

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE HOBOKEN : July 19, 2016
ZONING BOARD OF ADJUSTMENT : 7 pm
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Owen McAnuff
- Commissioner Dan Weaver
- Commissioner Edward McBride
- Commissioner Cory Johnson

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

- Eileen Banyra, Planning Consultant
- Patricia Carcone, Board Secretary

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

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1 CHAIRMAN AIBEL: Okay. Good evening,
2 everyone.

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

11 Please join me in saluting the flag.

12 (Pledge of Allegiance recited)

13 CHAIRMAN AIBEL: Good evening.

14 We are at -- I believe it is a Regular
15 Meeting, Pat?

16 MS. CARCONE: This is a Regular
17 Meeting.

18 CHAIRMAN AIBEL: Of the Hoboken Zoning
19 Board of Adjustment.

20 So do you want to do a roll call?

21 MS. CARCONE: Commissioner Aibel?

22 CHAIRMAN AIBEL: I'm here.

23 MS. CARCONE: Commissioner Branciforte?

24 VICE CHAIR BRANCIFORTE: Here.

25 MS. CARCONE: Commissioner Cohen?

1 COMMISSIONER COHEN: Here.

2 MS. CARCONE: Commissioner Grana?

3 COMMISSIONER GRANA: Here.

4 MS. CARCONE: Commissioner Marsh?

5 COMMISSIONER MARSH: Here.

6 MS. CARCONE: Commissioner Murphy is
7 absent.

8 Commissioner McAnuff?

9 COMMISSIONER MC ANUFF: Here.

10 MS. CARCONE: Commissioner Weaver?

11 COMMISSIONER WEAVER: Here.

12 MS. CARCONE: Commissioner McBride?

13 COMMISSIONER MC BRIDE: Here.

14 MS. CARCONE: Commissioner Johnson?

15 COMMISSIONER JOHNSON: Here.

16 MS. CARCONE: And Commissioner DeGrim
17 is absent.

18 CHAIRMAN AIBEL: Great.

19 Thanks, Board members, for coming out
20 on such a beautiful night. Maybe we will be
21 efficient and see the sunlight before we depart.

22 (Laughter)

23 We have some administrative business.

24 (Continue on next page)

25

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-15-42

----- X
RE: Fit Foundry, LLC : July 19, 2016
1414-1418 Willow Avenue : Tuesday
Block 123, Lot 15 : 7:05 p.m.
Request to eliminate showers :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Owen McAnuff
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11 Attorney for the Applicant.

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1 CHAIRMAN AIBEL: Mr. Matule, would you
2 come up and make an application on behalf of Fit
3 Foundry?

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

8 You may recall Fit Foundry is sort of a
9 customized personal training type of a fitness
10 studio, who the Board approved to go in up on the
11 top floor above Battaglia's Home Goods store on
12 Willow Ave.

13 When the plans were originally
14 presented, in addition to having locker rooms, they
15 were also going to have showers, men's and women's
16 showers.

17 Apparently when they got to the
18 building department review phase, if they have the
19 showers, then they are mandated under the plumbing
20 code to have a certain number of toilets, urinals,
21 and it got sort of exponentially larger than the
22 client anticipated, and besides the expense, it is
23 also taking up a lot more room than they originally
24 planned for.

25 So they requested that we come back to

1 the Board and ask if we could eliminate the shower
2 aspect of the locker rooms and just have locker
3 rooms because most of the people come already in
4 their exercise clothes and leave. The locker rooms
5 are there more for it's just an accommodation for
6 somebody who wants to change there, but they just
7 wouldn't have the ability to shower.

8 MR. GALVIN: Okay. From the Board
9 professionals' standpoint, we don't feel that we
10 should make that kind of change on a plan, but we
11 didn't really have an opinion on that one way or the
12 other, right?

13 MS. BANYRA: We just thought we would
14 bring it back, right.

15 CHAIRMAN AIBEL: So, Board members, the
16 question is whether we would allow an adjustment to
17 eliminate the showers and have men's and women's
18 rooms --

19 MR. MATULE: Locker rooms.

20 CHAIRMAN AIBEL: -- locker rooms.
21 Excuse me. Thank you.

22 MR. GALVIN: Changing rooms.

23 CHAIRMAN AIBEL: Phil?

24 COMMISSIONER COHEN: I think it is a
25 minor adjustment. The major elements of the project

1 we approved are unaffected by this. There would be
2 more room for the people to exercise there.

3 If it is not necessary to have showers
4 and still have a fitness center that would work for
5 the applicant, I don't think we should require the
6 showers to be there.

7 COMMISSIONER GRANA: I tend to agree.
8 I am not sure that I see any negative or substantial
9 consequences from the change, so I don't see any
10 reason under the circumstances to not approve it.

11 CHAIRMAN AIBEL: Anybody else wish to
12 comment?

13 COMMISSIONER MARSH: No.

14 COMMISSIONER MC ANUFF: No.

15 MR. GALVIN: Who voted on the
16 resolution?

17 MS. CARCONE: Oh, you would think I
18 could would have brought that with me, huh? I can
19 get it at the break or --

20 COMMISSIONER COHEN: I know I did.

21 COMMISSIONER GRANA: I did, too.

22 COMMISSIONER WEAVER: I would tend to
23 think that, you know, we don't -- to agree with most
24 everyone, we don't make them have the showers.

25 However, I am not that familiar with

1 the building code as it relates to athletic
2 facilities and how they are couched and how they are
3 presented to the building department. But if the
4 building department comes back and says, well,
5 regardless, you know, depending on how you are using
6 it, you may have to have showers --

7 MR. MATULE: Well, I get the sense that
8 is not the case, otherwise my client wouldn't have
9 asked.

10 COMMISSIONER WEAVER: -- so as long as
11 we are not saying -- because I don't think we have
12 authority to say it -- nor are you asking for us to
13 say that you don't need to have showers. It is just
14 that we are not requiring you.

15 MR. MATULE: Right.

16 COMMISSIONER GRANA: I think that is
17 right.

18 MR. MATULE: Certainly we are not
19 asking this Board to go into the jurisdiction of the
20 building code and the building department.

21 COMMISSIONER WEAVER: But it is not
22 like we are identifying -- we are not -- if their
23 use is something which is in a gray area, we are not
24 saying that they -- clearly the building department
25 has to make their own evaluation of what the usage

1 of that space is.

2 MR. MATULE: Correct.

3 COMMISSIONER GRANA: Do we have the
4 means for a motion?

5 MR. GALVIN: Yes. What I am going to
6 recommend to you guys is somebody make a motion. If
7 you get second, we will take the first seven voting
8 members, and I will worry about it later.

9 This is not going to be appealed. It
10 is just an authorization to do something
11 administrative.

12 COMMISSIONER COHEN: Could I just say,
13 I mean, I would think that people who heard this
14 would remember whether they heard it, right?

15 MR. GALVIN: You know, I have been
16 doing this for 20 years, and I can tell you
17 categorically that people don't always remember.

18 You will be surprised how many times
19 people say, I didn't vote for that, I voted for
20 that. Obviously, like how come you didn't call me,
21 and then when I go to the videotape, it's something
22 else.

23 COMMISSIONER WEAVER: Obviously it's
24 not the first seven --

25 COMMISSIONER MARSH: You asked who

1 voted for the resolution, right, not who heard the
2 application, which is different, right?

3 MR. GALVIN: I meant -- yes. Normally
4 if you are going to modify a resolution, I would go
5 with the people who voted in favor of the
6 resolution.

7 MS. CARCONE: Why don't we just wait
8 and do the question, and we'll do it at the break?

9 COMMISSIONER MARSH: All I am saying is
10 that the resolution happened at a different meeting
11 than the hearing, so you may not remember voting on
12 the resolution, even though you approved the
13 project.

14 VICE CHAIR BRANCIFORTE: Well, we can
15 look up the transcript online.

16 MR. GALVIN: No, no, no. It wouldn't
17 be those who voted. No. It would be those who
18 voted in favor at the time. I wouldn't just leave
19 it to those who memorialized the resolution.

20 COMMISSIONER MARSH: That's what you
21 said.

22 I remember that I voted for the
23 project.

24 MR. GALVIN: Academically that may be
25 more correct.

1 Okay. Here's what we're going to do.
2 We will go to Plan B. When we get to the break, Pat
3 will get the other resolution, and we'll call the
4 people who voted on the resolution.

5 I'm sorry. I was trying to hit the
6 easy button, and it ain't working, so let's go to
7 the next one.

8 (Other matters heard before the Board)

9 (The following takes place at 8:45
10 p.m.)

11 MR. GALVIN: Let's go back on the
12 record.

13 All right. The first thing we are
14 going to do is we are going to address Fit Foundry,
15 where they don't want to have the shower any more
16 from the beginning of the night, and I now
17 identified who voted in favor: Mr. Branciforte, Mr.
18 Cohen, Ms. Marsh, Mr. Weaver, Mr. McBride, and our
19 Chairman, Mr. Aibel, who has just left.

20 Is there a motion to modify the
21 resolution to permit them to eliminate the showers?

22 COMMISSIONER COHEN: I will make that
23 motion.

24 MR. GALVIN: Is there a second?

25 COMMISSIONER MC ANUFF: I will second.

1 MR. GALVIN: There you go.
2 Mr. Branciforte?
3 VICE CHAIR BRANCIFORTE: Yes.
4 MR. GALVIN: Mr. Cohen?
5 COMMISSIONER COHEN: Yes.
6 MR. GALVIN: Ms. Marsh?
7 COMMISSIONER MARSH: Yes.
8 MR. GALVIN: Mr. Weaver?
9 COMMISSIONER WEAVER: Yes.
10 MR. GALVIN: Mr. McBride?
11 COMMISSIONER MC BRIDE: Yes.
12 MR. GALVIN: So that settles that
13 matter.
14 MR. MATULE: Thank you.
15 (The matter concluded)
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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: July 21, 2016
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

1 CHAIRMAN AIBEL: We don't do these
2 easily, so we have a couple of resolutions to
3 approve --

4 MR. GALVIN: But I keep trying.
5 (Laughter)

6 CHAIRMAN AIBEL: We have a resolution
7 of --

8 MS. CARCONE: Excuse me.
9 I spoke with Tiffany, and she said to
10 hold Meryl Gonchar's resolution --

11 MR. GALVIN: We're going to hold
12 Meryl's resolution.

13 MS. CARCONE: -- until later.

14 CHAIRMAN AIBEL: Okay. 1410 is going
15 to be held?

16 MR. GALVIN: Not -- not -- not -- just
17 until later, because Meryl wants to be here. There
18 is an argument over one of the conditions.

19 CHAIRMAN AIBEL: Oh, brother. Okay.

20 (Laughter)
21 207 Bloomfield Street, a resolution of
22 approval.

23 MS. CARCONE: I'm getting nowhere.

24 Voting is Commissioner Branciforte,
25 Antonio Grana, Carol Marsh, Owen McAnuff, Dan

1 Weaver, and Ed McBride.

2 COMMISSIONER GRANA: Motion to approve
3 207 Bloomfield.

4 VICE CHAIR BRANCIFORTE: Second.

5 MS. CARCONE: Commissioner Grana?

6 COMMISSIONER GRANA: Yes.

7 MS. CARCONE: Commissioner Marsh?

8 COMMISSIONER MARSH: Yes.

9 MS. CARCONE: Commissioner McAnuff?

10 COMMISSIONER MC ANUFF: Yes.

11 MS. CARCONE: Commissioner Weaver?

12 COMMISSIONER WEAVER: Yes.

13 MS. CARCONE: Commisisoner McBride?

14 COMMISSIONER MC BRIDE: Yes.

15 MS. CARCONE: Commissioner Branciforte?

16 VICE CHAIR BRANCIFORTE: Yes.

17 CHAIRMAN AIBEL: Great.

18 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-16-6

- - - - - X
RE: 511 Washington Street :
APPLICANT: 511 Washington Street, LLC : July 19, 2016
Block 216, Lot 7 :
Variance review for proposed :Tuesday 7:20 p.m.
Construction :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
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WITNESS

PAGE

James McNeight

23 & 94

Kenneth Ochab

55

E X H I B I T S

EXHIBIT NO.

DESCRIPTION

PAGE

A-1

Photograph

24

A-2

Photograph

58

A-3

Aerial Photograph

64

1 CHAIRMAN AIBEL: Okay.

2 So even though the agenda starts with
3 610 Hudson Street, if 511 is ready, 511 Washington
4 is ready, we would like to take that application
5 first because of probable recusals on the other
6 application.

7 MR. MATULE: Okay. We will switch it
8 up.

9 CHAIRMAN AIBEL: Thank you.

10 MR. GALVIN: And then nobody goes,
11 we'll take a break, and Pat will go get the
12 resolution, and then everybody can go after that.

13 CHAIRMAN AIBEL: Yes, that is fine.

14 MR. MATULE: Okay.

15 Good evening, Mr. Chairman, and Board
16 Members.

17 Robert Matule, appearing on behalf of
18 the applicant.

19 This is an application with respect to
20 the property at 511 Washington Street. We are
21 requesting variance relief to construct a two-story
22 accessory apartment on Court Street, where there is
23 an existing garage now.

24 We were originally here on June 21st.
25 We did not have a full Board, and we elected to

1 carry the matter.

2 We have already submitted our
3 jurisdictional proofs, and I am going to have two
4 witnesses tonight, James McNeight, and Ken Ochab,
5 our planner. So we can start with Mr. McNeight and
6 have him qualified.

7 MR. GALVIN: Raise your right hand
8 Do you swear or affirm the testimony
9 you are about to give in this matter is the truth,
10 the whole truth, and nothing but the truth?

11 MR. MC NEIGHT: Yes, I do.

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

14 MR. GALVIN: Please state your full
15 name for the record.

16 THE WITNESS: James McNeight.

17 MR. GALVIN: And spell your last name.

18 THE WITNESS: M-c-N-e-i-g-h-t.

19 MR. GALVIN: Mr. Chairman, do we accept
20 Mr. McNeight's credentials as an architect?

21 CHAIRMAN AIBEL: Yes, we do.

22 MR. GALVIN: You may proceed.

23 MR. MATULE: Okay.

24 And just for the record, Mr. McNeight,
25 I see we have a survey, which is already filed with

1 the plans, but also a photo?

2 THE WITNESS: Yes, of existing
3 conditions.

4 MR. MATULE: And this photo you took
5 approximately when?

6 THE WITNESS: Six months ago.

7 MR. MATULE: It pretty much still looks
8 the same?

9 THE WITNESS: Yes, it does.

10 MR. MATULE: Okay. So we are going to
11 mark this A-1 for identification.

12 (Exhibit A-1 marked)

13 So when you refer do refer to it, refer
14 to the exhibit number.

15 So, if you could, could you describe
16 for the Board members the existing site and the
17 surrounding area?

18 THE WITNESS: This is a photograph of
19 the Court Street side of the property looking south,
20 so you will see that there are three brick buildings
21 with 19th Century cornices on top of it.

22 These two first garage doors with this
23 brick spandrel above it is our particular site,
24 which is 21 feet three inches wide.

25 So basically we are going to take this

1 site and match the cornice line of this existing
2 building next door.

3 As you can see, when we get to my
4 drawings, that the facade of the proposed building
5 mimics the red brick and the black cornice, you
6 know, of these other buildings that exist on the
7 site.

8 So let me refer to -- you can look at
9 this photograph more closely, if you would like.

10 Let me refer to Z-1. It is a hundred
11 foot site that runs from Washington Street to Court
12 Street. It is 21 feet three inches wide, as I said.

13 If you look at the survey, you will see
14 that the existing building is 26 feet deep. The
15 existing garage is 26 feet deep on the back.

16 What we would like to do on the upper
17 two floors is add 30 inches to that, and as you will
18 see from my next exhibit, why I would like to do
19 that.

20 The building, the principal building in
21 the front is, you know, a rectangle with an appendix
22 off the back. So you have not a consistent backyard
23 as far as the depth is concerned, but the average,
24 even with the addition to the existing building, the
25 average deck of the space between the principal

1 building and the accessory building is 25 feet,
2 where only 20 feet is required by the code.

3 And the reason for that additional 30
4 inches currently, as you can see from that photo,
5 there is a two-car garage there, the principal
6 building in the front is a multiple dwelling with a
7 fire escape on the back end of it, so when you come
8 down that fire escape, you need to egress through
9 this accessory building to get to the right-of-way
10 of Court Street, so I have to have this rated
11 corridor leading from the backyard of the site to
12 Court Street.

13 So to still get two cars in there, and
14 the width is generous enough for two cars to be
15 there, to get the steps in, I had to push the
16 proposed back wall of the building back 30 inches,
17 as I said before. So when you go upstairs, you get
18 a 28 foot six inch deep floor plan.

19 And as you can see, it is a simple
20 living room, kitchen, bathroom on the main floor,
21 and two bedrooms and a bathroom on the second floor.

22 The roof is not used for anything,
23 other than the condensers. There is a scuttle to
24 the roof in one of the two bedrooms that bring you
25 upstairs, and there is a skylight over the bathroom.

1 Several months ago, this went to the
2 Historic Commission. We are in a historic zone.
3 They okayed the facade, but as you see, it is a 19th
4 Century facade with oak doors, an oak front door,
5 oak garage doors.

6 The exposed reverse steel lintel, which
7 is a Court Street mainstay as far as detailing is
8 concerned, and the historic 19th Century cornice on
9 the top to match the adjacent buildings.

10 There is a sound attenuation fence
11 around the two condensers that are up there on the
12 roof. The condensers are set back the required
13 distance off the property line and both ten feet
14 back and three feet in from both sides, and --

15 MR. MATULE: And the property is not
16 in a flood zone?

17 THE WITNESS: No. It's not in the
18 flood zone. It's way out of the flood zone.

19 MR. MATULE: And with the proposed
20 structure and the existing structure, can you tell
21 us, or can you calculate what the total lot coverage
22 on the site will be?

23 THE WITNESS: The lot coverage on the
24 site is 45.38.

25 MR. MATULE: That is for the principal

1 structure?

2 THE WITNESS: That's for the principal
3 structure, and the back structure is 28.62.

4 MR. MATULE: So the total is
5 approximately 74 percent?

6 THE WITNESS: 74 as opposed to the
7 possibility of it being 80 percent in this district.

8 MR. MATULE: And on your site plan, the
9 building, the three-story building to the south of
10 us, does that go back further, or are we going to
11 line up with it?

12 THE WITNESS: Yeah. The 30 inch
13 addition is exactly the differential between the
14 existing building and this brick garage.

15 So on the upper two stories, I
16 cantilevered that 30 inches, it meets the back wall
17 of that existing building to the south.

18 MR. MATULE: And the brick garage to
19 the north is the depth of the existing structure,
20 correct?

21 THE WITNESS: Correct.

22 MR. MATULE: And you received Ms.
23 Banyra's letter of June 9th, 2016. There were just
24 a couple of callouts on there.

25 Is it the intention to knock this

1 building down and construct a new building or --

2 THE WITNESS: No. We are going to use
3 the existing foundations, the existing first floor
4 bearing walls. The face of the building will be
5 removed and replaced with the new facade, but the
6 bearing walls and the back wall of the existing
7 garage we are going to reuse.

8 MR. MATULE: And what about the space
9 in between the two buildings, is there any kind of
10 particular --

11 THE WITNESS: Well, currently it is a
12 landscaped area that the residential uses in the
13 Washington Street side use.

14 MR. MATULE: And is the cobblestone
15 that currently is on Court Street, that would come
16 up to the face of the garage?

17 THE WITNESS: Well, actually if you
18 look at the photograph, there is a concrete --

19 MR. MATULE: Apron.

20 THE WITNESS: -- apron in front of the
21 building that we are going to maintain, because that
22 is the way it is for the other three garages.

