

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF :December 16, 2014
ADJUSTMENT :Tuesday 7 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Commissioner Phil Cohen
Commissioner Michael DeFusco
Commisioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner Tiffanie Fisher
Commissioner Owen McAnuff

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

Eileen Banyra, Planning Consultant

James Giurintano, PE, PP
Board Engineer

Patricia Carcone, Board Secretary

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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 Would everybody please join me in the
12 salute to the flag?

13 (Pledge of Allegiance recited)

14 MS. CARCONE: Commissioner Aibel?

15 CHAIRMAN AIBEL: Here.

16 MS. CARCONE: Commissioner Greene is
17 absent.

18 Commissioner Cohen?

19 COMMISSIONER COHEN: Here.

20 MS. CARCONE: Commissioner De Fusco?

21 COMMISSIONER DE FUSCO: Here.

22 MS. CARCONE: Commissioner Grana?

23 COMMISSIONER GRANA: Here.

24 MS. CARCONE: Commissioner Marsh is
25 absent.

1 Commissioner Murphy?

2 COMISSIONER MURPHY: Here.

3 MS. CARCONE: Commissioner Branciforte
4 is absent.

5 Commissioner Fisher?

6 COMMISSIONER FISHER: Here.

7 MS. CARCONE: Commissioner McAnuff?

8 COMMISSIONER MC ANUFF: Here.

9 MS. CARCONE: And Commissioner
10 Tremitedi is absent.

11 CHAIRMAN AIBEL: All right. Great.

12 So we are here at a Regular Meeting of
13 the Hoboken Zoning Board of Adjustment.

14 We are going to do a couple
15 administrative matters first, and then we will get
16 to 115-131 Grand.

17 So we have some waivers on the agenda
18 tonight so, Jamie, can you start with 108-110
19 Jefferson?

20 MR. GIURINTANO: Yes, Mr. Chairman.

21 Several waivers have been requested.

22 One for C variances, number 25, stormwater
23 management. We have no objection to the granting of
24 the waiver, provided that any approval be
25 conditioned upon filing with the North Hudson

1 Sewerage Authority.

2 Also, under D variances, 34 and 35 also
3 deal with drainage, same condition.

4 Item 36, that for filing of or
5 completion of a soil or sedimentation control plan,
6 we have no objections to granting this, as long as
7 final approval conditions that a plan is prepared,
8 if necessary.

9 Number 43, cost estimates for
10 improvement, we have no objection to granting that
11 waiver.

12 CHAIRMAN AIBEL: Great.

13 Do you want to do this individually, or
14 do you want to do them all?

15 MR. GALVIN: No. You can just accept
16 the representations of our planning and engineering
17 staff.

18 CHAIRMAN AIBEL: Why don't we go
19 through them. 504 Monroe is next up.

20 MR. GIURINTANO: Similar to the
21 previous application, under D variances numbers 34,
22 35 and 36 deal with stormwater, which would be
23 conditioning the approval that they have to file
24 with North Hudson Sewerage Authority and provide a
25 report to us.

1 36 for the soil or sedimentation
2 control, if required, granting that as a condition
3 of approval.

4 Number 43, cost estimates for
5 improvement.

6 CHAIRMAN AIBEL: Thank you.
7 109-111 Monroe.

8 MR. GIURINTANO: Okay. Similar to the
9 previous two under C variances, we have number 25,
10 number 34 and number 35, all dealing with North
11 Hudson Sewerage Authority. Those waivers could be
12 granted provided that the applications are put
13 forth.

14 Number 36, as a condition of approval,
15 and number 43, we have no objection to waiving.

16 CHAIRMAN AIBEL: Great. Thank you.
17 258 Eighth Street.

18 MR. GIURINTANO: We have number 25
19 under C variances.

20 34, 35, and 36 under D variances for
21 the same reasons as all of the previous
22 applications.

23 CHAIRMAN AIBEL: Great. Thank you.
24 737 Garden?

25 MR. GIURINTANO: Under D variances,

1 numbers 34, 35, and 36, a similar explanation.

2 CHAIRMAN AIBEL: 710 Clinton?

3 MR. GIURINTANO: Okay.

4 For this application, under major site
5 plan, we have number 25, stormwater drainage area
6 map; 26, stormwater management plan. Those would be
7 for the similar explanation and granting the waiver
8 that approval that is granted by this Board's
9 conditions, that they have to file with North Hudson
10 Sewerage Authority and provide a report to our
11 office.

12 Number 27 deals with soil erosion, and
13 number 34 cost estimates.

14 Down under D variances, you have 34,
15 35, 36 and 43, same explanation for all of those.
16 We recommend it be complete.

17 CHAIRMAN AIBEL: Great. Thank you.

18 Finally, 704 Madison.

19 MR. GIURINTANO: Under D variances,
20 number 34 and number 36, same explanation for the
21 waivers. We recommend complete.

22 CHAIRMAN AIBEL: Great.

23 Can I have a motion to accept the
24 recommendation of the engineering staff to grant the
25 waivers?

1 COMMISSIONER FISHER: Motion to accept.

2 COMMISSIONER GRANA: Second.

3 CHAIRMAN AIBEL: Thank you.

4 Can we have a roll call?

5 MS. CARCONE: Commissioner Cohen?

6 COMMISSIONER COHEN: Here.

7 MS. CARCONE: Commissioner DeFusco?

8 COMMISSIONER DE FUSCO: Yes.

9 MS. CARCONE: Commissioner Grana?

10 COMMISSIONER GRANA: Yes.

11 MS. CARCONE: Commissioner Murphy?

12 COMMISSIONER MURPHY: Yes.

13 MS. CARCONE: Commissioner Fisher?

14 COMMISSIONER FISHER: Yes.

15 MS. CARCONE: Commissioner McAnuff?

16 COMMISSIONER MC ANUFF: Yes.

17 MS. CARCONE: Commissioner Aibel?

18 CHAIRMAN AIBEL: Yes.

19 Thanks, Jamie.

20 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: 115-130 Grand Street :
Applicant: RS Manufacturing Co., Inc.:December 16, 2014
C & D Variances :Tuesday 7:10 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

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1 CHAIRMAN AIBEL: Okay. Mr. Matule,
2 115-130 Grand.

3 MR. MATULE: Good evening, Mr.
4 Chairman, and Board members.

5 Robert Matule appearing on behalf of
6 the applicant, R&S Manufacturing.

7 Just a brief overview: This is an
8 application with respect to property at 115-131
9 Grand Street in the R-3 zone.

10 We are applying at this point for
11 preliminary site plan approval and variances to
12 replace the existing nonconforming industrial
13 building at the property with a new five-story, four
14 over one residential building, 49 dwelling units,
15 1200 square feet of retail, and 53 parking spaces.

16 The applicant has also submitted the
17 affordable housing affidavit, assuming that the
18 project were approved, that we would be supplying
19 five affordable units as per the affordable housing
20 ordinance.

21 I have three witnesses, Mr. Marchetto,
22 our architect; a representative, I don't know if it
23 is going to be Mr. Staigar or Mr. Paragoy at this
24 point, our traffic engineer, and Mr. Kolling.

25 Just as an administrative matter, Mr.

1 Marchetto will be making a PowerPoint presentation,
2 because there are a lot of exhibits, and he has a 3D
3 model. We have a hard copy of everything that is
4 there, and we would like to mark it as A-1, and we
5 also have an electronic copy, both of which we will
6 give to the Board Secretary.

7 MR. GALVIN: Hold on a second.

8 Wow, that is good! Okay.

9 MR. MATULE: Thank you.

10 (Laughter)

11 MR. MATULE: So on that note, we would
12 like to call up Mr. Marchetto.

13 MR. GALVIN: Raise your right hand.

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

17 MR. MARCHETTO: Yes, I do.

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

20 MR. GALVIN: State your full name for
21 the record and spell your last name.

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

24 MR. GALVIN: Mr. Chairman, do we accept
25 Mr. Marchetto's credentials?

1 CHAIRMAN AIBEL: We do.

2 MR. GALVIN: You may proceed.

3 MR. MATULE: Thank you.

4 Mr. Marchetto, if you would, can you
5 please describe, and obviously you are going to use
6 your electronics here to do it, the existing site
7 and the surrounding area, and then if it fits in
8 with your visual presentation, go into the proposed
9 project.

10 THE WITNESS: Thank you.

11 Again, my name is Dean Marchetto. I am
12 the architect for this project.

13 This is a project in the core of
14 Hoboken on Grand Street across the street from the
15 Multi Service Center. 115 --

16 MR. GALVIN: I just wanted to say, I
17 don't know if you have any photos in here. Do you?

18 THE WITNESS: I do.

19 MR. GALVIN: Okay. You took the photos
20 or somebody took the photos --

21 THE WITNESS: I took the photos.

22 MR. GALVIN: Okay. When did you take
23 them approximately?

24 THE WITNESS: Some were taken this
25 summer, and some were taken this morning.

1 MR. GALVIN: Okay. Terrific, and I'll
2 keep quiet.

3 Go ahead.

4 THE WITNESS: Okay, thank you.

5 So what I would like to do is, as Bob
6 mentioned, I have these photographs on a PowerPoint.
7 If I open it up, I could walk you through it.

8 So this aerial photograph is off of
9 Google Maps. You see here Grand Street and Clinton
10 Street.

11 The subject property is right in here.
12 It is approximately 21,000 square feet. It is eight
13 lots. There is an existing two-story commercial
14 building. It is a manufacturing, industrial retail
15 building. This building has been in the ownership
16 of the current owner, the Rotundi Family, for at
17 least 50 years. They would like to convert this to
18 a conforming use, a residential use, which is what
19 is permitted in the district.

20 We looked at the building to see if it
21 was suitable for conversion. We determined that it
22 was not. The building is very deep. It extends to
23 the rear property line, as you will see in the
24 photographs, so I can't put windows on the sides or
25 rear. The only place I could put windows is on the

1 front.

2 There are three separate structures,
3 and we determined that the building is not
4 structurally capable of handling additional units,
5 so we determined that we would like to take the
6 building down and build a new building here.

7 This is a view of the building from
8 right in front across from the Multi Service Center.

9 The building here extends eight lots,
10 as I mentioned, and you don't see this last lot in
11 this photograph, but there is a vacant lot there as
12 well that serves as a driveway.

13 The property has one, two, three
14 existing curb cuts and garage doors.

15 This is a view looking south at the
16 same property, and you can see the empty lot right
17 here at the end, and the garage door here on the
18 left, and this is a view of the north.

19 In this view you can start to begin to
20 see the context of the block, and I will go around
21 the block to show it to you.

22 Looking north, you can see on the next
23 block you have five and six-story buildings that
24 continue northward, and this is a closer view.

25 There is a four-story building on the

1 corner. This is where our property begins, and then
2 they continue north between five and six stories.

3 This is diagonally across the street.
4 You probably know Leo's here. This is a five-story
5 building and a six-story building, and it continues.

6 This is directly across the street from
7 the Multi Service Center, and then just further left
8 on the street is the Marion Towers, a 12-story
9 residential building with an open parking lot.

10 So when we work on blocks like this,
11 where the context of Hoboken sort of is eroded, we
12 like to try and reestablish the context of these
13 blocks.

14 When we think of Hoboken in the R-1,
15 R-2 district, you think of three and four-story
16 brownstones as the context. And when you get into
17 the R-2 and the R-3 district, it's four and
18 five-stories, and maybe even six-story brick
19 buildings, and it's sort of the context of Hoboken.
20 So what we are trying to do here is reestablish the
21 context on this block. That is our premise.

22 What is interesting about this
23 property, as I mentioned earlier, is the building
24 goes all the way back to the rear property line.
25 So I am looking here from Second Street south. This

1 is the back of the existing structure. This is the
2 corner building, and then this is the existing
3 structure. You can see here that this structure
4 comes right up to the rear property line, and that
5 is something that I would like to go back to later
6 on, but this is a photograph of those buildings.

7 So these are illegal windows. If you
8 were to convert this somehow into residential, those
9 windows would have to be closed up because when you
10 convert one use into another use, you have to bring
11 everything up to code, and because it is the
12 property line, those windows would have to be
13 closed.

14 Now, one of the things you will see
15 when we start the plan is that our project -- well,
16 maybe the best thing to do is go right into it, and
17 then we will come back to the photo.

18 So what I have here is a
19 three-dimensional model of the proposal. You are
20 looking down at a plan view, and you see this here
21 is the Multi Service Center here, Marion Towers.
22 This here is Grand Street, and this is our project
23 site right in here.

24 What you are looking at here is the
25 proposed plan.

1 What is allowed here, the residential,
2 is a 60-foot wide building that goes from the
3 property line on the street back 60 feet.

4 So what we are proposing is a 60 foot
5 deep residential building. But rather than having a
6 linear building that marches down the street, right
7 on the street frontage, what we decided to do
8 because of the special condition on the rear yard is
9 to pop the front of the building back and create
10 public open space in front of the property.

11 We believe that this idea would allow
12 for some kind of pedestrian-oriented activity on
13 this block and provide a respite to the continuous
14 street wall that you see up and down these blocks.

15 Then if I go back to the PowerPoint,
16 and I will get back to this photograph, this is a
17 building we completed a couple of years ago, and let
18 me just enlarge that.

19 This is a building on Harrison and
20 First, and we tried this once when we built this
21 building and designed it, we met with the neighbors,
22 and they said they wanted something like this. In
23 this building is a retail space on the ground floor
24 that became a daycare center. You can see the baby
25 strollers here, and this open space became something

1 that became a respite to the block. It was
2 well-received, and it's very successful, so we
3 thought that on this particular block, because we
4 have a building that goes all the way back to the
5 property line, there would be an opportunity to bend
6 the building back and create public space on the
7 street.

8 So, again, this is a view of that space
9 looking east on First, and you see what this open
10 space does.

11 Now, during the day there are
12 activities in here, and on this particular project
13 it actually leads back to a rear yard, a private
14 rear yard, so let me get back to the presentation.

15 So here is the plan view. As I
16 mentioned, the building bumps back.

17 Now what I'd like to do is tilt it up
18 to show you what the design of the building is like,
19 so this is our first image.

20 This here you can see, we tilted it up,
21 and what we created was a five-story contextual
22 style building that has a series of brick panels in
23 front of it to order to create a contextual
24 modulation that mirrors the texture of Hoboken. You
25 can see right here in the middle how the building

1 steps back and creates a public open space.

2 By the time we joined that public open
3 space with the sidewalk and a proposed bump-out in
4 the curb, because as I mentioned earlier, we are
5 eliminating three curb cuts for those existing
6 garage doors, and we'll only have one as I go
7 through the plans, you will be able to see that it
8 creates a public open space.

9 We think that that space will be very
10 useful for congregating and social activity and
11 creating a nice opportunity on the block, in
12 particular because it's opposite the Multi Service
13 Center, and you know the Multi Service Center has
14 programs for families and children, and this would
15 be a nice relationship from across the street.

16 You can see here on this block the
17 Multi Service Center and the Marion Towers are
18 clearly not Hoboken style buildings, but we would be
19 able to reestablish the context by creating a
20 building like that.

21 So now, if I could just give you a
22 sense of what it feels like from the top floor, the
23 building here in the context of the neighboring
24 building and the Multi Service Center, and here is
25 that open space. This would be the entrance right

1 here in the front that would take you into a lobby.

2 Then you could see as the building
3 turns the corner, we could create a change in the
4 brick color, and you can start to see the open
5 space.

6 Now, the open space you will see later
7 is designed with a rain garden and some storm
8 drainage, so that this will act as a place to absorb
9 water into the soil.

10 So now this is a little further back.
11 If you look more along the context of the block,
12 this is a six-story building here. This is a
13 four-story building, and then if you look up north
14 on Grand, you start to see the four or five-story
15 context. So we think that while the building is one
16 story taller than it's allowed to be, we believe and
17 we feel very strongly that it fits right into the
18 context.

19 So now if we take a vertical look, now
20 I would like to take you around the back and explain
21 why we think that this would be an appropriate
22 solution.

23 As I mentioned earlier, the existing
24 building comes all the way back to the property
25 line. Now, you might ask, how can you pop back and

1 still keep the hole in the donut, which is kind of
2 the open space that everybody shares.

3 Let me just click on this button here
4 and start to show you. This is the existing volume
5 on the block, and you can see the existing buildings
6 how they come all the way back to the rear property
7 line.

8 Then I have this next image, which is
9 the superimposition of one over the other. You
10 superimpose one building over the other, and then
11 the proposed building you start to subtract the
12 pieces, so you see what happens there.

13 The building that exists comes way back
14 two and a half stories right to the property line.
15 Our building is proposed to have one-story parking
16 on the ground floor, that comes all the way back,
17 and you can start to see it right here.

18 This is the one-story parking. The
19 roof of the parking becomes outdoor space for the
20 residents who have those units, and there is an
21 amenity space on that floor, so this becomes a
22 common amenity space.

23 Then if I take you around the other
24 side, you start to see how that feels again, and I
25 could go back and show you the comparison. This is

1 what is existing. This is the existing and the
2 proposed meshed together, and then when you take
3 away the existing, you see the pieces go away, and
4 the space becomes open again, so I think there is an
5 opportunity here on this block to push the building
6 back. It is a unique opportunity, because you can
7 push the building back, and you can create an open
8 space and move the backyard to the front yard and
9 make it more of a public space.

10 Now, I can just take you around again.
11 This is looking north on Grand, and a view from
12 above, so you get the sense of how it fits on the
13 block. A closer view, if you would stand up above
14 the Multi Service Center, this gives you a better
15 overall view to see what this is.

16 This is a landscaped area that will be
17 designed by the landscape architect. Like I said,
18 this is a rain garden in here, various amounts of
19 pavement. So when you are walking up and down the
20 sidewalk, you get a sense that you are traversing
21 through a park-like space. Call it a little pocket
22 park. It's something small. That is all we really
23 have on this particular site, but it is a
24 transition. When you are walking north on this
25 block, all of a sudden, the building wall fades

1 away, and a space is created.

2 We have created in the ground floor in
3 this location the setback area for retail space, so
4 that space then can provide activity that focuses on
5 to the public space.

6 So if you were to have a cafe, if
7 you're going to something, where it might be a
8 daycare or some activities that people can use to
9 come in and out and use this public space, I think
10 that the relationship of the retail here with
11 commercial space, you don't have a tenant. It is
12 either commercial or it's retail, so the open space
13 creates an opportunity in Hoboken that you don't see
14 on a lot of these blocks.

15 Then just a view looking at the park
16 from the other end, and then looking down on it, so
17 you can see it again.

18 The building that we are proposing has
19 49 residential units, and you can see in this model
20 that it has a green roof on the outer surface.

21 There are no roof decks planned for the
22 roof, but it is a green roof to approach LEED
23 points.

24 So, here again, you can see the desire
25 to create a vertical proportion in these facades, a

1 variety of brick, so that the building sort of
2 breaks the scale down and fits into the context of a
3 typical Hoboken block.

4 So now what I would like to do is walk
5 you through the plans, so this is our A-1,

6 Now, these drawings I am going to show
7 you now are exactly the same drawings that we
8 submitted to the Board, and I will just walk you
9 through again the site plan here.

10 Here is the site. North is to the
11 right, and here is our zoning chart.

12 This is the ground floor plan, so here
13 you can see that open space. The garage entrance is
14 here on the right. You come in. You make a left,
15 come around the back and you come to here, and then
16 you park your car in an assigned space, and then you
17 exit right out the same way.

18 There is a lobby right here on the
19 ground floor sort of adjacent to the corner that
20 becomes this open space, and you come into the
21 lobby, and there are several steps to get you up to
22 the elevator lobby, which is out of the flood
23 elevation.

24 There is a ramp located around the
25 perimeter to take you up from the ground to the

1 elevator lobby level, so that you are out of the
2 flood zone with the ramp.

3 This here is our second floor on this
4 floor plan. You can see this starts to begin the
5 typical floor plan configuration.

6 Here is our elevator and trash room
7 located here. You see that there is an amenity
8 space at this location that gives way to this open
9 space that is on top of the garage.

10 Then these units on this second floor
11 have private outdoor terraces that create that
12 separation.

13 The building, as I mentioned earlier,
14 is 60 feet deep, so it is that same 60-foot
15 dimension, which is normally the permitted depth of
16 a residential building, and that you would find
17 right at the curb line.

18 This is the third floor and fourth
19 floor, basically repeats. These are typical units,
20 and I will go through the unit count with you.

21 And then this is the fifth floor, and
22 this here is the roof, and that dark area shown on
23 this is the green roof. In the set of plans there
24 are details for the rain garden and the green roof.

25 All told, in this building, there is a

1 proposal of 49 units. There are 19 one-bedroom
2 units that range from 715 to 750 square feet.
3 There are 21 two-bedroom units that range from 1000
4 to 1155 square feet, and there are nine
5 three-bedroom units that range from 1500 to 1655
6 square feet.

7 There are 53 parking spaces in the
8 building, and this building will require several
9 variances. There will be a variance required for
10 height, for height in feet and height in stories.
11 Our residential building is 68 percent lot coverage,
12 and our ground floor parking is 91 percent lot
13 coverage.

14 There is a 12,000 square foot retail
15 space on the ground floor, as I mentioned --

16 MR. MATULE: If I could just interrupt,
17 1200.

18 THE WITNESS: -- 1200, I'm sorry.
19 Thank you.

20 (Laughter)

21 THE WITNESS: 1200 square foot retail
22 space on the ground floor, and I think that pretty
23 much sums up the overall description of the
24 building.

25 So, you know, at this point I could

1 answer your questions.

2 MR. MATULE: I have a question.

3 If you could go back to your
4 photographs when you were giving us context, you had
5 a photograph on Second Street at the rear of the
6 building. I would like to know if we could just go
7 back to that, and if you could explain to the Board
8 what the situation there is with that parking lot,
9 who it belongs to, and what it is relative to.

10 THE WITNESS: On the left of this
11 photograph is a commercial building. I think it is
12 related to the hospital. It is a clinic, a medical
13 building. It is a red brick building that occupies
14 this corner, on the corner of Second, and I guess
15 that would be Clinton.

16 Then there is a parking lot in the back
17 that belongs to this building on the left.

18 Let me see. I would have to go --
19 maybe if we go to the aerial, the overall aerial,
20 that could should shed light on it.

21 So this here is this commercial
22 building, which is a medical clinic building.

23 There are residential buildings, the
24 backs of residential buildings here, which face the
25 back of the subject property, and that parking lot

1 is right in here.

2 Does that help explain it?

3 MR. MATULE: Yes. I just wanted to
4 give the Board the context that that is the rear
5 yard of that building that takes up a large portion
6 of the block on Clinton Street.

7 THE WITNESS: Right.

8 But this is the back property line.
9 This is the line that divides the properties that
10 are on Clinton from the properties that are on
11 Grand.

12 MR. MATULE: Okay.

13 Just with respect to the garage itself,
14 that will have the usual amenities, car charging
15 stations, bike racks, bicycle storage?

16 THE WITNESS: Yes. We have bikes
17 racks, and we have car charging stations, and they
18 are shown on the drawings.

19 MR. MATULE: You also have bike racks
20 in the front of the building on the sidewalk?

21 THE WITNESS: Yes. I think that this
22 whole park could be programmed.

23 We recognize that building a park like
24 this, at least on the sidewalk, and the proposed
25 bump-out is subject to City Council, because it is a

1 right-of-way, and should we get an affirmative
2 decision from you, we will go to the City Council
3 and see if we can get the approval for the
4 improvements on the right-of-way.

5 Remember, as I mentioned earlier, there
6 are three curb cuts on this site currently. As the
7 building is designed, there will only be one, so you
8 will be able to then use that additional curb space
9 to create this kind of a bump-out in a pedestrian
10 place.

11 MR. MATULE: And you received a copy of
12 Mr. Marsden's revised letter of December 11th, 2014?

13 THE WITNESS: Yes.

14 MR. MATULE: You don't have any issues
15 addressing any of the things raised in there?

16 THE WITNESS: No. We can comply with
17 Mr. Marsden's letter and the final site plan.

18 MR. MATULE: Obviously, if the Board is
19 inclined to grant the preliminary site plan approval
20 here, one of the conditions would be that we would
21 have to petition the mayor and Council for an
22 easement ordinance to construct this bump-out and
23 this rain garden on the public right-of-way.

24 THE WITNESS: That is right.

25 Yes. This is the second exhibit. This

1 is the actual rendered version of it, and I think --

2 MR. MATULE: Is that in your --

3 THE WITNESS: It is in the PowerPoint,
4 and I will go to that page.

5 This is the final image here, and that
6 is the -- maybe it is better -- so that is more of a
7 fine-tuned rendering of it with the brick shown and
8 more detail.

