windows on its rear. I've got a photograph of  
16 that. That would be it. The fire escapes. So the  
17 conditions aren't the same. There would be negative  
18 impacts, this Board to decide, of course, but if  
19 that were to happen, I don't think that's the case  
20 here.

21 CHAIRMAN AIBEL: The first adapted  
22 privilege.

23 MR. MINERVINI: Excuse me?

24 CHAIRMAN AIBEL: The first adapted  
25 privilege.

1 MR. MINERVINI: Yes.

2 CHAIRMAN AIBEL: Anybody else? Board  
3 Members?

4 COMMISSIONER FISHER: Just coming back  
5 to the comment before, the negative about being the  
6 first adapted privilege is if it's too tall in the  
7 middle of the street, and it's so modern it just  
8 stands out more.

9 And so, I guess, my question is: I  
10 personally like a lot of these modern buildings.

11 Is there anything that can be done that  
12 still protects, like, the more current architectural  
13 materials, but softens it a little bit or something?

14 MR. MINERVINI: I think the brick  
15 color, and I could happily provide a rendered, a  
16 facade, I think, that would be help alleviate that  
17 concern, but to the height issue, this is what is  
18 permitted.

19 COMMISSIONER FISHER: I wasn't  
20 talking -- I'm saying because it's kind of mid-block  
21 and it's higher than everything, it already is like  
22 a tower within that side of the block, and, you  
23 know, it's a modern, and unfortunately without the  
24 color, I think gray is doing it a disservice because  
25 it is --

1 MR. MINERVINI: Yeah, I agree that the  
2 way this actually printed is not helping us. It  
3 certainly wouldn't be as dark as shown here, and as  
4 I mentioned to you the Hudson River Red. I could  
5 happily provide that, assuming an approval here, and  
6 with the planner's, I guess, guidance, but I don't  
7 think that the building is completely -- it's as  
8 modern as you imagine, but I think there's a  
9 fairly -- there's a rhythm to the windows that is  
10 not so different from other Hoboken buildings, and  
11 we've got a small bay, and the bay, incidentally,  
12 does not extend down to this lowest floor. It's  
13 only the two floors above. That might be the only  
14 section that is slightly contemporary.

15 CHAIRMAN AIBEL: Anything else, Board  
16 Members? Open up to the public.

17 Anybody have questions for my  
18 Mr. Minervini?

19 VOICE: Of course, Fesco's comments.

20 CHAIRMAN AIBEL: Not yet. Not yet.

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

23 MR. MATULE: I don't mean to step on  
24 your toes.

25 MR. GALVIN: Thank you.

1 COMMISSIONER GRANA: Second that  
2 motion.

3 CHAIRMAN AIBEL: All in favor?

4 (Voice vote taken at this time.)

5 MR. MATULE: Mr. Kolling.

6 E D W A R D K O L L I N G, being first duly sworn by  
7 the Notary, testifies as follows:

8 DIRECT EXAMINATION BY MR. MATULE:

9 MR. GALVIN: Mr. Chairman, will you  
10 accept Mr. Kolling's credentials as a planner?

11 CHAIRMAN AIBEL: Yes.

12 MR. GALVIN: You may proceed.

13 MR. KOLLING: Thank you.

14 MR. MATULE: Mr. Kolling, you're  
15 familiar with the Master Plan and the zoning  
16 ordinance of the City of Hoboken.

17 MR. KOLLING: Yes, I am.

18 MR. MATULE: And you're familiar with  
19 this proposed project that's the subject of  
20 application?

21 MR. KOLLING: Yes.

22 MR. MATULE: And you prepared a  
23 planner's report dated November 17th, 2014, in  
24 support of the requested variance relief?

25 MR. KOLLING: Yes, correct.

1                   MR. MATULE: Could you go through your  
2 report for the Board Members and give us your  
3 professional opinion regarding the requested  
4 variance relief?

5                   MR. KOLLING: Okay. I'm going to  
6 briefly describe what's going on, because  
7 Mr. Minervini has already covered that.

8                   We have a situation where you have a  
9 17-foot wide lot by 62-feet deep. It's pre-existing  
10 undersized. It's about 1,054 square feet, and as he  
11 described, the building that previously existed  
12 until the current building has a coverage of  
13 96 percent, with only a two-and-a-half foot rear  
14 yard. The surrounding area, I think, if you're  
15 familiar with, there's five-story buildings on the  
16 corners, so that the heights vary significantly.  
17 There are some very low buildings on this particular  
18 block, and it's a short block. It's not one of  
19 the -- you know, it's not north/south block of  
20 Hoboken.