23 MR. MATULE: And there is a comment
24 about the side elevations of the principal
25 structure. Portions of the side wall will be

1 exposed.

2 There is no work being done with
3 respect to the principal structure, is there?

4 THE WITNESS: None, right.

5 MR. MATULE: And what are the side
6 walls of the proposed accessory garage?

7 THE WITNESS: They are going to be
8 concrete block finished with stucco.

9 MR. MATULE: Well, it is only going to
10 be the north wall that is going to be exposed,
11 correct?

12 THE WITNESS: Correct.

13 MR. MATULE: Okay. I have no other
14 questions.

15 CHAIRMAN AIBEL: All right.

16 Board members, questions for Mr.
17 McNeight?

18 COMMISSIONER WEAVER: Hello, Mr.
19 McNeight.

20 Hum, the -- maybe I missed it -- the
21 existing brick wall of the brick garage, is that
22 being -- how does that relate to your first floor
23 plan? That is the 26 foot dimension?

24 THE WITNESS: Hum, I am sorry. You are
25 talking about the facade, 21 foot three inches wide.

1 COMMISSIONER WEAVER: No. I'm talking
2 about the back wall.

3 THE WITNESS: Oh, the back wall?

4 COMMISSIONER WEAVER: How does that
5 relate to the existing wall of the garage?

6 THE WITNESS: If you look at this rear
7 elevation, the stairway, the way it works when you
8 first come up that stairway, it doesn't show it in
9 the drawing, but if you come up that stairway,
10 you're within the body of the building.

11 But once you get to that landing in
12 between the first and the second floor and you turn
13 around, this projects out, and the rest of this
14 stucco facade projects out 30 inches. So this brick
15 facade is existing, but this stucco facade is
16 sticking out 30 inches towards you when you are
17 looking at that drawing.

18 MS. BANYRA: It's cantilevered?

19 THE WITNESS: It's cantilevered,
20 correct.

21 COMMISSIONER WEAVER: Does that count
22 as lot coverage?

23 THE WITNESS: Yes.

24 MS. BANYRA: Yes.

25 COMMISSIONER WEAVER: And you are

1 saying that is because you can't configure the stair
2 in any other way?

3 THE WITNESS: Well, to still get the
4 length of the car in here and the double back stair,
5 which you need in the case because, you know, the
6 stairway is running perpendicular to the major
7 access of the building, to get that stairway in
8 there, I cantilevered the building out the 30
9 inches, so that you can still have the depth of the
10 car and that stairway, and that is propagated by the
11 fact that we had to leave this egress corridor
12 through the building,

13 So I mean typically in a case like
14 this, where you didn't have to bring the people from
15 the principal building through this building for
16 egress purposes, if it was a two-family, for
17 instance, then you could typically have the stairway
18 in this hallway. But in this case you have to have
19 this hallway free front to back, so the stairway has
20 to go some place else, so this is where it went, and
21 it still maintains the depth of an automobile.

22 COMMISSIONER WEAVER: But you could do
23 an L-stair and get rid of that laundry area and
24 continue the rise of stairs up and have the landing
25 all the way to the --

1 THE WITNESS: It wouldn't make it all
2 the way. You would still have to have a landing on
3 the top --

4 COMMISSIONER WEAVER: But you would
5 still be able to tuck the hood of a car underneath
6 it.

7 THE WITNESS: Hum, you still don't have
8 the depth, though, once you get up to that point --

9 COMMISSIONER WEAVER: I disagree --

10 THE WITNESS: -- there are too many
11 steps involved.

12 COMMISSIONER WEAVER: -- I disagree.

13 CHAIRMAN AIBEL: And there is no egress
14 right now from the 511 principal?

15 THE WITNESS: There is. You can walk
16 through this garage. You have to open the garage
17 door to get out, but this stairway, you know, exists
18 in the back currently.

19 COMMISSIONER WEAVER: On Sheet Z-3, is
20 it typical? Did we call out the garage door as
21 fenestration?

22 MS. BANYRA: No.

23 COMMISSIONER WEAVER: I mean, typically
24 fenestration is glass.

25 THE WITNESS: No. Fenestration is any

1 opening in a wall, door or window.

2 COMMISSIONER WEAVER: And this material
3 is?

4 THE WITNESS: It is oak. The garage
5 door is oak, and the front door is oak.

6 MS. BANYRA: Yeah. I think the
7 question is whether or not it meets the
8 requirements, and actually while we were looking at
9 that, I looked it up. So wood is not considered of
10 the masonry materials then, so I think that is an
11 additional variance, that would be an additional
12 variance because wood is not listed that that goes
13 under. It doesn't actually meet the fenestration
14 requirements.

15 COMMISSIONER WEAVER: Okay.

16 And then I think in the beginning of
17 your presentation, you talked about matching the
18 cornice of the building?

19 THE WITNESS: Yes, to the south,
20 correct.

21 COMMISSIONER WEAVER: So I am looking
22 at Z-4, the Court Street elevation.

23 THE WITNESS: Yes.

24 COMMISSIONER WEAVER: Is this --

25 THE WITNESS: We will be a little

1 shorter because we are held to the 30 foot height.

2 COMMISSIONER WEAVER: So you are really
3 not matching the cornice?

4 THE WITNESS: No. I just meant we were
5 matching it material-wise in the look of it, not so
6 much the height of it. That building is a little
7 bit taller than what is allowed on Court Street
8 currently.

9 COMMISSIONER WEAVER: But it will match
10 the cornice exactly?

11 THE WITNESS: As far as the style, the
12 material of the cornice.

13 COMMISSIONER WEAVER: What does that
14 mean?

15 THE WITNESS: Well, it is, you know,
16 it's built 19th Century cornice made out of various
17 components, and, you know, so it matches the
18 prevailing style of these particular four buildings
19 here.

20 COMMISSIONER WEAVER: Do you have a
21 drawing of that cornice?

22 THE WITNESS: Just as I showed on the
23 elevation. You know, it is the usual, you know,
24 dental work and the panels in between.

25 MR. MATULE: Maybe you want to refer to

1 the historic approval. I think we submitted that,
2 but it refers to that also.

3 COMMISSIONER WEAVER: Can I see the
4 photograph again -- oh, I am sorry. Never mind.

5 THE WITNESS: I have the cornice
6 painted in a terracotta color, right.

7 COMMISSIONER WEAVER: Is the cornice
8 painted a terracotta color?

9 THE WITNESS: Correct.

10 COMMISSIONER WEAVER: So you are
11 matching the cornice to the south -- the cornice to
12 the south is in terracotta?

13 THE WITNESS: No, it is black, I
14 believe the one to the south.

15 This one has a buff colored brick and a
16 terracotta cornice and a terracotta colored railing.

17 COMMISSIONER WEAVER: Do you have any
18 color elevations?

19 THE WITNESS: No.

20 COMMISSIONER WEAVER: I don't have any
21 further questions.

22 COMMISSIONER MC ANUFF: I just have one
23 comment, just to redirect.

24 Just so there is no confusion, the
25 cornice is not terracotta. It is steel?

1 THE WITNESS: It's painted. It's
2 galvanized painted.

3 COMMISSIONER MC ANUFF: I just wanted
4 to confirm that.

5 Thank you.

6 CHAIRMAN AIBEL: I think the thing that
7 is most striking to me about the front design on
8 Court Street is the four, I guess, sliding
9 windows -- sliding doors above the balcony?

10 THE WITNESS: Well, just the two open
11 up in the middle. The outer ones are fixed, but the
12 two middle ones open up.

13 CHAIRMAN AIBEL: Those are all glass
14 panels?

15 THE WITNESS: Correct.

16 CHAIRMAN AIBEL: In your view, is that
17 consistent with the character of Court Street?

18 THE WITNESS: Yes.

19 CHAIRMAN AIBEL: Are there other
20 examples that you could point to us?

21 THE WITNESS: Just up the block is a
22 very similar one that -- I'm forgetting the
23 address -- about six houses up several years ago --

24 VICE CHAIR BRANCIFORTE: Can you show
25 us on Z-4? Can you show us on Z-4, Bob?

1 THE WITNESS: Yeah. There is two newer
2 ones as you see on Z-3 --

3 MR. MATULE: No, on Z-4.

4 THE WITNESS: -- Z-4, okay.

5 So here, this one is relatively new.

6 This has sliding glass doors on in.

7 This one is relatively new, and it has
8 large windows.

9 But given the fact that Court Street is
10 only 20 feet wide and there is buildings close by,
11 you know, the bigger the windows, the better, as far
12 as pumping light into these buildings.

13 COMMISSIONER WEAVER: But if you look
14 at -- honestly, if you look at Page 9 of the
15 planner's report, there's a photo of the building to
16 the south. There is a strange relationship to
17 the -- it's almost like, you know, you chose to have
18 your terrace on the second floor, and they chose to
19 have their terrace on the third floor, so it is this
20 weird relationship between the two buildings, and I
21 got to say the building to the south doesn't have
22 the amount of fenestration that you have.

23 THE WITNESS: I'm not sure what
24 building you are referring to.

25 COMMISSIONER WEAVER: I am sorry, what?

1 THE WITNESS: I am not sure what
2 building you are referring to.

3 COMMISSIONER WEAVER: If you look at
4 Page 9 of the planner's report.

5 THE WITNESS: Page 9.

6 MR. MATULE: Are you --

7 THE WITNESS: 6, 7,

8 MS. BANYRA: It would be in Ochab's
9 report.

10 MR. MATULE: -- are you talking about
11 Mr. Ochab's report?

12 COMMISSIONER COHEN: Mr. Ochab.

13 MR. WEAVER: Yeah, or here --

14 MR. MATULE: Oh, okay.

15 Page 9 has photos on it.

16 COMMISSIONER WEAVER: -- or even here,
17 right, Mr. Matule?

18 This building, right, has some sort of,
19 it looks like a terrace on the third floor and not
20 as much fenestration, and then here we are saying it
21 is going to be on the second floor, so it is a weird
22 sort of diagonal relationship, and it just doesn't
23 look like it's been considered

24 THE WITNESS: Well, that is the fire
25 escape that you are pointing to there.

1 COMMISSIONER WEAVER: But the massing
2 of it, it has the -- it has the --

3 THE WITNESS: Well, like, as we said,
4 this has already passed the Historic Commission, so
5 you know, as far as the big windows and the open,
6 you know, balustrade there that you can open those
7 sliding glass doors, that has to take place on the
8 middle floor where the living area is, not on the
9 top floor.

10 MR. MATULE: Is there any adjustment
11 that you perceive you could make to this to reduce
12 the amount of glass in that second floor and still
13 have it function?

14 THE WITNESS: Yes. You could make the
15 windows smaller, but it would mean going back to the
16 Historic Commission.

17 MR. GALVIN: Why?

18 THE WITNESS: Why?

19 MR. GALVIN: Yes, why.

20 THE WITNESS: Because it is in a
21 historic zone.

22 MR. MATULE: But they can overrule the
23 Historic Commission. It's just advisory, so I don't
24 think you would have to go back, if the Board chose
25 to modify the Historic Commission's approval.

1 MS. BANYRA: You don't have to go back.

2 MR. MATULE: It is advisory, so...

3 MR. GALVIN: I mean, we want to be
4 respectful to this sort of commission, and I don't
5 mean to imply anything to the contrary.

6 MR. MATULE: Yes, I understand.

7 I am just trying to see if we can come
8 up with a way to address the perceived concern I am
9 hearing about the amount of fenestration.

10 MR. GALVIN: But there's at least one
11 instance where I can think of where this Board
12 disagreed with the Historic Commission, and they
13 were kind of mad at us, but it was -- the Board felt
14 it had more of a historic look by what we went to
15 than what the Historic Commission had said to do.

16 MR. MATULE: I have had that
17 experience here, especially on Court Street, with
18 some houses.

19 So what I would suggest is perhaps
20 there's something that Mr. McNeight could reflect on
21 while Mr. Ochab is testifying, and then I could call
22 him back up to see if we can address that concern.

23 THE WITNESS: Well, I mean there is
24 no -- there's no building code function to having X
25 amount of glass or anything along those lines, so

1 obviously, you could turn it into a typical three
2 punched windows like the third story if, you know --

3 MR. MATULE: Well, I was only
4 suggesting if you want to keep like French doors
5 with a Juliet type of balcony in the center, if that
6 would work, to let some air and light into the main
7 living floor, something like that, but you are the
8 architect and I will defer to you.

9 THE WITNESS: No. There are any number
10 of variations that you could come up with there, as
11 long as you are going to have some light coming into
12 that living and kitchen area.

13 CHAIRMAN AIBEL: I just don't see it as
14 consistent with the character of the rest of the
15 street, but that is just my uneducated perspective.

16 COMMISSIONER MC ANUFF: I think I agree
17 with Chairman Aibel.

18 That existing railing on there, I
19 believe is a balcony, not a fire escape on the
20 existing building.

21 MR. MATULE: Let me see.

22 (Counsel confers)

23 THE WITNESS: Yeah. I mean, it was a
24 fire escape at one point, but perhaps, you know, it
25 turned from a three-family to a two-family, where

1 they didn't need a fire escape.

2 MR. MATULE: It has a New Orleans'
3 look to it.

4 COMMISSIONER MC ANUFF: It does.

5 COMMISSIONER COHEN: It does.

6 VICE CHAIR BRANCIFORTE: Jim -- Mr.
7 McNeight, are you done?

8 I'm sorry.

9 CHAIRMAN AIBEL: No, I'm all right.

10 Go ahead.

11 VICE CHAIR BRANCIFORTE: You said that
12 this facade has a design of a 19th Century
13 townhouse?

14 THE WITNESS: Yes.

15 VICE CHAIR BRANCIFORTE: It does.

16 But back in the 19th Century on this
17 block, I am wondering if these were townhomes or if
18 these were carriage houses.

19 THE WITNESS: No. We had this
20 discussion before. These were all stables.

21 VICE CHAIR BRANCIFORTE: So back in the
22 19th Century, this would have been a stable, not a
23 townhome?

24 THE WITNESS: Yes.

25 VICE CHAIR BRANCIFORTE: So you are

1 saying it's a 19th Century design for a different
2 part of town, not for Court Street?

3 THE WITNESS: No. I was referring to
4 the three buildings just to the south.

5 VICE CHAIR BRANCIFORTE: Right.

6 THE WITNESS: Those may have been
7 stables on the first floor, but not on the upper
8 levels. Those were residential buildings --

9 VICE CHAIR BRANCIFORTE: Yeah, and I
10 think that --

11 THE WITNESS: -- and they look like
12 they have been that way for a hundred and forty
13 years.

14 VICE CHAIR BRANCIFORTE: Yeah. I mean
15 that's what my next question is, when they were
16 built. I was wondering when they were built.

17 It goes back to the same question I
18 always have: Why do you need the second story?

19 Why can't you just make it one large
20 loft style apartment with a mezzanine or a loft
21 bedroom up top?

22 THE WITNESS: You could, but you would
23 be losing, you know, half of the living space.

24 VICE CHAIR BRANCIFORTE: And what would
25 be wrong with that?

1 THE WITNESS: Well, people like to have
2 a separate bedroom, you know, as opposed to a studio
3 apartment. That is what you would have is a studio
4 apartment basically, if you kept it to one level.

5 VICE CHAIR BRANCIFORTE: But I don't
6 see the downside of having a studio apartment. I
7 mean, you have to convince me that studio apartments
8 are bad.

9 THE WITNESS: Well, basically it goes
10 back to the argument that 30 feet is allowed in
11 height, so you can get two living levels and one
12 garage level in 30 feet --

13 VICE CHAIR BRANCIFORTE: Yeah. We're
14 going to like --

15 THE WITNESS: -- so people like to have
16 two living levels and a garage level in this kind of
17 a building.

18 VICE CHAIR BRANCIFORTE: -- yeah.
19 People like to have a lot of things, but they are
20 allowed one story above the garage, so you have to
21 convince me that we should give them the second
22 story besides the fact that it is luxury that they
23 like to have the second bedroom.

24 MR. GALVIN: Well, let me stop. I
25 don't think that that is Mr. McNeight's --

1 VICE CHAIR BRANCIFORTE: Okay. I'll
2 ask the planner then.

3 MR. GALVIN: Okay.

4 CHAIRMAN AIBEL: But I guess let me lay
5 the groundwork for this.

6 You are showing a two-bedroom
7 apartment, and I assume a studio would be more akin
8 to a one-bedroom apartment, and you already have a
9 density issue on this property. So the backdrop of
10 this is that we are increasing density with the
11 second bedroom, which exacerbates that as an issue.

12 MR. MATULE: I guess that is a
13 question really more for the planner, I would think.

14 CHAIRMAN AIBEL: Okay. That's fine.

15 MR. GALVIN: That is where I was going
16 with this. I think the architect's job is to tell
17 us about the building, what they were told to do,
18 and they produced it.

19 He is being asked if he could change
20 the windows. He has to decide if he can. If he
21 can, he'll come back and tell you.

22 VICE CHAIR BRANCIFORTE: I just want to
23 make it clear.

24 He answered the question that this
25 could easily be -- Mr. McNeight, you are saying it

1 building to the south.

2 COMMISSIONER MARSH: But not the one to
3 the north?

4 THE WITNESS: But not the garage to the
5 north.

6 COMMISSIONER MARSH: Okay.

7 CHAIRMAN AIBEL: Anyone else, Board
8 members?

9 COMMISSIONER GRANA: I got a couple.

10 MR. MATULE: The building from the
11 north has a hundred percent lot coverage at grade?

12 THE WITNESS: Not according to the
13 survey --

14 MR. MATULE: No. The building to the
15 north.

16 THE WITNESS: -- yeah, not according to
17 survey -- oh, I am sorry. Yeah, it does. I'm
18 sorry. It is not cross-hatched.

19 Yeah, it is a hundred percent lot
20 coverage on the first floor.

21 CHAIRMAN AIBEL: Mr. Grana?

22 COMMISSIONER GRANA: I am just going to
23 beat a dead horse, Mr. McNeight, sorry, and I am not
24 even going to ask a question.

25 I will just make an observation about

1 the fenestration comments that we heard from other
2 Commissioners. You testified that you would like to
3 match to the building to the south?

4 THE WITNESS: Yes.

5 COMMISSIONER GRANA: And that includes
6 not only the facade, but that also includes the
7 cornice, not necessarily the exact height, but the
8 material of the appearance, and if you just look at
9 the structure, I mean you have a kind of traditional
10 19th Century structures where the structure itself
11 has a vertical alignment versus a horizontal, and
12 the fenestration of the windows match that pattern.

13 And what you have in the new structure
14 on the second floor is more of a broad glass
15 horizontal structure --

16 THE WITNESS: Correct.

17 COMMISSIONER GRANA: -- so it is an
18 observation that that might be triggering some of
19 the concerns that come to the Board.

20 THE WITNESS: Okay.

21 COMMISSIONER GRANA: The other thing is
22 there is a lot -- excuse me -- there's a coverage
23 variance on of the existing structure?

24 MR. MATULE: For the accessory
25 structure.

1 COMMISSIONER GRANA: For the accessory
2 structure there's a coverage variance?

3 THE WITNESS: Correct.

4 COMMISSIONER GRANA: Is that triggered
5 principally by the staircase, or is that triggered
6 by other variables as well?

7 THE WITNESS: Well, it is triggered in
8 the first case by the depth of that existing garage.
9 The ordinance calls for a 20 foot deep building, and
10 we are dealing with a 26 foot deep building
11 currently that I am stretching to 28 feet six
12 inches.

13 COMMISSIONER GRANA: Okay.

14 So are we saying that since we intend
15 to reuse the rear wall, if I heard that correctly,
16 that in and of itself you decree would trigger a new
17 coverage variance, is that true?