9 You can start to see in this rendering
10 the rain garden and how it would be located at the
11 curb, and it would absorb surface drainage, and
12 these are common landscape techniques that have been
13 used all over for water absorption.

14 MR. MATULE: And this would be in
15 addition to the usual North Hudson --

16 THE WITNESS: That is correct, and it
17 also has a green roof. So between the rain garden
18 and the green roof, I think the project really does
19 quite a lot to mitigate stormwater.

20 MR. MATULE: Okay. I don't think I
21 have anything further at this point.

22 CHAIRMAN AIBEL: Board members?

23 MR. MURPHY: I have a couple of
24 questions.

25 I'm sorry. I think you said there are

1 bikes, because since Commissioner John is not here,
2 we have some questions on his behalf.

3 So where are the bike racks?

4 THE WITNESS: The bike racks are in the
5 room called "bike storage" in the back of the
6 parking garage.

7 COMMISSIONER MURPHY: Oh, I see it now.
8 Okay.

9 Did you say there are electrical --

10 THE WITNESS: Yes.

11 COMMISSIONER MURPHY: And where are
12 they?

13 THE WITNESS: If you look at the retail
14 spaces, just all of those parking spaces behind the
15 retail space.

16 COMMISSIONER MURPHY: Uh-huh, perfect.

17 And is there a trash room -- oh, there
18 it is, yup, okay.

19 What about entering and exiting in
20 terms of safety on the sidewalk from the garage,
21 entering and exiting, what do you have, lights --

22 THE WITNESS: Yes. There is a warning
23 device at the door. There is an audio-visual
24 warning device.

25 COMMISSIONER MURPHY: Okay. You

1 mentioned that the roof was going to be green using
2 the words "approach LEED"?

3 THE WITNESS: Yes.

4 COMMISSIONER MURPHY: So you are not
5 going for LEED certification?

6 THE WITNESS: We're not going. We
7 believe we will have the points, but we are not
8 making the application.

9 We have stormwater drainage and a green
10 roof. We are in a place that has the availability
11 of mass transit, but the actual application for LEED
12 certification, we have not decided to pursue.

13 COMMISSIONER MURPHY: Okay.

14 Well, at the moment, that is it.

15 CHAIRMAN AIBEL: Mr. Grana?

16 COMMISSIONER GRANA: Thanks.

17 So, Mr. Marchetto, hi.

18 THE WITNESS: Hi.

19 COMMISSIONER GRANA: So I would like to
20 use the rendering, and I will use language that you
21 probably have not described, but it's easy for me to
22 visualize.

23 I will say that where the pocket park
24 is, we'll call that, and it's recessed, the part
25 that's on the south or down side, and then there is

1 the part that is on the north side, I will call
2 those the wings --

3 THE WITNESS: The wings, sure.

4 COMMISSIONER GRANA: -- the two wings,
5 how far do the wings extend back from the front lot
6 line to the rear? So do they --

7 THE WITNESS: I know what you are
8 asking.

9 COMMISSIONER GRANA: -- from the front
10 to the back, how far back to the building do they
11 extend?

12 I know you said 90 percent on the
13 coverage on the first floor, and then 68 on the
14 upper floors.

15 THE WITNESS: 85 feet.

16 COMMISSIONER GRANA: The wings extend
17 back 85 feet?

18 THE WITNESS: Yes, that's right.

19 COMMISSIONER GRANA: And the --

20 THE WITNESS: So I think that maybe I
21 can help describe the answer better if I were to
22 tilt this up, and then near the building from the
23 very front to the very back, it is 85 feet.

24 COMMISSIONER GRANA: 85 feet.

25 And then the wings, it would be the

1 same because the first floor, in fact, has parking,
2 so it would be 85 feet front to back whether you had
3 the wing or at the center --

4 THE WITNESS: No. The ground floor
5 goes all the way back. It is a hundred feet from
6 the property line all the way back.

7 Maybe, again, if I tilt it up, you can
8 see that there is a one-story piece in the back,
9 which is our garage.

10 We need to get back there to get around
11 the public space. In order to create the public
12 space, my parking has to go behind that public
13 space, but the building is currently besides --
14 except for the open lot that exists on the site, the
15 building currently occupies from the sidewalk all
16 the way back to the rear yard, and it occupies it at
17 two stories plus, and that is what I was trying to
18 show you with this.

19 If you look at the existing conditions
20 here, you can see that the building goes all the way
21 back. And by doing this, the building -- except for
22 the first floor, which is low, push it back, and it
23 opens up more light and air into those rear yards.

24 In fact, there is a property right here
25 that faces the back of us that has an open deck on

1 that property, and the rear wall of the current
2 condition butts right up against this open space, so
3 by doing what we are doing, it provides more open
4 space and light and air into the hole in the donut.

5 COMMISSIONER GRANA: Understood.

6 So if I were to look at the second
7 floor, the wings do not extend as far back as the
8 center part of the property?

9 THE WITNESS: That's correct.

10 COMMISSIONER GRANA: Do you happen to
11 know how far back they extend?

12 THE WITNESS: Yes. The wing on the
13 south goes back 65 feet, and the wing on the north
14 is 60 feet. You can see that on Page A-2,
15 Counsel -- Commissioner.

16 COMMISSIONER GRANA: Counsel
17 Commissioner.

18 (Laughter)

19 COMMISSIONER FISHER: He has
20 aspirations for you.

21 COMMISSIONER GRANA: And the center, so
22 it's 65 feet, and then the center extends how far
23 back?

24 THE WITNESS: So it is 60 feet in the
25 center.

1 The building sets back 25 feet from the
2 property line, and then there is an additional 60
3 feet, which is the width of the double loaded car
4 and the residential building.

5 COMMISSIONER GRANA: So 25 feet back
6 from the property line and then another 60?

7 THE WITNESS: Yes.

8 COMMISSIONER GRANA: Thank you very
9 much.

10 COMMISSIONER DE FUSCO: Mr. Chair?

11 CHAIRMAN AIBEL: Go ahead.

12 COMMISSIONER DE FUSCO: First of all,
13 after four years on the Board, I have never seen
14 such a beautiful presentation, electronic and the
15 whole nine yards. But my concern is not on the
16 presentation, but it's actually on the lot coverage,
17 so my questions are going to kind of be around this.

18 Just because the existing building
19 currently occupies a hundred percent lot coverage,
20 to me, it doesn't necessarily mean that you should
21 also then take a hundred percent lot coverage.

22 This is obviously a pretty sizable lot
23 for the block. It is going to set standards for
24 other buildings in the future who are going to look
25 to it.

1 So what makes you believe so strongly
2 that adding this pocket park, this community amenity
3 in the front, is a greater benefit to the community
4 than sizing the building toward the rear into the
5 donut that I think we all believe is a very
6 important Hoboken feature?

7 THE WITNESS: I believe that because
8 the existing building goes all the way back, and
9 there is a parking lot behind us, and then there is
10 a wall like the very next property, this wall goes
11 back a story and a half to the property line. So if
12 I were to create an opening here that goes all the
13 way down to the ground, I think the quality of the
14 space that you find at the ground level would not
15 nearly be as good as an open space as it would be
16 one story up, because it would be like being in a
17 shaft, in my opinion.

18 If I could get in there for you and
19 look at this, you could see what I have. I got a
20 generator building right here for the clinic
21 building. This is a parking lot, and this wing of
22 this building goes all the way back, so if I were to
23 drop it down, I can't imagine there would be any --
24 there would be no beneficial effect, in my opinion,
25 and I think in this case there is an opportunity to

1 not create a negative detriment, but also create a
2 positive thing by turning the yard inside out.

3 COMMISSIONER DE FUSCO:

4 Philosophically, this is more of a planning
5 conversation I'll have with the planner. You know,
6 he can't fix what happened 50 or a hundred years ago
7 in terms of planning, but we can certainly talk
8 about this particular structure.

9 So I guess -- let's leave on that slide
10 for a second, because my next question is with
11 regard to your rain garden. I think rain gardens
12 are great. I think there is a certain amount of
13 question in terms of how functional they are for our
14 community right now. There has been some problems
15 in the past, but obviously before -- but the
16 positive here is the fact that they absorb water,
17 especially in this particular location.

18 What makes you think that taking three
19 parking spots from Grand Street is a positive as
20 opposed to putting green roof space on these private
21 amenity spaces on the back of this building?

22 Okay. So let's say a hundred percent
23 lot coverage is the right decision. Why wouldn't we
24 consider it more of a benefit to put these back into
25 public benefit and, you know, greet green spaces?

1 THE WITNESS: Because I think that it
2 would be appropriate for a building like this to
3 have some outdoor space for residents to use. We do
4 have a green roof up on the top.

5 Then with regard to the bump-out that
6 you mentioned, you know, yes, typically what you
7 would do is you would have this straight off, and
8 you would add three more parking spaces on the
9 street, and we could do that.

10 I think in this case there is an
11 opportunity to create spaces for people and not
12 spaces for cars, and the fact that we have two curb
13 cuts that are being eliminated doesn't take any
14 existing parking spaces off the street, so I see
15 there's an opportunity that not every project can
16 offer.

17 COMMISSONER DE FUSCO: With this pocket
18 park, you know, you showed the slide of another
19 building, which I am a fan of that particular
20 building, but I never thought about it this way, but
21 that was actually a pocket park for the community.
22 I thought of it as an entrance courtyard for that
23 building.

24 What can you tell us about this
25 proposal that's going to differentiate it from the

1 other example that you showed us?

2 THE WITNESS: Well, there will be
3 benches and landscaping and places to sit and some
4 tables and chairs in there.

5 If you were to walk up that block,
6 there aren't any gates. There aren't any ropes.
7 It's just wide-open, and maybe there could be a
8 plaque there that said "public park."

9 But the other space that you mentioned
10 in the other building widens the sidewalk and it
11 creates a different kind of feeling as you walk
12 through. In fact, you can look south, and you can
13 see light and air through the backyard. It really
14 gives you a different kind of a feeling.

15 Typically in Hoboken, our streets are
16 our public spaces, and more often than not, it is
17 sidewalk and the streets and these typical blocks,
18 and when there is an opportunity to create something
19 different, that is a place for people, I thought it
20 would be something that the Board would like to see,
21 and certainly we think it is a positive benefit.

22 COMMISSONER DE FUSCO: It's certainly a
23 creative out-of-the-box idea, and all ideas are good
24 ideas, so -- but in my mind, we have to weigh what
25 this park brings to the community versus what the

1 hundred percent lot coverage and -- and takes away
2 from the community.

3 The last question, and I know I have
4 been dragging on. Water retention basins
5 underneath --

6 THE WITNESS: Whatever the sewerage
7 authority is going to require when we come back
8 hopefully for final site plan, we will have all of
9 that in place.

10 COMMISSIONER DE FUSCO: What is keeping
11 it from being a LEED certified building?

12 THE WITNESS: Nothing.

13 COMMISSIONER DE FUSCO: You just don't
14 want to promise it?

15 THE WITNESS: Well, it's a \$200,000
16 expense to register for LEED. I think we can get
17 the points -- I think we have the points for a LEED
18 certified building, but to get the certification is
19 a \$200,000 expense for commissioning and the
20 paperwork that is necessary to file with the U.S.
21 Green Urban Council.

22 You know, it's just at some point the
23 LEED certification, we have accomplished it. I
24 think that if you add up the points, and we will,
25 the green roof, the location, the transit, the water

1 saving devices, the energy efficiency of the
2 insulation and the mechanical systems, we would
3 clearly in Hoboken would find a LEED certification.

4 COMMISSIONER DE FUSCO: There's no way
5 we could put that in the resolution, so, you know, I
6 trust your expertise on the matter, but obviously I
7 think --

8 THE WITNESS: We do a lot of LEED
9 work --

10 COMMISSIONER DE FUSCO: -- this area was
11 hit hard during Sandy, so a project of this size and
12 scope, I would hope would be LEED certified,
13 especially with the variances being requested.

14 Anyway, thank you.

15 THE WITNESS: When we come back for
16 final site plan, I will have the score card so you
17 can see the points. I would be willing to do that.

18 COMMISSIONER DE FUSCO: At the grace of
19 the City Council, I could maybe hear that
20 application, but thank you for answering the
21 questions.

22 THE WITNESS: Okay. Gotcha.

23 CHAIRMAN AIBEL: Mr. Cohen?

24 COMMISSIONER COHEN: Now, I want to
25 follow up on Commissioner DeFusco's questions.

1 With respect to the backyard area, I
2 don't have a problem with it going back to the lot
3 line given the fact that it is bumping up against a
4 concrete driveway and a generator building. You
5 know, I could understand why people wouldn't want to
6 be looking straight on to it.

7 But what I am concerned about is by
8 having that first floor extension above the parking
9 lot, if it's an impervious substance, and I don't
10 see any plan there for a green roof on those
11 terraces above the --

12 THE WITNESS: It will be drained into a
13 storm detention system, yes.

14 COMMISSIONER COHEN: Okay, yeah.

15 So talk about that, because I am
16 concerned about not having -- we are in a serious
17 flood zone here. You are going to have additional
18 coverage over that parking garage. I would like you
19 to address what you are going to do about stormwater
20 runoff and, you know, any green features whatsoever
21 on the back.

22 THE WITNESS: Well, as I mentioned, the
23 rain garden, this is going to be pervious. The roof
24 is going to have a green roof.

25 The only thing that is impervious, and

1 remember, the site now is a hundred percent
2 impervious, 100 percent, and there is no storm
3 drainage.

4 COMMISSIONER COHEN: Correct.

5 THE WITNESS: We going to be about 70
6 percent at this place, at this location, we will be
7 70 percent pervious. You know, either collected in
8 a green roof and held until it runs out after a
9 significant rain, and then there will be a storm
10 drainage detention system below the building. So
11 all of the water that would fall on the decks here
12 in the back would be collected into pipes and
13 brought down into a storm drainage system.

14 COMMISSIONER COHEN: And that is going
15 to be part of the detention system that you were
16 talking about earlier?

17 THE WITNESS: Yes. Typically what we
18 have is a tank or a pipe system below the building,
19 and it collects the water based on the calculations
20 that the engineer would do to determine what the
21 hundred or 50-year storm would create.

22 COMMISSIONER COHEN: But you have not
23 considered any green features in addition to a
24 drainage pipe to go into -- to go onto the roofs or
25 the whole back of that whole first floor in back of

1 the building?

2 THE WITNESS: The main feature is the
3 green roof.

4 COMMISSIONER COHEN: But not on the
5 roof I am asking about.

6 THE WITNESS: Well, this is the lion's
7 share of the building. I mean, when you look at
8 this, I don't know, but I think it does a pretty
9 good job in trying to be as green as possible at
10 least from the surface point of view.

11 You know, when you look down at it from
12 up above, it is just these white zones here that
13 are -- and you need a place for people to go, some
14 outdoor space, so I think, in my opinion, it does a
15 good job in trying to be as green for surface
16 drainage as you can get --

17 COMMISSIONER COHEN: You are
18 distinguishing that from the top roof, where it is
19 just for vegetation and no people, right?

20 THE WITNESS: There's no people up
21 there. It's just a green roof.

22 COMMISSIONER COHEN: Just for
23 maintenance, I guess.

24 THE WITNESS: Yes, that is right.

25 COMMISSIONER COHEN: Okay.

1 You were talking about the loss of the
2 three curb cuts.

3 THE WITNESS: Yes.

4 COMMISSIONER COHEN: Is that in the
5 same exact spot as the bump-out where that's going
6 to go?

7 THE WITNESS: No.

8 COMMISSIONER COHEN: So where are we
9 gaining the parking spots and where are we losing
10 them in this plan?

11 THE WITNESS: Well, let me just go back
12 to the other side of the building, and I will show
13 you, if I were to look down here.

14 This it our current single garage
15 entrance right here. If I go to the existing
16 conditions, I have a garage door here, so this is a
17 curb cut. I have a garage door here, so this is a
18 curb cut, and this is a vacant lot that is a
19 driveway with some parking here, so there is one,
20 two, three curb cuts.

21 COMMISSIONER COHEN: Is the driveway
22 that is I guess on the north side of the property --

23 THE WITNESS: This side.

24 COMMISSIONER COHEN: -- is there a
25 particularly wide curb cut?

1 It looks like it is wider than the
2 others.

3 THE WITNESS: Yes, it is.

4 COMMISSIONER COHEN: Is it more than
5 one car length, that curb cut?

6 THE WITNESS: It is about 20 feet.

7 COMMISSIONER COHEN: So it is a 20-foot
8 curb cut on the north side, and then --

9 THE WITNESS: And then there is a
10 garage door here with a curb cut, and there's one
11 right in here.

12 COMMISSIONER COHEN: Okay.

13 So then in the new project, the vacant
14 lot curb cut disappears --

15 THE WITNESS: Correct. This one
16 disappears, and there is approximately in this
17 location that will be kept.

18 COMMISSIONER COHEN: Okay.

19 Then we lose the curbing cuts for the
20 bump-out, is that it?

21 THE WITNESS: Yes.

22 The parking spots that you gain by
23 eliminating this parking curbing cut and this curb
24 cut, we are proposing to take them and not give them
25 back but to fabricate that rain garden in the public

1 space that you see in here, which is this.

2 So between this curb cut right here and
3 these two, I believe we have not lost any parking,
4 we haven't lost any parking that currently exists.

5 COMMISSIONER COHEN: And relative to
6 the entrance to the Multi Service Center, I mean,
7 you know, Commissioner DeFusco was asking about the
8 location of the pocket park --

9 THE WITNESS: Yes.

10 COMMISSIONER COHEN: -- and whether it
11 would be perceived as a private benefit, as an
12 amenity to the building or a public benefit.

13 I think if it is right across from the
14 entrance to the Multi Service Center where people
15 are coming and going to use the city's services,
16 that would make it more likely to be seen as a
17 public benefit.

18 I'm wondering, can you show the
19 relationship between the entrance to the Multi
20 Service Center and that park?

21 THE WITNESS: Well, the Multi Service
22 Center entrance is right here. So this is just a
23 volume, I didn't model the details on the Multi
24 Service Center, but the entrance to the Multi
25 Service Center is right here directly across from

1 the public park.

2 COMMISSIONER COHEN: Thank you.

3 That is all I have.

4 COMMISSIONER GRANA: I have another
5 question.

6 CHAIRMAN AIBEL: No. Let's go to
7 Commissioner Fisher.

8 COMMISSIONER GRANA: I'm sorry.

9 COMMISSIONER FISHER: I have two
10 questions.

11 One relates to the bump-out. Can you
12 have the park without the bump-out?

13 THE WITNESS: I'm sorry?

14 COMMISSIONER FISHER: I said: Can you
15 have the park without the bump-out?

16 THE WITNESS: Yes, you can. You can.

17 COMMISSIONER FISHER: So I mean if push
18 came to shove, we could just slice it right off and
19 still have the pocket park?

20 THE WITNESS: And you get the parking
21 spaces back.

22 But, you know, if you're in the Multi
23 Service Center, and you live across the street,
24 wouldn't it be nice if there were no cars in your
25 way on that side? You could cross the street and

1 you could get right on the sidewalk.

2 COMMISSIONER FISHER: Yeah, but if
3 you're taking up -- if you're effectively
4 removing -- in front of the Multi Service Center
5 where people are dropped off, et cetera, and you
6 already have parking there, you are creating
7 potentially unnecessary congestion right there as
8 well, because you can't -- you know, you have one
9 lane right down the middle, a narrow lane for people
10 to be dropped off and not a lot of, you know,
11 ability to go around.

12 THE WITNESS: I would say it is no
13 different than it is now because those spaces are
14 parked there now.

15 THE WITNESS: My question other is, is
16 there -- if you were to build this -- if you were to
17 build this to the 60 foot, and not have the
18 bump-out, so the whole building just comes in, and
19 you had roughly what looks to be 35 feet behind the
20 building, and you had a flush front, so not this,
21 would you be able to have enough parking to meet the
22 number of units that you've proposed here?

23 THE WITNESS: I would, if I left the
24 parking to go all the way to the back.

25 COMMISSIONER FISHER: No. I'm saying

1 if you didn't. If we didn't have that setback. If
2 we went back and said would this -- would this -- we
3 are uncomfortable, and we want to see more of a
4 donut, period?

5 THE WITNESS: Well, I can't answer that
6 question. I imagine it would be very close because
7 the double loaded parking is 60 feet and so is the
8 building between 60 and 65. You could fit a double
9 row of parking in the back, but we do have elevators
10 and we do have stairways, so we lose a few, and I
11 have not laid that out, so...

12 CHAIRMAN AIBEL: Following up on
13 Ms. Fisher's comments, you know, I think what she is
14 pointing out is you could have a rear yard
15 approximately 20 -- 200 feet long by 35 or 40 feet
16 deep and create a beautiful urban space back there
17 for the benefit of everybody in the rear yard, and
18 create a porous surface, so, you know, maybe some
19 thought has got to be given to something like that.

20 THE WITNESS: Right.

21 CHAIRMAN AIBEL: Anybody else?

22 COMMISSIONER GRANA: Yes. I have a
23 couple of questions.

24 If we could just kind of see that
25 rendition again, either this or the photos from the

1 Second Street side looking south.

2 THE WITNESS: Okay.

3 COMMISSIONER GRANA: Yeah, okay.

4 So I see that there is a generator
5 building.

6 Okay. What's behind those buildings?

7 Are those also structures -- are there
8 one-story structures behind there?

9 THE WITNESS: Yes.

10 COMMISSIONER GRANA: I think you
11 referenced that there were other structures --

12 THE WITNESS: That's --

13 COMMISSIONER GRANA: -- are there
14 yards --

15 THE WITNESS: -- this is a garage that
16 extends underneath the building on the left and
17 extends all the way to the back, and the roof of the
18 garage is an open space for the residents of that
19 building, so marrying them up I think makes sense.

20 If you put the yard down at the grade
21 back there, the yard would be opening to a parking
22 area, and it would be a deck looking down at you,
23 yes.

24 COMMISSIONER GRANA: Okay.

25 Do you know what is on the other side

1 of the garage?

2 THE WITNESS: There is another yard. I
3 don't have a picture of that, but I can maybe show
4 it to you in the model.

5 So here you are looking down -- it
6 looks to me like this one goes down to grade, and
7 this goes down to grade, and this one goes up.

8 COMMISSIONER GRANA: Thank you.

9 CHAIRMAN AIBEL: Commissioners, any
10 other questions?

11 MS. BANYRA: Dean, in your mid block,
12 the rain garden area, do you envision that people
13 are going to cross mid block to get to this building
14 then and access -- I didn't see any way across the
15 rain garden.

16 THE WITNESS: If we go through the
17 plans, let me see if I can get you to the plans --

18 MS. BANYRA: It looks like people would
19 have to go across the grasses and stuff, you know,
20 so --

21 THE WITNESS: You see, there's some
22 pavers and grass. It is a combination of pavers and
23 grass.

24 I think as currently designed, it's all
25 planted, so you could substitute some plantings for

1 pervious pavers. That could be a modification to
2 this.

3 So I am looking here at this, and I
4 will blow this up for you.

5 It looks like I have a series of
6 different kinds of pavers, I have grasses and
7 granules in here to create a rain garden, but we
8 could knock one of these out and have the pavement
9 come through. These are pervious pavers as well.

10 MS. BANYRA: Understood.

11 I just didn't see how you came across,
12 number one.

13 Number two: I guess I am a little
14 concerned about the kids going across mid block
15 encouraging, you know, they do it anyway, we all
16 know that, but we are encouraging it now to run
17 across the street basically in the middle.

18 One more question I just had was, you
19 know, the idea of a public park, and I like the rain
20 garden you did, did you think of possibly -- it
21 looks like there is almost a cut through, almost on
22 the -- I guess it's the north side, that to make
23 almost like -- take one of the lots and make like it
24 a garden or cut-through mid block, because it looks
25 like it goes right through another property -- are

1 we on Grand and Clinton, looking at your aerial, so
2 maybe make almost like a pocket 25 by a hundred, you
3 know, garden.

4 THE WITNESS: Well, that is a private
5 property.

6 MS. BANYRA: I thought you said it was
7 a medical --

8 THE WITNESS: Oh, no. This is a
9 medical building here.

10 Here is the medical building.

11 MS. BANYRA: Go to the north side.

12 THE WITNESS: Okay.

13 MS. BANYRA: Right there, yeah.

14 On the other side of the wall, one of
15 the pictures when Commissioner Grana had asked about
16 a picture, it just looked like it kind of went
17 through, you know, just a different way -- it's just
18 a different open space, yeah.