21                   The proposed development, as you've  
22 heard, 35-feet tall, roughly. It's going to have  
23 zero front yard, zero side yard. The rear yard's  
24 going to be increased to 17 feet to the building  
25 from the previous existing two-and-a-half feet. So

1 I think that's a considerable improvement and a  
2 benefit.

3 Access to the living areas from the  
4 street will be by a porch or steps that are  
5 integrated into the building and the rear yard would  
6 also have access from the a rear staircase into the  
7 rear yard, and the building will incorporate certain  
8 green features including an extensive green roof  
9 on -- up on the upper roofer, which results in a  
10 roof coverage of 43.9 percent.

11 The zoning is R-1. The use is  
12 permitted, obviously. It's within the density. A  
13 single-family home is permitted. One of the  
14 purposes is to re-enforce the residential character  
15 of this district.

16 The pre-existing conditions of the lot  
17 depth and the area as well as the lot width do  
18 create a hardship in developing this property, and  
19 so the architect and the applicant have tried to  
20 make accommodations to build within that, but still  
21 they require variances caused by that -- that  
22 hard -- that hardship.

23 The height, as you've heard, is we are  
24 asking for the additional story. By definition that  
25 ground floor is a story. I tend to concur with the

1 testimony that was before, that this functions as a  
2 basement, and had it been an actual basement and  
3 wasn't used for a residential purpose, but simply  
4 storage, we'd still have -- we'd have three stories.

5 So really what we're asking for is a  
6 three -- three residential floors, where three  
7 residential would be permitted, but for the case  
8 that we have this, also, the hardship of the flood  
9 plain issue. So I think you can look at the -- this  
10 variance in that light as well.

11 In terms of the Master Plan, I think we  
12 do promote compatibility and scale and density and  
13 orientation between the existing and the proposed  
14 development, in terms of the use, the height, the  
15 density. Another requirement or recommendation is  
16 to provide open space on the interior of the block,  
17 create the Hoboken doughnut, have the rear yard.  
18 Granted, that we are asking for a variance for that  
19 situation, but this is certainly a great improvement  
20 over what was existing before. We are -- another  
21 recommendation is to require the provision of rear  
22 trees where possible. We're providing landscaping  
23 in that rear area. We also meet the green  
24 architecture recommendations. And I would also say  
25 that in terms of having a family-friendly

1 development, a single-family home is about as family  
2 friendly as you can get, so I think we're pretty  
3 much there with that one.

4 So I think that the height variance can  
5 be granted. We are within the height limitations in  
6 number of feet. We actually do have three  
7 residential floors where three floors where be  
8 permitted. But for the flood area, we would be  
9 conforming, so I think that the site can accommodate  
10 the additional height without detriment. It's not  
11 going to result in any overdevelopment in terms of  
12 intensification of the use, so I think there's no  
13 substantial detriment to the intent of the zone plan  
14 or to the general welfare in that regard.

15 In terms of lot coverage, although  
16 we're over on the lot coverage, I think we're at 70  
17 something percent, again, it's a pre-existing,  
18 non-conforming lot, and to have a reasonably-sized  
19 building we are going to go over it, and it's  
20 certainly a great benefit or reduction in terms of  
21 the coverage that was pre-existing. Similarly, in  
22 terms of the rear yard, the lot depth that affects  
23 that as well and creates a hardship in the  
24 development of the site, but I think now the  
25 provision of the rear yard, including providing the

1 rear access, which is also a recommendation or  
2 requirement of the zone plan is a much better  
3 approach than what's there now, and is certainly an  
4 improvement and a benefit to the community, and the  
5 surrounding area.

6 Front yard setback, we're matching  
7 what's already there on the existing, and you can  
8 look at that the same way as the rear yard in terms  
9 of the lot depth. If you took both the required lot  
10 front yard and rear yard, the building would shrink  
11 significantly. So the accommodation of these front  
12 and rear yard setbacks will help to provide a  
13 building that is reasonable and has a good floor  
14 plate and can function as a family-friendly dwelling  
15 unit.

16 Roof coverage is only caused by the  
17 green roof. It's three-and-a-half percent  
18 otherwise, and I think the green roof, everybody  
19 would agree, is beneficial, and that's something  
20 that probably should be adjusted within the  
21 ordinance, but until it is we're here asking for a  
22 variance.