18 THE WITNESS: Just by utilizing the
19 existing garage without --

20 COMMISSIONER GRANA: Would trigger --

21 THE WITNESS: -- destroying the back
22 wall of it, cutting six feet off this building, you
23 would be triggering the lot coverage variance.

24 COMMISSIONER GRANA: Thank you.

25 Does anybody else need this?

1 CHAIRMAN AIBEL: Board members, are we
2 finished?

3 COMMISSIONER WEAVER: I am sorry.

4 Mr. McNeight, I don't want you to think
5 I am belaboring the point, but you said -- you show
6 14 risers at ten feet, which result in a riser of
7 8.57 inches, which I think is in excess of what is
8 acceptable by code, so let's say it's even 15
9 risers --

10 THE WITNESS: It is 15 risers, yeah.

11 COMMISSIONER WEAVER: -- I got 14,
12 yeah, but 15 risers we can agree, which leaves you,
13 if you do a straight run, and then you turn, I
14 calculate you have seven feet clear underneath it
15 before you actually turn and go up the rest of the
16 way, if you do an L-shaped stair.

17 I just want you -- I'm not --those are
18 my calculations, and I just don't want you to think
19 that I am just making it up.

20 THE WITNESS: 15 risers is 14 treads
21 times ten inches is 140 inches. You need another 72
22 inches on top of that, so basically you are dealing
23 with 12 and 6, 18 feet wide.

24 So with the hallway there, you don't
25 have the 18 feet that you need, so you have to have

1 a double back stairway.

2 COMMISSIONER WEAVER: How deep is your
3 treads you said?

4 THE WITNESS: Ten inches in a
5 single-family, yeah.

6 COMMISSIONER WEAVER: Yeah,
7 residential.

8 I would just lay it on top. I mean, I
9 would get rid of the laundry --

10 THE WITNESS: Even if you got rid of
11 the laundry, you would still have a double back
12 stairway.

13 MS. BANYRA: Maybe I can make this
14 easier --

15 COMMISSIONER WEAVER: -- you can --
16 then maybe an L-shape stair --

17 THE WITNESS: Yeah.

18 MS. BANYRA: -- maybe I can make this
19 easier.

20 We called out that it was a variance
21 because the ordinance said it shall be one parking
22 space, so having the two there, it requires a
23 variance, at least that's the most -- unless Mr.
24 Ochab wants to go back and forth with me on that,
25 but the ordinance says that shall be one parking

1 space.

2 So to me, one parking space is over,
3 and we called it out as a C variance, so if one
4 parking space went away, then maybe this
5 conversation would go away, too.

6 MR. MATULE: But they are preexisting,
7 and we are maintaining the structure.

8 MS. BANYRA: Okay.

9 VICE CHAIR BRANCIFORTE: But you are
10 asking for a D variance.

11 MS. BANYRA: No. I understand what you
12 are saying, Mr. Matule. I forgot about that.

13 It is preexisting, but you have changed
14 it, so I think everything is open to -- is open now,
15 but anyway I just wanted to make that point.

16 MR. GALVIN: Once you submit to the
17 jurisdiction of the Board, even though it's a valid
18 preexisting nonconformity --

19 MR. MATULE: I understand that
20 everything is on the table.

21 MS. BANYRA: Yes.

22 VICE CHAIR BRANCIFORTE: So --

23 CHAIRMAN AIBEL: Go ahead.

24 VICE CHAIR BRANCIFORTE: -- Mr. Matule,
25 you said only one-third could be covered -- Mr.

1 Matule -- Mr. McNeight, I'm sorry -- only one-third
2 of the mezzanine can -- the mezzanine can only cover
3 one-third of the floor plan?

4 THE WITNESS: Correct.

5 VICE CHAIR BRANCIFORTE: Could you --
6 when we have the planner up, could you do that
7 calculation for us, and let us know what that square
8 footage would be?

9 You don't need to do it now. You can
10 do it later.

11 THE WITNESS: Yes.

12 CHAIRMAN AIBEL: Okay.

13 Ms. Banyra, did you have something?

14 MS. BANYRA: No. That was my point I
15 just wanted to make.

16 CHAIRMAN AIBEL: Okay. All right.

17 Seeing nothing from the Board, let me
18 open it up to the public. Does anybody have
19 questions for Mr. McNeight?

20 Seeing none.

21 COMMISSIONER GRANA: Motion to close
22 public portion for this witness.

23 COMMISSIONER MC ANUFF: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members answered in the

1 Affirmative)

2 MR. MATULE: All right. Jim, why don't
3 you revisit the facade, and I will have Mr. Ochab
4 come up and testify.

5 MR. GALVIN: Raise your right hand.
6 Do you swear to tell the truth, the
7 whole truth, and nothing but the truth, so help you
8 God?

9 MR. OCHAB: I do, yes.
10 K E N N E T H O C H A B, having been duly sworn,
11 testified as follows:

12 MR. GALVIN: All right. State your
13 full name for the record and spell your last name.

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

15 MR. GALVIN: All right.

16 Mr. Chairman, do we accept Mr. Ochab?

17 CHAIRMAN AIBEL: We accept Mr. Ochab.

18 MR. GALVIN: There you go.

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

22 THE WITNESS: Yes.

23 MR. MATULE: And obviously, you are
24 familiar with the proposed project?

25 THE WITNESS: Yes.

1 MR. MATULE: You prepared a planner's
2 report February 17th, 2016 to support the requested
3 variance relief?

4 THE WITNESS: I did. Yes, I did.

5 MR. MATULE: Would you go through your
6 report and give us your professional opinion
7 regarding the variances that are being requested?

8 THE WITNESS: Okay.

9 So the proposal is to provide or
10 construct an accessory apartment on Court Street in
11 the R-1(CS)(H) of the historic zone.

12 The accessory apartment is a
13 conditional use in that zone. However, there are no
14 specific conditions listed in the ordinance, which
15 then makes it a use variance application by a court
16 decision.

17 So in essence, although we have a
18 conditional use listed, we have a use variance, so
19 we have to go through the use variance criteria.

20 We also have a density variance in this
21 application because when you calculate the density
22 under the zoning ordinance, we are allowed three
23 residential units based on the lot size.

24 We already have four existing units on
25 the Washington Street building, and we are adding a

1 fifth one on the Court Street side making it five,
2 so we have a D variance for that as well.

3 As far as the C variances are
4 concerned, we have a lot coverage variance, which
5 Mr. McNeight went through briefly.

6 We have an accessory building height
7 variance, where we are proposing two stories over
8 the one-story garage, where as one-story is
9 permitted.

10 We have a variance technically for the
11 distance between the accessory building, the
12 proposed accessory building, and the principal
13 building, where 20 feet is required. In this case
14 we have 18 and a half feet on the north side and 32
15 feet on the south side. And Mr. McNeight indicated
16 that sort of averages out at 25, but technically we
17 still have a variance because we don't do it that
18 way under zoning. We do it based on the shortest
19 distance between the two buildings, so in this case
20 we have 18 and a half feet versus the 20 feet, which
21 is required.

22 Okay. That being said, I took some
23 photographs, and I hate to say they're similar to
24 the photographs Mr. McNeight took --

25 MR. MATULE: But let me just mark those

1 A-2.

2 (Exhibit A-2 marked)

3 THE WITNESS: -- but it is a different
4 camera in the same environment, so you get what you
5 get.

6 MR. MATULE: Is that just one board or
7 is it both sides?

8 THE WITNESS: Just one.

9 MR. MATULE: So we'll mark that as A-2
10 and just describe what it is for the record.

11 THE WITNESS: Well, A-2, just to show
12 that we are in the same zone and the same place, the
13 upper left photograph is a photograph of the
14 existing structure showing on the right side, and
15 then three existing accessory apartments to the
16 south, so this is looking south.

17 The upper right photograph is looking
18 north.

19 Beyond ours, we have two other
20 single-story garages, one, two, and then a series of
21 buildings again that are three stories, accessory
22 apartments.

23 The lower right is a little bit better
24 view of that northern look, northerly view, again,
25 showing the accessory apartments going to the north

1 on the same side of Court Street.

2 Then the lower left is a new accessory
3 structure on the east side of Court Street just
4 directly across and to the north of the site in
5 question.

6 So as far as the variances are
7 concerned, we have a use variance, and of course, I
8 have spoken about this before, that as far as the
9 Court Street zone is concerned and also its
10 relationship to the master plan, the master plan
11 certainly encourages what the proposal is this
12 evening in terms of encouraging the accessory
13 apartments along Court Street.

14 It is a unique environment. It is
15 urban, yet quiet, somewhat removed from the normal
16 hubbub of Hoboken activity and intensity, and again,
17 we have done a number of these, so the pattern that
18 is developing along Court Street is to develop the
19 type of project that we are proposing this evening,
20 which is two stories over one in terms of the
21 building structure and in terms of the use.

22 So even though we have a use variance,
23 the use variance in my view comports with the master
24 plan's recommendations for the Court Street area and
25 also with the zoning ordinance's intent with respect

1 to how it wants to view Court Street in terms of its
2 future developments. So I think that, therefore, we
3 would meet the positive criteria with respect to the
4 use variance.

5 As far as the other variance is
6 concerned, the D variance, that is a density
7 variance. We already have four units in the
8 existing building on Washington Street, so, you
9 know, when you have double frontages, we have
10 frontage on Washington Street and we have frontage
11 on Court Street, which is typical of all of the
12 block on this side of Court Street. That would be
13 the west side of Court Street.

14 So we have four units in the existing
15 building, and we are proposing the fifth.

16 I have two thoughts about the density
17 variance. One is that it is certainly a different
18 type of density variance than we normally have
19 because normally we would be talking about a new
20 project, where we would be putting up a four-story
21 building or a five-story building or what-have-you.

22 We would be talking about a calculation
23 that would come up to 3.75 or 5.35, and we would be
24 going to the next highest level, or for some other
25 reason we would be discussing that in the same

1 building.

2 This is almost like two different sites
3 because we have the Washington Street side, which is
4 a conventional four to five-story building, four --
5 three, four, and five residential units per building
6 as you go up and down the Washington Street side,
7 and it almost has no relationship to the accessory
8 buildings on the Court Street side, which are
9 typically, again, the two-story over one-story
10 garage accessory units.

11 The interesting thing about -- so that
12 is the one view I have about it, and you know, we
13 have the Coventry test here as well, which we don't
14 have special reasons per se.

15 The Coventry test needs to show or the
16 Board certainly needs to find that the problems
17 associated with the density variance can be
18 accommodated by the site and by the design, and that
19 is why I am saying in this case it is almost like
20 two different sets of lots, one on the Court Street
21 side and one on the Washington Street side.

22 I don't think the zoning ordinance
23 intended that if you had four units on the
24 Washington Street side, that that would preclude you
25 from having an accessory apartment. I am not sure

1 they actually thought about it in that context, but
2 I don't think that the intent of what the Court
3 Street zoning is trying to achieve excludes the
4 accessory apartment just because there is a number
5 of units on the Washington Street side, so that is
6 the first part of the density variance application.

7 The second part is if you go through
8 the zoning map, and you go through the tax map, you
9 will find that on these buildings here, these three
10 buildings to the south were all subdivided out of
11 the hundred foot lot that runs from Washington
12 Street to Court Street. So each of these three
13 buildings are on their own 20-by-35 foot lot, so
14 they are separated completely from the Washington
15 Street side.

16 So there was certainly I think an
17 intent at some point to start to separate the two
18 uses, to separate the Washington Street side uses
19 from the Court Street side uses, so these three are
20 on a separate lot.

21 And these two, also to the north, the
22 few three-story buildings to the north are on a
23 separate lot as well, and those lots -- that lot,
24 that is 30 feet.

25 And then finally, when you get to the

1 end of the block, there is a larger development that
2 actually sits out on Sixth Street, but also on
3 Court. It has seven units, and it is also on a
4 separate lot and that, again, is a little bit
5 larger, but it is 20 feet in depth.

6 So at some point along the line with
7 the Planning Board, because they do subdivisions and
8 you guys don't, the Planning Board would have
9 decided that it was a good thing to start to
10 separate these out and granted subdivisions, which
11 then makes the density calculations completely wild,
12 because I am trying to calculate a density of three
13 units and an accessory apartment on a 30 foot by 20
14 foot lot. It just blows it out of the water, so
15 there is no point in even trying to calculate what
16 the number is because it doesn't make any sense.

17 I think it all plays back, though, to
18 the point that even though we have a density
19 variance, the intent of the Court Street zoning
20 regulation was to still provide for the opportunity
21 to do an accessory apartment, notwithstanding what
22 was happening on the Washington Street side.

23 Three C variances: We have a C
24 variance for lot coverage. Mr. McNeight indicated
25 that the principal building coverage was 45 percent,

1 where as 60 percent would normally be allowed, and
2 the accessory apartment is 28.6 percent, where 20
3 percent was allowed, so we have technically a lot
4 coverage variance for the accessory use and, of
5 course, part of that is based on the existing
6 building that we are trying to keep and build above.

7 But the total amount of lot coverage
8 here therefore then is 74 percent, where as if you
9 took the 60 and the 20, it would be 80, so we are
10 actually in that context under the typical gross lot
11 coverage for all of the buildings on the site. And
12 in any case we do have a sufficient amount of area
13 between the accessory building and the principal
14 building, notwithstanding the fact that we only have
15 18 and a half feet between the closest part of the
16 principal building and the accessory building.

17 I have one more exhibit here.

18 MR. MATULE: So we will mark this A-3.

19 If you could describe what it is.

20 (Exhibit A-3 marked)

21 THE WITNESS: Would you do the honors?

22 COMMISSIONER GRANA: I shall.

23 THE WITNESS: Thank you.

24 So what I am handing out here is an
25 aerial photograph taken from Goggle Earth. I hope

1 your eyes are good; mine are not.

2 But what I am going to be showing you
3 is the back side of 511 Washington Street. It is
4 labeled, and in the foreground you can see the
5 accessory apartments on Court Street.

6 The property in question is right about
7 in the center of the property that's right on the
8 511. So if you see 511 -- I am sorry, I don't have
9 a copy for everybody -- yes, I do.

10 CHAIRMAN AIBEL: Yes.

11 THE WITNESS: So the property in
12 question is 511. It is where the number 511 is in
13 the center. The foreground is Court Street. The
14 background is Washington.

15 And what you see here is the
16 configuration of the Washington Street buildings.
17 They are all L-shaped. They all have a little
18 addition on to the back of the original buildings,
19 which I can't certainly explain, but if you go to
20 the south two buildings -- actually the three
21 buildings to the south have it, and it looks like
22 the two -- three buildings to the north have the
23 same configuration.

24 That little bump-out, as we call it,
25 that little addition, is where the 18 and a half

1 feet is.

2 If you look at the main part of the
3 building, we actually have 32 feet from the proposed
4 accessory building, the back of that accessory
5 building, to the back of the main part of the
6 principal building.

7 The area in there, where typically you
8 would be looking at a 20 foot distance by a 20 foot
9 lot depth, which would be 400 square feet, and I
10 think I calculated it in my report, I think we have
11 over 500 square feet of open area between the two
12 buildings, notwithstanding the lot configuration of
13 the building.

14 So I think there is certainly
15 justification here for that variance based on the
16 configuration of the existing building and the fact
17 that we have met the required open space area
18 between the two structures.

19 On the negative side, on the negative
20 criteria, I think from the context of the variances,
21 I don't see any particular impact on the adjoining
22 properties with respect to the use, the height or
23 any of the Cs.

24 We are basically matching the back of
25 the existing building to the south. We are not

1 higher than the existing building to the south.

2 The existing buildings to the north
3 include -- immediately to the north is a
4 single-story double garage, which actually runs
5 completely through to the back of the principal
6 building. You can see it on the map I handed out,
7 as does the building to the north beyond that as
8 well. So I don't feel that there is any particular
9 negative impact as a result of that or as a result
10 of the variances that we are requesting, nor do I
11 think that there is a substantial impairment to the
12 zone plan here or to the zoning ordinance.

13 Again, what we are doing with this
14 application is consistent with other applications on
15 Court Street. Certainly there is a pattern and
16 certainly there's an emerging pattern of development
17 here that we are consistent with, and I think in
18 that context we would not be held to be impairing
19 the zoning ordinance with respect to the variances.

20 So, Mr. Chairman, thank you for your
21 time --

22 MR. MATULE: Let me just go back. Just
23 one more question before you finish.

24 THE WITNESS: Okay.

25 (Laughter)

1 MR. MATULE: You heard Ms. Banyra raise
2 the issue of the fact that we have two parking
3 spaces there now, and we want to maintain those two
4 parking spaces, and apparently the interpretation
5 of the ordinance is with the accessory apartment,
6 you can only have one.

7 In your professional opinion, do you
8 see any negative impact on the surrounding area or
9 with the traffic on Court Street, not that you are a
10 traffic engineer, but maintaining those two parking
11 spaces?

12 THE WITNESS: I do not see a difficulty
13 with having two spaces on the property. There are
14 two spaces there now, and actually this is the first
15 time this has come up in the context of parking
16 because we have done other projects, namely, 504
17 Hudson, 506 Hudson, 522 Hudson and 515 Washington
18 Street, all of which had two-car garages, and we
19 didn't really have that issue to deal with.

20 I understand that the ordinance is what
21 the ordinance is, but there certainly is an
22 acceptance of car garages in this area,
23 notwithstanding the ordinance requirement.

24 Nevertheless, I think certainly the C2
25 criteria could be applied here, that it is certainly

1 probably better to have cars in the garage as
2 opposed to them trying to find parking spaces on
3 Court Street, which are rare, almost nonexistent,
4 and would certainly be imposing on either the
5 right-of-way or other people's private properties,
6 if they tried to do that.

7 So that is it.

8 MR. MATULE: Thank you, Mr. Ochab.

9 CHAIRMAN AIBEL: Thank you. Thank you.

10 Go ahead.

11 COMMISSIONER COHEN: Hi, Mr. Ochab.

12 I assume you heard the questioning of
13 Mr. McNeight. A number of planning issues were
14 raised.

15 One of the main ones had to do with the
16 fact that trying to blend in with the other, I
17 guess, architectural themes on Court Street, this
18 design seems to strike some Commissioners as
19 different in that it basically has four glass
20 windows, two of which open in the center, lined up,
21 which dominate the second floor of the facade of the
22 building.

23 I am wondering if you have any views
24 about whether, you know, that matches the context as
25 well.

1 THE WITNESS: Well, I am not architect,
2 so I am not going to pass on the question
3 necessarily --

4 COMMISSIONER COHEN: Right.

5 THE WITNESS: -- but my view is that
6 the diversity of Court Street is important, and not
7 everything needs to be based on one particular
8 design motif.

9 If you look at just the building across
10 the way here, which I photographed, that is sort of
11 a plain building, not much to it, not much
12 decorative elements to it, but there are others that
13 are way over the top, so you have a complete mix of
14 types of accessory apartments there.

15 My focus generally is on the height and
16 the mass of the building, which I think is
17 consistent with what has been happening on Court
18 Street, and it is certainly, I think from a planning
19 perspective, acceptable.

20 COMMISSIONER COHEN: Okay.

21 And then on the height, I mean, I see
22 that it is less than the height of the building that
23 would be next to it, if it was built as designed,
24 and it seems to be in keeping with the general
25 heights of those that are more than one-story that

1 are on the block. But I guess you heard questions
2 about the intent I guess of the Court Street zone
3 about one over a garage.

4 Do you have any reaction to that or any
5 thoughts about that?

6 THE WITNESS: Two things about that.

7 Mr. McNeight I think hit it on the
8 head, when you have a two-story restriction and a 30
9 foot physical height, it is contradictory. People
10 want to go to the 30 foot physical height, which
11 means you have two stories.