19 THE WITNESS: It doesn't go through.
20 It doesn't go through.

21 MS. BANYRA: Thank you.

22 THE WITNESS: I was just corrected.

23 There are actually four driveways that
24 exist on the property, not three. I am just looking
25 at the survey here that was filed, and there are

1 four driveways, so --

2 MS. BANYRA: But one you're keeping. I
3 thought that was your correction. There are four,
4 but you are keeping one of them anyway --

5 THE WITNESS: Correct, right, but I'm
6 removing --

7 MS. BANYRA: -- and you're getting rid
8 of --

9 THE WITNESS: -- that's right, that's
10 exactly right.

11 So I said I had three reducing it to
12 one. I have four reducing it to one.

13 CHAIRMAN AIBEL: So to build a
14 conforming building on this property, you have a
15 building that would be 60 feet deep by the width --

16 THE WITNESS: Length of the property.

17 CHAIRMAN AIBEL: -- length of the
18 property.

19 THE WITNESS: Correct.

20 CHAIRMAN AIBEL: And how many units
21 would that density allow it to be?

22 THE WITNESS: The allowed density here
23 is 32.

24 CHAIRMAN AIBEL: So you are requesting
25 49?

1 THE WITNESS: Correct.

2 CHAIRMAN AIBEL: So the extra density
3 is providing a single story row of parking in the
4 rear of the building as opposed to leaving it as
5 open space, a backyard with a nice fence and
6 whatever else, and the pocket park in the front?

7 THE WITNESS: Yes. In my opinion, I
8 don't think that that open space would be the same
9 level of quality of what we proposed, in my opinion.

10 CHAIRMAN AIBEL: Thank you.

11 Anybody else?

12 COMMISSIONER COHEN: I'm sorry. Just
13 one quick follow-up.

14 With respect to the four driveways that
15 we are starting with and the one that we are winding
16 up with --

17 THE WITNESS: Yes.

18 COMMISSIONER COHEN: -- could you just
19 compare if we looked at the footage of the bump-out
20 as proposed, which we are losing that footage, and
21 then we are keeping the one driveway that exists,
22 are we net -- do we net have more footage for public
23 parking, is it same, or are we --

24 THE WITNESS: It's really approximately
25 the same. The width of those driveways vary, and

1 you know, I would have to go out and measure it, but
2 four driveways versus the bump-out, and I could give
3 you the length of the bump-out and maybe that would
4 be helpful.

5 COMMISSIONER MC ANUFF: I have 75 feet.

6 COMMISSIONER COHEN: 75 feet.

7 COMMISSIONER FISHER: That's pretty
8 long.

9 THE WITNESS: The bump-out is
10 approximately 70 feet less, so if each driveway is
11 12 to 20 feet depending on if it is a one-way or
12 two-way, and we are saving three and keeping one.

13 MR. GIURINTANO: Mr. Chairman, through
14 you?

15 CHAIRMAN AIBEL: Go ahead, yes.

16 MR. GIURINTANO: Mr. Marchetto, I think
17 the analysis if you have say three driveways and
18 each of them are 15 feet wide, 45 feet, and the
19 bump-out is 45 feet, it is net zero --

20 THE WITNESS: Yes.

21 MR. GIURINTANO: -- you cannot look at
22 it in that standpoint. You need to look at it as
23 where that bump-out lies with the curb return and
24 where the parking starts, because that eats into
25 another parking spot -- the parking stall, in

1 theory, you would be losing an additional stall on
2 top of it --

3 THE WITNESS: Correct.

4 MR. GIURINTANO: -- so I think for the
5 benefit of the Board, you should look at the
6 on-street parking, the distance, what's permitted
7 from the bump-out to verify how many parking stalls
8 you actually will have. You know, this way we are
9 on top of it, and we know what we can provide.

10 The apples-to-apples comparison of 45
11 feet to 45 feet can only be half the truth, because
12 if that bump-out takes away another parking stall,
13 you could be out of line, depending how that
14 bump-out lies with the driveway and with the curb
15 return on the other side --

16 THE WITNESS: I believe in the current
17 parking here in Hoboken, you know, you pay at a
18 station. I am not sure at that location if the
19 parking spaces are striped, and that there are
20 specific parking spaces, or you just fit as many
21 cars that can go in, and you pay, like in most parts
22 of town.

23 I don't know the answer to that
24 question, but it might affect the difference in the
25 number of parking spaces.

1 MR. GIURINTANO: Understandably. I am
2 bringing this to the Board's attention. Typically a
3 parallel parking space when we design it, it's a
4 minimum of 22 feet, so if you only have 50 feet,
5 let's say from the curb return to the beginning of
6 your bump-out, you could only fit two spaces --

7 THE WITNESS: Understood.

8 MR. GIURINTANO: -- so, you know, I
9 think that analysis really should be looked at, so
10 the record is clear.

11 CHAIRMAN AIBEL: One last question. I
12 apologize for making you go backwards.

13 A-7 shows your rear facade. Can you
14 describe how you are proposing to finish your rear
15 facade?

16 THE WITNESS: Yes.

17 The rear facade is designed with two
18 colors of cement plans, so there will be trim on the
19 windows, and it will be finished with siding.

20 If I go into the model, I think you
21 will be able to see it.

22 You can see here what we have done is
23 we alternated the material on the back to create a
24 building that has, you know, A,B,A,B,A,B going down,
25 so it is not one continuous surface, and it breaks

1 up the back with the same intent that we are
2 breaking up the front. So this is one color A, and
3 this is the color B.

4 There are a variety of windows as well.
5 If you're looking close, these windows have grids in
6 them, and these windows are open, so that you create
7 a textural alternating, so it is not just a plain
8 old continuous length because there is some design
9 in the back as well.

10 CHAIRMAN AIBEL: Good.

11 Let me open it up to the public.

12 Anybody in the public wish to ask
13 questions of the architect?

14 MR. EVERS: Yes.

15 CHAIRMAN AIBEL: Please come forward.

16 MR. EVERS: Michael Evers, 252 Second
17 Street, Hoboken.

18 You are the famous Dean Marchetto who
19 designed the waterfront?

20 THE WITNESS: Famous.

21 (Laughter)

22 MR. EVERS: I just wanted to make sure.

23 CHAIRMAN AIBEL: We forgot, Mr. Evers,
24 from the last time you asked.

25 MR. EVERS: Did I ask that question?

1 CHAIRMAN AIBEL: Yes, you did.

2 MR. EVERS: I will keep to the question
3 format.

4 CHAIRMAN AIBEL: Thank you.

5 MR. EVERS: This building has more than
6 ten units in it, correct?

7 THE WITNESS: Yes, it does.

8 MR. EVERS: So it is under the
9 affordable housing ordinance?

10 THE WITNESS: Yes.

11 MR. EVERS: Could you tell us a little
12 bit about the variety of affordable units you're
13 going to have?

14 THE WITNESS: We are going to comply
15 with the affordable housing requirement --

16 MR. MATULE: In answer to the question,
17 we filed an affidavit with the application, and we
18 indicated that there would be five affordable units.
19 Three would be low income, and two would be moderate
20 income, and I can give you the breakdown.

21 Specifically one one-bedroom would be
22 low income; one two-bedroom would be low income; one
23 three-bedroom would be low income, and two
24 two-bedrooms would be moderate income.

25 That is assuming 45 or 49, somewhere in

1 between, units where the ordinance requires five
2 units.

3 MR. EVERS: Hum, you mentioned this
4 earlier, but I thought there would be merit to
5 repeat it.

6 How many units could be built of
7 variety?

8 THE WITNESS: 32. With the retail 32.
9 If we didn't have the retail, 33.

10 MR. EVERS: And you are asking for how
11 many?

12 THE WITNESS: 49.

13 MR. EVERS: 33 and 49.

14 Of those 49, five are going to be
15 affordable units?

16 THE WITNESS: Yes.

17 MR. EVERS: Great.

18 I have no further questions, other than
19 to say I wondered if you would agree with me that
20 what's currently there is an awfully ugly building,
21 but that might just be an editorial question.

22 (Laughter)

23 CHAIRMAN AIBEL: Anybody else from the
24 public?

25 CHAIRMAN AIBEL: Seeing none, could I

1 have a motion to close?

2 COMMISSIONER MURPHY: Motion to close
3 public portion.

4 COMMISSIONER COHEN: Second.

5 CHAIRMAN AIBEL: Thank you.

6 All in favor?

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

9 MR. MATULE: Mr. Staigar.

10 MR. GALVIN: Are you prepared to start
11 your PowerPoint?

12 (Laughter)

13 MR. STAIGAR: No. It is going to be a
14 lot drier.

15 MR. GALVIN: Just checking.

16 He's going like this, right?

17 (Laughter)

18 All right. Raise your right hand.

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

22 MR. STAIGAR: Yes, I do.

23 J O S E P H S T A I G A R, having been duly sworn,
24 testified as follows:

25 MR. GALVIN: State your full name for

1 the record.

2 THE WITNESS: Joseph Staigar,
3 S-t-a-i-g-a-r.

4 MR. GALVIN: Mr. Chairman, do you
5 accept Mr. Staigar's credentials?

6 CHAIRMAN AIBEL: Yes, we do.

7 MR. GALVIN: All right.

8 MR. MATULE: Okay. Mr. Staigar, you
9 are familiar with the proposed project?

10 THE WITNESS: Yes.

11 MR. MATULE: And you prepared a traffic
12 report, dated May 22nd, 2014?

13 THE WITNESS: Yes.

14 MR. MATULE: Can you go through your
15 report for the Board and give a professional opinion
16 regarding the traffic generated by the site and the
17 impact on the surrounding roadways?

18 THE WITNESS: Yes.

19 It's a pretty simple report. We went
20 out and took traffic counts.

21 The key intersections that we looked at
22 were the First Street intersection with Clinton and
23 Grand Street.

24 Traffic volumes are moderate in that
25 area. We have about a hundred or 200 vehicles per

1 hour on First Street and about half of that, those
2 volumes on Grand and Clinton. They are one-way
3 streets. First Street is a one-way going eastbound,
4 Clinton north, and Grand is south.

5 The existing use is a commercial
6 industrial type mixed use. Comparatively speaking,
7 it could be fairly intensive when you compare it to
8 the 49 units that are proposed. The 49 units would
9 generate 16 trips during the a.m. peak hour and p.m.
10 peak hour.

11 When we superimpose that traffic on to
12 the existing volumes at those intersections, we are
13 operating at a level service B, relatively a very
14 good level of service for peak hour conditions.

15 So with that level of service, this
16 proposal would not have any negative -- wouldn't
17 have any substantial impact on traffic conditions in
18 the area, and I think in comparison to the existing
19 use, which has a -- currently is utilized with a
20 number of commercial type uses, probably a lesser
21 trip generator, 16 trips per hour is probably less
22 than what it generates currently.

23 We took a look, and I worked with Mr.
24 Marchetto on the parking layout, the access to make
25 sure that we have safe access, good internal

1 circulation. We are overparked by six cars. We
2 require 47 parking spaces, and we are providing 53
3 parking spaces, so we will be self-sufficient in
4 parking.

5 In terms of the impact on parking,
6 public parking in the area, I would have to say that
7 it is most probable that the existing use has an
8 overflow of parking. The parking spaces that are
9 currently there are, you know, they are haphazard.
10 They're not really a parking lot, a standard parking
11 lot. Maybe the customers, maybe even employees do
12 not park in that parking lot and spill over on the
13 street. I can't say that for a fact. I didn't
14 observe that or see that, but I would have to say
15 that it is most probable that that occurs, where our
16 site will be self-sufficient.

17 So in terms of net parking demand on
18 public streets, I think this would have a beneficial
19 effect by taking away that parking demand and
20 keeping it on the site itself and freeing up spaces
21 for the public in the area.

22 MR. MATULE: So your testimony is that
23 current level of service at the intersections that
24 you studied is B, and with the build-out it will
25 also be B?

1 THE WITNESS: Correct. No degradation
2 in the levels of service.

3 MR. MATULE: And you also, I believe in
4 your report, indicated a level of service at the
5 driveway for the building?

6 THE WITNESS: Level of service A.

7 MR. MATULE: A level of service A which
8 is about as good as it gets?

9 THE WITNESS: It's as good as it gets,
10 yes.

11 MR. MATULE: I have no further
12 questions.

13 CHAIRMAN AIBEL: Board members?

14 COMMISSIONER FISHER: For once, I have
15 no questions.

16 (Laughter)

17 CHAIRMAN AIBEL: Go ahead.

18 MR. GIURINTANO: Mr. Staigar, good to
19 see you.

20 THE WITNESS: Same here.

21 MR. GIURINTANO: Question: With
22 regard to cuing, where do the impacts at the
23 intersection and getting out of the driveways, is
24 there any cuing concerns?

25 THE WITNESS: No. With levels of

1 service A and B, it's essentially a free flow. One
2 car, maybe two, but a very rare occasion.

3 MR. GIURINTANO: Thank you, Mr. Chair.

4 MS. BANYRA: I just have one question.

5 Mr. Staigar, I think I asked this of
6 you at one of the previous applications.

7 When you are doing your studies of
8 Hoboken, are you always doing an analysis of the
9 portals, getting in and out and the cumulative
10 effect of these, or are you just doing a localized?

11 THE WITNESS: No. We're just doing a
12 localized because we don't know where those 16
13 vehicles, if they are being generated, I think will
14 be going to and from. And it boils down to, well,
15 if you add another one, two, or three vehicles to
16 the five -- I call it five main locations to get in
17 and out of the city -- it is really immeasurable.

18 I think in this case, I think the
19 removal of the existing building, the existing uses,
20 at least in terms of what this site generates will
21 probably have a lessening effect in terms of trip
22 generation.

23 MS. BANYRA: Thank you.

24 THE WITNESS: You are welcome.

25 CHAIRMAN AIBEL: Let me open it up to

1 the public.

2 Anybody in the public have questions
3 for the expert?

4 Seeing none --

5 MR. EVERS: I have one question.

6 CHAIRMAN AIBEL: Please come forward.

7 MR. EVERS: I'm afraid I asked the
8 wrong person --

9 CHAIRMAN AIBEL: State your name.

10 MR. EVERS: Michael Evers.

11 But in that strip on that line in the
12 terms of impact on the parking in the area, have you
13 taken into account the fact that, I believe,
14 although I'm not a hundred percent sure, that there
15 is a fire hydrant in front of the building, which by
16 itself eliminates some of the space that might be
17 absorbed by the bump-out?

18 THE WITNESS: I did not take that into
19 account. I think I just took the net linear length,
20 but if that's the case --

21 MR. EVERS: I think it is pretty sure
22 that it is truthful.

23 MR. MATULE: I am not seeing it.

24 MR. GALVIN: That is something that we
25 can figure out before the end of the hearing.

1 COMMISSIONER DE FUSCO: Motion to close
2 the public portion.

3 COMMISSIONER MURPHY: Second.

4 CHAIRMAN AIBEL: All in favor?

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

7 MR. MATULE: Mr. Kolling?

8 MR. GALVIN: Raise your right hand,
9 Mr. Kolling.

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

13 MR. KOLLING: Yes, I do.

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

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

18 THE WITNESS: Edward Kolling
19 K-o-l-l-i-i-n-g.

20 CHAIRMAN AIBEL: Mr. Chair, do you
21 accept Mr. Kolling's credentials?

22 CHAIRMAN AIBEL: Yes, we do.

23 MR. GALVIN: Awesome.

24 MR. MATULE: Mr. Kolling, you are
25 familiar with the master plan and the zoning

1 ordinance of the City of Hoboken?

2 THE WITNESS: Yes, I am.

3 MR. MATULE: And you are familiar with
4 the proposed project and the surrounding area?

5 THE WITNESS: Yes.

6 MR. MATULE: You prepared a planning
7 report, dated May 15th, 2014?

8 THE WITNESS: Correct.

9 MR. MATULE: Could you go through your
10 report for the Board and give us your professional
11 opinion regarding the requested variance relief?

12 THE WITNESS: Certainly.

13 I think Mr. Marchetto did an excellent
14 job in identifying the location of the property. We
15 all know where it is in terms of the Multi Service
16 Center and Marion Towers.

17 The property description is very large,
18 and it's developed with these industrial structures,
19 as he has described.

20 The surrounding area is a mixture of
21 primarily residential, but you have the Multi
22 Service across the street. You have the high-rise
23 Marion Towers. There are a lot of five and
24 six-story buildings, as well as a few smaller
25 buildings, so it's pretty much in keeping with the

1 character of what is being proposed. It's about a
2 third of a mile walk from the Second Street light
3 rail station.

4 The proposed development, again, I
5 don't need to go into great detail on that. Mr.
6 Marchetto has covered that very, very clearly.

7 In terms of zoning, we are in the R-3
8 district, and the purpose of that district is to
9 advance the achievement of a viable residential
10 neighborhood to encourage conservation and
11 rehabilitation of existing center residential
12 blocks, to support residential evaluation by a
13 variety of housing types and its uses, and to
14 otherwise reinforce the residential characteristics
15 of the district, and I think this project does
16 accomplish that by taking out these industrial
17 structures that are along over 200 feet of frontage
18 and replacing it with a conforming residential
19 building.

20 The retail use is also permitted,
21 provided that there two others on the block, and in
22 this case there are one at the corner of First
23 Street, and another one a few doors closer to our
24 property.

25 We are looking for several variances.

1 We are looking for height in terms of both number of
2 stories and in terms of linear feet. We are looking
3 for four stories at a total of 53 and a half feet
4 versus -- four stories over parking, I should say,
5 versus three stories over parking, and 40 feet.

6 As was described, the density would be
7 33 units or 32 with commercial. We are asking for
8 49 units with commercial. There is also a front
9 yard and a rear yard lot coverage, and roof coverage
10 as Mr. Marchetto also described.

11 We all know that the master plan was
12 adopted back in 2004, and that there was a
13 reexamination report that was dated -- it's dated
14 2010. The master plan has suggested merging the R-2
15 and the R-3 district. The re-examination report
16 kind of reversed that, but other than that, there
17 wasn't a lot of emphasis on this particular area,
18 the things that would go on in the R-3 zoning
19 district.

20 So the master plan itself talks about
21 promoting compatibility in scale and density, design
22 orientation between new and existing development,
23 and this building I believe does that.

24 Again, we talked about the scale of the
25 buildings in the neighborhood, four, five and

1 six-stories. These are five stories, so it's in the
2 right scale. It's pretty comparable to the density
3 or even less density than some of the buildings, a
4 little bit more to some of the others. For
5 instance, Marion Towers has a density of about 158
6 units an acre, and this comes to about a hundred
7 units an acre. There are other buildings in the
8 area that are as high as 127 units an acre, 175
9 units an acre.

10 I calculated the average density on the
11 square block that we sit on, and it's 118 units an
12 acre, and again, we are at a hundred units, so we
13 are in that range. I think we are comparable in
14 terms of, as I said, scale, density, and
15 orientation.

16 Now, there is also the recommendation
17 requiring buildings to be oriented to the street,
18 and of course, all buildings typically are in
19 Hoboken.

20 This is a pretty unique situation in
21 terms of design because what has happened is we have
22 taken what would be the open space from the rear and
23 put it in the front. I think Mr. Marchetto did a
24 good job of explaining why that would be. This is
25 not a block that has a typical Hoboken donut to it,

1 so we thought that it would be more beneficial to
2 bring the open space to the street. We would still
3 have some amount of open space, and it would serve
4 not only this building, but also would act as a
5 public amenity for the neighborhood.

6 There is a recommendation about not
7 permitting any new surface parking lots, and by
8 orienting the building the way Mr. Marchetto has, we
9 were able to include all of the parking within the
10 structure, which I think provides and advances that
11 recommendation as well.

12 This recommendation is about street
13 trees, which obviously we provided, in addition to
14 the open space.

15 The housing element talks about
16 providing a variety of housing types, and that has
17 to do with the family-friendly units. We have the
18 nine three-bedroom units, as well as a variety of
19 other sizes.

20 There is the recommendation about a
21 quality housing model for new and rehabilitated
22 housing, again, assigned points for providing larger
23 units, again, we have the nine three-bedrooms. Then
24 it talks about requiring minimum average unit size,
25 which means trying to have not only the one or two

1 bedrooms, but three-bedrooms, so you have that
2 variety when you average out to a larger unit size
3 overall.

4 And the open space section, and it is a
5 little bit different for this particular project, it
6 talks about involving the private sector in creating
7 open spaces, and that is what is happening here. At
8 no cost to the city in creating the space or in
9 maintaining the space, this project will create a
10 street side open space that will be available to the
11 public.

12 There is also a recommendation about
13 creating park corridors or green streets, and this
14 would be an example of that as well. Again, talking
15 about the street trees that would be incorporated
16 into that space. The green architecture has already
17 been described, and we all know that is part of the
18 master plan as well.

19 So I think that in terms of the
20 variances then, I think that we do meet the positive
21 and negative criteria.

22 In terms of both height and density, we
23 are not looking at this from the kind of use
24 variance type of thing, where you need to go for
25 that higher proof, the Medici proofs, et cetera.

1 Here we are showing that the building fits into the
2 character of the area, so the site can accommodate
3 the added height and added density without detriment
4 to the community.

5 Again, there are five and six-story
6 buildings around the area, even taller buildings.
7 The densities are similar to what we are proposing.
8 The site is rather large. It's a half an acre, just
9 about, so I think it can accommodate the extra
10 density with the creative design that Mr. Marchetto
11 has come up with. We can accommodate the density
12 also in terms of the amount of parking. In fact,
13 it's overparked.

14 So I think we meet the proofs for the
15 height and the density because of the
16 characteristics of this lot. It is the size and the
17 characteristics of the surrounding community, the
18 neighborhood and the buildings. It advances the
19 recommendations of the master plan, as we discussed,
20 including compatibility in the scale of density and
21 design, and I think it promotes the recommendations
22 of the zoned plan, the zoning ordinance itself, so
23 that all goes to the positive criteria in terms of
24 providing a benefit to the community.

25 It also I think advances the purposes

1 of the Municipal Land Use Law. Paragraph 2A talks
2 about the guiding of appropriate use and development
3 in a manner that promotes the general welfare, and I
4 think that this project does that. I think it is an
5 appropriate use of this particular site. It
6 provides new housing and open space in a residential
7 neighborhood, and replaces a nonconforming
8 industrial commercial structure, so the removal of
9 this nonconforming use is also beneficial to the
10 promotion of the zone plan.

11 The project was at a size, provides
12 sufficient space in an appropriate location for this
13 type of residential and commercial use, which is
14 consistent with Paragraph 2G of the Municipal Land
15 Use law, and the project also promotes a desirable
16 visual environment.

17 You're removing again an industrial
18 commercial structure that will be compatible with
19 the grain of Hoboken and compatible with residential
20 neighborhoods and replacing it with an attractive
21 well-designed building.

22 We also promote the utilization of
23 renewable energy sources consistent with 2N through
24 the utilizing of green development techniques as Mr.
25 Marchetto has described.

1 In terms of the negative criteria,
2 there really shouldn't be any negative impact. The
3 use is permitted. It is a residential use in a
4 residential area. Sufficient parking is provided.
5 We are removing an industrial use, so overall, I
6 think it's really more advantageous to the
7 residential character of the area, and I don't see
8 that it would have any substantial detriment to the
9 intent of the zone plan. Again, it promotes the
10 intent of the zone plan actually in that regard.

11 Now, we have some bulk variances. We
12 have the front yard, and this is interesting in that
13 typically the requirement is five feet to 10 feet.
14 We have zero in some instances, which needs a
15 variance, and then we have 25 feet in some
16 instances, which needs a variance because it goes
17 greater.

18 But, again, this is a very unique
19 situation. I think that the benefit of the park and
20 the open space that is provided would substantially
21 outweigh any detriment to creating this variation in
22 the setbacks, so I think the front yard variance can
23 be set under the C2 criteria, and that carries
24 through also to the rear yard.

25 We have zero at the ground floor, and

1 it varies in the back between ten or 15 feet in
2 certain instances to the upper floor, all the way up
3 to 35 feet. Again, that sort of reflects a mirror
4 image of what is going on in the front, and by
5 granting that variance we are able to take the open
6 space that would be in the rear and flip it to the
7 front, and again, in this case I think that is a
8 greater benefit, so again, the benefits would
9 outweigh any detriment.

10 Again, this is not a typical Hoboken
11 block with the center donut given the way the block
12 has historically developed.