23 So, in conclusion, I think we've met  
24 the proofs for the D-6 and the C variances, both in  
25 terms of hardship and the benefits outweighing the



1                   CHAIRMAN AIBEL: Board Members?  
2                   Questions for Mr. Kolling?

3                   Well, and so your testimony is, or your  
4                   report says that you believe that the building is  
5                   consistent with the character of the area.

6                   MR. KOLLING: Yes.

7                   CHAIRMAN AIBEL: Do you feel it's  
8                   consistent with the character of the adjoining  
9                   buildings?

10                  MR. KOLLING: The immediate buildings  
11                  next door are smaller, because I think on one of the  
12                  lots it's actually a one-story or two-story addition  
13                  off the back of one of the other buildings. So  
14                  it's -- the heights vary. Five stories at the  
15                  corner, you'll have two stories, you'll have one  
16                  story, five stories again. So you have that up and  
17                  down.

18                  CHAIRMAN AIBEL: So maybe, Eileen, you  
19                  may have a comment on this? You know, I'm just  
20                  trying to understand why the side streets in Hoboken  
21                  are very traditionally built out with smaller scale  
22                  houses. They're lower. They're more shallow than  
23                  on the up and down streets.

24                  Is there some planning reason for the  
25                  way that the City was configured that way?

1 MS. BANYRA: I think it's just a  
2 practice when you design the lots, they go deeper.  
3 You know, they're long, you know, our 2000 -- in the  
4 R-1 I think it's 20 by a hundred. So when those  
5 lots go deep, as they come up closer to the corner,  
6 those other lots are going to become shallower.  
7 They can't all be equal. So I think that's the  
8 nature of the corner lots or the street lots.

9 CHAIRMAN AIBEL: Does that account for  
10 the factor that the scale of those side street,  
11 those buildings is pretty much smaller?

12 MS. BANYRA: Yeah, I would say so.

13 CHAIRMAN AIBEL: Okay. Thank you.

14 Anybody else? Questions from  
15 Mr. Kolling? Seeing none.

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

18 MR. GALVIN: Is there a second?

19 COMMISSIONER GRANA: Second.

20 MR. GALVIN: All in favor?

21 (Voice vote taken at this time.)

22 MR. MATULE: I have no other questions.

23 CHAIRMAN AIBEL: Let's open it up to  
24 the public. Now is the time for comments.

25 MR. GALVIN: Raise your right hand.

1 P A U L L I C H S T E I N, 811 WILLOW AVENUE,  
2 HOBOKEN, NEW JERSEY, being first duly sworn by the  
3 Notary, testifies as follows:

4 MR. LICHSTEIN: In talking with the  
5 attorney, talking with the owner, I -- I get the  
6 feeling that this has been a really expensive,  
7 drawn-out, fraught, difficult process, and these  
8 guys don't come cheap, and I'm sure the City spent a  
9 ton of money, too, and I'm wondering, looking back  
10 at it, how could you approach a process in a  
11 different way so that maybe an outcome could be  
12 reached more efficiently, more expeditiously, less  
13 painfully. So I was hoping that maybe this would be  
14 an opportunity for some reflection.

15 CHAIRMAN AIBEL: Thank you.

16 COMMISSIONER GRANA: Thank you.

17 CHAIRMAN AIBEL: Anybody else from the  
18 public wish to comment.

19 MR. GALVIN: Raise your right hand.

20 C A R M I N E P E R C O N T I N O, 827 WILLOW AVENUE,  
21 HOBOKEN, NEW JERSEY, being first duly sworn by the  
22 Notary, testifies as follows:

23 MR. PERCONTINO: Excuse my voice.

24 MR. GALVIN: All right. Very good.

25 Please proceed.

1                   MR. PERCONTINO: After speaking with  
2 the builder several times and having known him for  
3 quite a while, looking at the plans, this is a  
4 beautiful structure. It's a beautiful building.  
5 I'm just going to, kind of, echo what Mr. Kolling  
6 said. In the City we keep talking about one-family  
7 homes where you could actually raise a family, and  
8 not have this change in the lifestyle. I think what  
9 is a better project than something like this? It's  
10 also offensive for me to have to look at it for over  
11 a year from my backyard, for reasons that I cannot  
12 even understand why, but that's besides the point.  
13 The thing is, I truly believe that this is a  
14 beautiful project. It represents everything that  
15 we're trying to do, as far as the community, to  
16 build family-oriented stability in this town, and to  
17 not approve it is, I think, a terrible thing. So on  
18 behalf of him, I truly believe that is a beautiful  
19 building. I know what this young lady is saying,  
20 but if you walk around, just around the corner from  
21 this building, there's buildings going up like  
22 zig-zags. Buildings going up in all kinds of  
23 shapes. That's Hoboken changing. Hoboken has been  
24 changing since 1984. That's where they really  
25 started. I've been here my whole life. I'm 50