12 (Noise in hallway - "Yah, yah")

13 CHAIRMAN AIBEL: He's disagreeing.

14 MR. GALVIN: No, he is agreeing, "Yah,
15 yah."

16 THE WITNESS: Okay. That kind of
17 support I don't need.

18 (Laughter)

19 It is very similar to before we changed
20 the ordinance for the residential zone, we had a
21 three-story height restriction and a 40 foot
22 physical height restriction, which ran four floors,
23 but only three stories.

24 From my perspective, the one-story over
25 the garage based on 20 feet is 400 square feet.

1 That is small. While, Mr. McNeight was going
2 through that, I was thinking about a project I had,
3 and I was representing the town, and somebody came
4 in with a 400 square foot residential unit, and we
5 rejected it because it was too small.

6 It just design-wise doesn't work, and
7 it is -- I am not going to phrase this correctly --
8 it is just not the type of unit that the
9 municipality wants to encourage because of its
10 smallness. You want to have room, so people can
11 expand and have living space.

12 COMMISSIONER COHEN: And one more
13 question for you.

14 Some of your reports when there is a
15 density variance, you will look at the neighboring
16 properties on the block, and you will list out what
17 the densities are and how they compare, whether they
18 are, you know, built to the density level or above
19 it or below it.

20 I notice that you didn't include a
21 chart like that in this report.

22 Have you looked at the neighboring
23 densities at all in this application?

24 THE WITNESS: I did, and I didn't do
25 the calculations because of the fact that some of

1 them, some of the accessory units were subdivided
2 out of the bigger lots, which meant that the density
3 calculation would have been completely out of whack.

4 The other thing -- the other reason for
5 not doing it is because on the Washington Street
6 side we have retail on the first floor, which you
7 subtract out of the density calculation, and I don't
8 have any of those numbers.

9 So without that, you know, we are just
10 guessing. So the density for some of the adjoining
11 uses would obviously be even greater because of the
12 fact that they had retail on the first floor, but I
13 had no way of measuring that. People are not going
14 to let me enter their stores with a tape measure to
15 measure their retail space, so I decided not to go
16 that route, but just sort of discuss it in my report
17 as to what the density provisions are in the
18 neighborhood, you know, from a narrative context.

19 COMMISSIONER COHEN: Okay. Thank you

20 CHAIRMAN AIBEL: Go ahead.

21 COMMISSIONER GRANA: Thank you.

22 Thank you, Chair.

23 Mr. Ochab, I also have a few questions.

24 So I'm looking at -- I don't remember
25 the name of this exhibit. Mr. Matule might know.

1 MR. MATULE: It's A-3.

2 COMMISSIONER GRANA: A-3.

3 So if you look at A-3, you know, the
4 three structures to the south, and we had this
5 conversation several times about use, height,
6 density and floors, so I am looking at the three
7 structures to the south. They have been subdivided,
8 and they will not be calculated in the context of
9 their Washington Street counterparts. That is from
10 a density perspective, if that is correct.

11 THE WITNESS: Correct.

12 COMMISSIONER GRANA: So when I look at
13 the site in question for 511, we have a desire from
14 the municipality to create accessory structures, and
15 yet if I was to look at any of these structures on
16 Washington Street --

17 A VOICE: On Court Street?

18 COMMISSIONER GRANA: -- no, on
19 Washington Street -- the redevelopment of any of
20 these corresponding structures to the north, the two
21 garages would automatically trigger a density
22 variance.

23 Is that true, a density variance
24 requirement --

25 THE WITNESS: Yes.

1 COMMISSIONER GRANA: -- because you
2 want to build an accessory structure, but if you
3 include the Washington Street structure, you
4 automatically trigger the variance?

5 THE WITNESS: Yes, it will. It's going
6 to do it each and every time.

7 COMMISSIONER GRANA: Each and every
8 time?

9 THE WITNESS: Yes.

10 COMMISSIONER GRANA: So we have to
11 interpret between this desire of accessory
12 structures and an assessment of, you know, what is
13 the appropriate density for Court Street?

14 THE WITNESS: Right.

15 And I just might add that if you look
16 to the buildings to the south, if you start adding
17 up the units between the Washington Street side and
18 the Court Street side, immediately to the south you
19 have a total of five units, and adjacent to that to
20 the south, five units, and then adjacent to that you
21 have a larger building on Court Street, which
22 amounts to eight units between the Washington Street
23 side and the Court Street side.

24 So it's pretty much consistent with
25 what is there now, even though we would need a

1 density variance. I don't know whether they had
2 density variances when they did them or whatever.

3 COMMISSIONER GRANA: But at any rate,
4 any one of these lots that would -- chose to
5 redevelop would trigger a density variance?

6 THE WITNESS: Yes, it would.

7 COMMISSIONER GRANA: Okay.

8 So, you know, the other way it seems we
9 talk about ameliorating that, which we talked about
10 height in floors, and I just wondered if you have a
11 point of view. I mean, we say 30 feet allowed, yet
12 one-story, do we have any idea, was that a desire to
13 trigger a density -- or actually what is the point?
14 Because I -- I --

15 THE WITNESS: I think --

16 COMMISSIONER GRANA: -- I want to get
17 my point of view -- but if you have 30 feet, you are
18 going to want it fill it -- it's going to be natural
19 you want to fill it with two floors --

20 THE WITNESS: Yes.

21 And I think that, you know, as long as
22 we are discussing the planning aspects of this
23 application, I think that we were far enough along
24 down this road --

25 COMMISSIONER GRANA: Yeah.

1 three-story. I don't see any reason to now to undo
2 and restrict that back to two stories. I don't see
3 the rationale for that.

4 COMMISSIONER GRANA: Do you know why
5 there might have been in the original rationale for
6 allowing what's essentially 20 feet, but only one
7 story?

8 THE WITNESS: No, because this is the
9 same rationale as the zoning ordinance, which was,
10 you know, three stories and 40 feet. This was two
11 stories and 30 feet.

12 COMMISSIONER GRANA: Right. It's the
13 same thing.

14 THE WITNESS: Yes.

15 COMMISSIONER GRANA: Thank you.

16 VICE CHAIR BRANCIFORTE: But let me
17 continue with that, though.

18 Could it be, though, that the original
19 rationale was that these units were carriage houses,
20 and on top of the carriage house is where you kept
21 the hay for the horses?

22 So you had one-story, which was the
23 carriage house, and over it was very high loft, and
24 that was the original design of Court Street as I
25 always heard, right?

1 That is what we discussed before.

2 THE WITNESS: We are talking about a
3 zoning ordinance that was written in the seventies.

4 VICE CHAIR BRANCIFORTE: Right.

5 But the original -- but then we have to
6 talk about the character of Court Street and the
7 importance of keeping the character.

8 THE WITNESS: Well, I think that where
9 Jim was going was like the 18th Century or the
10 1800s, that is when Jim was, you know, first
11 learning his architectural trade.

12 (Laughter)

13 But that morphed itself into this.
14 That morphed itself into a sort of a forgotten land
15 of one-story garages that were used by tenants on
16 Washington Street. That is where that morphed
17 itself into, and now it is emerging back to, you
18 know, what we have today, which is the accessory
19 apartment.

20 VICE CHAIR BRANCIFORTE: Yeah, but, you
21 know, you talk about the emerging -- it always
22 cracks me up when I hear people say, "The emerging
23 pattern of development in this neighborhood is
24 this," and the reason the emerging pattern of
25 development in the neighborhood is whatever it is is

1 because the Zoning Board decides, we are just going
2 to keep giving out variances, and we're going to
3 steer the direction of this neighborhood this way.
4 And that was the way the Zoning Board might have
5 done it back in the seventies or eighties, or
6 nineties, but this is 2016, so things changed. The
7 Board has changed. How the Board feels the emerging
8 pattern of development should be might change.

9 So you can't just say past performance
10 of this mutual fund is reflective of what the fund
11 is going to bring you -- bring us in five years. We
12 are here to decide what the pattern should be now,
13 not what it should continue to be.

14 THE WITNESS: I understand what you are
15 saying. But the point I am trying to make is that
16 in the not too recent past, a 30 foot building was
17 perfectly acceptable.

18 The Board has the right to certainly
19 change its mind and to say, well, now we want to do
20 something else because of whatever rationale you
21 have. That's perfectly fine, but --

22 VICE CHAIR BRANCIFORTE: Okay.

23 MR. GALVIN: I am going to jump in just
24 a little. I think the one thing we have to keep in
25 mind, I mean, I know that we have got some cobwebs

1 now, and we haven't met for a while, but the Zoning
2 Board doesn't make policy. We don't decide that a
3 neighborhood should have 30 foot high something or
4 other. We look at the ordinance. And when we get a
5 case where a good argument is made, then we grant
6 the variance, and it happens. And if it happens two
7 or three times in a row, my answer would still be,
8 we take each case on its own merits, so you have to
9 prove to me why this individual building should get
10 this relief.

11 I mean, we heard a completely different
12 set of argument recently for the guy that had the
13 five units, and they were connected, and we
14 connected it to --

15 A VOICE: You mean on Hudson Street --

16 MR. GALVIN: -- Units 1 and 5 were
17 connected, not the cross breed.

18 What I am saying is don't make a
19 mistake and get into policy saying, oh, we are
20 deciding that you can have this.

21 We are not deciding that. You are
22 giving us a factual scenario that we think justified
23 being granted a variance. It may not have -- you
24 could use the fact that the buildings are a certain
25 height as to the negative impact, like you would in

1 any height case, but the past decisions that we made
2 are not binding on you --

3 COMMISSIONER WEAVER: But he is making
4 that -- he's making that statement.

5 VICE CHAIR BRANCIFORTE: Well, he is
6 trying to sell it to us.

7 MR. GALVIN: You know what, I just want
8 to make sure that the Board -- regardless of who is
9 making it, we should be careful that we don't make
10 policy. We have to decide each case on its own
11 merits.

12 If the justification is there, then you
13 grant it. If there were five of them that you grant
14 like that, then you did it, because there was a
15 justification, but it's not a policy.

16 COMMISSIONER GRANA: I just have one
17 more question.

18 So 511 Washington on the Court Street
19 side, the three structures again we just talked
20 about are directly to the south, those all appear
21 from this photograph on A-3 to be multi-buildings.
22 They have also been subdivided, correct?

23 THE WITNESS: Correct, yes.

24 COMMISSIONER GRANA: Do we know when
25 these buildings were constructed?

1 THE WITNESS: I do not.

2 COMMISSIONER GRANA: Okay.

3 VICE CHAIR BRANCIFORTE: You talked
4 about the 400 square foot apartment.

5 Where was that?

6 What town was that?

7 THE WITNESS: It was in Bergen County.
8 I would rather not exactly say.

9 VICE CHAIR BRANCIFORTE: Well, was it a
10 town as densely populated as Hoboken?

11 THE WITNESS: There is no town in
12 Bergen County as densely populated.

13 (Laughter)

14 VICE CHAIR BRANCIFORTE: Okay.

15 So the needs, the requirements that
16 that Board was looking at of a 400 foot square foot
17 apartment really don't apply to something here in
18 Hoboken, does it?

19 THE WITNESS: I think it did. It was
20 in a more urban area and in a downtown section of
21 that area with mixed uses --

22 VICE CHAIR BRANCIFORTE: Okay. Well, I
23 don't know --

24 THE WITNESS: -- and it's about as
25 close as you could get to Hoboken --

1 VICE CHAIR BRANCIFORTE: -- what town
2 it was, but good for them. I mean, if they feel
3 like that's too small.

4 I see nothing wrong with 400 square
5 foot.

6 So listen, let me get back to the
7 question that I was asking Mr. McNeight.

8 Why is a studio -- why is a two-bedroom
9 apartment better than a studio apartment?

10 If that is too much of an open
11 question, I'll be more specific.

12 THE WITNESS: Yes.

13 VICE CHAIR BRANCIFORTE: Does a studio
14 apartment -- does a two-bedroom apartment create
15 mere vehicle traffic than a studio apartment?

16 THE WITNESS: Well, typically yes.

17 VICE CHAIR BRANCIFORTE: Okay.

18 Does two-bedroom apartment draw on
19 utilities more than a studio apartment?

20 THE WITNESS: I wouldn't know the
21 answer to that.

22 VICE CHAIR BRANCIFORTE: Do you think a
23 two-bedroom apartment uses more electricity than a
24 studio apartment?

25 THE WITNESS: Again, that is not my

1 area, but I will grant you the yes answer.

2 (Laughter)

3 VICE CHAIR BRANCIFORTE: Okay.

4 Does a two studio -- a two-bedroom
5 apartment, if you have four people living in a
6 two-bedroom apartment versus one or two people
7 living in a studio apartment, that would generate
8 more deliveries, garbage pickup, more stress on the
9 street --

10 MR. MATULE: Frankly, I think we are
11 starting to speculate now.

12 VICE CHAIR BRANCIFORTE: Okay.

13 Do you have a copy of the city code in
14 front of you -- the zoning code in front of you?

15 THE WITNESS: I do not.

16 VICE CHAIR BRANCIFORTE: Okay.

17 I know Ms. Banyra probably does.

18 I got this off of the city's website,
19 and I want to hand you a copy of it, so --

20 MS. BANYRA: Which section are you
21 asking about?

22 VICE CHAIR BRANCIFORTE: 196-19.

23 COMMISSIONER MC ANUFF: Should we mark
24 it as an exhibit?

25 MR. GALVIN: No, because we'll take

1 judicial notice of it, because it's -- but I
2 understand why you would think that, though. It is
3 a handout.

4 COMMISSIONER WEAVER: Did you mark
5 that?

6 (Board members confer)

7 VICE CHAIR BRANCIFORTE: 196-19(c).

8 196-19, I guess it is paragraph 3 you
9 call it? It's a CBD -- it's entitled CBD District,
10 Commercial Business District, Essential Business
11 District of the CBH Subdistrict, and the Court
12 Street Subdistrict.

13 So do you have copy of that?

14 Did you get a chance to read it?

15 So we are in the Court Street
16 Subdistrict here, aren't we?

17 THE WITNESS: Yes. But we are in the
18 R-1 Court Street Subdistrict. I don't know if this
19 says the same thing.

20 MR. MATULE: This is the central
21 business district --

22 VICE CHAIR BRANCIFORTE: Is it?

23 MR. MATULE: -- which interestingly
24 enough, I might add, doesn't limit the number of
25 floors to one. It permits two floors, and you don't

1 back out the density of the accessory unit against
2 the density permitted on the lot.

3 So talking about contradictions in our
4 zoning ordinance, what they allow there applies in
5 the face of the intent of the CBDE Court Street
6 District --

7 VICE CHAIR BRANCIFORTE: Eileen?

8 MS. BANYRA: Well, actually no, it is a
9 very clear distinction I think is what is being made
10 because Court Street in the center, R-1 Court
11 Street, while it doesn't allow a second story, there
12 is a different intent also for that --

13 MR. MATULE: Okay. So is the -- is
14 the --

15 MS. BANYRA: -- in the central business
16 district --

17 MR. MATULE: -- all right. I will let
18 you finish.

19 MS. BANYRA: -- you are going to have a
20 greater intensity, and it's your central business
21 district --

22 MR. MATULE: Okay.

23 MS. BANYRA: -- and the Court Street
24 property is a portion of that, but I have a few
25 comments --

1 MR. MATULE: No, but I want to follow
2 up on that.

3 So what you are saying is this
4 ordinance says the purpose of the Court Street
5 Subdistrict in the CBD --

6 MS. BANYRA: In the central business
7 district --

8 MR. MATULE: -- in the CBD is to
9 control height and density in relation to limiting
10 utility service and firefighting accessibility to
11 limit automobile through traffic, to encourage
12 pedestrian use and otherwise reinforce the scale and
13 character of the subdistrict.

14 So the tool they are using to do that
15 is to allow more density and more height.

16 MS. BANYRA: It is actually the same
17 language I believe as the R-1 Court Street
18 Subdistrict.

19 MR. MATULE: It is what it is.

20 MS. BANYRA: I think it is the same
21 language. However, one allows a different height
22 because it is a different -- it's a central business
23 district than the other one, which is the R-1
24 District, so just going back to the height --

25 MR. MATULE: Height in floors, not

1 feet.

2 MS. BANYRA: It's height in floors,
3 correct.

4 So, you know, one of the reasons for,
5 you know, when I first came into Hoboken, one of the
6 reasons why I understood the height and stories not
7 to be coincident was because there was, especially
8 on some of the older buildings, there is grander
9 floors. They were larger floor spaces.

10 I am not sure, you know, none of us are
11 going to be able to say exactly why this ordinance
12 is the way it is, but I am going to opine that that
13 is possibly the idea that 30 feet is 30 feet.

14 We have increased the number of layers
15 in there by adding another floor, and certainly it
16 is desirable to somebody building residential, to
17 get additional residential floor area, but I think
18 it could have also been to allow for grander floor
19 areas, so I think that is one thing.

20 The second thing I think, Mr. Grana,
21 you were asking questions about the two buildings to
22 the north. These two buildings to the north are
23 principal structures and they're not going to be
24 ever looked at as an accessory because they are
25 attached. I think the testimony was that there is

1 one structure. So once, it is attached, it is
2 considered a single structure.

3 COMMISSIONER GRANA: These?

4 MS. BANYRA: Right.

5 And they looked like they were
6 attached, and I believe Mr. Ochab testified to that,
7 so those are not accessory structures.

8 I think the issue for the Board is when
9 is it an accessory structure. You know, we are
10 allowed accessory apartments. When is it an
11 accessory apartment versus a residential building,
12 and the principal use in the R-1 zone are
13 residential buildings, and these are accessory
14 apartments.

15 The definition doesn't a hundred
16 percent give us satisfaction to that answer,
17 but I think that is what you are really grappling
18 with. When is it accessory and when is it
19 principal.

20 The buildings to the south that Mr.
21 Ochab has talked about, I don't know how old they
22 are. I don't know how they got subdivided. One of
23 them looks like it's on a, I'm going to call it a
24 more modern lot based on its block and lot number.
25 I don't recall those being subdivided since I have

1 been here for 15 years. However, maybe. But those
2 are now standalone structures --

3 COMMISSIONER GRANA: They're principal
4 structures.

5 MS. BANYRA: -- those are not accessory
6 structures any more. Once they are subdivided, they
7 are principal structures.

8 And I think the question is: When is
9 it accessory and when does it become principal.

10 When you start cutting them off, and
11 when they are big enough to be cut off, it's a
12 principal structure. That's really the issue for
13 the Board to grapple with.

14 MR. GALVIN: I got two things on it.

15 MS. BANYRA: Yeah.

16 MR. GALVIN: One is that an accessory
17 structure is normally ordinary and incidental to the
18 principal use or principal structure.

19 So I think the garage is an accessory
20 to a residential. The question is: When do you put
21 enough residential massing in there, where it is no
22 longer accessory and now it becomes principal. I
23 think that's one of the questions --

24 MS. BANYRA: And I think I raised that
25 in one or two of my reports before. I'm not sure

1 what -- and that seems to be the issue for the
2 Board, when does it become principal.

3 MR. GALVIN: The other thing I need to
4 do, and I apologize, is I want to clarify this.

5 I understood John's purpose -- I'm
6 using the word "purpose." He cited to 196-19. He
7 meant to cite to 196-14, which is the R-1 District
8 and A-3, the R-1 CS Subdistrict, very similar
9 wording:

10 The purpose of the Court Street
11 Subdistrict is to preserve the architecture and
12 scale of the accessory structures fronting on Court
13 Street to encourage residential use to control
14 height and density in relation to the limited
15 utility service and firefighting accessibility,
16 to limit automobile through traffic, to encourage
17 pedestrian use and to otherwise reinforce the scale
18 and quality of the district.