13 Lot coverage is related to both of
14 those setback variances. We have the higher lot
15 coverage because of the parking that we are
16 providing, and the building therefore has a higher
17 lot coverage. It is reduced from what's there today
18 by creating the open space in the front, and also to
19 further mitigate that we have the green roof on the
20 upper floors, and we have the stormwater detention,
21 so I think the intent of the lot coverage to provide
22 areas where you might have pervious surfaces rather
23 than impervious surfaces has been met by providing
24 pervious pavers in the front and on the top, and
25 again, so we are over the C2 criteria.

1 Roof coverage, it is really what we are
2 trying to do is provide some amount of private open
3 space on the lower roofs. I don't believe that it
4 goes contrary to the intent of the roof coverage
5 criteria, which I believe was done to limit the size
6 of things like bulkheads and other stuff that would
7 be on the upper roofs, so that you wouldn't have
8 additional living space resulting in additional
9 floors.

10 This space is actually on the lower
11 roof and will not affect the overall height of the
12 building, so I think there is no negative impact on
13 the intent of the zone plan, and again, the overall
14 benefits of the project would substantially outweigh
15 any detriment.

16 So, in conclusion, I think that we met
17 both our positive and negative criteria both in
18 terms of the D variances for height and density and
19 under the C2 criteria for the bulk variances.

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

21 CHAIRMAN AIBEL: Thanks, Mr. Kolling.

22 Board members, any questions?

23 COMMISSIONER FISHER: I just have a
24 quick question.

25 Mr. Kolling, you mentioned lot

1 coverage. What -- what -- what's your view as it
2 relates to, you know, the Hoboken donut and really,
3 you know, the light and air within, you know, that
4 space?

5 It sounded like when you were talking
6 about it, you grouped it with a bunch of things and
7 said it that aggregate, you know, you meet all of
8 the criteria, et cetera, but I am curious
9 specifically about the light and air.

10 THE WITNESS: I think that in general,
11 I think that the idea of the concept of the Hoboken
12 donut is great. I think it is what it's supposed to
13 be. That is why you have the 30 foot rear yard, so
14 therefore, you have 60 feet between buildings, so I
15 think when you have that situation, if this were an
16 in-fill situation, where we had a building on a
17 couple lots and that existed, then I think that it
18 would be difficult to find the proof for that. I
19 know that the Board has been pretty firm on that on
20 other applications I've appeared here on.

21 But in this particular case because of
22 the preexisting industrial uses, the hundred percent
23 lot coverage, and how the buildings to the rear
24 relate to the interior, I think that it is
25 reasonable to grant a variance in this particular

1 case, especially given the offset of having the
2 space then brought to the front, where it can be
3 more publicly accessible.

4 COMMISSIONER FISHER: Okay, thanks.

5 CHAIRMAN AIBEL: Anybody else?

6 Mr. Cohen?

7 COMMISSIONER COHEN: I was looking at
8 some of the satellite photos of the block, and it
9 looks like in addition, I mean, you were saying this
10 is not a typical donut, and I agree with that.

11 If you look on the same side of the
12 street, not just the properties behind, it looks to
13 be that all of the other properties that are on that
14 block, and maybe you have a picture of it, are also
15 at a hundred percent lot coverage.

16 I know that sometimes we look to the
17 neighbors, you know, and the front lines to see if
18 they are at a hundred percent lot coverage. It
19 makes sense to continue it --

20 MR. MARCHETTO: Does this help?

21 That is the only area I have.

22 MR. KOLLING: On the coverage page, I
23 believe on the actual application there is a
24 diagram, and although on our side of Grand Street,
25 they are not all at a hundred percent, but they do

1 extend back a bit further than what you would expect
2 where the typical donut is.

3 The building directly to the right, I
4 guess that is the south of the subject property,
5 does extend all the way back.

6 The next two buildings, which are a
7 little bit newer construction, they are
8 multi-family, and I marked them on the tax records
9 here. One is a 17-unit building, and the other one
10 is a 9-unit building, and they do pretty much take
11 up that whole corner, and then you see a building
12 coming from the opposite side, so there is bits and
13 pieces of open space, but there is also a lot of
14 properties that --

15 MS. BANYRA: Dean, can you go back to
16 it?

17 We are matching it up with your
18 picture --

19 COMMISSIONER FISHER: It doesn't look
20 like it matches.

21 MS. BANYRA: -- they don't seem to
22 match up. The aerial doesn't match up with your
23 cover sheet.

24 COMMISSIONER FISHER: The C-1, yeah.

25 MR. MARCHETTO: This is the existing

1 here.

2 COMMISSIONER FISHER: See that --

3 MS. BANYRA: Okay.

4 COMMISSIONER GRANA: That's it.

5 MS. BANYRA: To the right, Dean, is

6 what street now?

7 COMMISSIONER FISHER: Second.

8 COMMISSIONER GRANA: That's Second on

9 the right.

10 COMMISSIONER FISHER: Right there is

11 Second.

12 COMMISSIONER MURPHY: Yeah, so that

13 coming in from the south is what --

14 (All Commissioners talking at once.)

15 MR. MARCHETTO: So Grand Street is

16 here.

17 COMMISSIONER FISHER: That one big

18 building on the south --

19 COMMISSIONER MURPHY: -- south side of

20 the --

21 COMMISSIONER FISHER: -- the bottom

22 left corner --

23 (All Commissioners talking at once.)

24 COMMISSIONER FISHER: -- yeah, the

25 second one in --

1 COMMISSIONER MURPHY: Looks like it.

2 MR. MARCHETTO: The site plan is
3 accurate. This is a demonstration that I need to
4 fix, but --

5 COMMISSIONER FISHER: Well, that --

6 COMMISSIONER MURPHY: Okay.

7 MR. MARCHETTO: -- but the site plan is
8 accurate. This comes from the survey.

9 COMMISSIONER FISHER: But with that in
10 mind, for everyone's benefit, where your cursor is
11 just to the left -- keep going to the left --

12 COMMISSIONER MURPHY: Down a little.

13 COMMISSIONER FISHER: -- right there.
14 That building is the one that seems to be most
15 inconsistent with the survey, and as a result, it
16 kind of skews --

17 MR. MARCHETTO: I agree.

18 COMMISSIONER FISHER: -- so if you were
19 to look at it, it looks like there is more of a
20 donut than there is on your screen.

21 MR. MARCHETTO: Well, refer to this,
22 the site plan, because we're making these off the
23 site plan. I can --

24 COMMISSIONER FISHER: You don't have to
25 change it. It is relative to the question that is

1 being asked.

2 MR. MARCHETTO: I think for the
3 purposes of looking at the lot coverage comparison,
4 I would ask you to use this.

5 COMMISSIONER FISHER: But just
6 following up on what Mr. Kolling was asking,
7 Commissioner Cohen, where the -- wouldn't you call
8 it like a utility box or whatever, that little
9 rectangle --

10 MR. MARCHETTO: Transformer building --

11 COMMISSIONER FISHER: -- just to the
12 left of it, I think you said -- I thought you said
13 that it's a garage, but it has an actual roof deck
14 on top of it?

15 MR. MARCHETTO: Yes.

16 COMMISSIONER COHEN: The roof deck
17 comes right to the property line?

18 MR. MARCHETTO: Yes.

19 COMMISSIONER FISHER: Right.

20 So the back wall ultimately is going to
21 go away, and this roof deck would suddenly be
22 looking on to open space of the back of the building
23 now?

24 MR. MARCHETTO: Yes.

25 Right now that roof deck has a wall

1 behind it right on the property line. I guess maybe
2 again you could see it by just going through and
3 looking closer. Maybe if I zoom in here, you see
4 where that wall is right there --

5 COMMISSIONER FISHER: Yeah.

6 MR. MARCHETTO: -- and then with the
7 proposal, it goes there.

8 COMMISSIONER FISHER: So openness in
9 exchange for privacy. Openness and light in
10 exchange for privacy.

11 COMMISSIONER DE FUSCO: Mr. Kolling, so
12 this medical facility that's on the corner of
13 Clinton and Second Street that we've spoken about --
14 I want your opinion as a planner on this one -- if
15 that were to go and also comply with, you know, with
16 the R-2 zone, you know, proposing here, if they went
17 back 60 feet, would it be a detriment to the
18 community at this point, if this building was a
19 hundred feet, would that then become a detriment in
20 a hypothetical situation?

21 MR. KOLLING: I think what you measure
22 against is not as if there were nothing on the other
23 property. I could measure it against what is there
24 now or what would be permitted.

25 So compared to what is there now, it

1 would be less of detriment, because as Dean is
2 pointing out, the hundred percent coverage now is at
3 two stories, and this is going to be dropped to one.
4 I think it is actually better in this particular
5 case, if the medical facility were to be converted
6 to residential use say in the future, that rear
7 space may become their open space, or they may seek
8 to have it continue as parking as it stands now, or
9 it is now parking for the medical facility.

10 COMMISSIONER DE FUSCO: I don't know.
11 Can I ask hypothetical questions?

12 MR. GALVIN: I'm sorry?

13 COMMISSIONER DE FUSCO: Can I ask a
14 hypothetical like this?

15 MR. GALVIN: Like what?

16 COMMISSIONER DE FUSCO: Like I just
17 asked.

18 MR. GALVIN: I missed it, because I was
19 researching something.

20 COMMISSIONER DE FUSCO: So I'm going to
21 ask it again. I'm really curious, you know, for
22 four years I wanted to ask hypothetical questions
23 like this, which is: Hoboken is a dynamic
24 community that is often changing. We can't always
25 look at the present building and say, okay, that

1 will be like that for another hundred years.

2 So the hypothetical being: If this
3 building changed to be more conforming, the medical
4 building on the corner of Clinton and Second changed
5 to be more conforming, would that -- could his
6 opinion on the impact of the current building be
7 used as, you know, positive or negative criteria?

8 MR. GALVIN: I think we always have to
9 deal with the conditions as they exist, not as they
10 might become. It is the same thing with like how we
11 use the ordinance. We are constantly being told the
12 ordinance, we should ignore it. We can't ignore the
13 ordinance. The ordinance is the ordinance. We have
14 to apply the ordinance as it exists.

15 COMMISSIONER DE FUSCO: Right.

16 MR. GALVIN: Can you give some
17 consideration, do applicants give consideration as
18 to what is coming next and plan for it?

19 Yes, all of the time.

20 Do we do that?

21 You still have to look at the
22 conditions that exist, because they may never change
23 the buildings adjacent to this, and they may never.

24 On the other hand, somebody could come
25 in in the next ten years, buy up the block, and do

1 something different because of the value of Hoboken,
2 and then create it. And then if we didn't do our
3 part and try to bring to as close to conformity as
4 possible, then it would be our fault that there is a
5 crimp in the donut.

6 COMMISSIONER DE FUSCO: Perfect.

7 Thank you very much.

8 MR. KOLLING: Good answer.

9 (Laughter)

10 MR. GALVIN: Oh, thank you.

11 CHAIRMAN AIBEL: Anybody else?

12 So, Mr. Kolling, I guess following up
13 on counsel's comments, our ordinance provides
14 certain bulk requirements and 60 percent lot
15 coverage, rear yard setbacks to create a donut.

16 Here we have an opportunity. We are
17 not reusing the building, it is coming down, so I am
18 having a very difficult time reconciling the
19 enormous density and lot coverage and other
20 variances that are being sought with the existing
21 code.

22 THE WITNESS: Yes. I think what we are
23 looking at, too, what is there, and what we would be
24 replacing it with.

25 You have to look at it, is it an

1 improvement over what's there now?

2 Would there be a substantial detriment
3 over what would be a completely conforming building?

4 I think that if you weigh it in that
5 way, removing an industrial commercial use from a
6 residential neighborhood is beneficial. I think
7 improving the coverage from what it is today to what
8 is being proposed is beneficial.

9 I think the detriment that might result
10 would not be substantial, because you have to look
11 at what is the detriment today. The detriment today
12 is a hundred percent coverage, and those rear yards
13 at two stories. This is certainly an improvement.

14 Is it ideal in terms of compliance with
15 the ordinance?

16 No, but that is why we are here.

17 CHAIRMAN AIBEL: You know, the density
18 request is not minimal. Is that fair to say?

19 THE WITNESS: Yes. We are 33 versus
20 49, so it is about half again as many.

21 CHAIRMAN AIBEL: So it's over a 50
22 percent increase in the allowable density, so this
23 is not a small deviation from the existing code, is
24 that correct?

25 THE WITNESS: Correct. It's about half

1 again as much.

2 CHAIRMAN AIBEL: So I am struggling to
3 find the special reason and the way to reconcile
4 what we as the Board are bound to apply with the
5 proposal here, and I am just looking for some help.

6 THE WITNESS: Well, in terms of the
7 density, the R-3 district, as well as the R-1 and
8 R-2, all three have about the same density, so I
9 think they are all dividing the lot area by 660.

10 What you look at in terms of the
11 density, is it in keeping with the character of the
12 area, and can the site accommodate it without
13 detriment.

14 And in this particular location when I
15 looked at, for instance, Marion Towers, it is half
16 again as many units per acre is what we are
17 proposing.

18 The average density on this block is at
19 118 units acre, and we are proposing a hundred, so I
20 think it is consistent with the character of the
21 area, so I think by granting a variance you wouldn't
22 necessarily have a substantial detriment.

23 I think that because of the substantial
24 size of this property, half an acre, it can
25 accommodate the added density without the detriment

1 because the extra size allows a larger amount of
2 parking to be provided. It is providing for a
3 certain amount of public open space, so that is
4 where I am weighing it, and that is where my
5 testimony is directed.

6 CHAIRMAN AIBEL: Okay. Well, I guess
7 we all have our chance to weigh it.

8 Ms. Banyra?

9 MS. BANYRA: Yes. I just have a
10 question.

11 Did you indicate the age of the
12 buildings on this block?

13 THE WITNESS: The age of the buildings?

14 MS. BANYRA: Yes.

15 How old are the -- you are citing a
16 density that exceeds what's here, or what would be
17 proposed.

18 Can you just give me an idea of how old
19 these buildings are?

20 Are there new buildings on this?

21 THE WITNESS: It has been a while since
22 I've been out there to look, quite frankly, but I
23 know that the buildings -- the building to the north
24 and the building that wraps around on to Second are
25 older. That is more like the traditional turn of

1 the century Hoboken type of building.

2 The buildings as you go towards the
3 south I think are newer as you approach First
4 Street, not the one immediately next door, that one
5 I think is of a somewhat different character. But
6 my recollection is as you go further to First
7 Street, they are somewhat newer when I looked at the
8 architecture, certainly within the last maybe ten or
9 20 years, something like that, maybe 30 years. To
10 me, anything that is newer than 50 -- anything
11 that's younger than me is new.

12 (Laughter)

13 And then Marion Towers, of course, is
14 not traditional.

15 MS. BANYRA: It sounds like, and
16 correct me, if I am wrong, that in the last 15 to 20
17 years, there are not new buildings on this block.
18 They are all 15 years, 15, 20 roughly?

19 THE WITNESS: I would say.

20 MS. BANYRA: So then would it surprise
21 you if I told you that your density matches up with
22 the zone change almost identically with the 1999
23 density change, when we used to divide, in 1999, we
24 divided the lots by 500 feet, so if I did that
25 division by this and added the affordable units, it

1 comes up to 49 units, so I am suggesting that the
2 density that is there preceded the ordinance change
3 from 1999 --

4 THE WITNESS: That sounds like it is
5 reasonable.

6 COMMISSIONER DE FUSCO: You just
7 mentioned it, as did Dean, that Marion Towers is not
8 traditionally a Hoboken building. Yet, we are still
9 using that density of the area to reference why this
10 is kind of consistent with the rest of the
11 neighborhood.

12 So is Marion Towers traditionally
13 Hoboken or is it not?

14 THE WITNESS: No, it is not, but it is
15 part of the character of this neighborhood. Not
16 every part of Hoboken is what you think of the
17 quintessential Hoboken. There are other areas that
18 are not that at all.

19 When people think of Hoboken, you think
20 of row houses and tenement buildings, and that is
21 true for the majority of it, but there is also a lot
22 of areas where you don't have that.

23 COMMISSIONER DE FUSCO: Great.

24 Thank you.

25 CHAIRMAN AIBEL: Board members?

1 Professionals, are you okay?

2 Let me open it up to the public.

3 Anybody have questions for the planner?

4 Seeing none?

5 COMMISSIONER COHEN: Motion to close

6 the public portion for the witness.

7 COMMISSIONER DE FUSCO: Second.

8 CHAIRMAN AIBEL: All in favor?

9 (All Board members answered in the
10 affirmative)

11 MR. MATULE: Just some closing

12 comments.

13 First and foremost, in hearing the
14 comments from the Board and getting your perspective
15 on the application, I can proffer that while not
16 reducing the bulk of the building, the applicant
17 could combine some of the smaller units and reduce
18 the density in the building to 44 units, if that
19 paves the way and it alleviates some of the Board's
20 concerns, so we are putting that proffer on the
21 table. We could combine some of the one-bedroom
22 units or put some larger units, make more larger
23 units in the building.

24 Again, I think this application is very
25 contextually driven. The medical institutional

1 building that is on the corner of Second and Clinton
2 appears from the survey to take up approximately 150
3 feet from the corner of Clinton going south. And
4 then you have next door to that, the residential
5 building that has a hundred percent lot coverage, so
6 you have about 175 feet, almost half of the entire
7 block length, where you don't have the typical kind
8 of Hoboken situation.

9 Also, the buildings on the north are, I
10 guess it would be the southeast corner of Second and
11 Grand, also while there is a little carve-out
12 between the one end building, again, they take up
13 most of the block, too.

14 So I know it has been emphasized by the
15 planner and the architect, but this is not a typical
16 block. It is very atypical as a matter of fact.
17 But what has been proposed is certainly in scale
18 with the surrounding buildings. I don't think five
19 stories is out of scale for this block.

20 We will be removing a nonconforming
21 use. We will be removing a nonconforming structure.
22 There are four driveways there now.

23 There was a comment about the fire
24 hydrant. I actually looked on the survey, and that
25 is between two of the driveways, so I don't think

1 that is going to really impact anything one way or
2 the another.

3 We are providing five affordable units.
4 Obviously, if we reduced the density to 44, that
5 would probably drop down to four affordable units
6 under the ordinance.

7 Also, we are providing commercial space
8 at grade. We think it is something that this block
9 needs, and as a result of that, if you will, we are
10 penalized one residential unit, where our density
11 normally would be permitted to be 33, we are down to
12 32.

13 If we had 44 units and four affordable
14 units, basically what we are asking the Board for is
15 an 8-unit density bonus, if you will, to provide the
16 affordable units.

17 The testimony from the planner, and I
18 think it's pretty obvious just from all of the
19 visuals is that the site can certainly support the
20 additional height and additional density without
21 substantial detriment to the zone plan.

22 Traffic is actually going to be
23 substantially reduced from what it is now.

24 The landscaped plaza and rain garden,
25 you know, are very unique. This is a very

1 out-of-the-box application, but this is kind of an
2 out-of-the-box block, so what better place to have
3 it.

4 The testimony is between the rain
5 garden, the green roof and the stormwater detention
6 system, we are going to capture basically a hundred
7 percent of the water on the site. All together it
8 is a much, much better use and a much better zoning
9 alternative for the property.

10 I know there has been some hypothetical
11 questions about if at some point in the future, the
12 institutional use to the east of us changed, would
13 that affect anybody's opinion.

14 Well, you know, we don't know if that
15 is ever going to happen. We have to deal with what
16 is there, and I think the question the Board has to
17 weigh is not is this the most compliant application
18 that could be brought before the Board, or is it
19 best zoning alternative that could be brought before
20 the Board, but is what the applicant is proposing a
21 better zoning alternative than what is currently on
22 the site and the impact it would have on the
23 neighborhood.

24 Mr. Marchetto I think pretty much
25 explained why he was raising, if you will, that rear

1 yard portion up above the parking garage in the back
2 of the building. That also pulls the back of the
3 building away from the neighboring properties to
4 create some light and air back there, while still
5 providing the space out front for the pocket park.

6 So, you know, all things considered, I
7 think it is a much better zoning alternative for the
8 property. The benefits substantially outweigh any
9 detriment, and you know, under the proofs that are
10 required for the density and the height variance, I
11 think the applicant has shown that the site can
12 accommodate it, and not have a negative impact on
13 the neighborhood.

14 So I would ask that (a) the Board allow
15 the application to be amended as indicated to reduce
16 the density down to 44 residential units, and to
17 grant the requested variance relief.

18 MR. GALVIN: Thank you.

19 MR. MATULE: Thank you.

20 CHAIRMAN AIBEL: We are going to open
21 it up to the public, and if you have a rebuttal.

22 Let me open it up to the public for
23 comment.

24 Please.

25 MR. GALVIN: Michael Evers, E-v-e-r-s.

1 (Laughter)

2 Raise your right hand, sir.

3 MR. EVERS: 252 Second Street, Hoboken,
4 New Jersey.

5 MR. GALVIN: Wait for me.

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

9 MR. EVERY: Who is asking?

10 MR. GALVIN: I am asking.

11 MR. EVERS: Yes, I do.

12 As you might expect, I am here
13 principally because of the enthusiasm for affordable
14 housing, but before talking about that, I live near
15 this neighborhood. I live about two blocks to the
16 east, and I've parked on this street many, many
17 times.

18 As reluctant as I am to ever disagree
19 with Bob Matule, I would suggest to you that the
20 fire hydrant probably eliminates one parking space
21 at least, which you might want to take into
22 consideration in thinking about that bump-out. I
23 don't think there really is a net loss of parking
24 spaces in this plan.

25 It is also one of the uglier blocks in

1 Hoboken, and this building is beautiful, but you
2 might want to consider it a significant benefit.

3 I agree with the notion that the donut
4 should be preserved, but having some experience with
5 that building a number of years ago in relation to
6 what Project Hopes was attempting to do with it,
7 there is no donut back there. So, and if there is
8 any doughnut as all, it is at the second floor and
9 above, which I think you might want to consider in
10 which Dean Marchetto has taken into account in his
11 plan.

12 To get to the issue of my enthusiasm, I
13 think the Board has an interesting opportunity here
14 in terms of both the affordable -- well, what the
15 density bonus is going to be both for this project
16 and all of the many projects you have been getting
17 lately in the City of Hoboken.

18 These folks are asking for a 48 percent
19 density variance increase based on the numbers,
20 okay?

21 That translates into 16 units, of which
22 five of them are going to be affordable units.

23 Now, you have routinely, much to my
24 distress, I must admit, approved in effect one -- 33
25 percent variance increase -- density increases in

1 the lowest density district in the City of Hoboken,
2 R-1 and R-2.

3 Every time you take one of those
4 buildings and say we are going to put a fourth floor
5 on it, and let them have four units, that is what
6 you are doing.

7 I realize that the planners will get up
8 and argue, well, you know, the density calculation
9 is rally 3.73, so it is not a giant variance
10 increase, but practically speaking, you have 33 more
11 people living on a lot every time you do that.

12 Okay?

13 In all of those situations, there are
14 no affordable units being built. They're not
15 required. It's not a criticism. It's just an
16 observation.

17 Here you have a developer coming in
18 with an attractive building, okay, which is asking
19 for a density increase that is not that much larger
20 than you have been in the habit of granting for
21 smaller projects, okay?

22 And while this is bigger than a three
23 to four-unit building, in terms of the size of the
24 actual lot and in terms of what they have the right
25 to build by right, it isn't that much larger, okay?

1 So the question is: Since you are in
2 the habit of giving 33 percent variance increases,
3 why is it unreasonable to give them slightly more,
4 15 percent more, when virtually all of that 15
5 percent accommodates affordable housing, which is
6 consistent with the zone plan, is consistent with
7 the interest of what the people of the City of
8 Hoboken has expressed by unanimous vote at City
9 Council, and I ask you, if that turns out that
10 that's not the case, I would encourage you to
11 expound on what you constitute acceptable levels of
12 density both for this application, if it comes back,
13 and for the endless parades that come in here asking
14 for much larger density variances, so we stop taking
15 up your time with unrealistic projects by providing
16 a little bit of that quasi-judicial guidance that
17 you guys are ideally here to provide.

18 Thank you.

19 CHAIRMAN AIBEL: Thank you.

20 MR. MATULE: The only comment is I
21 disclaim any comments.

22 (Laughter)

23 No, I understand what Mr. Evers'
24 position is, but I don't really have anything to
25 add.

1 Thank you.

2 MR. GALVIN: You don't disagree with
3 his point about the fire hydrant, though, right?

4 MR. MATULE: Well, only in the context,
5 it is between two driveways, so we are keeping the
6 one driveway there. It may be in proximity, I can't
7 say, but it could seem that he is correct.