1 years old. I own the building I live in for 28  
2 years, and I live in that building my whole life  
3 pretty much, so, just so you know it's something  
4 that needs to be done. Buildings like this do need  
5 to go up. And for future preference, try not to  
6 knock these projects down, because it can only help  
7 the City. That's all.

8 CHAIRMAN AIBEL: Thank you, sir.  
9 Anybody else? Okay. Mr. Matule will.

10 MR. MATULE: Just a couple of closing  
11 remarks.

12 I think the Board would agree, as  
13 presented this is a reasonably modest application.  
14 It's a substantial improvement on what was there and  
15 a substantial improvement on what is there. We're  
16 now going to have a 17-foot rear yard, which is  
17 approximately 27 percent of the lot. I think the  
18 ordinance calls for 30. In light, of the fact that  
19 we have a substantially undersized lot, I think  
20 that's a really -- a terrific percentage in terms of  
21 the rear yard and opening up the space. Obviously,  
22 on the exhibit, some of the neighbors have really  
23 nice backyards, and I think this will contribute to  
24 that. I don't think it's going to have any impact  
25 on the people next door with their deck because

1 we're going to have a 6-foot high fence up. The  
2 building is only 35 feet high. I think this is  
3 going to be an evolutionary process with the new  
4 flood regulations, and, you know, eventually all  
5 these buildings are going to be changing and going  
6 higher, and that's just going to be a process we're  
7 going to have to watch. But under the  
8 circumstances, I think the application, as  
9 submitted, is a good one and most of the C variances  
10 are generated by the pre-existing, undersized lot,  
11 and, again, the height is because of the anomaly in  
12 our ordinance about whether that's a basement or a  
13 cellar or it counts accounts or doesn't count as a  
14 story, so I would certainly ask that the Board  
15 approve the application as presented to you.

16 CHAIRMAN AIBEL: Thank you, Mr. Matule.  
17 Let me open it up. Commissioner Cohen.

18 COMMISSIONER COHEN: I think it's a  
19 beautiful project, and it's interesting because we  
20 had an application, I think, on Seventh Street a few  
21 meetings ago, and there was concern because it was  
22 building into the doughnut in the middle of a flood  
23 plain, and it may have been a painful process that  
24 got to this point, but not only are we having the  
25 doughnut restored here where we had lot coverage

1 almost to the hundred percent lot line, but it's  
2 being pulled back, I mean, so we're not just  
3 restoring the doughnut, but we're actually creating  
4 a doughnut where there wasn't one before, plus a  
5 green roof, plus it's in the scale with the size of  
6 the other buildings. Again, we're talking about  
7 property where it's uninhabitable for the first  
8 14 feet. So when you're talking about the height, I  
9 really think we're talking about a hardship here.  
10 You're talking about lower density with the single  
11 unit. You know, the colors, it would have a little  
12 more helpful from the applicant to see those colors.  
13 I think that we should have as a condition to have  
14 the red brick as the --

15 MS. BANYRA: As testified.

16 COMMISSIONER COHEN: -- as testified to  
17 by Mr. Minervini.

18 MR. GALVIN: I had the facade rendering  
19 is to be reviewed and approved by the Board at the  
20 time of memorialization.