19 COMMISSIONER COHEN: "Scale and
20 character."

21 MS. CARCONE: "Scale and character."

22 CHAIRMAN AIBEL: That seems to be the
23 difference, quality and character --

24 (Everyone talking and once and
25 laughter)

1 MR. MATULE: It sounds like Ivanka's
2 speech.

3 (Laughter)

4 VICE CHAIR BRANCIFORTE: I'll take
5 that.

6 MR. GALVIN: But I did give
7 appropriate --

8 MR. MATULE: Attributions.

9 (Laughter).

10 MR. GALVIN: -- citations.

11 MR. MATULE: Well, we can have this
12 quality discussion all night --

13 MR. GALVIN: I think this is more like
14 something that we do in deliberations, and I don't
15 think it's something we get from the planner.

16 VICE CHAIR BRANCIFORTE: Okay. I
17 thought it would be important to let the planner at
18 least --

19 MR. GALVIN: To give them a shot with
20 what you're concerned with.

21 VICE CHAIR BRANCIFORTE: Yeah.

22 MR. GALVIN: Okay.

23 CHAIRMAN AIBEL: Any there any other
24 questions for Mr. Ochab, Board members?

25 Professionals?

1 Let me open it up to the public,
2 questions for Mr. Ochab from the public.

3 Seeing none.

4 COMMISSIONER MC ANUFF: Motion to close
5 public portion.

6 COMMISSIONER GRANA: Second.

7 CHAIRMAN AIBEL: All in favor?

8 (All Board members answered in the
9 affirmative)

10 MR. MATULE: Mr. McNeight?

11 I am just recalling Mr. McNeight to
12 determine if he has given any thought to altering
13 the facade to make it more a Court Street look.

14 J A M E S M C N E I G H T, having been
15 previously sworn, resumed the stand and testified
16 further as follows:

17 THE WITNESS: Yeah. I mean the -- it
18 would be easy enough to change that middle floor
19 into a three window setup.

20 MR. MATULE: Similar to the top floor?

21 THE WITNESS: Similar to the top floor
22 and similar to the adjacent buildings to the south.

23 VICE CHAIR BRANCIFORTE: And I also
24 asked him to do the calculation on how big the
25 mezzanine would be.

1 THE WITNESS: Basically it is about a
2 600 foot floor plan, so the mezzanine would be a
3 hundred square feet, which would include the
4 stairway up to it.

5 VICE CHAIR BRANCIFORTE: You said it
6 would be a third?

7 THE WITNESS: One-third is a mezzanine,
8 yeah.

9 VICE CHAIR BRANCIFORTE: So 600 -- a
10 third of 600 is 200 --

11 THE WITNESS: I'm sorry, 200 feet.

12 VICE CHAIR BRANCIFORTE: -- 200 square
13 feet.

14 THE WITNESS: Yeah.

15 VICE CHAIR BRANCFORTE: You don't think
16 that's a pretty decent sized bedroom, 200 square
17 feet?

18 THE WITNESS: Not when you take the
19 stairway out of it.

20 VICE CHAIR BRANCIFORTE: Okay.

21 So if you had to expand the mezzanine a
22 little bit, would it be a C variance you'd be asking
23 for or --

24 THE WITNESS: If it goes beyond -- if
25 it goes beyond a third of the floor plan, it becomes

1 a floor, you know, by definition in the building
2 code.

3 VICE CHAIR BRANCIFORTE: Is there any
4 way that -- Ms. Banyra, is there any way he could
5 get around that with a variance instead?

6 MS. BANYRA: I don't --

7 VICE CHAIR BRANCIFORTE: I know we did
8 it before.

9 MS. BANYRA: -- we're looking at it
10 from stories. I'll tell you that in other
11 communities they look at it from floor area to
12 ratio.

13 I don't know that that -- I don't know
14 that it makes a difference in terms of -- there's
15 nothing in the code that I am familiar with right
16 now off the top of my head that I'm going to say, if
17 it went bigger than that, then, you know, unless we
18 restrict the floor area, which we don't, so I don't
19 know that -- it is a building code requirement. I
20 don't know that that's relevant to the zoning code.
21 I don't know of any ordinance that --

22 VICE CHAIR BRANCIFORTE: Okay.

23 COMMISSIONER MC ANUFF: Is the issue
24 for you that it is a two-bedroom instead of one?

25 VICE CHAIR BRANCIFORTE: Well, it goes

1 back to -- we will get into this in deliberations.

2 COMMISSIONER MC ANUFF: Okay. I will
3 raise that then.

4 CHAIRMAN AIBEL: Okay. I think that's
5 okay.

6 Okay. Let me open it up to the public
7 for comment.

8 Does the public have any comment on
9 this case pro or con?

10 Seeing no public comment.

11 COMMISSIONER COHEN: Motion to close
12 public portion.

13 COMMISSIONER MC ANUFF: Second.

14 CHAIRMAN AIBEL: All in favor?

15 (All Board members voted in the
16 affirmative)

17 CHAIRMAN AIBEL: Mr. Matule?

18 MR. MATULE: Just a few closing
19 remarks.

20 As Mr. Ochab has testified, this
21 particular block especially on Court Street, the 500
22 block, has extensive residential development on both
23 sides with accessory apartments.

24 This site also has some site specific
25 challenges in terms of the existing building, the

1 fact that it is a multiple dwelling, the fact that
2 we have to now build this fire rated hallway out to
3 Court Street for the residents in the Washington
4 Street building.

5 So it all sort of interacts in the
6 whole package that's being presented to you, and
7 while the numbers are juggled around, we are still
8 under the 80 percent lot coverage. We still have an
9 excessive open yard in terms of the square feet,
10 while again it is L-shaped, rather than being
11 rectangular.

12 I would submit that whether there is
13 two floors or one floor in that 30 foot structure
14 really has no significant impact either on Court
15 Street or on Washington Street or on the
16 neighborhood or on the zoning code or zoning
17 ordinance.

18 There is nothing in our zoning
19 ordinance when they talk about density, that talks
20 about number of bedrooms or, you know, we just talk
21 about units. It is either a unit or it's not.
22 Whether it has one bedroom in it or five bedrooms in
23 it, it's still considered one residential unit.

24 Also I heard testimony before from
25 architects before this Board, I believe, that a

1 bedroom requires a minimum of 300 square feet. I
2 can't testify to that because I am not an architect.
3 But if that is not what the code says, it is
4 certainly not an unreasonable size.

5 The whole issue of density I don't
6 think can be coupled from the fact that our
7 ordinance calls out accessory apartments on Court
8 Street. I don't know how one could have an
9 accessory apartment without the fact that it is a
10 minimum of one unit. You know, it is sort of
11 intrinsic in the fact that it is there.

12 You couldn't have it without
13 residential density, and I think the criteria that
14 the Board has to look at is the criteria that the
15 planner talked about, you know, whether it can
16 accommodate the height in terms of the additional
17 floor within the permissible envelope, whether it
18 can accommodate this additional unit on Court Street
19 in the context of the neighborhood, and I know we
20 always get off on these discussions about, well,
21 this was built 20 years ago, or this was built 40
22 years ago, and we are going in another direction
23 now, but from a planning perspective we do have to
24 look at the neighborhood that we are in because the
25 context of the neighborhood does count, and it is

1 important, no matter how it got there.

2 So I would ask you to bear that in mind
3 because at the end of the day, I think this is a
4 very reasonable and modest proposal especially in
5 the context of this block on Court Street and with
6 the architectural changes the architect has said he
7 is going to make.

8 Thank you.

9 CHAIRMAN AIBEL: Thanks, Mr. Matule,
10 Board members, have you heard enough?
11 Anybody want to kick off?

12 Don't everybody jump at the chance.

13 COMMISSIONER JOHNSON: I'll go first.

14 I guess for me this application is kind
15 of a little mixed. I think we spent a lot of time
16 discussing the exterior features and keeping it
17 within the historical context of Court Street in
18 Hoboken, but I kind of feel like that 30 feet is
19 still 30 feet. They are still able to build up to
20 that.

21 So whether it is one unit or one floor
22 or two floors or three floors, you know, whatever it
23 is, they could still build up to that 30 feet. So I
24 don't know that the exterior is necessarily going to
25 change a lot.

1 I think it really comes down to more of
2 we are looking more, you know, if it is only a
3 studio apartment or something like that, it becomes
4 more of an issue of the interior and like the
5 density and sort of like the intensity use along
6 Court Street.

7 So to me, the exterior, I would
8 definitely like to keep with the old Hoboken
9 qualities of Court Street, but at the same time I
10 don't know that the exterior is really the issue. I
11 think it is more of an interior thing, so kind of
12 like both ways, kind of just like a toss-up.

13 CHAIRMAN AIBEL: Thanks, Cory.

14 Anybody else wish to comment?

15 VICE CHAIR BRANCIFORTE: Well, it goes
16 to me. It is pretty clear.

17 My argument on this is that the bigger
18 the apartment, the more strain on Court Street
19 utilities, traffic. We have a very narrow street.
20 Now we are talking about adding more people to it,
21 which means more UPS deliveries, more Fed Ex trucks
22 going up and down the street, more problems with
23 two-way traffic on a very narrow street, parking, as
24 people come and go.

25 It's, you know, for me, it is big

1 difference between one person living there and
2 possibly as many as four people living there, and
3 that is huge to me, because that's more cars, more
4 deliveries, more problems with electricity being
5 pulled off those lines.

6 And I think the code is very clear,
7 196-14 is very clear about how they want us to, you
8 know, work on Court Street.

9 It is interesting that they went out of
10 their way in the code to put this subdistrict in and
11 specifically address it and address what they saw as
12 possibly problems there. Pedestrian use, scale,
13 character or -- I'm sorry -- scale and quality of
14 the subdistrict, so you kind of know how I feel
15 about this.

16 And the other question, too, is, you
17 know: Is it an accessory to begin with?

18 And I don't know. It is a good
19 question.

20 CHAIRMAN AIBEL: Next?

21 COMMISSIONER ANUFF: I find myself
22 agreeing with Commissioner Branciforte.

23 I know an accessory building is loosely
24 defined, but I just don't see it as being a
25 two-bedroom building with a two-car garage on it.

1 I think there is ample space on the lot to do an
2 accessory building that is not quite so dense, so I
3 wouldn't be in favor of the project.

4 COMMISSIONER MARSH: I actually -- I'm
5 sorry.

6 COMMISSIONER GRANA: No. Go ahead,
7 Carol.

8 COMMISSIONER MARSH: Well, first I am
9 not sure you justified more density by saying there
10 is a lot of density around it. That is not
11 necessarily the way I would look at it.

12 I actually have more of an issue with
13 the two-car garage.

14 First off, there is already two cars in
15 that garage, so we are pushing somebody out on the
16 street, but you are making a two-bedroom apartment
17 that has a two-bedroom garage associated with it.
18 You are not encouraging pedestrian use.

19 You are encouraging people to move
20 there and drive in and out, two people, two cars in
21 a two-bedroom apartment is --

22 COMMISSIONER MC ANUFF: Up to four
23 people.

24 COMMISSIONER MARSH: -- up to four
25 people, right.

1 COMMISSIONER WEAVER: Well, I think --

2 COMMISSIONER GRANA: Well, we don't
3 know that the cars are going to be used by the
4 principal structure or not.

5 COMMISSIONER WEAVER: -- yeah, they
6 could be used by anyone really.

7 I agree with you that it's -- you know,
8 the garage and the cars does not, you know, it seems
9 like --

10 COMMISSIONER MARSH: I mean, it seems
11 like we are going pretty far out of our way to
12 accommodate two cars here, and I am not sure why,
13 so that's my point.

14 COMMISSIONER WEAVER: Yeah. I mean --
15 are you done?

16 COMMISSIONER MARSH: I'm done. Yes.

17 COMMISSIONER WEAVER: I'm a big fan of
18 the donut and the preservation of the donut, and so
19 any encroachment into that, and I know this is an
20 existing structure, and it is just, you know, we are
21 doing this so they can have a two-bedroom, it just
22 doesn't seem like to me that it is -- I'm sorry --

23 COMMISSIONER MC ANUFF: I'm sorry. It
24 just flew by me.

25 COMMISSIONER WEAVER: -- that it is --

1 it doesn't seem that it is worth it really, because
2 it just continues to reinforce the idea that, well,
3 just to get a little bit more, we need to go just a
4 little bit more into the open space that are between
5 these two buildings and between all of these donuts,
6 it seems like it's just death by a thousand bricks.

7 And I don't have a problem with the
8 height frankly. It is, you know, 30 foot is 30
9 foot, but it seems like we are bending over
10 backwards to increase the density when I think there
11 are other solutions out there on the table that have
12 not been explored.

13 CHAIRMAN AIBEL: Mr. Grana?

14 COMMISSIONER GRANA: So I would like to
15 pick up a little bit on Commissioner Branciforte's
16 and Commissioner Johnson's comments, because, you
17 know, I heard this feedback quite a bit about what
18 is the one-story, and I think it is a valid
19 question, you know, what was the intent, are we
20 trying to recreate a hay loft or, you know, that
21 kind of a feel.

22 You know, personally those are
23 architecturally things that I think are rather
24 interesting and would be interesting in this area.
25 But I see too much ambiguity in the fact between

1 what the intent is and what the code is, so I kind
2 of lean in this case towards Commissioner Johnson's
3 comments about if we are erecting a residential
4 structure there that is within the 30 feet, you
5 know, what is the material difference if it's a
6 one-bedroom or a two-bedroom.

7 I mean, I don't know if there really is
8 a material difference there, and I wouldn't comment
9 on it.

10 And because of that ambiguity, I tend
11 to fall back on, you know, four things:

12 One, there was a lot of architectural
13 elements that were addressed by the Board and the
14 applicant has addressed those architectural
15 concerns.

16 I didn't see any direct negative
17 impacts, so I fall back on, you know, it's under the
18 80 percent. It is within 30 feet, and the use is
19 desired and intended for this subdistrict, and I am
20 going to go with that, in favor of, because I think
21 the other intents are too hard to unravel here.

22 CHAIRMAN AIBEL: Mr. Cohen?

23 COMMISSIONER COHEN: Yeah. I agree
24 with Commissioner Grana.

25 I mean, like Commissioner Weaver, I

1 don't have a problem with the height. I think
2 frankly the 30 feet height -- I think the reason why
3 this district exists is to have a low height than
4 the rest of the city to keep it in scale with a
5 relatively small sized block or the Court Street
6 feel. This has that. It is lower than its
7 neighboring property.

8 The 30 inches in the back in the
9 encroachment is an encroachment into the donut, but
10 the property to the south is a hundred percent lot
11 coverage with a parking lot that goes the entire
12 length of the backyard. I don't think that 30
13 inches is a material impingement in that scenario.
14 I think that it is reasonable project. I think that
15 the benefits are clear and that the architectural
16 facade has been addressed, and I would support it.

17 CHAIRMAN AIBEL: Okay.

18 Let me just quickly point out that
19 there is no height variance sought.

20 COMMISSIONER GRANA: Understood.

21 CHAIRMAN AIBEL: There is a floor
22 variance, so the discussion of height is really not
23 relevant.

24 COMMISSIONER GRANA: Understood. I
25 just commented --

1 COMMISSIONER COHEN: It is relevant.

2 COMMISSIONER GRANA: -- it was within
3 the height --

4 CHAIRMAN AIBEL: If they are not asking
5 for 40 feet, then three feet is relevant.

6 I'm just going to quickly give my point
7 of view --

8 COMMISSIONER COHEN: The variance --

9 CHAIRMAN AIBEL: -- and that is that we
10 are focused on a carriage house or an accessory
11 structure on a lot that is not subdivided, so my
12 point is that we have to take into account the
13 existing density. That density, it seems to be
14 already in excess of what is allowed based on the
15 code's calculation.

16 So where I think I stand is Washington
17 Street has a three-floor residential over
18 commercial. It is not three units, where we then
19 would be assessing whether there should be a fourth
20 unit over in this accessory building. Instead there
21 are four in the principal residence, and we now are
22 asked to go to five, which is a pretty, you know,
23 dramatic increase.

24 I think in the past, and we have been
25 struggling obviously with these issues for quite

1 some time, what we have tried to do is focus on the
2 accessory structure.

3 As counsel recalled, and I think this
4 was a real distinction, when we were faced with a
5 density request on a fully built out Hudson Street
6 principal residence, we connected the accessory
7 residential structure with one of the existing units
8 in the main structure, and I can't recall offhand
9 how we resolved the density issue, whether it was an
10 issue at all, or we simply took it off the table,
11 but my point is we factored in the relationship of
12 the two buildings.

13 I do think we are pushing towards the
14 principal building in this structure that is
15 intended to be accessory, and I think the way that I
16 come out in terms of a compromise, I can make a
17 distinction that says we are going to limit the
18 intensity of the additional unit by making sure it
19 is not two or three bedrooms or four bedrooms. That
20 is a different issue I think all together than a
21 situation in which the entire lot, you know, the
22 principal structure and the accessory structure are
23 not pushing density issues.

24 So I would be inclined to understand
25 that, you know, we are going to continue to grant

1 some cases on Court Street in which we will provide
2 for an accessory apartment.

3 In this particular case, where I think
4 it is very intensively built on Washington Street, I
5 would find the compromise in granting the variance
6 for a single story and minimizing the intensity of
7 the use of the property as a whole, but that is not
8 the application that is before us, so I would be
9 probably not in favor.

10 COMMISSIONER GRANA: I guess it's the
11 one question I have for that is it seems like the
12 challenge here is that even if you do that, you are
13 still triggering a density variance because of the
14 existing density on a principal structure, and it is
15 hard for us to say whether this is somebody who is
16 going to live in their one-bedroom locked apartment
17 versus a person who is going to live in their
18 two-bedroom, where one of them is a den, and one of
19 them is a bedroom, right?

20 It is very hard to make these
21 distinctions, but either way you are triggering that
22 density variance.

23 CHAIRMAN AIBEL: And I guess I would
24 just respond that I am not a mathematician, but
25 going from three to five is more significant than

1 going from three to four, and here we are at four
2 already, so it may be simple logic, but that's -- I
3 am sticking to it.

4 Anybody else want to finish up?

5 COMMISSIONER MC BRIDE: I'll just
6 finish up saying I agree with Commissioner Cohen. I
7 think this is a reasonable project.

8 There is already two cars there. That
9 is not going to change even if we deny this, so two
10 cars are still going to be in that garage.

11 I have no problem with the height
12 obviously, and I think it's a significant
13 improvement to the street versus some of the crud
14 that's there, and I don't like imposing on the donut
15 an inch even, but I think it is a good project, and
16 I'd vote for it.

17 COMMISSIONER MC ANUFF: I just want to
18 say, and this will be obviously my last comment.

19 I don't see this as an accessory
20 building. It is able to stand by itself. It is
21 really an independent structure or an independent
22 living building from the main building. I don't
23 know if -- I wouldn't characterize this as an
24 accessory building.

25 COMMISSIONER MARSH: I would agree.

1 CHAIRMAN AIBEL: Anybody else,
2 Commissioners?

3 We need five votes, affirmative votes?

4 MR. GALVIN: Correct.

5 So we need a motion for or against.

6 CHAIRMAN AIBEL: We'll entertain a
7 motion for or against.

8 VICE CHAIR BRANCIFORTE: I will make a
9 motion to deny.

10 COMMISSIONER MC ANUFF: Second.

11 VICE CHAIR BRANCIFORTE: So a yes vote
12 is to deny?

13 MR. GALVIN: Yes is to deny.

14 MS. CARCONE: Commissioner Branciforte?

15 VICE CHAIR BRANCIFORTE: Yes.

16 MS. CARCONE: Commissioner Cohen?

17 COMMISSIONER COHEN: No.

18 MS. CARCONE: Commissioner Grana?

19 COMMISSIONER GRANA: No.

20 MS. CARCONE: Commissioner Marsh?

21 COMMISSIONER MARSH: Yes.

22 MS. CARCONE: Commissioner McAnuff?

23 COMMISSIONER MC ANUFF: Yes.

24 MS. CARCONE: Commissioner Weaver?

25 COMMISSIONER WEAVER: Yes.

1 MS. CARCONE: Commissioner Aibel?

2 CHAIRMAN AIBEL: Yes.

3 MR. MATULE: Okay. Thank you.

4 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: July 21, 2016
This transcript was prepared in accordance with
NJAC 13:43-5.9.