8 MR. GALVIN: Okay. Mark that down

9 MR. EVERS: Yeah, I was going to say.

10 (Laughter)

11 MR. MATULE: It's Christmas.

12 (Laughter)

13 CHAIRMAN AIBEL: Anybody else wish to
14 comment?

15 Seeing none?

16 COMMISSIONER COHEN: Motion to close
17 public portion.

18 COMMISSIONER MURPHY: Second.

19 CHAIRMAN AIBEL: All in favor?

20 (All Board members answered in the
21 affirmative.)

22 MR. GALVIN: Yes. I want to chip in
23 before you get going, okay?

24 CHAIRMAN AIBEL: Go ahead.

25 MR. GALVIN: One of the things that I

1 want to give you advice on is a D-5 variance, and we
2 have to look to the case called Grubbs, and there
3 has been another case, I think it was Price v.
4 Hemjay, where the Supreme Court reminds us that
5 height variances and density variance are treated at
6 a lesser standard. We don't treat them with D-1
7 Medici standards.

8 There is just a different standard for
9 when we grant a height variance, and that's why
10 sometimes we are granting -- we assume we are
11 granting height variances, but we're not granting
12 the use variances because there is a different set
13 of proofs. It is easier to prove the height
14 variance, let's say.

15 You want to keep in mind, though, in
16 the density variance area, there is a case called
17 Price versus Strategic Capital Partners. It is a
18 very recent case, and I am going to give you two
19 quotes from it because I don't know which way
20 everybody is deciding to go. If you are considering
21 being in the affirmative on this case, we need the
22 right findings in the record in order to be
23 successful in case there is an appeal.

24 In Grubbs, I'm reading from the Court
25 now: We discussed how an applicant might establish

1 the negative criteria for a variance. We spoke in
2 terms of density, "only" in quotation marks, only
3 minimally greater than permitted, and a minimal
4 increase in density. Grubbs, Super 389 NJ Super
5 390.

6 In the case here, which is different
7 from our case, there was a trebling of the density,
8 so it actually sought to prevent any increase in the
9 project density can hardly be -- actually -- I'm
10 sorry -- let me read the sentence correctly.

11 The trebling of density in the zone in
12 which the governing ordinance actually sought to
13 prevent any increase in project density can hardly
14 be characterized as minimal.

15 And then I am going to go down further
16 into the opinion: The Board cannot rely on the
17 establishment of appropriate population densities as
18 a justification for its action. Inasmuch as the
19 density established by the Board of Commissioners, I
20 guess the Council, is the legally established
21 appropriate population density for the zone. In
22 addressing the positive and negative criteria under
23 Grubbs, the Board must clearly articulate why such a
24 significant departure from that established density
25 does not impair the purpose of the zone.

1 So if you like it, you can't say -- and
2 this case also has some elements in it where they
3 attacked the zoning and said that the zoning was
4 inappropriate for the area, and the Court basically
5 said, don't do that.

6 So what you have to find, are the
7 reasons good enough, and you know, you must
8 articulate why such a significant departure, or
9 maybe you don't think it is that significant of a
10 departure, and Mr. Evers has some things there to be
11 considered.

12 CHAIRMAN AIBEL: Thanks, Counsel.

13 COMMISSIONER FISHER: Can I ask a legal
14 point, if you don't mind me asking, Commissioner
15 Cohen, this is you.

16 MR. GALVIN: Sure.

17 COMMISSIONER FISHER: Can you remind
18 us -- I thought Mr. Evers said, and correct me if I
19 am wrong, that going from the 33 to whatever it is,
20 44, 49, just into the forties allows four to five --
21 four or five units of affordable housing, whereas if
22 it's at --

23 MR. GALVIN: Let me stop you for a
24 second.

25 What our ordinance says is that any D

1 variance triggers the affordable housing
2 requirement, so in this case, and you can help me
3 out, Eileen, what would be the minimal amount of --

4 MS. BANYRA: There is 3.3, so you round
5 up, I guess, so four.

6 MR. GALVIN: No, no. I'm saying
7 there's 32 units. How many units would it be that
8 would trigger --

9 MS. BANYRA: Ten.

10 MR. GALVIN: So it would be 42.

11 MS. BANYRA: Over ten units, then you
12 start --

13 MR. GALVIN: No, I got that --

14 COMMISSIONER FISHER: But that's --

15 MR. GALVIN: -- hold on one second. I
16 want to understand it for myself.

17 When would a density variance be
18 required? If you had 32 units is what is permitted,
19 so 33 units would be D-5?

20 MS. BANYRA: Anything over the density
21 is a density variance --

22 MR. GALVIN: So --

23 COMMISSIONER FISHER: But anything over
24 any of the D variances --

25 MS. BANYRA: -- 33 is permitted, but

1 because they have a commercial, you subtract a
2 commercial --

3 COMMISSIONER FISHER: Is that --

4 MR. GALVIN: Let me just say this also.
5 They could comply with the density of 32 and need a
6 height variance of ten feet, and then they would be
7 required to create three units.

8 MR. MATULE: I don't know if I agree
9 with that.

10 As I understand our affordable housing
11 ordinance, it is only density.

12 MS. BANYRA: I don't think so, but I
13 don't have the ordinance with me --

14 MR. MATULE: I will check --

15 MR. GALVIN: I don't want to misspeak,
16 so I do want to be corrected --

17 COMMISSIONER FISHER: So if any --

18 MR. GALVIN: -- my impression was any D
19 variance --

20 COMMISSIONER FISHER: -- so my question
21 then if they had built a conforming building at
22 32 --

23 MS. BANYRA: 33.

24 COMMISSIONER FISHER: -- 33, would
25 they --

1 MR. GALVIN: It would be conforming
2 then. It would be --

3 COMMISSIONER FISHER: Okay. If they
4 built a conforming building in the 30s and they
5 weren't here --

6 MR. GALVIN: 32, and they meet the
7 height requirement.

8 COMMISSIONER FISHER: -- meet the
9 height requirement -- meet all of the requirements,
10 would they be required to have an affordable housing
11 component?

12 MR. GALVIN: No, not unless you have to
13 be more than ten units, because we haven't seen that
14 very much, and you need to trigger a D variance.

15 COMMISSIONER FISHER: So more than 10
16 and a D variance is what gets the requirement for --

17 COMMISSIONER MURPHY: I am --

18 COMMISSIONER FISHER: -- I just want to
19 be very clear --

20 MS. BANYRA: Bob has the ordinance,
21 so --

22 COMMISSIONER FISHER: -- the
23 specific -- the specific thing that Mr. Evers said
24 was if we are concerned about density, it is the
25 density variance that is getting them five

1 affordable housing, and if we for some reason don't
2 approve this because of the density, we are -- we
3 are -- he's implying that we are taking away the
4 option -- the opportunity for five affordable
5 housings --

6 MR. GALVIN: Let's get some more
7 information.

8 MR. MATULE: If I might, in --

9 COMMISSIONER FISHER: -- which I didn't
10 think so --

11 MR. MATULE: -- Section C--

12 MR. GALVIN: But you don't think it's
13 the case.

14 COMMISSIONER FISHER: No --

15 MR. MATULE: -- 2C of the affordable
16 housing ordinance, where it talks about -- I'm
17 sorry -- it is subsection B5. It says: Any
18 application before the Planning Board for a
19 permitted use, or it is --

20 MR. GALVIN: That's all right. Skip
21 down to the Zoning Board --

22 MR. MATULE: -- it basically says:
23 Where you are asking for an application pursuant to
24 40:55D-70-D, which either increases the permitted
25 residential density or permits residential

1 development where none is permitted are not subject
2 to this exemption.

3 So it is written in the reverse, but
4 basically it is addressing --

5 MR. GALVIN: So it's either density or
6 use --

7 MS. BANYRA: Use --

8 MR. MATULE: -- where the use is
9 permitted or the use, where it's not permitted.

10 MR. GALVIN: Okay. Now I understand it
11 better.

12 Thank you, Mr. Matule.

13 So if they had -- you are right, if it
14 was a height variance, it doesn't trigger. It would
15 have to be ten units either density or use.

16 COMMISSIONER FISHER: So anything over
17 32 --

18 MR. GALVIN: Would trigger it.

19 COMMISSIONER FISHER: -- basically
20 triggers it.

21 MR. GALVIN: Right.

22 COMMISSIONER FISHER: So at that point
23 it is the difference between effectively three maybe
24 rounded up to four, versus four, maybe rounded up to
25 five, so the variance really within -- you're coming

1 here for density, somewhere between 33 and 49, the
2 variances are one or two units --

3 MR. GALVIN: The other thing to
4 understand is right now the request is for 49 unless
5 it is --

6 COMMISSIONER FISHER: No, I
7 understand --

8 MR. GALVIN: -- amended somehow --

9 COMMISSIONER FISHER: -- I understand.

10 MR. MATULE: But if I could just reply,
11 so we are all clear --

12 COMMISSIONER FISHER: Yeah, yeah.

13 MR. MATULE: -- the way that affordable
14 housing ordinance as opposed to a zoning ordinance,
15 you do round up around that --

16 COMMISSIONER FISHER: Yeah, yeah.

17 MR. MATULE: -- so you multiply
18 whatever the requested density is by ten percent and
19 up to .4, you go to the lower number, from five or
20 above, you go to the higher number.

21 So 44 units would be 4.4, so you only
22 have to provide four.

23 If we were at 45 units, it would be
24 4.5, we would have to provide five.

25 The other thing I'm going to say is

1 obviously, or I think reasonably obviously, nobody
2 who is allowed 30 units is going to come in and ask
3 for 33 units, so they can build three or four more
4 units and not give any bonus density. I mean, it
5 would be sort of a lose/lose situation for the
6 applicant.

7 COMMISSIONER FISHER: Phil?

8 CHAIRMAN AIBEL: Are you ready?

9 COMMISSIONER COHEN: Yes.

10 CHAIRMAN AIBEL: Do you have a question
11 or are you ready to comment?

12 COMMISSIONER COHEN: I'm ready to
13 comment, but I wanted to be recognized to comment.

14 CHAIRMAN AIBEL: Okay. Good.

15 Is everybody ready?

16 COMMISSIONER MURPHY: Yup.

17 COMMISSIONER COHEN: So I think this is
18 a good proposal, and let me just say -- address some
19 of the concerns that people have raised.

20 First, with respect to the donut, I
21 think that this is a bizarre block in terms of the
22 donut situation. This is not a situation, where we
23 have an existing donut that is enjoyed by the
24 neighborhood. This is largely an industrial block,
25 where there is largely massive coverage of

1 impervious structures on this area, and where there
2 is enjoyment of the lots. You have decks at a
3 hundred percent neighboring up against the property,
4 and it's not a situation where we are looking at a
5 block where it makes a lot of sense to try to act as
6 if what isn't there is there. So I think it is
7 important to deal with the reality of the donut or
8 the lack thereof that exists right now.

9 And I think that it is an important
10 front street in terms of community use with the
11 Multi Service Center on the front of the block, and
12 you have broken down or existing industrial uses
13 with no real residential use on the majority of the
14 block.

15 So what we have coming onto this block
16 is an attractive use in the same height, which is in
17 the same keeping of the neighborhood, and it is
18 attractive. It is not a monolithic structure. It
19 is a structure that I think the architect is taking
20 great pains to try and alternate stones, alternate
21 texture, and alternate look and depth of the
22 property in a creative approach that will make a
23 street scape a lot nicer.

24 There is no real street life on this
25 block right now, and by introducing families and

1 family-friendly units as is proposed here, I think
2 that it's going to add a lot. The benefits and
3 advantages of this design are real.

4 As far as the density concerning the
5 Grubbs issues, I think it's telling that our planner
6 said that if you divide the square feet of this
7 proposal by 500 square foot map that was in the '09
8 zone, that the 49 units proposed is exactly
9 including the affordable units of what is being
10 proposed here, so I don't think we are looking at a
11 massive density variation that's expressed in the
12 concerns of the Grubbs case. I think we are talking
13 about something that's in keeping with the
14 neighborhood, that's consistent.

15 I think the planner has testified that
16 there are more dense properties that are within a
17 square block of this place, specifically Marion
18 Towers and others.

19 I think that it's a worthwhile
20 proposal, so I would support it. I think, you know,
21 I heard other Commissioners' concerns. I think they
22 are legitimate concerns. I'm not suggesting there
23 are no negative impacts here, I think there are, but
24 I think the advantages and benefits of this project
25 outweigh those negative impacts, so I think it is a

1 make it a question earlier to say, you know, about
2 that, so I am concerned about that.

3 I am also concerned generally speaking
4 in that no -- the building is coming down, and I
5 keep hearing reference to, but the building before
6 was a hundred percent lot coverage.

7 I guess I would have been happier if we
8 tried to give a little bit more back to the donut in
9 the traditional sense.

10 But with all of that said, I do think
11 it is an attractive building. I like how it looks
12 very different from the front, and it's not just one
13 big slab.

14 I am a little conflicted in terms of
15 how I feel about if they wanted to go lower in
16 units, but right now I'm guessing if we okayed this,
17 it would be five affordable units.

18 I don't know. I am not a hundred
19 percent happy with it, so I guess we'll see what
20 happens and what everybody has to say.

21 CHAIRMAN AIBEL: Mr. McAnuff?

22 COMMISSIONER MC ANUFF: Yeah.

23 I am a bit torn on the project myself.
24 I agree with everything Commission Cohen had said,
25 but at the same time, the architect is starting with

1 a blank canvas, and he does have the luxury of
2 conforming with the existing zoning ordinance
3 without having to ask for as many or any variances,
4 so I'm a bit torn at this point.

5 COMMISSONER DE FUSCO: This is a
6 terrible block, and you know, I live -- I live four
7 blocks away, and I park on this block. I walk my
8 neighbor's dog on this block.

9 You know, four years on the Board, you
10 know, we talked about hypotheticals, and that is why
11 I wanted to ask the hypothetical about whether or
12 not these professionals actually see, you know, that
13 our community is growing, that it is changing, that
14 there are good ideas here, and I know we can't count
15 on the hypotheticals, but I think that the lot
16 coverage is a detriment.

17 I think this is an opportunity to start
18 anew, but if we say that about every structure,
19 every application that comes before us, we are never
20 going to have any progress. So on this particular
21 application, I think we are all on the edge about
22 figuring out whether the positives outweigh the
23 negatives here, and I believe they do on this
24 application.

25 Phil I think is probably going to say

1 it better than I have. But, listen, I think this
2 pocket park is perfectly situated across from the
3 Multi Service Center.

4 I think that the rain garden, whether
5 we like it or not, I'm not a huge fan of the rain
6 gardens, because I don't think they're studied
7 enough. I don't think that the community has done
8 enough ground research on it, but I think that's
9 something we can easily cut out. If we don't like
10 the rain garden, let's get rid of it.

11 I think density is close to where we
12 were in '99.

13 Is where we were in '99 necessarily
14 where we want to be in 2015?

15 Not necessarily, but I also don't think
16 it is such a large deviation from, you know, to
17 where we want to be.

18 I think this is an attractive building.
19 I think it's the sort of building that unifies a
20 community, which I think is what we all want to see
21 here.

22 The commercial space on the ground
23 floor is something that brings traffic, that brings
24 some sort of an amenity, whether it be a daycare, a
25 doggie daycare, a bakery, whatever you might have.

1 These are things that this portion of town
2 absolutely needs.

3 So although I am very close to thinking
4 the negatives and the positives do line up here, I
5 do believe the positives are a good thing.

6 We can't -- we can hold off to see
7 what this application will bring in another two
8 years, but I think that this application has filled
9 a number of positive criteria while coming close to
10 some negative ones, but I think that we need to see
11 the positives.

12 So I think this is a good one, but I
13 will say that we need to watch out for this hundred
14 percent lot coverage, because the one thing Hoboken
15 has, and the one thing I urge this Board to consider
16 in the future is that we don't want to be Manhattan.
17 We don't buildings to come, you know, back end to
18 back end, and that's the glorious thing about, you
19 know, these donuts.

20 I think that this block is completely
21 nonconforming, and it would be a detriment to hold
22 out from the community this application, so I'll
23 stop talking.

24 CHAIRMAN AIBEL: Do you want to go --

25 MR. GALVIN: No. You can't talk while

1 we are deliberating, right, unless we are making a
2 tragic mistake.

3 COMMISSIONER FISHER: I just want to
4 respond to something that you said.

5 First of all, I agree, I think this is
6 challenging on a number of parts, because I think
7 there is a lot of positives about what it does for
8 the block.

9 I think the point -- the exact --
10 actually I can't believe I am agreeing with the
11 traffic engineer, but the point that the traffic
12 engineer made about the use of -- the amended use
13 and the use of parking versus the existing is a
14 benefit that will have in a community that everybody
15 is really focused on public parking, I think is a
16 positive.

17 I think the two points that you raise,
18 Commissioner DeFusco, right, I feel a little bit
19 differently. One is, you know, we talk about lot
20 coverage, and we say that we need to be mindful of
21 it, and this is exactly the situation where it is in
22 front of us to the point that Mister -- yeah -- Owen
23 said -- I can't pronounce your name -- is this is,
24 you know, this is the first time in a while we have
25 seen a clean slate, so you would think this is the

1 opportunity for an architect to come in and design
2 something that, you know, isn't a hundred percent
3 lot coverage. That's not what happened. This would
4 be that time.

5 We struggle a little bit when they're,
6 you know, reusing prints, et cetera, and we kind of
7 make the exception for it, but this is exactly when
8 we wouldn't want to make the exception.

9 And the point about progress is, I
10 think progress can be measured in a couple of
11 different ways. If part of our feedback on
12 applications like this is that the next applications
13 come in that are better, you know, better meet the
14 needs of the community, that's progress. You know,
15 not -- as soon as we say yes to something, it is
16 permanently done. You know, that is just -- that is
17 permanent. We can't undo a building that has been
18 approved. But what we can do with this is give
19 consistent I think feedback, so that as applications
20 come in, they start maybe picking up some of the
21 features that we're really looking for.

22 So I am not -- I am concerned about
23 progress because nobody wants an ugly block. This
24 is an ugly block. I don't go there very often.
25 Every time I go by the Service Center, I just think,

1 God, this building is ugly and the whole block is
2 ugly.

3 But even embedded in that, you know
4 that it is a "when," not an "if," that this site is
5 going to be redeveloped, it is a great site. It's a
6 great site for someone to own that and be able to
7 put something great there, but I'm not sure that the
8 positives outweigh the negatives.

9 COMMISSONER DE FUSCO: Tiffanie, I
10 totally agree with you, okay, but progress, you
11 actually shed light on something that I found
12 fascinating tonight, which was the affordable
13 housing.

14 If they built as of right here, we
15 would not be given -- the city would not potentially
16 be able to have this inventory of affordable
17 housing. I think affordable housing is progress. I
18 think that's inviting something to the city that's
19 not currently there.

20 COMMISSIONER FISHER: I completely
21 agree with you, and I don't think I am suggesting
22 that they go -- that the next application or that
23 they just go and build as of right, because I'm more
24 suggesting when I look at that pocket park, like
25 you, I'm not sure there is a lot of value there. I

1 think being pushed off the street, and no one can
2 see it, realistically, is it a cafe?

3 No. It's an odd location, you know,
4 being pushed back mid block, and so, you know, the
5 value of that pocket park, I don't personally see
6 it.

7 I see a value as it relates maybe to
8 the setback on the street. But is that value enough
9 to offset the fact that we do have a donut that
10 we're trying to preserve? We want to have the rear
11 setback.

12 You know, is there a better -- a better
13 version of this building that will still allow
14 affordable housing potentially, but maybe has a
15 little bit more conformity to it --

16 COMMISSONER DE FUSCO: That is what I
17 asked Dean, and his answer was, you know, I was
18 still skeptical of it, whether or not the pocket
19 park in the front was a benefit to the community,
20 because I even said, it looked like a nice entry way
21 to his other building.

22 It is just that you have to look at the
23 scope of the block as it stands now, and in that
24 current format, you know, it is never going to
25 change, unless -- unless there is a spark -- unless

1 there is a belief, you know, that something can be
2 put there that is going to help carry along this
3 block.

4 I will stop talking, but I think that
5 unless that happens, unless some belief is put into
6 an application, I don't necessarily know if it's
7 ever going to happen, and I don't think if built as
8 of right, that we would be getting a lot of the
9 give-backs that are going to improve the street
10 scape, that are going to bring green infrastructure,
11 that are going to allow for this block to come
12 together, and I think those are some areas we might
13 disagree on, and I respect your opinions on it, but
14 you know, I think it is kind of like the hundred
15 percent lot coverage in exchange for these other
16 features is the conversation, and --

17 COMMISSIONER FISHER: By the way, I
18 totally agree. I actually find this to be one of
19 more challenging applications we've seen because
20 it's like, you know, literally it's like this. It's
21 not like this. It's like this.

22 COMMISSIONER DE FUSCO: Very close.
23 It's a good one.

24 COMMISSIONER COHEN: Let me just jump
25 in on that point.

1 We are talking about a property that is
2 a hundred percent impervious right now. We are
3 going to be adding 14 street trees to the front, a
4 green roof, and the one part that is covered in the
5 back is going to have drainage to a retention basin.

6 And if we are talking about preserving
7 a donut that exists, I would agree with you that we
8 were doing something that is worthwhile by being
9 tough on this applicant. But I think in the big
10 picture where there really isn't a donut to speak
11 of, it's not like we're doing the community a favor
12 by having them push the building off the back line
13 to create more light and air, because it's not going
14 to affect -- I don't see this as genuinely making a
15 huge benefit to the neighborhood by forcing that
16 issue, given the other positives that are not going
17 to happen if we don't...

18 CHAIRMAN AIBEL: Mr. Grana?

19 VICE CHAIR GREENE: Well, I do have a
20 lot to say. I took a lot of notes --

21 (Laughter)

22 -- but I think much of it has been
23 said, in what I think has actually been a very good
24 debate.

25 You know, I won't go through all of the

1 these things because much of it has been debated.

2 Between the testimony of Mr. Marchetto
3 and in particular Mr. Kolling, I think that most of
4 the proofs on this project have been made, and in
5 that sense there are a lot of benefits.

6 I will say that I am probably -- this
7 is one of those votes, where I am here with
8 everybody else, because I actually believe that the
9 question is really coming down to the 100 percent
10 lot coverage, which I think we are struggling with.

11 You know, if I was to take, you know,
12 one view, there is no donut in this block, I took a
13 very thorough walk around this block before the
14 meeting. Almost everything in terms of light in
15 there starts at the second floor.

16 However, this is an opportunity to be a
17 clean slate, and why wouldn't we then ask for to say
18 this is the chance to put the block to rights and to
19 actually put the donut back, so I admit that I am in
20 the fence. But I think all of the other points that
21 I make about the proofs have largely been discussed,
22 so thanks for listening.

23 CHAIRMAN AIBEL: Everybody get a
24 chance?

25 Okay. I will weigh in, and I'll start

1 with the hundred percent lot coverage and the donut.

2 I looked at C-1. I listened to the
3 proofs. I think the idea that there is no donut in
4 this block is actually incorrect. I don't think it
5 is too much different from some of the other blocks
6 that are nearby.

7 We already discussed that one of these
8 elements in one of the PowerPoint slides didn't
9 reflect the accurate depiction of the building on
10 Clinton Street. As I look at Block 32 with the
11 proper scale of that building, there is as much of a
12 donut in this block as other blocks on this C-1
13 slide.

14 The fact that it's a hundred percent
15 lot coverage today, and that building is not being
16 reused, to me says, this is not only a matter of
17 zoning, and I'll come to that in a moment.
18 This is an opportunity to fill out, complete the
19 donut that exists, and that's why we have a zone
20 plan that provides for 60 percent lot coverage or 30
21 percent or a 30 foot setback, and I think what I am
22 very concerned that we are about to do, and let me
23 just segue for a moment to agree with all of the
24 positive comments about the architecture, the need
25 for, you know, an appropriate improvement in this

1 block. But if that were the only standard, we would
2 be granting everything, because all of these new
3 buildings are perfectly beautiful, and they're
4 better than the older buildings that are getting
5 knocked down. But our zone provides for a certain
6 density that provides for certain lot coverage.

7 The argument that we are only reverting
8 to the standards of density in 1990 cuts exactly I
9 think, you know, the direction some of my colleagues
10 may be wanting to take this.

11 I think it is very clear that whenever
12 this zone change occurred, the City Council, the
13 legislature determined that 550 was not the proper
14 dimension, it was 660, and today we're facing
15 basically an ordinance that we are dutybound to
16 apply that says 660, so it's not a very minimal
17 increase in density. It's I think a very, very
18 major increase in density, something that I don't
19 think we should be doing without absolutely special
20 reasons, and I'm -- I haven't heard the special
21 reasons yet.