21 COMMISSIONER COHEN: Yeah.

22 MR. GALVIN: Take a look at it look.

23 COMMISSIONER COHEN: And I really do  
24 think that this is in -- if you look at the style of  
25 the corner buildings, which are the true Hoboken

1 structures in that that, I mean, there's a hodge  
2 podge in the middle of the block, but this picks up  
3 on the character of the corners and speaks to them.  
4 I don't see this as out of keeping at all with this  
5 City. So, I mean, and as far as Mr. Lichstein's  
6 comment, you know, while it's unfortunate that this  
7 was an expensive process, it really doesn't fall to  
8 the Zoning Board's fee. We've heard this entire  
9 application in under an hour and a half, I think.  
10 So I regret that it's been a painful process for the  
11 neighborhood to have to look at it and for the  
12 people who have had to deal with it, but for the  
13 community, for the community, the result is actually  
14 a very good one, and if we're creating a standard on  
15 this block, this is an excellent one for the other  
16 buildings to try, because we often talk about we're  
17 setting precedent with the new building on the new  
18 block. Here, we're setting a precedent that's  
19 creating a doughnut, a green space, where there  
20 didn't exist one before; a green roof, where there  
21 wasn't one before; in the middle of a flood plain;  
22 in a single-family home where you're reducing  
23 density. It's an excellent application. So, I  
24 mean, I really am -- you know, I commend everyone  
25 for the process. I'm sorry for the trouble that it



1           brief.

2                           COMMISSIONER GRANA:  I agree with  
3           Commissioner Cohen.  I think that the height  
4           variance is triggered by a hardship related to the  
5           need to raise the structure to meet new flood  
6           standards that are asking for three habitable  
7           floors.  I also think with respect to lot coverage,  
8           the testimony is that there's, in fact, a hardship  
9           here, and I think not only is -- does the hardship  
10          exist, but I think a great attempt has been made  
11          here to return or actually create a doughnut where  
12          one never existed.  So this is actually a  
13          significant improvement to that area, and I think  
14          that asking for something around this percentage is  
15          reasonable needing -- accounting for the fact that  
16          there needs to be a habitable structure, and only  
17          asking for 45 feet in depth, and I think that  
18          that's -- and I think that that supports the  
19          hardship.

20                           No comments on the front yard.  I think  
21          I just made comments on the rear yard and with  
22          respect to the roof coverage, I think it is a  
23          fantastic asset to the community, asset to the  
24          community when we add green roofs in our new  
25          construction.  I support the application.

1                   COMMISSIONER DEFUSCO: I'll just add  
2                   that it's 12 feet above what's allowed by ordinance.  
3                   It's not de minimis, by any means, but it is a  
4                   hardship, and I think that I'd prefer to see a  
5                   family move into this than have two stories with  
6                   very tall ceilings on it that may not permit a  
7                   family and the additional story, if you consider it  
8                   an additional story, which we're -- we are, is going  
9                   to allow families to continue to come to town and  
10                  that can -- as one of the community members  
11                  mentioned, is probably one of the most important  
12                  things we can hope for right now in the history of  
13                  city.

14                  I'll also add that I think that from an  
15                  architectural perspective, Mr. Minervini did a great  
16                  job encouraging street life. It's great to have  
17                  those doors at street level, because sometimes you  
18                  see the doors 12 feet above the street and it's  
19                  creating, kind of, a disparity. So this is a good  
20                  project, in my mind, and I think we should move to a  
21                  vote, unless anyone else is looking at it.

22                  CHAIRMAN AIBEL: Well --

23                  COMMISSIONER DEGRIM: I have nothing to  
24                  add to all the comments, so...

25                  CHAIRMAN AIBEL: I'll just, because I

1 can't resist saying the last word.

2 MR. GALVIN: Chairman always has the  
3 last word.

4 CHAIRMAN AIBEL: Right or wrong, I get  
5 the last word, so, I think what this whole process  
6 points outside, and I will respect the gentleman's  
7 views on how tough it's been for everybody. I think  
8 what this shows is the value of developers working  
9 with their neighbors, trying to come up with a good  
10 design, and the value of having it tested under the  
11 microscope of the Zoning Board application. So I  
12 wish you guys well.

13 COMMISSIONER DEFUSCO: I'd like to make  
14 a motions to approve with the conditions as stated  
15 by counsel.

16 MR. GALVIN: Let me read them off:  
17 One, proof of taxes is to be satisfied  
18 prior to the issuance of a building permit.

19 Two, the applicant will use HardiPlank  
20 siding wherever the plans say aluminum siding. I  
21 almost said "foil".

22 Three, the applicant is to ask for  
23 Council approval for the encroachment of the bay  
24 windows, and for a planner.

25 I need help here guys. In the event

1 permission is not granted for the planner or the  
2 neighbors object, the applicant will?