1 MR. GALVIN: We are going to take a
2 brief recess, and Pat is going to go to the --

3 CHAIRMAN AIBEL: No. Before we go into
4 break, could we just sort out a couple of
5 administrative issues?

6 Before we're going to break -- don't
7 break yet.

8 (Commissioners confer)

9 CHAIRMAN AIBEL: This is what's going
10 to happen. John and I are recused. You guys are
11 going to have one, two, three, four, five, six
12 soldiers on the next application.

13 MS. CARCONE: Okay.

14 So are we waiting to get Meryl up
15 and --

16 MR. GALVIN: Yes.

17 MS. CARCONE: Do you want me to get
18 the --

19 MR. GALVIN: Not for you, but you can
20 still run things --

21 CHAIRMAN AIBEL: No. I don't think so.

22 MS. CARCONE: Am I going now, or are we
23 breaking now or are we --

24 MR. GALVIN: Yes. Could we?

25 CHAIRMAN AIBEL: You are going to go,

1 but we are going on the record here.

2 MS. CARCONE: Okay.

3 CHAIRMAN AIBEL: Mr. Matule, we are
4 going back on the record for just a brief moment.

5 We have 610 Hudson Street coming up as
6 our next application.

7 MR. MATULE: Right.

8 CHAIRMAN AIBEL: Two of the
9 Commissioners are going to recuse themselves. John
10 Branciforte and I will be sitting this one out
11 for --

12 MR. MATULE: Okay.

13 MR. GALVIN: You don't have to give
14 reasons.

15 VICE CHAIR BRANCIFORTE: You don't have
16 to give reasons.

17 CHAIRMAN AIBEL: No reasons are
18 necessary, and my colleagues will hear it out and
19 hope come to a good vote before 12 o'clock.

20 (Laughter)

21 MR. MATULE: That is it?

22 CHAIRMAN AIBEL: Do you want to do Ms.
23 Gonchar now?

24 MR. GALVIN: We are waiting for Pat to
25 come back.

1 MR. MATULE: With who voted?

2 COMMISSIONER COHEN: Why don't we do
3 that after the break?

4 MR. MATULE: I think --

5 (Board members confer)

6 THE REPORTER: Is this off the record?

7 MR. GALVIN: It's off the record.

8 (Discussion held off the record)

9 (The vote from the Fit Foundry matter
10 was taken and is contained on pages 14 and 15 of
11 this transcript)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-16-3

- - - - - X
RE: 1410 Grand Street, 1405-11 Adams :
Street : 9 pm
Block 121, Lots 1,2,3,4,23,24 : July 19, 2016
Resolution of Approval :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Vice Chair Brancforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Owen McAnuff
- Commissioner Dan Weaver
- Commissioner Edward McBride
- Commissioner Cory Johnson

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

- Eileen Banyra, Planning Consultant
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
Phone: (732) 735-4522

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5 (732) 364-3011
6 Attorney for the Board.

7 GREENGAUM, ROWE, SMITH & DAVIS, LLP
8 99 S. Wood Avenue
9 Iselin, New Jersey 08830
10 732-549-5600
11 BY: MERYL A.G. GONCHAR, ESQ.
12 Attorneys for the Applicant.

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1 MR. GALVIN: The next is, and I don't
2 have the resolution in paper form, is 1410 Grand.
3 It is a resolution. It is ready to be approved.

4 There was one kind of a minor issue.
5 On condition number 12 on page 6, it says: The plan
6 is to be revised to show a gated railing on the roof
7 to limit access to the river rock. This change is
8 to be reviewed and approved by the Board's engineer
9 and planner. Okay?

10 I know I read it at the time, but what
11 we decided at that moment is that instead of river
12 rock, we are going to do gravel, pea gravel, and
13 Eileen has looked at it and said, we don't really
14 need the fence, right?

15 MS. BANYRA: We are going to have the
16 fence, but it's not going to be gated.

17 I think again as I looked at it, it
18 would be the same as you did. I went back to the
19 transcript, and you read it. It is exactly what was
20 in the transcript is what you put down. We don't
21 need a gate. I think there is still going to be a
22 railing there.

23 I spoke with Bruce. There is no
24 railing there?

25 MS. GONCHAR: No.

1 MS. BANYRA: I spoke with Bruce today
2 about it, and Bruce told me -- okay-- I did look at
3 the stone. The stone is a gravel. They use this
4 all over on all of the Bijou buildings. It is more
5 of a -- you know, when they said "river rock,"
6 everybody went crazy because we all kind of thought
7 of egg-shaped rocks that could get tossed over.
8 This is more of a gravel, stone --

9 MR. GALVIN: Pebble.

10 MS. BANYRA: -- pebble type of thing.
11 So it is going to be landscaping, and there is a
12 significant landscaping detail on that.

13 I am satisfied. I spoke about it with
14 the landscape architect and with the architect
15 today. What they are doing is absolutely fine.

16 MR. GALVIN: How should I change this
17 condition?

18 MS. BANYRA: Can you just -- I would
19 take out the gated railing.

20 MR. GALVIN: So the plan is to be
21 revised to show --

22 MS. BANYRA: Stone -- gravel -- gravel,
23 stone and landscaping as per the revised plans, and
24 it could be approved by me -- you could still leave
25 it as approved by me, the Board Engineer.

1 MR. GALVIN: Gravel -- say it again.

2 MS. BANYRA: It's landscaping and
3 gravel.

4 MR. GALVIN: No railing?

5 MS. BANYRA: We don't need a railing.
6 They have a parapet on the building.

7 MR. GALVIN: And gravel on the roof.
8 This change is to be reviewed and approved by the
9 Board's Engineer and Planner.

10 Is there concurrence with the
11 applicant?

12 MS. GONCHAR: That is fine.

13 Thank you.

14 MR. GALVIN: Super.

15 So is there a -- let's see who is
16 voting on this.

17 Here we go: Mr. Branciforte, Mr.
18 Cohen, Mr. Grana, Mr. McAnuff, Mr. Weaver and Mr.
19 McBride.

20 Is there a motion to accept this
21 resolution with that modification, condition number
22 12?

23 COMMISSIONER COHEN: Motion.

24 COMMISSIONER MC ANUFF: Motion.

25 MR. GALVIN: Motion by Mr. McAnuff.

1 Okay. Is there a second?

2 COMMISSIONER COHEN: Second.

3 MR. GALVIN: Second by Mr. Cohen.

4 Mr. Branciforte?

5 VICE CHAIR BRANCIFORTE: Yes.

6 MR. GALVIN: Mr. Cohen?

7 COMMISSIONER COHEN: Yes.

8 MR. GALVIN: Mr. Grana?

9 COMMISSIONER GRANA: Yes.

10 MR. GALVIN: Mr. McAnuff?

11 COMMISSIONER MC ANUFF: Yes.

12 MR. GALVIN: Mr. Weaver?

13 COMMISSIONER WEAVER: Yes.

14 MR. GALVIN: And Mr. McBride?

15 COMMISSIONER MC BRIDE: Yes.

16 MR. GALVIN: Awesome.

17 There you go. Happy days.

18 Before we take a break, let's do just

19 one last thing, and it will be prepared.

20 VICE CHAIR BRANCIFORTE: I'm off.

21 MR. GALVIN: You're dismissed.

22 Thank you.

23 (Vice Chair John Branciforte excused)

24 (The matter concluded)

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, 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 11/5/2020.
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-16-6

- - - - - X
RE: 610 Hudson Street :
APPLICANTS: Michael Cairns & :
Suzanne Cummings : July 19, 2016
Block 217.01, Lot 26 :
Variance review :Tuesday 9:10 p.m.
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Acting Chairman Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Owen McAnuff
- Commissioner Dan Weaver
- Commissioner Edward McBride
- Commissioner Cory Johnson

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

- Eileen Banyra, Planning Consultant
- Patricia Carcone, Board Secretary

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11 Attorney for the Applicant.

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I N D E X

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WITNESS

PAGE

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Ana Sanchez

131 & 215

6

7

Kenneth Ochab

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E X H I B I T S

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11

EXHIBIT NO.

DESCRIPTION

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A-1

Survey

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View Number 1

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View Number 2

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View from Court Street 133

17

A-5

Cone of Vision

140

18

A-6

Photo Board

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19

A-7

Photo Board

183

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1 MR. GALVIN: Before we take the break,
2 we've got to have an Acting Chair for tonight's
3 meeting because we have lost both our Chairman and
4 our Vice Chairman.

5 I am pretty sure the bylaws say, but I
6 don't remember for sure, that it should be the
7 senior, the most senior member of the Board.

8 Mr. Cohen is the most senior member of
9 the Board. So unless there is an objection, I would
10 ask that someone make a motion to appoint Mr. Cohen.

11 COMMISSIONER MC ANUFF: I'll make a
12 motion to appoint Mr. Cohen.

13 COMMISSIONER GRANA: Second.

14 MR. GALVIN: All in favor?

15 (All Board members answered in the
16 affirmative)

17 Anybody opposed?

18 MR. GALVIN: Let's take a break, and
19 when you come back, we'll be ready.

20 (Recess taken)

21 ACTING CHAIRMAN COHEN: Mr. Matule?

22 MR. MATULE: Good evening, Mr.
23 Chairman, and Board Members.

24 Robert Matule, appearing on behalf of
25 the applicant.

1 This is an application for property at
2 610 Hudson Street. We were actually scheduled to be
3 here on May 17th, and I don't know if the Board
4 members are aware or not, but we were contacted by
5 Ira Weiner who was representing an objector to the
6 application, so we carried the matter and agreed to
7 renotice.

8 I can report to the Board that based
9 upon meetings and discussions and revisions to the
10 plan, the objector is no longer objecting, and they
11 won't be appearing tonight. They have withdrawn
12 their objection.

13 ACTING CHAIRMAN COHEN: Very good.

14 MR. MATULE: So that is a good thing.
15 The two-month hiatus was constructive.

16 The application is primarily with
17 respect to, strangely enough, an accessory apartment
18 on Court Street to enlarge -- there is an existing
19 garage with a one-story accessory apartment on it
20 now. What the applicant is looking to do is to add
21 a second floor within the 30 foot oblong and also to
22 have a cellar underneath the garage.

23 There is also an application with
24 respect to the principal building on Hudson Street.
25 We are requesting a height variance to add a

1 partial, we will call it a fifth story addition,
2 which would bring the height of the building to 49
3 and a half feet.

4 Ana Sanchez is our architect, and she
5 will be testifying tonight. Ken Ochab is our
6 planner.

7 We have renoticed and submitted our
8 jurisdictional proofs to the Board Secretary.

9 The one other thing I would point out
10 is I also have the applicant here tonight. I can
11 certainly proffer to the Board, and Ana will go
12 through it in her testimony, this building currently
13 was listed on the tax records as five residential
14 units, four in the front and one in the back. The
15 plan is to convert the house in the front, the
16 principal structure, to a one-family house, and then
17 to have this accessory apartment in the rear.

18 The intention is not to have it as
19 income-producing property, but just for when in-laws
20 or relatives or friends, you know, just to have it
21 as kind of a guest house kind of a thing.

22 I am putting that out there. We can
23 certainly have the applicant testify to that under
24 oath, if you feel that it is necessary.

25 So with those comments, I will ask

1 Ms. Sanchez to be sworn and qualified.

2 MR. GALVIN: Raise your right hand.

3 Do you swear or affirm the testimony
4 you are about to give in this matter is the truth,
5 the whole truth, and nothing but the truth?

6 MS. SANCHEZ: Yes.

7 A N A S A N C H E Z, having been duly sworn,
8 testified as follows:

9 MR. GALVIN: State your full name for
10 the record and spell your last name.

11 THE WITNESS: Ana Sanchez,
12 S-a-n-c-h-e-z.

13 MR. GALVIN: Ms. Sanchez, could you
14 give us three Boards you have appeared before
15 recently?

16 THE WITNESS: I appeared in front of
17 the Zoning Board.

18 MR. GALVIN: No. Give us three, not
19 including Hoboken.

20 THE WITNESS: Three Boards?

21 MR. GALVIN: Yes.

22 THE WITNESS: No, I have not appeared
23 outside of Hoboken.

24 MR. GALVIN: All right.

25 Mr. Chairman, do you accept her

1 credentials?

2 ACTING CHAIRMAN COHEN: Yes, we do.

3 MR. GALVIN: All right.

4 MR. MATULE: Thank you.

5 Okay. Ms. Sanchez, if we are going to
6 have any exhibits, other than what is in the plans,
7 we need to mark them for the record.

8 THE WITNESS: I would be having
9 handouts with some colored renderings of both the
10 front of the building and the rear of the building,
11 Court Street, and I actually have three small
12 boards.

13 MR. MATULE: All right. So why don't
14 we -- so the handout is actually copies of your
15 boards?

16 THE WITNESS: Yes.

17 MR. MATULE: So why don't we mark the
18 four boards.

19 So the first board I am going to mark
20 is A-1, and can you just tell us what that is?

21 (Exhibit A-1 marked)

22 THE WITNESS: A-1 is a survey
23 indicating where the rendering -- the prospective of
24 the rendering. So we have two from the front and
25 then we have one from the rear, which were -- in

1 order to see the picture, it is actually within the
2 building, but you get the idea.

3 MR. MATULE: Okay.

4 So then we are going to mark A-2, which
5 is going to be what you are showing on A-1 as view
6 number one.

7 THE WITNESS: View number one, which
8 would be --

9 MR. MATULE: I am going to just put
10 this on the back because I don't want to mess up
11 your pretty picture.

12 (Exhibit A-2 marked)

13 MR. MATULE: We have that as A-2.

14 And then A-3 is going to be the view
15 from position number two?

16 THE WITNESS: Yes.

17 (Exhibit A-3 marked)

18 MR. MATULE: Okay. And then A-4 will
19 be the view from Court Street?

20 THE WITNESS: Yes.

21 (Exhibit A-4 marked)

22 MR. MATULE: Okay.

23 THE WITNESS: Should I distribute these
24 out?

25 MR. MATULE: So what we can do then --

1 THE WITNESS: I have 11 here, so I
2 think this is enough.

3 MR. MATULE: That should be more than
4 enough, the handouts.

5 If there are any extra, I would like
6 one back.

7 Okay. So why don't you just describe
8 for the Board members and any members of the public
9 who are here the existing site and the surrounding
10 area to give us some context of what we are dealing
11 with?

12 THE WITNESS: The project is on Hudson
13 Street. It is on the west side of the street
14 between Sixth and Seventh. Stevens University is on
15 the east side. It is sort of part of -- well, Court
16 Street is part of the historic district. It is in
17 an R-1 zone.

18 The architecture, as one of my drawings
19 illustrates, is sort of similar as it goes across
20 sort of the Hoboken vernacular that we have.

21 MR. MATULE: And then the lot is 18 and
22 a half --

23 THE WITNESS: Yes. The lot is a
24 nonconforming lot. It is 18 feet seven inches by a
25 hundred, so it is a little bit narrower than what is

1 now the standard.

2 MR. MATULE: And the principal
3 structure now has what, 45 percent lot coverage?

4 THE WITNESS: The principal structure
5 has 45 percent lot coverage. It is four-story
6 structure with a cellar.

7 It does have a basement, which is below
8 grade, and then three stories above it.

9 MR. MATULE: Okay. And there is an
10 existing accessory apartment over a garage now on
11 Court Street?

12 THE WITNESS: Yes. On the rear of the
13 property there is an existing structure that we
14 intend to incorporate into our project that has a
15 garage and a small accessory apartment.

16 MR. MATULE: All right.

17 And your intention is not to raze that
18 building, but to slightly enlarge it and add an
19 additional floor?

20 THE WITNESS: Yes, to work within that
21 envelope and expand upon it.

22 MR. MATULE: Okay. All right.

23 So then why don't you take the Board
24 through the proposed improvement, or if you want to
25 refer to the existing site conditions on the board,

1 you can do that as well.

2 THE WITNESS: So one of the biggest
3 things that happened with the building is basically
4 in this case the density went from five units to
5 essentially two.

6 The main house is what will be a guest
7 apartment. So in that way, it actually went back in
8 time to how the house was originally built in the
9 19th Century.

10 To that end, the front of the house,
11 which once had four apartments, will now have -- as
12 you come in and go down, it will have a dining room
13 and kitchen --

14 MR. OCHAB: I am now the easel.

15 (Laughter)

16 THE WITNESS: -- so at this level, this
17 is street level, as you're coming in, you would be
18 coming into the dining room, pantry, powder room and
19 kitchen.

20 The one addition that we're doing --
21 well, we are doing two additions on the house. The
22 one that we are doing as of right is a bay window to
23 the back that extends all the way up. It creates a
24 window seat in the kitchen, and it creates different
25 elements within the house.

1 This is the garden space, and then it
2 is tied into the garage, how you access from Court
3 Street.

4 The intent is one to create a complex
5 and have this structure serve as a guest house, a
6 guest apartment when relatives visit.

7 If you go down below, and this project,
8 because we have been working on it for over a year,
9 and they are currently working on the main house, we
10 also developed the cellar. The cellar is going to
11 have an exercise room, an endless pool, a sauna, a
12 bathroom, and mechanical systems for the rest of the
13 house.

14 We sort of have a sister element on the
15 other side of the carriage house that would be
16 primarily storage and mechanical systems on that
17 structure.

18 As we go up to the first level, on the
19 main house we have a living room and a library in
20 the rear.

21 In the carriage house we have a small
22 living area that is about 400 square feet.

23 If we go on to the second board -- so
24 on the second board, as we get onto the second
25 floor, we have two guest bedrooms on Hudson Street,

1 and we have four bedrooms and a bathroom in the
2 carriage house.

3 This is part of what we are requesting,
4 the third -- sort of a third level within 30 feet.
5 It is sort of an accessory building, so we are
6 within the height limitation, not the story
7 limitation.

8 If you go up to the fourth floor, now
9 the carriage house has a passive green roof. The
10 main house has a master suite. It has a bath, a
11 dressing room and master bedroom.

12 The last element that we are adding is
13 a study up on the top floor. This exceeds the
14 height on Hudson Street from 40 to 49 and a half.

15 We did set it back from Hudson Street
16 in order to avoid breaking the pattern that is
17 across that street, and actually I have -- the other
18 illustration will show that better, but on the
19 height sections, it illustrates how we want the
20 building to keep within the language of the
21 architecture.

22 So here the renderings that you see,
23 even though this little bulkhead would be up there,
24 it wouldn't be visible from the street.

25 That fifth story addition sort of opens

1 out to a massive green roof to the rear that would
2 be used basically to sit out there and enjoy the
3 view.

4 On the front there is also a green roof
5 noted on the drawings, but that would be passive.
6 That is just a way of containing water. And I guess
7 in terms of justification, it is an amenity. It is
8 a luxury and actually it's a view to really what is
9 a very octave sight of the Jersey City Heights.

10 MR. MATULE: If I could, just one
11 thing.

12 THE WITNESS: Yes.

13 MR. MATULE: In the handout that we
14 handed out in addition to the four boards we marked,
15 A-1, 2, 3, and 4, I see you also have a
16 cross-section --

17 THE WITNESS: Yes.

18 MR. MATULE: -- perspective. Is there
19 a separate board --

20 THE WITNESS: I wasn't able to get a
21 board made up of those drawings.

22 MR. MATULE: Okay.

23 So just for the record, we will mark
24 that A-5, which is the last page of the handout
25 everybody got. It says Site Cross-Section Cone of

1 Vision, because I think that is probably an
2 important illustration for the impact of this
3 partial fifth floor addition.