22 You know, there's some very nice
23 elements of this design, but they're not providing a
24 full park with a jungle gym and some other public
25 amenities, so I'm really struggling.

1 I am concerned about the open space. I
2 am concerned about the lack of taking advantage of
3 the opportunity to create a porous surface in the
4 backyard, a very nice green backyard, and give this
5 block to what it should have been, you know, and
6 comply with the zoning that we're sitting with
7 today.

8 So I wish I could get behind it,
9 because I acknowledge all of the good reasons that
10 my colleagues have articulated for wanting a
11 building here.

12 I think it's a clean slate. I think a
13 good rethinking of this design will, you know, be a
14 closer -- will get to a closer balance, more
15 approximate the density allowances and -- or provide
16 a special reason for allowing -- for allowing them.

17 As everybody is a proponent of
18 affordable housing, per se complying with the
19 affordable housing argument is not a special reason,
20 as I understand it, it's certainly a positive in
21 this case, and I encourage this applicant and others
22 to figure out a better balance, but I'm having
23 trouble finding it, and I'm very concerned about
24 rezoning.

25 MR. MATULE: If I might --

1 MR. GALVIN: Just let me say at none of
2 my other Zoning Boards anywhere in the state do I
3 let any attorney comment once the judge goes into
4 deliberations, but --

5 MR. MATULE: First of all, thank you,
6 Mr. Galvin. I appreciate that courtesy.

7 MR. GALVIN: This time.

8 MR. MATULE: But I just want to, just
9 for the record, and while it may seem insignificant
10 to the Board members, I think it is important for
11 the record that we taking about a hundred percent
12 lot coverage --

13 MR. GALVIN: It's 91 percent.

14 MR. MATULE: -- it is 91 percent, and I
15 think that is important to point out.

16 Secondly: With respect to the fact
17 that there is a donut there, we cannot overlook the
18 fact that a hundred-fifty feet of that donut is a
19 blacktop parking lot for the institutional building
20 behind us. It is not a verdine green lawn that is
21 impervious coverage and --

22 MR. GALVIN: Time out for a second.
23 This is why I can't let you do this, because the
24 Chairman has an opinion. He's allowed to have an
25 opinion.

1 MR. MATULE: I understand that, but I
2 just want the record to be clear what we are talking
3 about.

4 MR. GALVIN: We saw the pictures.

5 MR. MATULE: Well, then I think the
6 comments the Chairman is making are not reflective
7 of what the record reflects, but I guess that is
8 perhaps for another forum.

9 The other thing I was going to say is,
10 we have to go to the council for that bump-out. If
11 the Board is particularly troubled by that bump-out
12 that it's going to have an impact on traffic or
13 whatever, we can take it out, or if the Board wants
14 us to take it out, or makes that a condition, but we
15 think it is better to have it then not because they
16 are talking rain gardens and bump-outs, and traffic
17 cone things. I realize that impacts people's
18 ability to park, but, you know, everything is a
19 balancing act.

20 Thank you.

21 CHAIRMAN AIBEL: Counsel, just so I
22 won't let you get the last word, the open parking is
23 part of the donut in my view, so I'll let my
24 colleagues consider it as well.

25 MR. MATULE: Fair enough.

1 CHAIRMAN AIBEL: I guess we're down to
2 that moment.

3 COMMISSIONER DE FUSCO: Well, do we
4 have any --

5 CHAIRMAN AIBEL: Conditions.

6 MR. GALVIN: I have conditions.

7 CHAIRMAN AIBEL: Go ahead.

8 MR. GALVIN: I have: One: The roof is
9 to be an unutilized green roof.

10 Two: The Board found the proposed 1200
11 square feet retail space to be significant to the
12 granting of this proposal and is not to be used as
13 merely a public space.

14 My thought process being that, you
15 know, it's going to become like the laundry room for
16 the building, or a gym for the building. It's got
17 to be a retail space. If you disagree, you can make
18 the change to that.

19 Three: This approval is contingent on
20 the applicant obtaining Council approval for the
21 proposed pocket park/rain garden. The applicant is
22 to enter into a developer's agreement with the City,
23 which is recorded against this lot or lots. The
24 developer's agreement is to set forth the city's use
25 and the developer's obligation to maintain this

1 space.

2 We just approved a rain garden in a
3 Planning Board matter. Mr. Cucchiaro reviewed it,
4 and I'm sure he'll be able to do a good job with
5 this. They know what to put in that agreement.

6 Four: The applicant is to provide five
7 affordable housing units in compliance with
8 Hoboken's affordable housing ordinance.

9 Five: The building is to be
10 constructed as shown to the Board at the time of the
11 hearing. The facade, the treatment, everything
12 about Mr. Marchetto's plan, if the Board approves
13 this, is what's attractive, if those elements get
14 changed in the field, then it compromises the
15 Board's reasoning I think.

16 If you disagree with that, tell me.

17 MS. BANYRA: Dennis, just one more
18 thing.

19 So should the City Council approve the
20 rain garden, the porous pavement requires
21 maintenance, so we have a maintenance bond for that
22 infrastructure. That needs to be cleaned --

23 MR. GALVIN: Well, it will also be
24 subject to our --

25 MS. BANYRA: -- some it is on site and

1 some of it's off site, so that wouldn't be just a
2 normal sidewalk. So there should be probably -- and
3 we can do it at the time of final, but the
4 bump-out -- but some of it's on site and some of
5 it's off site --

6 MR. GIURINTANO: Put in a bond and a
7 maintenance plan.

8 MS. BANYRA: Yes.

9 COMMISSONER DE FUSCO: I think it is
10 worthwhile. Could we talk about it because Diane
11 expressed concern with it?

12 COMMISSIONER MURPHY: Yeah. I mean,
13 it's attractive looking, but it is not on a great
14 block.

15 COMMISSIONER MC ANUFF: I don't think
16 it is necessary to have that. It takes away from
17 parking, and they're not really proven that they --

18 COMMISSIONER GRANA: Just for the
19 record, I like it.

20 (All Commissioners talking at once.)

21 COMMISSONER DE FUSCO: I can go either
22 way on it.

23 I think the elimination of parking is a
24 detriment. I think that it does say -- on the other
25 hand, it does say, this is a public space. That's a

1 little different than the other ones, and we invite
2 you into it, and I could argue it either way, hum --

3 COMMISSIONER MC ANUFF: I just think it
4 puts a squeeze on traffic, and it takes away from
5 the parking, and it is not really -- I don't think
6 they're really that proven that they have any effect
7 on it.

8 COMMISSIONER GRANA: Well, are we
9 debating this?

10 MR. GALVIN: Well, I don't know that we
11 are.

12 Let me recommend based on what I heard,
13 I don't hear anybody arguing strenuously for the
14 bump-out, so if somebody is going to make an
15 affirmative motion, you would make it an affirmative
16 motion, you know, with the elimination of the
17 bump-out.

18 You have no problem with this, bumping
19 out the bump-out?

20 MR. MATULE: No. We have no problem
21 eliminating the bump-out, if that's the Board's
22 pleasure.

23 COMMISSIONER GRANA: I will just say
24 for the record, I think the bump-out is an asset to
25 the project, and I'll leave it at that. That's my

1 comment.

2 MS. BANYRA: Guys, can I just suggest
3 that it may be something City Council wants or
4 doesn't want?

5 If it's proposed -- if it's proposed,
6 then the City Council has the option, if it's taken
7 out, so --

8 COMMISSIONER DE FUSCO: Can I just --

9 MS. BANYRA: -- if it gets approved --

10 COMMISSIONER GRANA: Can I also --

11 COMMISSIONER DE FUSCO: -- go ahead.

12 COMMISSIONER GRANA: -- can I also just
13 offer that it's not central to the principal issues
14 we are debating, but I don't think it is central
15 to --

16 COMMISSIONER MURPHY: I also think --

17 COMMISSIONER DE FUSCO: The City Council
18 can make a decision themselves as to whether it is a
19 benefit --

20 MR. GALVIN: It is in the city's
21 right-of-way anyway. It would require --

22 COMMISSIONER DE FUSCO: -- it is a
23 bigger issue than --

24 MR. GIURINTANO: Can we add some
25 language regarding green infrastructure, waste water

1 retention --

2 MS. BANYRA: They know that. I mean,
3 that's really -- what I would suggest that maybe is
4 that the ability of the City Council to make that
5 decision, that, you know, you leave some language in
6 it, maybe the Board of Adjustment didn't use this --
7 didn't base their approval on this, but we are, you
8 know, the applicant suggested it, and if it's in
9 their purview or their interest, and they want to do
10 that, it's offered, something to that effect --

11 MR. GALVIN: Can I just make it the
12 City Council is to determine whether the bump-out is
13 to be eliminated?

14 (Laughter)

15 And I have: The applicant is to
16 provide a bond and maintenance plan for the rain
17 garden.

18 MS. BANYRA: And porous pavement and
19 maintenance of it and all of that.

20 MR. GALVIN: And its porous pavement.

21 COMMISSIONER DE FUSCO: In your
22 opinion -- in the opinion of our Board engineer,
23 there is not any drains indicated on the second
24 floor plan?

25 MS. BANYRA: It is preliminary.

1 COMMISSIONER DE FUSCO: It's okay at
2 this point?

3 MS. BANYRA: It's preliminary, so --

4 MR. GALVIN: Well, my official position
5 on preliminary is it should be. Almost everything
6 should be done. We shouldn't be leaving things for
7 final.

8 Final should be they go out, and they
9 get other outside agency approvals, and if they have
10 to make changes to the plan, then they have to amend
11 the preliminary. But we can leave things to final,
12 but I don't think we should. Those things -- what
13 you are talking about in this instance --

14 MS. BANYRA: No, it's four drains --

15 COMMISSIONER GRANA: Four drains --

16 MR. GALVIN: -- so I mean, I think
17 that --

18 COMMISISONER MC ANUFF: The drains have
19 to be tied into the stormwater system --

20 MR. GALVIN: -- Jamie, you agree,
21 that's a minor enough thing that we could leave
22 until final --

23 MR. GIURINTANO: Yes.

24 MR. GALVIN: -- but I don't want the
25 concept created in Hoboken that we can leave a lot

1 of details to final --

2 MS. BANYRA: But I guess we're in the
3 point, where you're voting, so I think throwing in
4 things that are little, you know, I think almost --

5 MR. GALVIN: Makes it a better project.
6 I got it.

7 MS. BANYRA: Yeah. It will make it a
8 better project because it is late. There are
9 probably other things that we could throw in there,
10 too.

11 MR. GALVIN: It should be in the
12 engineer's --

13 MS. BANYRA: Plan details --

14 COMMISSIONER FISHER: May I --

15 COMMISSIONER MURPHY: Well, wait a
16 minute. I thought we just said --

17 (All Commissioners talking at once.)

18 THE REPORTER: Wait. Everyone is
19 talking at once. Can we take a break?

20 CHAIRMAN AIBEL: We're getting to a
21 vote first. Just hang on for five more minutes.

22 MR. GALVIN: I am sorry, Eileen, we are
23 going to attach -- our new rule is that we are going
24 to attach our planner's and engineer's comments, not
25 the reports, you are going to break them down to

1 comments that have to come up.

2 If you have things that we need to add
3 to this, you have to tell me right now.

4 MR. GIURINTANO: I can just tell you,
5 Item 33 in our letter, details should be provided
6 for drainage purposes --

7 MS. BANYRA: But it's subject to our
8 letters anyhow --

9 MR. GALVIN: I would say it's going to
10 be subject to everything that's in your reports,
11 okay.

12 If you think there something that is
13 unaddresssed, or something we overlooked, then we
14 have to grab it right now and say it's going to be
15 in your report. Our new procedure is to attach the
16 engineer's and planner's reports to our resolutions,
17 right?

18 MS. BANYRA: Yes.

19 MR. GIURINTANO: Just for the record,
20 my opinion would be that that is covered in our
21 comment that those are details, that further details
22 have to be made up --

23 MR. GALVIN: So you guys will list it
24 out on the -- you're going to give me a combined
25 report that lists out what needs to still be done

1 and be attached to this, okay.

2 I think our court reporter needs us to
3 vote, so --

4 CHAIRMAN AIBEL: I'm ready for a
5 motion.

6 Somebody want to make a motion?

7 COMMISSIONER COHEN: I will make a
8 motion subject to the conditions to approve.

9 COMMISSIONER DE FUSCO: I will second
10 that.

11 COMMISSIONER GRANA: So this is a
12 motion to approve. Is that correct?

13 COMMISSIONER COHEN: Yes.

14 MS. CARCONE: Motion to approve,
15 Commissioner --

16 MR. GALVIN: It needs five affirmative
17 votes, guys.

18 MS. CARCONE: -- Commissioner Cohen?

19 COMMISSIONER COHEN: Yes.

20 MS. CARCONE: Commissioner De Fusco?

21 COMMISSIONER DE FUSCO: Yes.

22 MS. CARCONE: Commissioner Grana?

23 COMMISSIONER GRANA: No.

24 MS. CARCONE: Commissioner Murphy?

25 COMMISSIONER MURPHY: No.

1 MS. CARCONE: Commissioner Fisher?

2 COMMISSIONER FISHER: No.

3 MS. CARCONE: Commissioner McAnuff?

4 COMMISSIONER MC ANUFF: No.

5 MS. CARCONE: Commissioner Aibel?

6 CHAIRMAN AIBEL: No.

7 MR. GALVIN: Okay.

8 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 14 Paterson Avenue :
Applicant: 14 Paterson, LLC :December 16, 2014
C & D Variances :Tuesday 10:15
p.m. ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Commissioner Phil Cohen
Commissioner Michael DeFusco
Commisioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner Tiffanie Fisher
Commissioner Owen McAnuff

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

Eileen Banyra, Planning Consultant

James Giurintano, PE, PP
Board Engineer

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WITNESS

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KENNETH OCHAB

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1 CHAIRMAN AIBEL: Board members, Board
2 members, well, we cleared out the room.

3 (Laughter)

4 Sorry to make you sit, but I hope you
5 were moderately entertained.

6 Mr. Matule, we are at 14 Paterson.

7 MR. MATULE: Thank you, Mr. Chairman,
8 and Board members.

9 Robert Matule appearing for the
10 applicant, 14 Paterson Avenue.

11 If you recall, we were here in March
12 and April of this year, and I had presented a plan
13 for a five-story building with one commercial unit
14 and two residential duplex units, and it will be my
15 word, but the design was very avant-garde.

16 (Laughter)

17 Anyway, so we have now refiled a plan.
18 There have been some changes in terms of the bulk of
19 the building also, but Mr. Minervini will take you
20 to the new design.

21 So that having been said, I would like
22 to have Mr. Minervini sworn.

23 MR. GALVIN: Raise your right hand.

24 Do you swear to tell the truth, the
25 whole truth, and nothing but the truth, so help you

1 God?

2 MR. MINERVINI: I do.

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

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: Frank Minervini,
8 Mi-n-e-r-v-i-n-i.

9 CHAIRMAN AIBEL: We do.

10 (Laughter)

11 MR. MATULE: Thank you.

12 I have to apologize, but this is going
13 to be an analog application, so if you have to mark
14 any exhibits, Frank, that you are going to refer
15 to --

16 (Laughter)

17 THE WITNESS: I see how this is going
18 to go.

19 MR. MATULE: So if you would, Mr.
20 Minervini, could you please describe the existing
21 site and the surrounding area, and if you are going
22 to refer to any exhibits, other than the plans, I
23 will need to mark them.

24 THE WITNESS: Yes.

25 The existing site is an 811 square foot

1 irregularly shaped lot at the southeast intersection
2 of Jackson and Newark -- Paterson Avenue, pardon me.

3 There currently exists a three-story
4 building, two residential apartments on floors two
5 and three, and a commercial space at the ground
6 floor. The previous use was as a florist, Vera's
7 Florist.

8 We are proposing to knock that building
9 down, and I will show some pictures of it, so you
10 get a sense of what it looks like and the condition
11 it's in. Knock that building down, rebuild -- well,
12 to construct a new building, which would also have
13 two residential units and one commercial space.

14 However, where it was three stories, we
15 are proposing five stories, so the end result of
16 this proposal would be a ground floor commercial
17 space of 800 square foot. Floors two and three
18 would have a duplex unit of 2000 square feet, and
19 floors three and four -- pardon me -- four and five
20 would have an apartment size of 2300 square feet.

21 For context, there is a photo board,
22 which they do have as part of their drawing set, I
23 believe.

24 MR. MATULE: Do you want me to mark it?

25 MR. GALVIN: Why don't you mark it?

1 Let's mark it.

2 MR. MATULE: Okay. We will call that
3 A-1.

4 (Exhibit A-1 marked.)

5 MR. MATULE: Did you take these
6 pictures or did someone from your office?

7 THE WITNESS: Some were from my office,
8 and some from an internet site. In this case, it
9 was Google.

10 So the majority of the pictures were
11 taken from my office, and this bird's eye view was
12 taken from Google Earth.

13 The property we are discussing right
14 now is right here. This is Paterson Avenue. This
15 is Jackson Street. Paterson Avenue is two-way.
16 Jackson Street runs from south to north, so
17 currently there is a three-story building here,
18 which most recently is a florist, Vera's Florist,
19 and two apartments above it.

20 Directly behind it, still within the
21 property, is outdoor parking for two cars.

22 Behind that, off the property, as you
23 go north on Jackson Street is a driveway. That is
24 accessed parking at the rear of what was a convent,
25 St. Joseph's Convent. Now it is a residential

1 building. And the school to the -- I don't remember
2 the school unfortunately. The school to the north
3 of that is also a converted residential.

4 The other side of the street, which we
5 can look at here, are four and five-story
6 residential buildings. This one in particular is
7 new, and we designed that, and that building also
8 wraps around towards Paterson Avenue.

9 As we go to the east along Paterson,
10 currently there is an empty lot. However, this
11 Board in the last few months has approved a
12 five-story residential building there, and to
13 refresh some memory, this is the building.

14 MR. MATULE: We'll mark that A-2.

15 (Exhibit A-2 marked.)

16 THE WITNESS: Yes.

17 So if we are looking at site
18 photographs, here is Vera's Florist directly to the
19 east, which is this site now. It is a one-story
20 commercial building.

21 This Board has approved, and we are
22 working on construction drawings now, so the
23 building to be built is a five-story building. I am
24 bringing that up for a few reasons, but specifically
25 to talk about context and future context relative to

1 the last application, how our five-story building
2 will work well with what is going on further down
3 the street, a five-story building, an additional --
4 another five-story residential building, and that is
5 about ten years old or so.

6 What is amongst many things unique
7 about our site is it is irregularly shaped, so it
8 is --

9 MR. MATULE: I will mark it A-3.

10 (Exhibit A-3 marked.)

11 And this is a photograph you took?

12 THE WITNESS: Yes, it is a photograph.

13 If you look at your site plan, you will
14 see that although the lot is 25 feet in width, and I
15 will refer back to one of the drawings now, Paterson
16 Avenue has cut that front on an angle, which leaves
17 us with about 32 feet and change here. So the lot
18 is this way, 25 feet as a standard Hoboken lot is,
19 but Paterson Avenue has cut that off on an angle, so
20 that is one of the unique aspects of the site.

21 The other is that we got existing
22 two-car parking in the rear yard. Of course, it is
23 a corner site. This access and open yard has been
24 for the last 40 years parking for two cars.

25 So if you go down Jackson Street, we've

1 got our existing building, two-car parking, parking
2 for this converted residential building, and there
3 is also -- on the northern side of that, there is
4 also another driveway.

5 So you got this driveway, this
6 driveway, and this driveway. The condition is
7 unique, and we are proposing to, although not
8 exactly replicate it, to keep that concept. So what
9 we are proposing is a five-story building on this
10 rendering, Mr. Matule --

11 MR. MATULE: Let's mark that A-4.

12 (Exhibit A-4 marked)

13 THE WITNESS: -- that is of the newest
14 design, and I have the previous design just for
15 reference, and I will show that, but it is -- I will
16 call it tastefully simple. Very simple brick piers,
17 an abundance of glass, and we think the glass makes
18 sense specifically in this case because there will
19 be a view to what is to become a municipal park, so
20 our thinking is that we face the windows to this
21 park, nice views, and it seems to make sense.

22 Now, as Mr. Matule had mentioned, we
23 were here previously on another application. To
24 refresh the Board's memory, what I took out of that
25 meeting was, generally speaking, and I made our

1 changes besides the facade, but generally speaking,
2 the Board liked the idea of our proposal. However,
3 the architecture wasn't something that was thought
4 to be -- the location was so extremely sensitive
5 because it is in some ways --

6 MR. GALVIN: Can I ask you a question?

7 THE WITNESS: Yes.

8 MR. GALVIN: When we compare the
9 picture you just showed us, are the buildings the
10 same height?

11 THE WITNESS: Yes.

12 MR. GALVIN: Are they the same width?

13 THE WITNESS: Just a different
14 perspective, exactly the same, and I'll go through
15 that. It's just the architecture has changed, and
16 the perspective has changed, meaning where the
17 viewpoint would be. This is smaller.

18 MR. GALVIN: A smaller photo versus a
19 bigger one.

20 MR. MATULE: I will mark this A-5.

21 (Exhibit A-5 marked.)

22 THE WITNESS: Mr. Galvin is referring
23 to --

24 (Ms. Banyra and Mr. Galvin confer.)

25 THE WITNESS: You're asking, so I

1 understand, is the rendering the same scale?

2 MR. GALVIN: No, no. I was asking
3 about the building, and I agree with you that what
4 was throwing me off is the difference between the
5 scale of the two buildings.

6 THE WITNESS: This was originally
7 proposed as a five-story building at 50 feet in
8 height. The new one is exactly the same.

9 What is different is our lot coverage.
10 we reduced that, and I'll get into that --

11 MR. GALVIN: What I am saying is, and
12 I'm just pointing out that the two images to me,
13 that there seems to be a pretty big difference in
14 perspective, and I just wanted to, just out of
15 curiosity, and you answered my question --

16 THE WITNESS: Sure.

17 And the reasoning for that is this a
18 previous design, so we tried to make it a bit
19 smaller, if you remember the design --

20 (Laughter)

21 MR. GALVIN: I do remember. The best I
22 can say is it was memorable. I do remember it.

23 (Laughter)

24 THE WITNESS: Yes.

25 So the newer design is -- the recent

1 design we think is more in keeping with what this
2 Board sees as Hoboken's future. It is more
3 appropriate for its location, given the simplicity
4 of it, although still being modern, it does hearken
5 back in some ways to other parts of Hoboken, so we
6 think that the facade makes sense given the last
7 experience, so that was a major change to the
8 design.

9 Also what we took out of that last
10 meeting, there were several comments about the
11 parking, concerns about although the parking is
12 existing and has existed for four years, there were
13 concerns about whether we should or should not keep
14 that parking. Of course, our opinion is, and we
15 think we can back that up, that the parking makes
16 sense here. There are going to be two family-sized
17 apartments again for a term that is used too often,
18 and the two parking spaces make lots of sense
19 because they are existing.

20 There is no hole in the donut again,
21 relative to the last application, best viewed by --
22 well, we can't see it here, but the only hole in the
23 donut that the block has is a small parking lot
24 behind these two buildings where the view to the
25 hole in the donut would be now, a new five-story

1 building is coming.

2 So our thought was having this garage
3 for parking, enclosed or not, will not affect in any
4 way the hole in the donut.

5 One more rendering for Mr. Matule.

6 Although we are analog, we have lots of
7 drawings.

8 (Laughter)

9 MR. MATULE: A-6.

10 (Exhibit A-6 marked.)

11 MS. BANYRA: Mr. Minervini, can I
12 just -- on the building that you're just saying that
13 was approved by the Board, I thought we did have a
14 setback, and there was some green space.

15 THE WITNESS: To the rear of the
16 building?

17 MS. BANYRA: Yes.

18 THE WITNESS: Yes.

19 MS. BANYRA: Okay. I thought your
20 testimony was just that there was no --

21 THE WITNESS: No. My point was that
22 from this point on, and I was making the point that
23 this seemed like partially a hole in the donut an
24 existing empty lot --

25 MS. BANYRA: Okay.

1 THE WITNESS: -- where as we are
2 proposing and has been approved a new five-story
3 building. That does have, I believe, it's a 30 foot
4 rear yard, maybe a bit less.