3 COMMISSIONER COHEN: Have the windows  
4 flush to the building.

5 COMMISSIONER FISHER: But you're  
6 talking about the planter building.

7 MR. GALVIN: The planter. This is  
8 something that you guys offered in the alternative.

9 MR. MINERVINI: If I may, we really  
10 can't pull it in without affecting the light that  
11 would be --

12 MS. BANYRA: What about a green screen?

13 MR. GALVIN: I wasn't trying to create  
14 anything. I was thinking that something was  
15 suggested in the alternative.

16 MS. BANYRA: I think it was the big,  
17 black wall, you know, so...

18 MR. GALVIN: What have you got?

19 MR. MINERVINI: Not very much.

20 MR. GALVIN: Come on. You've got  
21 something.

22 MR. MINERVINI: A green screen at that  
23 lower floor section to kind of soften the connection  
24 between the brick building and the sidewalk.

25 COMMISSIONER DEGRIM: Between the two

1 doors.

2 MR. MINERVINI: Between the two doors,  
3 yes.

4 MS. BANYRA: Yeah, yeah.

5 COMMISSIONER GRANA: Okay.

6 COMMISSIONER FISHER: I think that's  
7 all you can do next to it, because the stairs are  
8 right behind it, you couldn't push anything in  
9 anyway.

10 MR. MINERVINI: Just in between the  
11 two.

12 MS. BANYRA: It might actually be --  
13 actually, a green screen might be nice. Maybe look  
14 at that, Frank --

15 COMMISSIONER DEGRIM: With the  
16 landscaping and door.

17 MS. BANYRA: -- because that might  
18 actually add a height element that you won't get  
19 with the vegetation, and it might really pull that  
20 wall.

21 MR. MINERVINI: I agree. That's a very  
22 good suggestion.

23 COMMISSIONER DEGRIM: And it won't  
24 reduce the size of sidewalk either.

25 MR. GALVIN: And then the final

1 condition is the facade rendering is to be reviewed  
2 and approved the Board at the time of  
3 memorialization.

4 You can investigate that, provide us  
5 that in the memorialization.

6 MR. MINERVINI: I'll provide colored  
7 facade describing each material.

8 MR. GALVIN: If you want to go with  
9 green screen instead of the --

10 MR. MINERVINI: I think that's perfect.

11 MR. GALVIN: You might want to show us.

12 MR. MINERVINI: Okay. Got it.

13 MR. GALVIN: Okay. That's all I have.

14 Is that good think?

15 COMMISSIONER COHEN: Motion to prove.

16 COMMISSIONER GRANA: Second to -- on  
17 the approval of 258.

18 MR. GALVIN: And I have this sense that  
19 everything is good, but everyone remember that when  
20 you have a D variance, you are best to give the  
21 applicants the opportunity to have seven. We need  
22 to have five affirmative votes.

23 Please proceed to the roll call.

24 CHAIRMAN AIBEL: I guess, Mr. Matule.

25 MR. GALVIN: You're okay with

1 proceeding?

2 MR. MATULE: Yes.

3 MR. GALVIN: Okay. No problem.

4 SECRETARY CARCONE: Commissioner Cohen.

5 COMMISSIONER COHEN: Yes.

6 SECRETARY CARCONE: Commissioner

7 DeFusco.

8 COMMISSIONER DEFUSCO: Yes.

9 SECRETARY CARCONE: Commissioner Grana.

10 COMMISSIONER GRANA: Yes.

11 SECRETARY CARCONE: Commissioner

12 Fisher.

13 COMMISSIONER FISHER: Yes.

14 SECRETARY CARCONE: Commissioner

15 DeGrim.

16 COMMISSIONER DEGRIM: Yes.

17 SECRETARY CARCONE: Commissioner Aibel.

18 CHAIRMAN AIBEL: Yes.

19 MR. GALVIN: Just so everybody knows,

20 for the record I'm not going to let the applicant

21 make the determination after they hear your voting

22 decision, but in this instance --

23 MR. MATULE: Thank you for bringing

24 that to my attention, Mr. Galvin.

25 MR. GALVIN: Well, I'm not bringing it

1 to your attention. I'm looking out for you.

2 CHAIRMAN AIBEL: A motion to adjourn.

3 Anybody?

4 COMMISSIONER COHEN: Motion to adjourn.

5 COMMISSIONER GRANA: Second.

6 CHAIRMAN AIBEL: All in favor?

7 (Voice vote taken at this time.)

8 CHAIRMAN AIBEL: Thank you very much  
9 for your help.

10 (Concluded at 10:26 p.m.)

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