4 I'm sorry to interrupt you as well.

5 (Exhibit A-5 marked)

6 THE WITNESS: So in the front of the
7 building, again, I would say the strength of the
8 project is that we are returning it back to a
9 one-family house.

10 In addition to that, the facade has
11 been restored. The brownstone stairs have been
12 restored. The existing cornice has been repaired
13 and painted. The windows are going to be replaced
14 and returned back to their original size. So all of
15 this begins to contribute to the character that is
16 Hudson Street.

17 The fifth story addition, because by
18 setting it back, no longer -- really no longer
19 breaks that pattern that has made it so prevalent
20 along Hudson Street.

21 If I go to the rear, and in some
22 ways -- and this is a rendering -- actually I
23 felt -- I felt, and the owner agreed, that it was
24 important to save the shelf of this building. It
25 has an I-beam that goes across the original opening,

1 which we are maintaining.

2 And then we were going to --
3 unfortunately, the windows above are not
4 symmetrical. They are sort of off center, as you
5 can see in the photographs in your drawings, but the
6 idea is to sort of shift them over, make them
7 symmetrical to the rest of the facade and to use the
8 same size and the same materials, so the bluestone
9 sill and the lentels will be kept, and then the
10 shutters are decorative.

11 The cornice banding would be original.
12 It is basically simple brick detailing that occurs
13 up there.

14 And then the third story that we are
15 proposing within the 30 feet is set back in a
16 mansard roof that has an eyebrow dormer with
17 casement windows.

18 Also, the footprint now is less than we
19 originally proposed. It fits within the guidelines.
20 It's 400 square feet.

21 This building is odd because three
22 sides are brick. The side that faces the rear yard
23 is actually yellow brick. It looks like it was
24 replaced in the 1920s or '30s.

25 This project actually will now return

1 the building on all four sides to be the same
2 material. You could also see the proposed bay that
3 is in the background from there. Right now this
4 building exists within the garage on one side and an
5 empty garage pad on the other.

6 MR. MATULE: If I might, also while we
7 are on -- just so the Board is clear -- the drawings
8 the Board has before them show on the first
9 residential floor of the carriage house an
10 approximate, I think it is four by -- I want to say
11 4-by-14 and a half balcony on the interior side. On
12 Sheet A-2.0, that has now been removed, correct?

13 THE WITNESS: That has been eliminated.

14 MR. MATULE: Because that raised an
15 issue about whether we needed to get a lot coverage
16 variance for the accessory structure, so that has
17 been removed, and I just want to make that clear to
18 the Board members that that is no longer in the
19 application, and that is how we keep the carriage
20 house lot coverage within the permissible square
21 footage.

22 So please continue.

23 THE WITNESS: So I mean in terms of lot
24 coverage, this area allows for 80 percent. What we
25 are proposing is barely 67 percent.

1 The carriage house will be 20 percent,
2 which is what is allowed, and what we are adding is
3 the bay window, which has one percent to an existing
4 45 percent of the existing house.

5 So in terms of preserving the donut and
6 that light and air, I think we have conscientiously
7 actually left the garden that will be enjoyed by the
8 owners, but also respected that space.

9 MR. MATULE: And if I might, the
10 addition on the fifth floor, what is the approximate
11 square footage of that addition?

12 THE WITNESS: It is approximately 350
13 square feet.

14 One of the things we had discussed is
15 if we added an addition to allow for the 60 percent
16 lot coverage of the front of the building, we would
17 have been at 1200 square feet, but we opted not to,
18 to maintain the backyard.

19 There is also a small bay there and
20 actually this proposed fifth story addition on the
21 top, which is only 40 percent of actually the main
22 house.

23 MR. MATULE: Okay.

24 And you may have testified, but I just
25 wanted to make it clear for the record because I

1 know it came up in Ms. Banyra's report.

2 The green roof on top of the fourth
3 floor of the building on the Hudson Street side of
4 the building, that is going to just be a passive
5 green roof, correct?

6 THE WITNESS: Yes.

7 MR. MATULE: And the access door is
8 strictly for maintenance?

9 THE WITNESS: Strictly for maintenance,
10 yes.

11 MR. MATULE: But the roof on the west
12 side is going to be an active green roof?

13 THE WITNESS: Yes.

14 MR. MATULE: Okay. I just wanted to
15 make that clear.

16 And you also indicated that there has
17 been ongoing renovation work on the property now in
18 the principal structure. In fact, the applicant has
19 received a first certificate of zoning compliance
20 and building permits and is currently constructing
21 the cellar area in terms of the pool and the
22 exercise room and things that are on the plan?

23 THE WITNESS: Actually yes.

24 Obviously, they are included on the
25 plans as full disclosures. This is the scope of the

1 project.

2 I think there is a discrepancy between
3 how the international building code defines
4 habitable and non habitable and what the zoning code
5 describes it as.

6 So as we took it through the zoning
7 office to begin work on the restoration, it was
8 accepted as an auxiliary habitable space.

9 The IBC calls habitable space as space
10 in a building for living, sleeping, eating or
11 cooking, and bathrooms, toilets, closets, halls,
12 storage and utility spaces are areas that are not
13 considered habitable.

14 So there is a bit of a conflict here,
15 because clearly it comes before you, and for the
16 carriage house we are requesting it. No work has
17 been done on the carriage house, awaiting actually
18 your review and approvals. But on the main house we
19 went forward with everything that was allowable
20 according to the zoning office and the building
21 department with the exception of the fifth story
22 addition.

23 MR. MATULE: And while we are on that
24 note, so to speak, the cellar we are proposing in
25 the carriage house has a half bath in it. Could you

1 just explain to the Board the sort of genesis of how
2 that came about and what the intention of having
3 that there is for?

4 THE WITNESS: So the carriage house is
5 auxiliary to the outdoor space. It has a potting
6 shed as being a work space and storage, and also if
7 you are entertaining in the backyard, that would be
8 the most accessible bathroom, or if you are
9 gardening, just so you don't traipse through the
10 house to go to it, so it is really a function of
11 just serving the building and use of the building.

12 MR. MATULE: Again, as you testified
13 under the IBC, that is not considered habitable
14 space?

15 THE WITNESS: It's not considered
16 habitable.

17 MR. MATULE: And you also are going to
18 have mechanicals down there and storage?

19 THE WITNESS: Yes, essentially
20 mechanicals and storage.

21 Sort of -- the rest of the house is
22 going to have a certain level of finishes that will
23 not be found in this particular bathroom or in the
24 carriage house.

25 MR. MATULE: And it is actually quite

1 modest in its size, right?

2 THE WITNESS: Yes. It's actually three
3 feet -- it's truly only a half bath.

4 MR. MATULE: And with respect to the
5 garage in the accessory structure, there will be
6 parking for one vehicle in it?

7 THE WITNESS: Yes, one vehicle.

8 MR. MATULE: Okay.

9 That is pretty all I have unless
10 there's anything else you want to mention.

11 THE WITNESS: I think I would only add
12 that as we understand or as I understand the
13 variances that we are requesting, in my mind they
14 came down to two categories.

15 Well, one category has to do with the
16 fact that we have a 19th Century building moving
17 into the 21st Century, and we have a zoning code
18 from the '70s that we are applying to these
19 buildings, and there is an inherent conflict in
20 that, and this is the way it goes.

21 And then the other half of these
22 variances, we are driven by the design and by how
23 the client wants to use the property, and it is
24 basically being the addition of that second story to
25 the accessory apartment and then the fifth story,

1 and the use of the cellar also.

2 So those three were really driven by
3 the design. I think the other three were really
4 driven just by the fact that we have an 18.76 lot by
5 a hundred and things like that.

6 MR. MATULE: And with respect to what
7 we have marked as Exhibit A-5, the site
8 Cross-Section Cone of Vision, do you want to just
9 walk the Board through that for the record?

10 THE WITNESS: I mean, we felt that this
11 was an important way to understand the space that we
12 are proposing because we understood that it a D-1
13 variance is sort of the highest measure, and yet we
14 didn't feel that it really -- it did not harm the
15 neighborhood or hurt it in any way.

16 In fact, as you are walking down the
17 street, the street really is going to remain the
18 same, so it is in the last handout. It is not on
19 the original set, but if somebody is walking down
20 the street approximately six feet within their cone
21 of vision, all they will see actually is sort of the
22 top windows of the building.

23 Once we recessed back -- once we set
24 back that small addition, it is really no longer in
25 the sight of vision of the street, so it doesn't --

1 you actually have to be in the Stevens' building
2 across the street to see it, so...

3 MR. MATULE: Okay. Good.

4 Thank you.

5 Those are all of the questions I have
6 at this time.

7 ACTING CHAIRMAN COHEN: All right.

8 Any Commissioners have any questions
9 for Ms. Sanchez?

10 Commissioner Grana?

11 COMMISSIONER GRANA: Thank you.

12 I don't know if this is for Ms. Sanchez
13 or Mr. Matule. I am looking at A-1.0, at the zoning
14 tabulation chart.

15 I just want to be clear. We are asking
16 for -- we are asking for a D-3 on the accessory, and
17 a D-6 on the principal?

18 MR. MATULE: We are asking for a D-6
19 for the height on the principal structure --

20 COMMISSIONER GRANA: Right. And you're
21 asking for stories on the accessory?

22 MR. MATULE: Which is a C, as I
23 understand it.

24 And we are asking also for a D-1 to
25 have -- but it is interesting. On one hand, we are

1 asking for a D-1 because it is a conditional use,
2 but it is also preexisting, so perhaps it is the
3 expansion of a nonconforming structure, so you know,
4 we took the conservative approach and asked for the
5 D-1, but actually the accessory apartment is there
6 already.

7 MS. BANYRA: But the basement is really
8 the issue, right?

9 MR. MATULE: Yes. So that would be I
10 guess --

11 MR. GALVIN: It might be both a D-1 and
12 a --

13 MR. MATULE: D-1, yeah.

14 MR. GALVIN: -- the expansion of the
15 preexisting nonconforming apartment is a D-2.

16 MS. BANYRA: No. The apartment --
17 okay. So it is an accessory structure, so the D --
18 okay.

19 MR. GALVIN: No, it is not a
20 principal --

21 MS. BANYRA: Right.

22 So we are going -- the conversation --
23 we are on a new application. This is -- the
24 principal building is on Hudson. The accessory --

25 MR. GALVIN: By the way, I already

1 agree with you, but go ahead.

2 MS. BANYRA: Yeah, yeah. For the
3 Board.

4 And the back is an accessory structure.
5 When you have an accessory structure, you don't
6 count a D -- height would be C variance as opposed
7 to on a principal structure. If the height exceeds
8 ten percent, it is a D variance, so on an accessory
9 structure it's a C variance.

10 The question here is we called out a
11 use variance because you are not allowed to have
12 habitable space according to the zoning code in a
13 basement. On an accessory structure, I mean that is
14 the conservative call -- and on an accessory
15 structure, the question is whether that should be,
16 you know, called a D variance, because typically D
17 variances don't go with accessory structures.

18 MR. MATULE: The only --

19 COMMISSIONER GRANA: But didn't we just
20 hear testimony that the cellar, if you will in the
21 accessory structure, would not be considered
22 habitable space?

23 MR. GALVIN: Yes and no.

24 COMMISSIONER GRANA: Okay.

25 MR. MATULE: And I just want to make --

1 MS. BANYRA: Oh, yes. I can explain.

2 Let me just explain that, Mr. Matule.

3 So the testimony that was given by the
4 architect that the international building code has a
5 definition that uses something different than the
6 zoning code. However, that is a building code
7 issue. That is not the zoning code. The zoning
8 code governs zoning, and we only use that. I mean,
9 so that is how we determine whether or not there is
10 a variance. It is based on the zoning code. It's
11 not based on a definition by the building code.

12 So while they may have gotten approvals
13 from, you know, they have a permit pursuant to that,
14 technically it is the zoning code that governs
15 issues zoning issues.

16 COMMISSIONER GRANA: And from the
17 zoning perspective, are we now saying that the
18 cellar in the accessory structure is habitable?

19 MS. BANYRA: The cellar in the
20 accessory structure --

21 COMMISSIONER WEAVER: What is the
22 definition in the zoning code --

23 MS. BANYRA: Yes -- yeah -- once
24 it's -- once you're using it, it's habit -- it's
25 considered -- once anybody is using it for anything

1 other than storage, if it's storage --

2 MR. MATULE: And mechanical.

3 MS. BANYRA: -- then it is --
4 mechanical storage, but there's a bathroom, then it
5 is habitable. Then it's considered habitable space
6 by our zoning ordinance.

7 COMMISSIONER GRANA: Because of the
8 presence of the bathroom?

9 MS. BANYRA: Because of the presence of
10 the bathroom. It's not just storage. It's being
11 used.

12 COMMISSIONER GRANA: Okay, so --

13 COMMISSIONER WEAVER: And I think the
14 IBC would agree with that as well.

15 COMMISSIONER GRANA: -- all right.

16 It has been described as principally
17 mechanical and storage except for the presence of
18 the bathroom --

19 MS. BANYRA: Yeah, that's what makes
20 it -- and I will find the definition.

21 MR. GALVIN: And they throw it out in a
22 lot of other places in Hoboken, that would be a
23 problem now because of flooding, but this particular
24 area is a little higher ground.

25 MS. BANYRA: That's correct.

1 COMMISSIONER GRANA: Understood.

2 MS. BANYRA: Yes.

3 COMMISSIONER GRANA: To go back to my
4 original question, and they are looking for a height
5 variance, a C variance on the principal structure?

6 MR. MATULE: No. It is a D variance
7 on a principal structure because we are exceeding
8 the permissible height by more than ten percent
9 what's left. We are allowed 40 feet. We could go
10 to 44 feet --

11 COMMISSIONER GRANA: But you're going
12 to 49.

13 MR. MATULE: -- but we are going to
14 49 --

15 MR. GALVIN: So you still need a D-6.

16 MR. MATULE: -- yes, I think a D-6.

17 COMMISSIONER GRANA: D-6.

18 MR. GALVIN: D-6, yup.

19 COMMISSIONER GRANA: Yup. Okay. Thank
20 you.

21 MR. MATULE: And one other thing I just
22 would like to make clear because I want to make the
23 record clear. The ordinance for the accessory
24 apartment says they can be 20 percent or 400 square
25 feet, either. We are at 400 square feet. I think

1 we are slightly more than 20 percent because of the
2 fact that our --

3 MS. BANYRA: That is correct. It uses
4 either.

5 MR. MATULE: -- so, again, I just
6 wanted the record to be clear on it.

7 MS. BANYRA: Yes.

8 COMMISSIONER GRANA: Thank you.

9 ACTING CHAIRMAN COHEN: Any other
10 questions for the architect?

11 COMMISSIONER WEAVER: I do.

12 ACTING CHAIRMAN COHEN: Commissioner
13 Weaver?

14 COMMISSIONER WEAVER: Hum, the -- if we
15 go to A-2.1, the proposed fourth floor roof plan,
16 you are showing a 42 inch high guardrail.

17 What is the composition of that
18 guardrail?

19 THE WITNESS: It is a combination of
20 the parapet and metal.

21 COMMISSIONER WEAVER: How high is the
22 parapet?

23 THE WITNESS: The parapet is going to
24 be, I would say, about 18 inches, and the guardrail
25 will extend above it to make up the 42.

1 COMMISSIONER WEAVER: Another three
2 feet --

3 THE WITNESS: Yes.

4 COMMISSIONER WEAVER: -- another two
5 feet 18 --

6 THE WITNESS: Another two feet, so it
7 is a foot and a half at the parapet and two feet of
8 metal, the metal railing.

9 COMMISSIONER WEAVER: And it will have
10 verticals, I guess?

11 MR. MATULE: On A-1.2, there is a
12 detail in the side view, if that helps at all.

13 COMMISSIONER WEAVER: I see it.

14 But it won't be any -- there won't be
15 any tall walls --

16 THE WITNESS: No.

17 COMMISSIONER WEAVER: -- no landscaped
18 walls to shield the view of the other rooftops?

19 THE WITNESS: No.

20 COMMISSIONER WEAVER: Okay.

21 And then where are the mechanicals to
22 be located?

23 Maybe I missed that.

24 THE WITNESS: Well, I do apologize.

25 I didn't show a roof plan of that

1 structure, but there would be -- on the main
2 building there will be two compressors for the air
3 conditioning above the proposed addition, and in the
4 carriage house there will be one located.

5 The mechanical rooms for the water
6 heater and furnace and things like that will be in
7 the cellar.

8 COMMISSIONER WEAVER: Okay.

9 And the air handler itself, the
10 compressor is --

11 THE WITNESS: So the compressor is up
12 on the roof. The air handler, if you go through the
13 plan, I have -- there are two locations where
14 they're located.

15 COMMISSIONER WEAVER: Can you show
16 those to me?

17 THE WITNESS: Let me see.

18 So the first air handler would be
19 located in the cellar within the mechanical room.

20 The second air handler at the top of
21 the building would be on Sheet 2.1, what I am
22 calling the proposed second floor, there is a
23 mechanical closet behind the bathroom.

24 COMMISSIONER WEAVER: Okay.

25 MS. BANYRA: So it will not be on top

1 of the fifth floor roof?

2 THE WITNESS: No. It is a split
3 system. The compressor itself is outside, and the
4 air handler is within the building.

5 MS. BANYRA: Okay.

6 So on top of the fifth floor, the one
7 that we don't have the roof plan for, on top of that
8 fifth floor, there is a three -- a two and a half
9 foot, three foot high --

10 THE WITNESS: Because it is only the
11 compressor, it tends to be smaller, so it would be
12 more like two and a half feet.

13 MS. BANYRA: Okay.

14 COMMISSIONER WEAVER: So what was the
15 architectural idea behind this -- it looks like a
16 masonry bulkhead on top of the roof, because
17 typically you don't have masonry at the perimeter,
18 so it is kind of a weird condition here.

19 I mean, typical of these buildings, you
20 know, we talk about the 19th Century buildings, and
21 having the brick -- I mean, I appreciate that you
22 pulled it back ten feet, but it is really counter
23 intuitive to the language of the building itself, so
24 what is the idea behind it?

25 THE WITNESS: The idea was to follow

1 suit with the materials that are existing in the
2 building as opposed to introducing an alternative,
3 which would basically be stucco or metal.

4 COMMISSIONER WEAVER: Yeah. It is just
5 not in keeping with the language of 19th Century
6 architecture, right?

7 There is a reason why you don't have
8 brick floating in the middle of a roof because you
9 have to support it, right?

10 And then -- I am sorry -- hum -- the --
11 this is more of a question for Dennis, but I am sure
12 you probably already know the answer.

13 The modifications to the front of the
14 building, which I appreciate, those all have to
15 be -- who approves those because that is technically
16 everything past the face of the building, right?

17 Where's the --

18 MR. GALVIN: Talking about like the
19 Historical Commission --

20 THE WITNESS: I am aware that that is
21 an easement request.

22 MR. GALVIN: It's in the right-of-way.

23 COMMISSIONER WEAVER: I would assume it
24 is in the right-of-way. The property line I think
25 is back -- usually it is the back of the face of the

1 building.