5 CHAIRMAN AIBEL: How does that orient
6 with your backyard or your building?

7 THE WITNESS: I will show you in the
8 plan, so --

9 COMMISSIONER GRANA: Would it be on,
10 Frank, Z-3?

11 THE WITNESS: Yes. This is Z-3 I'm
12 using, but there are several similar drawings.

13 MR. MATULE: Is that the before and
14 after? Do you have the existing and the proposed?

15 THE WITNESS: Okay. That is our
16 survey.

17 Okay. Mr. Matule pointed out I am
18 probably best to use Z-2, so if you can go back one
19 sheet.

20 On the left side of the drawing is a
21 site plan based on the survey, so I will draw, and
22 you have this exact drawing, this is the site. The
23 building as exists comes up to this point.

24 The adjacent building as exists is a
25 one-story block at the rear lot line, and then a

1 one-story block as it comes up further. There are
2 two separate buildings, but in essence, they are
3 one-story all the way.

4 The new structure comes back
5 approximately 30 feet, and it might be even a little
6 bit less, but it is 30 percent of that here. That
7 approximately lines up with our residential floors
8 two, three, four, and five here.

9 So this one-story garage enclosing of
10 an existing parking area is located right here.

11 So although this is sort of like -- if
12 we are looking at this in terms of a donut, it is --
13 the donut is oriented this way here.

14 This just by happenstance, there is a
15 driveway here. There is a building here with a rear
16 yard, and then there is a new residential building
17 with even less, so this isn't the hole in the donut
18 as we had discussed at the last meeting. The hole
19 in the donut is oriented this way, and it does occur
20 further north on the property, but I got photographs
21 that will help even better than that.

22 So we can go to this one. This
23 rendering, as I started to use, shows the rendering
24 of the back of the building. So this is the back of
25 the building, the back of the residential portion.

1 This is floors two, three, four, and five, and this
2 is the enclosure of the existing garage.

3 What has changed relative to the last
4 meeting was that the previous design came right to
5 the property line, which bordered on the driveway of
6 the adjacent building.

7 What we have done, after listening to
8 some comments, we have set our garage back two feet
9 and provided a two-foot landscaped buffer as well as
10 a green scape along the side of our wall.

11 CHAIRMAN AIBEL: God bless you.

12 MS. CARCONE: Thank you.

13 THE WITNESS: So I have got a
14 photograph of that existing condition, if I could
15 find it here.

16 Here you go.

17 As I discussed before, this is the
18 existing condition. In essence, what we are doing
19 is bringing the building up to here, down here, and
20 enclosing this section, but not bringing, as in the
21 original design, not bringing the garage up to the
22 property line, which borders on this driveway.

23 We set it back that two feet that I
24 discussed to in essence soften the edge where our
25 building would meet the other driveway.

1 Again, there is no building at this
2 point. It is just a driveway for the adjacent
3 building.

4 There are no windows to residential
5 properties on that ground floor, only if I could
6 find the appropriate -- this building, there is no
7 residential windows here. There are two or three
8 windows that look into storage space. This is the
9 first residential floor, so where our building is
10 built here, it is not looking into windows, which
11 are here.

12 Our approximate height is this, still
13 about the same as those windows, so we are not going
14 past that second floor window.

15 The bigger point is our thought process
16 was the parking is existing. It's an existing
17 condition that has worked safely for 30, 40, maybe
18 more years.

19 Jackson Street is a one-way street.
20 Not very often people make the right-hand turn, so
21 it is not an unsafe condition, as you might think.

22 So this parking has worked before. Our
23 thought is let's keep the parking, enclose that, and
24 what it allows then is outdoor space on the roof of
25 that parking, so one of the residential units will

1 have this outdoor space. The second residential
2 unit will have outdoor space on the upper roof.

3 I think this Board has recognized, and
4 I have testified many times that one of the most
5 important features of these, quote, unquote,
6 family-friendly units, one of the features is
7 outdoor space.

8 We do have a park potentially coming in
9 fact across the street from us, but private outdoor
10 space is what we are proposing here.

11 So if you go through the floor plans,
12 on Sheet Z-1, the lower block diagram, gives a sense
13 of what our building looks like -- our proposed
14 building looks like in context with all the other
15 properties.

16 You will see that it is a bit of a
17 disjointed block. There are driveways on the
18 adjacent sides of the existing five-story building,
19 the existing three-story building, which is about 40
20 feet in height, which was the Marion, as well as the
21 five-story residential building that is about ten
22 years old, and a little further to the north, so
23 that is the lower drawing. The same sheet Z-1 shows
24 what our building will look like on Paterson Avenue.

25 Keep in mind that when we submitted

1 this, that project on Paterson Avenue that I just
2 described wasn't yet built -- I mean approved, but
3 it is the same exact height as ours, so it would go
4 there and nestle right in.

5 So in terms of height, we think that
6 this proposal makes sense. The ground floor, as I
7 said, will have an 800 square foot commercial space.
8 We are not yet sure what that use will be, but our
9 thinking is it will be some use to serve the park,
10 if and when it comes.

11 The other two apartments are two duplex
12 units, one 2000 square feet, and one 2500 square
13 feet, served by an elevator. It's got all of the
14 things that we think again makes this apartment
15 attractive to a family who wants to stay in Hoboken.

16 So as I look through the sheets, I will
17 just start at Sheet Z-4, you see a commercial unit
18 is facing both Jackson Street and Paterson Avenue,
19 and the front corner of the building, which would be
20 the south corner building. Behind that is a
21 residential entry. Behind that is our enclosed
22 two-car garage, which I described.

23 Going to Sheet Z-5, I have that same
24 plan again. You will see the commercial space 805
25 square feet. The commercial space is accessed now

1 from Paterson Avenue, and the residential entry is
2 further down Jackson Street, which makes sense.
3 It's part of the residential street and the two-car
4 garage.

5 Floors, two, three, four, and five are
6 similar with the exception of some bays being
7 skewed. Both apartments are served by an elevator.

8 Sheet Z-7 shows our roof plan, and you
9 will see that you've got a main stair coming to the
10 roof, a stair bulkhead, which adjoins the new
11 building being proposed -- that has been constructed
12 to our east, so there is a stair bulkhead for common
13 use and fire department access. There is a separate
14 smaller stair bulkhead for the apartment directly
15 below and to access their proposed 330 square foot
16 roof decks.

17 The remaining section of the roof save
18 for some maintenance, walkways or hall, green roof,
19 extensive green roof, and we got those details.

20 So I'm back to the often asked water
21 and stormwater mitigation plan that we got. The
22 building will have a stormwater detention system.
23 The building will have a green roof in the area that
24 I just described.

25 On the second floor, which I don't

1 think I described, the second floor back to Sheet
2 Z-5, you will see at the rear a garage roof is
3 proposed outdoor space. While most of that is
4 pervious, there is a roof decking and water will be
5 drained into the stormwater retention system. There
6 is a planting system around this edge, so that will
7 also mitigate some of the rainwater.

8 If we go to Sheet Z-8, it is a
9 two-dimensional sense of the drawing elevations.
10 Again, it is very simple in terms of its overall
11 design. Brick piers run vertically from the second
12 floor point all the way up to the roof with large
13 glass windows. Again, the glass is meant -- we were
14 trying to take advantage of what we think will
15 become a rather attractive park.

16 At the base of the building, there is a
17 small planter to soften that edge of the sidewalk,
18 where the sidewalk meets the building. That is
19 Sheet Z-8.

20 Sheet Z-9 shows the other two
21 elevations -- three elevations. The east elevation
22 compared to a very blank facade, but that facade is
23 being covered by the building I already described.

24 There is an overhand, a four-foot
25 overhang, shown on the south elevation, which is

1 meant to delineate the commercial space. You will
2 see the rear elevation north, which is the same as
3 this rendering that I showed you, showing the back
4 of the building, as well as the green planting that
5 we are proposing to soften that edge. Again, that
6 adjoins a driveway.

7 The building -- the site is, as I
8 mentioned, irregular, so it comes to a rather harsh
9 point at the southeast corner. So what we have done
10 to soften that point to some extent, although there
11 is an outdoor balcony, which is cantilevered at that
12 point, the actual building face is set back seven
13 feet six inches, so it is another way of softening
14 that edge as opposed to having that building be
15 exactly constructed.

16 In our lot coverage calculations, we
17 counted that as building, even though it's outdoor
18 space, but the reality of the actual building, and
19 not the outdoor space, that building coverage would
20 be less, and I think I talked about the properties
21 in the neighborhood, but I didn't mention that also
22 there is -- so here is our southwest park. Here's
23 our proposed building, a new residential five-story
24 structure, a five-story structure here. This is a
25 four -- a three-story, but about a 40 foot high

1 structure. This is 50 feet, and there is on this
2 lone island a new one-story restaurant.

3 Again, the thinking is that the
4 commercial space on this ground floor as it exists,
5 and it existed successfully, considering the
6 condition of the building, the commercial space at
7 that ground floor will make sense given the
8 attraction that people have to this place and
9 certainly to the southwest park.

10 Relative to the last proposal, we have
11 changed the architecture, and again, as a reminder,
12 this is what it looked like. I am still proud of
13 this building. Perhaps some day, somewhere, this
14 will be built, just not at this particular location.

15 (Laughter)

16 Scaled to here is different, and the
17 perspective is different, so we really can't compare
18 it, as Mr. Galvin mentioned.

19 So this project was denied by this
20 Board. This wasn't the only reason. As I recall,
21 there were other main concerns, which was how the
22 driveway would abut the driveway to our north.

23 We think we satisfied that concern by
24 setting the garage back two feet to a planting bed
25 and a green wall here, so although it is not very

1 highly used, this driveway, if someone is standing
2 there, or if they are looking out from the building
3 directly to the north, it will be an attractive
4 view.

5 The building is served by an elevator.
6 We are proposing new street trees, new sidewalk,
7 replacing a very -- in fact, as they say, a very
8 unattractive building. I will remind the Board of
9 that as well. This is the building. It is a
10 one-story, extends out to the corner, and then it's
11 set back. It's a very unattractive building.

12 Its use then as proposed is the same.
13 Two residential units are existing. Each of those
14 are about 800 square feet. We are proposing 2300
15 square feet residential apartments, and the
16 commercial space, although it was 1000 square feet,
17 it was slightly larger than the one we are proposing
18 at 805 feet --

19 CHAIRMAN AIBEL: So the other couple of
20 things that I guess concerned some of us in the last
21 application was the hundred percent lot coverage on
22 the ground floor and the scale of the building,
23 which was in our view then very large on a very
24 small lot.

25 Is there a way you can give us some

1 comfort?

2 THE WITNESS: Sure. There are several
3 areas. We're not a hundred percent lot coverage.
4 We are less than that. We have cut off two feet
5 here. Although it is a planter, and we consider it
6 lot coverage, the actual building doesn't -- we took
7 two feet off that portion.

8 As I mentioned, and it is a bit
9 deceiving, although the balconies on floors two,
10 three, four, and five come to a point at that kind
11 of an odd intersection there, the building itself is
12 set back. It's not reflected in the lot coverage
13 because we counted it at the ground floor, but the
14 reality of this building is that the lot coverage is
15 certainly less at two, three, four, and five, and
16 unlike the last application, this is a corner lot --

17 CHAIRMAN AIBEL: It is still a corner
18 lot.

19 (Laughter)

20 THE WITNESS: -- did I say "was"?

21 I'm sorry. This is a corner lot, and
22 where there is a corner lot, generally speaking, and
23 this is a condition very common to Hoboken, to keep
24 the continuity and the street scape, we proposed
25 something with more lot coverage.

1 Here the building is of a particular
2 size. The garage is bigger, but that's only at
3 ground floor, so there still is open space between
4 our building and the adjacent building to the north
5 on floors two, three, four, and five.

6 Again, I want to point out that there
7 is a setback there. We have a two-foot setback on
8 the back of our garage, but there's also a ten-foot
9 driveway plus that separates our building from the
10 adjacent building.

11 COMMISSIONER GRANA: Frank, do you want
12 to just circulate the new renderings?

13 It just might help.

14 THE WITNESS: Sure. There is one.

15 MR. GALVIN: Mr. Matule, I have a
16 question, too. It's kind of like in left field, but
17 I have to ask it.

18 In the application we have, there is a
19 certification attached to this page that's blank.

20 MR. MATULE: Well, we submit that to
21 the tax office, and they generally reply.

22 I will check to see if they did, or I
23 can just ask the applicant if he knows that the
24 taxes are current.

25 A VOICE: Yes, they are current.

1 MR. MATULE: We can represent that, and
2 I can confirm it.

3 COMMISSIONER MURPHY: Frank, I just
4 have a question.

5 Where those little balconies are, and
6 you showed us a picture of the new building coming
7 in, is that right up above -- are they right next to
8 the -- like is that going to a wall for this
9 balcony?

10 THE WITNESS: If you are standing on
11 that balcony, straight to your right is an open view
12 of the park and whatever else is going there.

13 COMMISSIONER MURPHY: Right.

14 But there is going to be a new
15 building --

16 THE WITNESS: A wall --

17 COMMISSIONER MURPHY: -- so there is
18 going to be a wall of the other building?

19 THE WITNESS: -- there is a wall there
20 anyway, so we are not blocking anybody's particular
21 view. That is a side wall of that new adjacent
22 building, which goes up to zero lot line. It is set
23 back six -- five feet as you go up to four, so we
24 will be open the same as that on that floor.

25 COMMISSIONER MURPHY: Okay.

1 MR. GALVIN: That was filed the whole
2 time, right?

3 COMMISSONER DE FUSCO: So the first
4 unit -- the second floor unit has the terrace space?

5 THE WITNESS: Yes.

6 COMMISSONER DE FUSCO: How high are the
7 walls around the terrace?

8 THE WITNESS: The railing has to be 42
9 inches. Now, we have it shown as a planter, which
10 is at that same height just to act as a buffer --

11 COMMISSONER DE FUSCO: So
12 hypothetically speaking, if I was standing on the --
13 if one is standing on the proposed terrace, looking,
14 you know, across the driveway to the neighboring
15 building, would they be able to see?

16 THE WITNESS: They are screened, and I
17 think the rendering that's being passed around of
18 that rear portion of the building shows there is a
19 planting screen, so visually we got a break there.

20 COMMISSIONER DE FUSCO: The planting
21 screen on the terrace --

22 THE WITNESS: Yes, thank you.

23 COMMISSIOENR DE FUSCO: -- or along the
24 side of the driveway?

25 THE WTINESS: This will better describe

1 it.

2 So here is the adjacent building. We
3 have a planter creating the fence condition for that
4 deck --

5 COMMISSIONER DE FUSCO: I see. I mean,
6 it is a rendering. So for all intents and purposes,
7 you are suggesting that that would be an immensely
8 private space, there would be no privacy issues with
9 the neighbors right across the way?

10 THE WITNESS: I believe it's certainly
11 not a major privacy issue. Their windows are ten
12 plus feet away from ours.

13 I can certainly propose taller
14 shrubbery here, but our thinking is just to make it
15 high enough, so that it would make it difficult to
16 see, and that's for upper and down --

17 COMMISSIONER DE FUSCO: That might be
18 interesting, a taller shrubbery just to, you know --

19 THE WITNESS: Perhaps just here?

20 COMMISSIONER DE FUSCO: Yeah.

21 And then -- well --

22 THE WITNESS: -- because here, this is
23 the rear of the building. You're talking about the
24 rear yard --

25 COMMISSIONER DE FUSCO: I am

1 particularly concerned about the privacy that the
2 neighbors could potentially experience as a result
3 of the --

4 THE WITNESS: Understood.

5 Mr. Matule just pointed out one of my
6 details that I think the rendering may be incorrect,
7 and it looks like we did specify a taller shrub.
8 The same detail that we use often on the roof in the
9 exact same ways, the upper roof --

10 COMMISSONER DE FUSCO: The site lines
11 from the park, because now we have this proposed
12 park that's going to offer much wider sight lines,
13 will we see the roof deck from the building from the
14 park?

15 THE WITNESS: That addition as well is
16 screened with planting, and you may perhaps at some
17 point here, standing in the parking lot as it exists
18 see some of the greenery. You wouldn't see
19 occupants behind it.

20 COMMISSONER DE FUSCO: You are
21 proposing four balconies that are seven feet deep on
22 each floor --

23 THE WITNESS: Yes, at their longest
24 because of the driveway.

25 COMMISSONER DE FUSCO: You have, again

1 in the rendering, but it may be incorrect, like four
2 girls standing on it?

3 Are these balconies intended for
4 entertainment?

5 (Laughter)

6 THE WITNESS: Well, I mean, it is a
7 fair question, and I understand it.

8 Given its size, and I will reiterate
9 the size, it is about seven feet deep this way, and
10 it is about eight feet plus that way.

11 It is in reality for three people to
12 stand and two people to sit, if there is a chair
13 there, so it is not very big. The rendering is just
14 meant to show life as opposed to the actual number
15 of occupants or residents --

16 COMMISSONER DE FUSCO: Thank you.

17 THE WITNESS: -- and Mr. Matule pointed
18 out, it is 25 square feet.

19 CHAIRMAN AIBEL: I think the edge of
20 the balcony is going to be the side of the building
21 next to it?

22 THE WITNESS: It exactly at its
23 furthest point meets the building next to it --

24 CHAIRMAN AIBEL: So there'd be a
25 wall --

1 THE WITNESS: -- the sidewalk of that
2 building.

3 CHAIRMAN AIBEL: -- so all of the
4 privacy issues are going to be directed out --

5 THE WITNESS: The privacy issue in
6 those cases really isn't an issue because there are
7 no other occupants or residents directly adjoining
8 to us.

9 CHIARMAN AIBEL: Board members?

10 COMMISSIONER GRANA: Mr. Minervini,
11 could you describe the location of the street trees?

12 THE WITNESS: Yes. I will refer to --
13 I brought several drawings showing that.

14 I will use Sheet Z-2.

15 So we are proposing three street trees,
16 one along Madison Avenue right here, which is
17 approximately -- well, it is a bit offset from the
18 residential -- excuse me -- commercial entry, and
19 then one at the edge of the property line going to
20 the north, which will be the boundary of the new
21 driveway, the newly constructed driveway replacing
22 the existing driveway, and then one at approximately
23 where the residential entry is, so there is one,
24 two, three.

25 COMMISSIONER GRANA: Is there a reason

1 trees, just something I just picked up glancing at
2 the plans right now just to construct the building
3 issue, you have a three-by-five tree grate on the
4 northern most tree on Jackson Street, and all you
5 have is five feet between the bottom of the drop
6 curb for your driveway and the driveway on the
7 adjacent lot. I am not sure you will be able to fit
8 that street tree in there because you're not taking
9 into account any of the --

10 THE WITNESS: I'm sorry?

11 MR. GIURINTANO: -- the curb flare, the
12 curb has to flare back up?

13 THE WITNESS: Yeah. I think we
14 actually did that.

15 MR. GIURINTANO: The way it's drawn
16 here, the flare isn't cut off on the one side.

17 THE WITNESS: I understand your
18 point --

19 MR. GIURINTANO: It's a
20 constructability concern.

21 THE WITNESS: -- I will point out -- I
22 get your point.

23 I will point out that the previous
24 application showed a three foot square tree grate,
25 which is what the standard. Now it is three feet by

1 five feet, so I could probably reduce slightly the
2 width of that driveway, the actual pressed curb
3 apron to accommodate the tree and still provide
4 adequate entry, ingress and egress for the parking,
5 but I will look at that condition.

6 MR. GIURINTANO: Continuing on with
7 landscaping, your testimony was you provided a
8 two-foot setback on the property line to the
9 exterior wall of the garage. Is that correct?

10 THE WITNESS: Two feet from this edge
11 back, that is the garage to the property line.

12 MR. GIURINTANO: How wide is that wall?

13 THE WITNESS: This?

14 MR. GIURINTANO: Your planter wall that
15 comes up.

16 THE WITNESS: This is two feet.

17 MR. GIURINTANO: So what is the
18 thickness of the wall?

19 THE WITNESS: The actual wall --

20 MR. GIURINTANO: If you are providing
21 two feet, and that wall is a nominal one foot thick,
22 you have one foot --

23 THE WITNESS: It doesn't have to be one
24 foot thick. We certainly can make that four inches
25 thick.

1 I mean, we have it drawn, so that the
2 material matches the garage. I'm not sure that
3 that's the best esthetic way to handle it. Very
4 easily, this could be a wood frame railroad tie
5 planter of some sort, and if this Board wanted us
6 to, we could speak to the owners of the adjacent
7 property and see if they had any suggestions.

8 MR. GIURINTANO: Well, my only concern
9 is: Is there adequate space for the vegetation?

10 THE WITNESS: As Bob just pointed out,
11 it is actually 30 inches, not 24 inches, so I think
12 the answer is yes.

13 MR. GIURINTANO: Okay.

14 THE WITNESS: Thank you, Bob.

15 MR. GIURINTANO: One last question.

16 What is the width of the sidewalk
17 facing the garage to the curb face?

18 THE WITNESS: Along -- you're asking --

19 MR. GIURINTANO: Jackson Street, I'm
20 sorry.

21 THE WITNESS: Okay. I may not have the
22 dimension, but I know there's four foot squares. It
23 is in the survey. It's about 16 feet plus, because
24 each of those -- one, two, three -- about 16 feet.

25 MR. GIURINTANO: All right.

1 In your testimony, you had discussed
2 how vehicles have continually maneuvered into and
3 out of that driveway for whatever period of time,
4 and they had free access with not having to come out
5 of the garage, not having any impact on visibility.

6 THE WITNESS: Yes. Well, there is a
7 gate. There's a gate line, a tall gate. It's about
8 a seven or eight foot high gate. It is not
9 automatic. They actually have to stop the car, pull
10 the gate open, and the photograph --

11 MR. GIURINTANO: No.

12 Where I'm actually going is your
13 testimony was that, you know, you feel that with the
14 inclusion of the garage, that it is safe, and I
15 would just like to hear some commentary on the
16 visibility of vehicles as they back out of that
17 garage because the visibility is going to be
18 impacted --

19 THE WITNESS: I think the visibility is
20 exactly as it was, again, because you got the --
21 cars are traveling from south to north.

22 If I may, cars are traveling from south
23 to north, the majority. Certainly some cars are
24 traveling west and make that right, but the majority
25 of cars are coming from Jersey City. They're

1 entering back into town.

2 What they see right now is the back of
3 this building and a tall gate line.

4 Let me see if I have a better
5 photograph of it. They passed it around, and they
6 still have it.

7 MS. CARCONE: This one?

8 THE WITNESS: Yes. Thank you.

9 Here is the gate line, and you see
10 that's to hide the car, so I am not suggesting it is
11 opaque, but it certainly would hinder visibility
12 relative to what your question is. I think the
13 condition now perhaps is even safer. Certainly for
14 oncoming cars, because there could be a warning
15 light here. Now there is no warning light to know
16 when a car is entering or exiting.

17 With this construction, when the garage
18 door opens, there will be a visible warning light,
19 so they will know when a car is coming or not. The
20 condition backing out is approximately the same.

21 MR. GIURINTANO: What's the width of
22 that area currently?

23 THE WITNESS: Well, it's about the
24 same --

25 MR. GIURINTANO: Not the gate. From

1 the building to the property line, the open paved
2 area?

3 THE WITNESS: I could tell you from the
4 site plan -- the survey, excuse me.

5 MR. GALVIN: "The survey says."

6 (Laughter)

7 THE WITNESS: It doesn't give me that,
8 of course, but the total is 61 feet nine inches.
9 That is the total property line dimension there. As
10 I mentioned, the property is irregular.

11 So do any of my drawings show that?

12 I don't have the existing, but I have
13 the proposed, but I don't have the existing.

14 I could give you an approximate
15 dimension, because we got 61.75 feet. It looks like
16 it is just about half --

17 MR. GIURINTANO: Just bear with me one
18 minute.

19 I actually have the survey of the
20 property.

21 So that is roughly 32 feet wide, the
22 way I'm scaling it.

23 THE WITNESS: Yes. That makes sense.

24 MR. GIURINTANO: Okay. So you are
25 taking a clear area of 32 feet in width, where you

1 are backing out of, and you are compressing it down
2 to -- what do you have, a 16 foot garage door on
3 that?

4 THE WITNESS: But that is not accurate,
5 because we are not parking on that whole 32 feet
6 right now --

7 MR. GIURINTANO: I'm not talking about
8 parking. I'm talking about visibility.

9 You know, there's a fence there. You
10 can see through the fence.

11 THE WITNESS: Barely.

12 Have you been to the site?

13 I'll tell you why, because you can
14 barely see through that fence.

15 MR. GIURINTANO: It's still an open
16 area.

17 THE WITNESS: Well, I understand your
18 point, and I am testifying to the fact that having
19 been there, and I was most recently there this
20 morning, that fence is as much of a hindrance as
21 suggested as our door would be or door opening.
22 That is what I am testifying to.

23 MR. GIURINTANO: Thank you.

24 THE WITNESS: Yeah. And as Bob -- in
25 fact, again, Mr. Matule helped me with my testimony,

1 it is a 16 foot wide sidewalk, so it is not as if
2 the car is backing out directly onto the street.
3 There is, with any sense for a person pulling out
4 will go slowly enough, they got 16 feet of that
5 travel distance before you're seen, which is the
6 same condition in terms of that dimension as
7 currently --

8 MR. GIURINTANO: That is unchanged.

9 THE WITNESS: Yes.

10 CHAIRMAN AIBEL: So you are going to
11 have safety devices or whatever -- bells or
12 whistles --

13 THE WITNESS: Yes, and we are also
14 offering -- I meant to get to this. It didn't make
15 it to these plans, but it is relative to my
16 testimony last week, and Mister -- Commissioner
17 Branciforte is not here tonight -- we are proposing
18 to put, and I'll change the drawings, of course,
19 provided it's approved, an LED strip at that
20 threshold --

21 MR. GALVIN: Yes. We are going to
22 refer to that as the "Branciforte device."

23 (Laughter)

24 THE WITNESS: -- for lack of a better
25 term.

1 So what the thinking is that the full
2 width of the garage door embedded into the concrete
3 before or after the drain will be an LED light that
4 will also be illuminated upon the garage door
5 opening. One of the Commissioners is very concerned
6 about the safety of those conditions, and we thought
7 this might be a good way to satisfy his concerns.

8 CHAIRMAN AIBEL: One of the other
9 issues that I think came up in the last hearing was
10 a concern about softening the side of the building
11 at street level on, I guess, both Jackson and
12 Paterson.

13 I see that you have some boxes in the
14 right-of-way, but --

15 THE WITNESS: Yes. Our thought was the
16 lot is only 25 feet, so there is no real -- it is
17 not really possible to make the building more
18 narrow, so we thought instead, because the sidewalk
19 is 16 feet, have a small two-foot planter box, with
20 City Council approval, it would be very low, but it
21 would soften that edge, and I think the rendering
22 describes it pretty well -- I'm sorry -- softens
23 that edge where the building meets the sidewalk.
24 That was one of the other concerns, and we did
25 address them.

1 CHAIRMAN AIBEL: Thanks.

2 Mr. Grana?

3 COMMISSIONER GRANA: Mr. Minervini, the
4 commercial space will be subject to flooding
5 conditions?

6 THE WITNESS: Yes.

7 COMMISSIONER GRANA: So I think the
8 last time we talked about it, we talked about -- I'm
9 just trying to recall -- pressurized windows, are
10 you changing that now to the shield approach, to
11 softening the plans that -- for lack of a better
12 term --

13 THE WITNESS: We need DEP approval for
14 this, NJDEP, so how we get there, I am not quite
15 sure. An option is to have the barriers at just the
16 entry door --

17 COMMISSIOENR GRANA: Okay.

18 THE WITNESS: -- and have the glass
19 designed, so it can withstand hydrostatic pressure.

20 Probably what we will do is they can be
21 put together more quickly in case of a flood, we
22 need their approval, so I'm not quite yet sure which
23 direction we will go, but it will be one of those,
24 and the place will be dry wetproofed.

25 COMMISSIONER GRANA: Thank you.

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

3 MR. GALVIN: Sure.

4 MR. MATULE: I think we probably have
5 covered it anyway, but I didn't get to it.

6 My question I wanted to ask, Frank, is
7 you did receive H2M's letter with the last revision
8 of December 11th, 2014?

9 THE WITNESS: Yes, I have.

10 MR. MATULE: And you have no issues
11 addressing the items raised in that letter?

12 THE WITNESS: No, I have no issues.

13 MR. MATULE: In addition to any other
14 comments that were made here tonight?

15 THE WITNESS: Correct.

16 MR. MATULE: And assuming this is to
17 approved by Hoboken, Paterson Avenue is a county
18 road, so this would also have to get Hudson County
19 site plan approval?

20 THE WITNESS: Yes. We need Hudson
21 County site plan approval, and we need DEP approval,
22 NJDEP for the flood hazard, and we need North Hudson
23 Sewerage Authority approval.

24 MR. GALVIN: And the flood plain issue?

25 THE WITNESS: Yes.

1 Just regarding the buffer or the
2 plantings that I proposed here to soften that edge,
3 as we talked about, the Hudson County Planning Board
4 has to approve that as well.

5 MR. GALVIN: The plan is to be revised
6 in order to maintain the street tree as shown on the
7 plan. This may require the redesign of the curbing,
8 and if so, it must be reviewed and approved by the
9 Board's engineer.

10 The garage roof planter is to have a
11 six foot tall shrub to provide a privacy screen for
12 the neighbors.

13 Did you say six feet? I made that up.

14 THE WITNESS: Well, six feet in total.
15 We have a planter box that's already 42 inches tall,
16 so the remaining distance could be plants as opposed
17 to a six-foot shrub.

18 MS. BANYRA: You know, I scaled off,
19 Frank, the planter box, and I know Mr. Matule said
20 they're 30 inches. They're scaling off at two feet,
21 and the only ones that are three feet are the ones
22 that the planter box is in front of. I am just not
23 sure that big material will fit in two foot --

24 MR. GIURINTANO: Which -- which --

25 THE WITNESS: I know there's many, so

1 I'm asking which planting box?

2 MR. GALVIN: I'm talking about the
3 garage --

4 MR. GIURINTANO: North side --

5 MR. GALVIN: -- we don't care about
6 down by the driveway --

7 MS. BANYRA: Well, that one is two
8 feet, and then the one up on the roof is two feet on
9 the top, so -- at least that is what they are
10 scaling at.

11 THE WITNESS: It's 30 inches, and it's
12 dimension is 30 inches.

13 MS. BANYRA: Okay.

14 MR. MATULE: On Z--

15 THE WITNESS: Z-5, I can absolutely
16 confirm that --

17 MS. BANYRA: Yeah, because I think --

18 THE WITNESS: -- and make it more
19 obvious --

20 MS. BANYRA: -- the concern is
21 obviously that it's just too small. I'm not sure
22 you'll get -- especially if we are talking about
23 something that's six foot, there is no base for the
24 roof --

25 THE WITNESS: And they're not going to

1 be as we are discussing. The actual plant itself
2 won't be six foot.

3 MR. GALVIN: So then the planter box
4 will have to be a little taller.

5 Well, I changed it to: The garage roof
6 planter is to have a shrub sufficient in height to
7 provide a privacy screen for the neighbors and will
8 achieve a total minimum height of six feet.

9 THE WITNESS: Yes, and we're talking
10 two different planter boxes --

11 MR. GALVIN: I meant the planter box
12 and the shrub.

13 THE WITNESS: Right.

14 MR. MATULE: Again, just so the record
15 is clear, I think the conversation Ms. Banyra and
16 Mr. Minervini are having is about the planter at the
17 garage at grade --

18 MR. GALVIN: Then I'm not involved.

19 MS. BANYRA: No, both of them. No,
20 both of them.

21 MR. MATULE: Well, I don't think there
22 was any intention to have six foot high plants --

23 THE WITNESS: Our thought was again
24 just to soften it, something low, but there will be
25 a green screen on that wall, so it will achieve that

1 same idea, and it is shown on the plans.

2 MR. GALVIN: Or we could have the
3 plans --

4 (Mr. Galvin and Ms. Banyra confer.)

5 MR. GALVIN: Okay. I have to change
6 that.

7 Let's move on.

8 CHAIRMAN AIBEL: Anybody else?

9 No.

10 Let me open it up to the public. Does
11 anybody have questions for Mr. Minervini?

12 COMMISSIONER COHEN: Motion to close
13 the public portion.

14 COMMISSIONER GRANA: Second.

15 CHAIRMAN AIBEL: All in favor?

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

18 MR. MINERVINI: Thank you.

19 MR. MATULE: Mr. Ochab, you were
20 waiting very patiently.

21 MR. OCHAB: Three and a half hours.

22 MR. GALVIN: Do you swear to tell the
23 truth, the whole truth, and nothing but the truth,
24 so help you God?

25 MR. OCHAB: Yes, I do.

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

3 MR. GALVIN: State your full name for
4 the record and spell your last name.

5 THE WITNESS: Ken Ochab. That's
6 O-c-h-a-b.

7 CHAIRMAN AIBEL: We do.

8 MR. MATULE: Thank you.

9 Mr. Ochab, you are familiar with the
10 master plan and the zoning ordinance of the City of
11 Hoboken?

12 THE WITNESS: Yes.

13 MR. MATULE: And you are familiar with
14 the proposed project as reconstituted?

15 THE WITNESS: I am, yes.

16 MR. MATULE: And you prepared a report,
17 dated 5/20/14?

18 THE WITNESS: I did.

19 MR. MATULE: And could you go through
20 your report and give us your professional opinion
21 regarding the requested variance relief?

22 THE WITNESS: Yes.

23 So we have several variances with
24 respect to this property.

25 As Frank indicated, the property is

1 very unusual because it is small. It's an
2 undersized property at 1811 square feet in size, and
3 it is a corner property, which also, every time you
4 have a corner property, it has limitations and in
5 some degree constraints.

6 So with respect to zoning, we are in
7 the R-3 zone. We have two preexisting nonconforming
8 conditions. One is the lot size, which is again
9 1811 square feet, and the other preexisting
10 nonconforming condition is the lot depth, which is
11 in this case 72 feet average down the center, 61 on
12 the Jackson Street side, and 83 on the -- on the
13 internal lot side size, so those are the two
14 preexisting nonconforming conditions.

15 With respect to the application itself,
16 we have one D variance, which is a lot -- which is a
17 building height variance for the number of stories.
18 We are at five stories, where four are proposed, and
19 we also have a height variance for the physical
20 height of the building at 42 and a half feet ABF,
21 which, again, that happens to be a C variance
22 because it's less than ten percent of the allowable
23 physical height.

24 So I only have the one D variance for
25 height, and I will thank my lucky stars we don't

1 have a density variance this evening --

2 (Laughter)

3 -- so I don't have to go through the
4 process again.

5 So in terms of the other C variances,
6 as Frank indicated, we have a lot coverage variance
7 for the first floor, which includes the deck above
8 the garage space at 96 percent, and the building
9 itself above that, which is at 72 percent of the lot
10 coverage.

11 In addition to that, we have a front
12 yard variance at zero feet, where five to ten is
13 required; a rear yard variance at two feet, and then
14 an approved coverage variance at -- we are at 51.8
15 percent, where, as you know, 12 percent is required.

16 So with respect to the height variance,
17 again, we are proposing a five-story building, four
18 stories above the retail use on the first floor. We
19 have a flood condition situation there, so we have
20 to elevate the residential above. We are basically
21 replacing a retail and two units with a retail at
22 800 square foot, and then two units above that.

23 Those two units are large family units.
24 They are 2300 and 2500 square feet in size, so they
25 will be clearly multiple bedroom, multiple bathroom,

1 multiple children, and multiple family, so we have a
2 lot of multiples in the space.

3 With respect to the height of the
4 building, of course, we need to go by what is called
5 the Grasso criteria and also the Coventry criteria.

6 Basically, as you heard me before, is
7 looking at the height of the proposed building with
8 respect to the height of the buildings in the
9 immediate surrounding area. Of course, the building
10 immediately adjacent to us to the east was just
11 recently approved a while back, which is again a
12 five-story building, four over one at essentially
13 the exact same height as we are proposing here in
14 this application.

15 So in terms of the physical type of
16 grade, we have a 52 and a half foot building from
17 grade, next to a 52 and a half foot building from
18 grade.

19 With respect to the buildings on
20 Jackson, again, I think -- I hate to over photograph
21 this, but we used A-3. The building on Jackson to
22 the immediate north of the site is approximately 50
23 feet in height.

24 This is the old convent building from
25 St. Joe's Church, and, of course, the schoolhouse

1 building from St. Joe's is basically a six-story
2 building beyond that, and it has a penthouse which
3 kind of overlooks everything beyond this. So
4 clearly, we are sort of matching up with what we
5 have on Jackson from an over perspective.

6 Continuing down on Paterson Avenue,
7 again, we have a couple of five-story buildings
8 there as well.

9 And if we look across to Observer
10 Highway, again, we have five and six-story buildings
11 with respect to that. Some of that, if not all of
12 it, is shown in the report photographs three and
13 four of my report, and also photographs five and
14 six.

15 MR. GALVIN: You know, we might be
16 okay.

17 THE WITNESS: Okay. Got you.

18 With respect to the C variances then,
19 you have two criteria with respect to the C's, which
20 is whether there is a hardship or the granting of
21 the variance, the benefits of granting the variance
22 would outweigh any detriment.

23 Here we have a constrained property, so
24 my view on the lot coverage, front yard, rear yard
25 is based on hardship, so it would be a C-1 variance,

1 hardship with respect to lot coverage, because we
2 are just trying to get the bulk of that building on
3 the site again, which is very small.

4 So when you put a normal building on a
5 very small site, you have excessive coverage.
6 Nevertheless, our coverage is 76 percent on the
7 site, which is not that bad considering we are on a
8 corner property, so we have multiple setbacks,
9 again, with the constrained configuration of the
10 property.

11 With respect to the roof coverage, roof
12 coverage is a result of putting an outdoor space on
13 the top of that roof for the upper duplex. The
14 lower duplex uses the space over the garage, so
15 again, it is providing some private outdoor space
16 for the family that will live in the area, and
17 again, that's a benefit I think here which outweighs
18 any detriment.

19 With respect to the impacts of granting
20 the variance, in my view there is no substantial
21 impact here. Again, we are matching the building to
22 the east. The building on Jackson to the north is
23 clearly set back far enough as to not create any
24 impacts on that building.

25 Then across the street, of course, we

1 have the proposed park and the single-story
2 building, which is the bar/restaurant, Jack's,
3 whatever it is. I forget the name.

4 So there is no substantial impact with
5 respect to the granting of the D and the C
6 variances.

7 And with respect to the impact or
8 effect on the zone plan, the zoning ordinance, there
9 again we are providing a reasonable approach to this
10 property, and a corner property, which the zoning
11 ordinance at least suggests should be developed as
12 completely as practical or necessary because the
13 corner properties are the anchors of the block, so
14 with respect to that, I don't believe there would be
15 any substantial detriment nor impairment to the
16 zone.

17 So with that, Mr. Chairman, I will
18 stop.

19 MR. GALVIN: Thank you.

20 CHAIRMAN AIBEL: Thank you very much.
21 Board members?

22 COMMISSIONER GRANA: No questions.

23 MR. GALVIN: Anybody in the public have
24 any questions of the witness?

25 There is nobody in the public.

1 COMMISSIONER COHEN: Motion to close
2 the public portion.

3 COMMISSIONER GRANA: Second.

4 CHAIRMAN AIBEL: All in favor?

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

7 MS. BANYRA: Mr. Chairman, can I just
8 make one question -- comment?

9 In my report, Mr. Ochab correctly noted
10 that there is one D variance for height. He is
11 correct, that it is a C variance because it doesn't
12 exceed ten percent.

13 So I think my report indicates two D
14 variances, but he is correct. It is one D variance
15 for the number of stories, but not for height.

16 COMMISSIONER GRANA: For floors.

17 MS. BANYRA: Number of stories,
18 correct.

19 And the rest of the C variances, of
20 course --

21 MR. GALVIN: You are seeing stories as
22 floors.

23 COMMISSIONER GRANA: Floors, stories,
24 yeah. It means the same thing. I'm just
25 clarifying.

1 Thank you.

2 MS. BANYRA: The balance of the
3 variances, including lot area since they're removing
4 the building would be technically required.

5 MR. MATULE: Very briefly, I think the
6 project has been designed to fit the corner. I
7 certainly think Mr. Minervini has gotten the
8 feedback from the Board and has redesigned the
9 building. It is in keeping with the street scape on
10 Paterson Avenue. It finishes off the block. The
11 height is appropriate.

12 I think everybody will agree it is a
13 substantial, physical, and esthetic improvement, and
14 it is also going to bring the building into
15 compliance with the flood plain issues, which is
16 important in this section of town, so I will keep it
17 brief. The hour is late.

18 CHAIRMAN AIBEL: Thank you.

19 I'll open it up to the Board.

20 COMMISSIONER GRANA: To deliberations?

21 CHAIRMAN AIBEL: Please.

22 COMMISSIONER GRANA: Okay. I will go
23 first.

24 I think that this application tries to
25 address the lot conditions that exist.

1 I think I will start with the D. With
2 respect to the variance on floors, I agree with Mr.
3 Ochab's testimony, that the structure would be in
4 alignment with the structures that are around it in
5 the immediate vicinity.

6 I think the C variances mostly relate
7 to the fact that it is an undersized lot, and it
8 also has to satisfy the need to have frontage on
9 both Paterson and on Jackson.

10 I think the C-1 variance really comes
11 into play here. I think there is a natural hardship
12 with the lot, and I think we are seeking relief, and
13 I would support it.

14 I also appreciate there is not a facade
15 masonry variance here, and we brought something in
16 that is more of I guess the Hoboken look in context.
17 I think there are some architecturally notable
18 properties on Jackson, and I appreciate that effort,
19 so I would be in support of the application.

20 Thank you.

21 CHAIRMAN AIBEL: Anyone else wish to
22 comment?

23 MR. GALVIN: Should I read my
24 conditions?

25 CHAIRMAN AIBEL: That would be a good

1 idea.

2 MR. GALVIN: One: The applicant's
3 architect is to consult with the Board's planner to
4 ensure that the planted shrubbery reflects the
5 objective shown to the Board and to ensure that the
6 garage roof planter as planted will provide an
7 adequate privacy screen for the neighbors.

8 Two: The plan is to be revised in
9 order to maintain the street trees. This may
10 require the redesign of the curbing, and if so, must
11 be reviewed and approved by the Board's engineer.

12 Three: The applicant is to obtain the
13 approval of the Flood Plain Administrator, all of
14 the outside agency approvals you've listed, and the
15 review letter that combined the planner/engineering
16 letter as to the details that are open.

17 COMMISSIONER FISHER: I'll just say one
18 quick thing.

19 I think this is a great example of how
20 design goes a long way. I mean, I remember the
21 original one, and I know you loved the design, and
22 it's beautiful, but I think we thought at the time
23 it was this imposing modern building at an entry
24 point into Hoboken, and now suddenly when you look
25 at it, it's softer, and it seems to be more of an

1 inviting entryway, and the building just seems less
2 imposing than it did before, so I would echo a lot
3 of what Commissioner Grana said, and I would
4 probably be supportive of it.

5 CHAIRMAN AIBEL: So I will just add --

6 COMMISSIONER COHEN: Just a brief
7 comment, which is that I actually was in the
8 minority of the people who thought the original
9 design was a good one --

10 (Laughter)

11 -- I heard Mr. Minervini not to be
12 anything but proud of it.

13 That being said, I think this is also a
14 very nice design, and I think that it is responsive
15 to the concerns largely that were expressed at that
16 meeting, so I think that, you know, I applaud the
17 designer for addressing those issues.

18 CHAIRMAN AIBEL: I will just add that I
19 don't think it was the design alone that caused the
20 prior decision, but I think you have done a very
21 good job in addressing the other issues that we had.

22 I can't say that I am thrilled that we
23 are close to a hundred percent lot coverage, and if
24 the lot were a little different and a little less
25 unique, we would be pressing you as we did the prior

1 applicant, but I think the testimony about the
2 building adjacent to it, which was one of our recent
3 intervening approvals makes me feel comfortable that
4 the scale of this construction will be appropriate
5 under the circumstances, and you did a good job I
6 think trying to address some of our concerns about
7 softening up the street scape, so I can certainly
8 get behind the application.

9 So would somebody like to make a
10 motion?

11 COMMISSIONER GRANA: I make a motion to
12 approve 14 Paterson with the conditions.

13 MR. GALVIN: I added one additional
14 one: The facade is to be constructed as shown to
15 the Board at the time of the hearing, because it's
16 essential to the decision.

17 COMMISSIONER GRANA: Motion to approve
18 14 Paterson with said conditions.

19 COMMISSIONER MC ANUFF: Second.

20 MS. CARCONE: Commissioner Cohen?

21 COMMISSIONER COHEN: Yes.

22 MS. CARCONE: Commissioner DeFusco?

23 COMMISSIONER DE FUSCO: Yes.

24 MS. CARCONE: Commissioner Grana?

25 COMMISSIONER GRANA: Yes.

1 MS. CARCONE: Commissioner Murphy?
2 COMMISSIONER MURPHY: Yes.
3 MS. CARCONE: Commissioner Fisher?
4 COMMISSIOENR FISHER: Yes.
5 MS. CARCONE: Commissioner McAnuff?
6 COMMISSIONER MC ANUFF: Yes.
7 MS. CARCONE: Commissioner Aibel?
8 CHAIRMAN AIBEL: Yes.
9 MR. GALVIN: Happy holidays.
10 CHAIRMAN AIBEL: Before the Board
11 breaks up, we have one piece of business.
12 MR. MATULE: Thank you very much.
13 CHAIRMAN AIBEL: Happy holidays.
14 MR. GALVIN: Thank God, there was no
15 density.
16 (Laughter)
17 (The matter concluded.)
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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.

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

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF :December 16, 2014
ADJUSTMENT :Tuesday 11:30 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commisioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

- Eileen Banyra, Planning Consultant
- James Giurintano, PE, PP
Board Engineer
- Patricia Carcone, Board Secretary

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1 CHAIRMAN AIBEL: Everybody, thanks very
2 much for hanging in on a tough night, but it was a
3 good evening.

4 We are going to lose technically a
5 couple of our members at the end of the year.
6 Michael's term expires, as does Carol Marsh, as does
7 Tiffanie's.

8 Reorganization will occur in January.
9 I personally am hopeful that we see you all
10 reappointed, because I think you are great and add
11 great value to this Board.

12 I have had a great time being with you
13 guys for your respective terms, but we need to move
14 forward with reorganization, so what we need to do
15 is form subcommittees to evaluate the RFQs that have
16 been responded to by our professionals.

17 We have an engineering RFQ that needs a
18 subcommittee, and we have the planner's RFQ that
19 needs a subcommittee.

20 Mr. Galvin somehow or another committed
21 an antitrust violation and has excluded the field --

22 (Laughter)

23 -- so I decided that I would evaluate
24 the attorney. But I have asked Antonio to work with
25 John Branciforte to evaluate the engineer's

1 proposals. And although I have not had a chance to
2 ask Phil, I hope he and Diane will be prepared to
3 evaluate the planners.

4 And if that is okay with everybody,
5 what I would do is tell Brandy Forbes to create drop
6 boxes for everybody. Everybody will get access to
7 the responses, but I will ask Phil and Diane and
8 Antonio and John in absentia to do that work.

9 COMMISSIONER COHEN: I am just
10 wondering if I could work on the engineering.

11 CHAIRMAN AIBEL: It is a matter of
12 indifference to me.

13 MR. GALVIN: So who wants to swap?

14 CHAIRMAN AIBEL: Well, John is not
15 here, so he gets to be swapped.

16 MR. GALVIN: Okay. There you go.

17 MS. CARCONE: So Antonio and Phil on
18 the engineer, and Diane and John Barnciforte on the
19 planner.

20 CHAIRMAN AIBEL: Yes, bingo. Thank
21 you.

22 COMMISSIONER DE FUSCO: I just wanted to
23 add, it's been a pleasure, and I would love to be
24 back here next year at the will of City Council.
25 But regardless of that, it has been a pleasure

1 serving with a number of you for a number of years,
2 Phil, and, Chairman. But for the new members, I
3 think that this Board, this year has been one of the
4 most productive yet. I think there has been good
5 discourse, and I think that the city is in very good
6 hands with responsible citizens, so I appreciate
7 your insight, and you know, regardless of what
8 happens, I am always your neighbor, so please feel
9 free to keep in touch.

10 COMMISSIONER MURPHY: But we hope you
11 are here, sitting right here.

12 MS. BANYRA: You can sit next to Mike
13 Evers.

14 (Laughter)

15 COMMISSIONER DE FUSCO: Happy holidays,
16 everyone.

17 AIBEL: Happy holidays, everybody.

18 Motion to close?

19 COMMISSIONER DE FUSCO: Motion to close.

20 COMMISSIONER GRANA: Second.

21 (The meeting concluded at 11:30 p.m.)
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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

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