2 MR. GALVIN: I have been seeing that a
3 lot at the Planning Board. I haven't seen that
4 here.

5 COMMISSIONER WEAVER: Yeah. It's back
6 the face of the building.

7 So the stoop and everything else is out
8 in the -- it is not on the property --

9 MR. MATULE: There is a fence line on
10 Hudson Street, and we have an ordinance. I think
11 off the top of my head it's either Section --

12 MR. GALVIN: Yeah, but I'm going to put
13 in --

14 MR. MATULE: -- 162 or 165 --

15 MR. GALVIN: -- that standard thing --
16 standard sentence that I put in all of the Planning
17 Board stuff, which is: Any element that enters into
18 the city right-of-way, you will obtain approval --

19 ACTING CHAIRMAN COHEN: From the
20 governing body.

21 MR. MATULE: If required --

22 MS. BANYRA: Yeah, I think --

23 MR. MATULE: -- because what I am
24 saying is our ordinance carves out an exception for
25 one and two-family houses, because every house on

1 Bloomfield Street and Garden Street --

2 COMMISSIONER WEAVER: Yeah, I know. I
3 know.

4 MR. MATULE: -- their systems are in
5 the bed of the street, and we have Section 168,
6 which specifically carves out that if it is a one or
7 two-family house, the zoning officer can grant, if
8 you will, licenses --

9 COMMISSIONER WEAVER: No. I just
10 wanted to make sure that we are not --

11 MR. MATULE: -- but I have no
12 objection, assuming the application is viewed upon
13 favorably to put language in there, but I would just
14 request that it be, you know --

15 COMMISSIONER WEAVER: Appropriate.

16 MR. MATULE: -- with "if required,"
17 just carved out --

18 MR. GALVIN: I have to go look at all
19 of the other things I am doing at the Planning
20 Board, and I want to make sure that they're similar,
21 so I don't want to commit that it will be "If
22 required." I have to play it by ear.

23 MR. MATULE: Okay.

24 MR. GALVIN: But listen, I am agreeing
25 with you that if the ordinance doesn't require it,

1 but we certainly have been talking about it in every
2 single case.

3 COMMISSIONER WEAVER: Maybe it is my
4 mistake.

5 MR. GALVIN: No, it's not your
6 mistake --

7 MS. BANYRA: We didn't get that far.
8 By the time you write the resolution, we can have --

9 MR. MATULE: Yes.

10 Respectfully, Mr. Galvin, I think that
11 because most of the stuff that comes before the
12 Planning Board, which is more than two-family
13 houses, and it's on street where there aren't
14 existing --

15 MR. GALVIN: Right. There's a lot of
16 bay windows and other crazy stuff.

17 MR. MATULE: -- we could say -- how
18 about we get whatever approvals are required by the
19 city?

20 MR. GALVIN: Don't sweat it.

21 I have: The applicant must obtain the
22 City Council approval of any encroachment into the
23 city right-of-way, if required, but I don't know if
24 I'm going to keep "if required."

25 MR. MATULE: No. I am saying -- what

1 I'm suggesting is instead of saying "if required,"
2 just say we will obtain any approvals required.

3 MR. GALVIN: All right. Don't sweat
4 it.

5 (Laughter)

6 COMMISSIONER WEAVER: Two more.

7 I appreciate the -- okay, so, hum, so I
8 appreciate the mansard roof, the addition of the
9 extra story, I think that is more in keeping with
10 the architecture. But I am questioning the raised
11 panel shutters.

12 Are there any other shutters on Court
13 Street?

14 Typically this is not a Hoboken detail.
15 I just -- I must tell you this is great --

16 THE WITNESS: You know what, it is not
17 a detail that has survived -- I mean, again, it is
18 not a detail that has survived, but it is probably a
19 detail that I could reference throughout Hoboken.

20 One of the beautiful things about Court
21 Street is that there's really very few examples of
22 what it was say even in the 1800s, so right now the
23 shutters are really a desire of the owner to put
24 them on there, and I probably could find precedence
25 again because I know it is a detail that just fell

1 out of favor and stopped being used, and all you
2 could find is sort of the metal spigots where they
3 used to hang --

4 COMMISSIONER WEAVER: Yeah, the hinges.

5 THE WITNESS: -- but I do agree. It
6 was not original for this building.

7 COMMISSIONER WEAVER: That's a good
8 point.

9 Are these hinge shutters or are they
10 screwed to the facade?

11 THE WITNESS: No, they're hinge.

12 COMMISSIONER WEAVER: Because they sort
13 of have the aire of a little more French provincial
14 than Court Street right now.

15 And lastly, maybe it is a question for
16 Mr. Matule, I don't know.

17 On the title block, it says "Quick
18 Change Interior," and it's listed at 610 Hudson
19 Street.

20 Are they operating a business out of
21 this address?

22 MR. MATULE: I'm sorry?

23 COMMISSIONER WEAVER: On the title
24 block, it says "Quick Change Interior," 610 Hudson
25 Street.

1 MR. MATULE: Oh, no. Well --

2 THE WITNESS: Should I answer that?

3 MR. MATULE: Yes, you can answer.

4 THE WITNESS: So Quick Change Interior
5 is Suzanne Cummings' business, and she is an
6 interior designer, and I have worked with her.

7 Actually she is the owner of the
8 property, so I really didn't give it much thought.
9 I just gave her credit.

10 So right now the property is completely
11 vacant, so, no --

12 COMMISSIONER WEAVER: But are they
13 intending to use it?

14 THE WITNESS: -- so the answer is not
15 more than a home office, so it won't have a --

16 MR. MATULE: She apparently has a home
17 office in the principal structure on Hudson Street.

18 COMMISSIONER WEAVER: I think you are
19 permitted to do that. I mean --

20 MR. MATULE: Well, no, I just wanted
21 to clarify the record --

22 COMMISSIONER WEAVER: -- I'm just
23 curious. You know, we're talking about traffic on
24 Hudson Street, and I know they're showing parking
25 for one car in the garage, right?

1 THE WITNESS: Yes.

2 MS. BANYRA: It's not required for the
3 Hudson Street property.

4 COMMISSIONER WEAVER: Okay. That is
5 fine.

6 I have no further questions.

7 ACTING CHAIRMAN COHEN: Commissioner
8 Grana, do you have more?

9 COMMISSIONER GRANA: I have -- oh, I
10 did have one other question, and I will refer to the
11 last page of this artifact right here.

12 Just with the comment that the tier
13 system that Ms. Banyra and you were discussing with
14 the condenser units being on the top of the roof,
15 what effect will that have to the cone of vision, if
16 any?

17 THE WITNESS: It doesn't affect the
18 cone of vision, because it is set so far back from
19 the street.

20 I mean, it won't affect -- even the
21 person walking sort of change your cone of vision by
22 looking up, they still -- the whole thing would sort
23 of shift. You still wouldn't be able to have that
24 sight line.

25 COMMISSIONER GRANA: Right. Both for

1 the addition and condensers?

2 THE WITNESS: And the condensers, yes.

3 COMMISSIONER GRANA: Thank you.

4 THE WITNESS: Actually, so this
5 elevation was taken -- so there is a 3-D model made
6 on the computer and the rendering actually turned to
7 .15 feet above, so you would have to be hovering the
8 sidewalk, and still there was no view of the
9 addition.

10 COMMISSIONER GRANA: Thank you.

11 ACTING CHAIRMAN COHEN: Anything else?

12 COMMISSIONER MARSH: I had actually a
13 curiosity question.

14 Those split systems, they are very
15 quiet, right --

16 THE WITNESS: Well, yes, they're --

17 COMMISSIONER MARSH: -- because the air
18 handler is inside?

19 THE WITNESS: -- the air handler is
20 inside. Actually all of the pieces are so high
21 efficiency, so yes.

22 COMMISSIONER MARSH: Okay.

23 ACTING CHAIRMAN COHEN: Cory?

24 COMMISSIONER JOHNSON: I'm good.

25 ACTING CHAIRMAN COHEN: Ed?

1 COMMISSIONER MC BRIDE: No.

2 ACTING CHAIRMAN COHEN: Professionals?

3 MS. BANYRA: Yeah, I have a question.

4 The rendering with your cross-section,
5 is the backyard actually flat, or is it actually
6 pitched to the courtyard side, and you know, so is
7 that an accurate representation?

8 Or is your excavated cellar actually
9 pitched down to the excavated cellar?

10 I can't -- I looked at your survey, and
11 there is no elevations on it.

12 THE WITNESS: Yes. We are actually
13 respecting the existing elevations.

14 MR. MATULE: Want to see this, Ms.
15 Banyra? It has elevations on it.

16 MS. BANYRA: Okay.

17 (Document handed to Ms. Banyra)

18 THE WITNESS: So there is a slight
19 slope towards the carriage house.

20 MS. BANYRA: Okay.

21 And then the second question I have
22 here: If the -- your heating/cooling system,
23 whatever, our ordinance now requires that to be
24 boxed in, so that you are going to have that on top
25 of the fifth floor, and then it is required to be

1 sound attenuating equipment on that, and I guess we
2 don't have plan for that, so I am going to say it is
3 going to be something --

4 THE WITNESS: Something like that?

5 MS. BANYRA: -- like that, although you
6 are suggesting it's going to be two feet as opposed
7 to three feet?

8 THE WITNESS: Well, there is two. So
9 therefore, they are smaller, but --

10 MS. BANYRA: Is there any place that
11 they can go that is not on top of the attic space?

12 Can it go some place else that's not in
13 the front yard, but I know you have a green roof,
14 but --

15 THE WITNESS: It was actually --it was
16 something I wanted to discuss with the owner,
17 whether in the front parapet near the end of the
18 building, whether that would be a place to place
19 them.

20 So the answer is that is the intent,
21 but they can move around and find another spot for
22 them, where they are not visible and where we can
23 provide more sound attenuation.

24 MS. BANYRA: Then, as the Board will
25 see, there is a number of I guess cleanups on this

1 plan that would be required, including like a roof
2 plan and things like that, so they are in my report.
3 We pulled out a bunch of, you know, small things
4 that are not on the plan, so --

5 MR. GALVIN: Is there anything big
6 enough that you think should be a condition?

7 COMMISSIONER WEAVER: The toilet room
8 in the cellar of the --

9 MS. BANYRA: Hum, let me look at that,
10 and I will tell you which ones, Dennis, okay?

11 MR. GALVIN: Or you can tell me at the
12 end.

13 MS. BANYRA: Yeah.

14 ACTING CHAIRMAN COHEN: Is that all,
15 Ms. Banyra?

16 MS. BANYRA: Yes.

17 Thank you.

18 ACTING CHAIRMAN COHEN: Okay.

19 I think we will open it up to the
20 public.

21 Does anybody in the public have a
22 question for the architect?

23 MR. GIACHI: Yes, I do.

24 ACTING CHAIRMAN COHEN: Mr. Giacchi,
25 come on up.

1 MR. GIACCHI: Good evening.

2 ACTING CHAIRMAN COHEN: Please state
3 your name for the record and your address.

4 MR. GIACCHI: Angelo Giacchi.

5 I reside at 516 Hudson Street. I own
6 610 -- 612, I'm sorry.

7 ACTING CHAIRMAN COHEN: Any questions
8 you have for the architect?

9 MR. GIACCHI: Yes.

10 THE REPORTER: Can you just spell your
11 name for me?

12 MR. GIACCHI: Giacchi is G-i-a-c-c-h-i.

13 MR. GALVIN: And you weren't
14 represented by Mr. Weiner?

15 MR. MATULE: No.

16 MR. GALVIN: Okay. No problem.
17 Go ahead. I'm just asking.

18 MR. GIACCHI: One of the questions I
19 had, probably because I didn't hear so well in the
20 back, was in terms of roof security. Since there
21 will be the fifth floor, how do you secure access
22 from one building to another?

23 THE WITNESS: You will have a step out
24 of there.

25 MR. GIACCHI: From their study I

1 believe it was characterized?

2 THE WITNESS: Yes.

3 MR. GIACCHI: Whether it's on the
4 active side or the passive side?

5 THE WITNESS: So I think there is an
6 argument being made that we will eliminate the door
7 on the passive side and basically just have them
8 climb out of the window.

9 On the other side, I don't know whether
10 the security -- whether it's any more of an issue
11 than a bulkhead, where somebody can climb out and
12 then sort of run across all of the roofs in all
13 honesty --

14 MR. GIACCHI: Well, I agree. In fact,
15 I am not sure perhaps there's fire codes that
16 require a certain amount of access.

17 But when you have it as active space,
18 and now you're inviting people to do that, like it's
19 to gather, and you may have people who don't realize
20 the dangers of going to another roof that are not
21 protected,

22 THE WITNESS: The fence would follow
23 the perimeter.

24 MR. MATULE: There is a 42 inch
25 railing along --

1 MR. GIACCHI: That's what I'm asking --

2 THE WITNESS: Yes, so there's a railing
3 along this --

4 MR. MATULE: -- yes, there was earlier
5 testimony, and of that 42 inches, 24 inches is a
6 masonry parapet, and then the next 18 inches --

7 THE WITNESS: Three -- the parapet
8 and --

9 COMMISSIONER WEAVER: The opposite --

10 MR. GIACCHI: And that is on all
11 three --

12 MR. MATULE: All three sides.

13 THE WITNESS: So we would not put it in
14 the front, especially if we eliminate the door, but
15 it would be along the three sides of the back.

16 MR. GIACCHI: Okay. Understood. That
17 was one of the questions.

18 You were talking about the placement of
19 the condensers, and I guess that is still up in the
20 air and undecided?

21 MS. BANYRA: Well, it's undecided
22 because it is not shown on the plans.

23 MR. GIACCHI: Okay.

24 They are pretty quiet. I mean,
25 obviously without the specs of what model it may be,

1 there is -- if they are put at the extremes of the
2 front or the back, there will be a certain degree of
3 hearing it, or perhaps the vibration, especially
4 when there is all of that metal involved, especially
5 if they have bedrooms on the front or the back.

6 MR. MATULE: I think the ordinance
7 requires --

8 MS. BANYRA: Requires sound
9 attenuation, so --

10 MR. MATULE: -- and it also requires
11 they be set back from the --

12 MS. BANYRA: It has to be three feet
13 from any side line and it has to have sound
14 attenuation around it.

15 MR. GIACCHI: Okay.

16 MS. BANYRA: So from -- from -- the
17 question I was asking was more about really what
18 it's going to look like -- if it is going to be on,
19 I'm going to call it a bump-up, on a fifth floor
20 already, and now it's going to be boxed in with
21 sound attenuating panels.

22 MR. GIACCHI: Yeah. I mean, as long as
23 it is on all four sides, I think that, you know,
24 serves the purpose.

25 MS. BANYRA: Right. You have a

1 different question and a different concern than
2 possibly the Board.

3 Yours is relative to sound, and ours is
4 relative to sight maybe.

5 MR. GIACCHI: Right.

6 And I guess it is just from the
7 experiences that I've had in the neighborhood, there
8 are huge condensers, especially across the street at
9 Stevens, that when they kick on, you hear it
10 throughout --

11 MS. BANYRA: Yeah.

12 MR. GIACCHI: -- and even if though
13 they are hidden behind buildings, they obviously
14 come out of any openings and really propel the
15 sound.

16 MS. BANYRA: Right. And the ordinance
17 has been recently changed to accommodate for a new
18 system --

19 MR. GIACCHI: Great. Thank you.

20 I then have questions for the cellar,
21 for the accessory building. Should that be directed
22 to you?

23 THE WITNESS: Yes.

24 MR. GIACCHI: So I know they are going
25 to dig out the cellar. Can you explain the size?

1 Will it be the same digout as the size
2 of the actual structure?

3 THE WITNESS: Yes. We'll follow the
4 footprint of the building.

5 MR. GIACCHI: Okay.

6 MR. MATULE: Why don't you show him on
7 the plan, if you can?

8 I think it is here. Turn it around.

9 THE WITNESS: It would be -- your
10 property is on this side?

11 MR. GIACCHI: Yes.

12 THE WITNESS: Actually there would be
13 underpinning along the entire perimeter in order to
14 protect the adjacent property and maintain the brick
15 wall.

16 MR. GIACCHI: Okay. Good. That
17 actually answers my other questions.

18 What would be the access to that
19 basement?

20 THE WITNESS: That basement is only
21 accessed through the rear yard -- well, through the
22 garage or the rear yard --

23 MR. GIACCHI: Okay. So that --

24 THE WITNESS: -- so if you are in the
25 garage, you can go down to the basement, or if you

1 are coming from the garden, you can go down.

2 MR. GIACCHI: So would there be steps
3 back here in order to go to that level?

4 THE WITNESS: Well, no. So this is the
5 cellar. As this slopes down --

6 MR. GIACCHI: That's at ground level?

7 THE WITNESS: This is at ground level.

8 MR. GIACCHI: Okay.

9 THE WITNESS: So there is a door here,
10 and there's steps.

11 MR. GIACCHI: So either way, if you
12 have access to the cellar, you always have to
13 enter --

14 THE WITNESS: Through the structure,
15 yes. There is no access from the outside.

16 MR. GIACCHI: Okay.

17 You spoke of the underpinnings all
18 around, to not only support that structure, but I
19 assume to a certain extent, that also gives some
20 stability to the neighboring structures?

21 THE WITNESS: Yes.

22 MR. GIACCHI: Also, Court Street is not
23 a typical pavement, blacktop. It is cobblestone.
24 It is kind of parse. So what would be the water
25 penetration and in coming through the system?

1 THE WITNESS: Well, that is why they
2 put cobblestone because the apron for the driveway
3 is actually going to be restored in cobblestone, so
4 that will all match.

5 We're not doing anything to change the
6 permeability of Court Street obviously, but the
7 structure itself has a passive green roof, and that
8 is meant to retain water, so that it seeps down, and
9 there is a detail for the paving here to do the same
10 thing.

11 So the idea is even though we are not
12 in a flood zone, to absorb as much water that's
13 being generated as we can.

14 MR. GIACCHI: No. But I am saying in
15 terms of when the water is coming down Court Street,
16 because it is a porous road, eventually it's going
17 to absorb --

18 THE WITNESS: Well --

19 MR. GIACCHI: -- that water could get
20 into your own basement?

21 THE WITNESS: This side we will provide
22 waterproofing --

23 MR. GIACCHI: All the way down the
24 two --

25 THE WITNESS: -- all on the positive

1 side --

2 MR. GIACCHI: -- all the way down to
3 your foundation?

4 THE WITNESS: Yes.

5 The only side that we could provide
6 that would be here anyway.

7 MR. GIACCHI: Okay.

8 Right now, there is -- in order to get
9 to the garage level, so perhaps -- see how that --

10 THE WITNESS: Yes.

11 MR. GIACCHI: -- that is a significant
12 angle.

13 MR. MATULE: Just for the record, we
14 are referring to the photo in Ms. Banyra's report
15 showing the garage and the apron.

16 THE WITNESS: I am actually trying to
17 look at the sheet because I have it detailed.

18 MR. GIACCHI: Okay.

19 THE WITNESS: Basically so we are
20 keeping that part of the angle except we are
21 changing it back to cobblestone --

22 MR. GIACCHI: So the cobblestones will
23 be angled to that degree?

24 THE WITNESS: Yes.

25 MR. GIACCHI: Got you.

1 THE WITNESS: Yes.

2 MR. GIACCHI: Okay. That is good
3 because the picture --

4 THE WITNESS: Well, it --

5 MR. GIACCHI: It doesn't show the
6 angle --

7 THE WITNESS: -- and the rendering --

8 MR. GIACCHI: I understand --

9 THE REPORTER: Wait a second. You only
10 can speak one at a time.

11 MR. GIACCHI: Sorry.

12 THE WITNESS: So the rendering actually
13 shows it flat, but we understand that actually there
14 is a pitch to it, and that it will be replaced then
15 in cobblestone.

16 MR. MATULE: Yes.

17 If I might, I know this is turned
18 around to face the Board, but I think you have a
19 detail --

20 THE WITNESS: I do have a cross-section
21 of it also.

22 MR. MATULE: -- cobblestone there --

23 MR. GIACCHI: Got you.

24 THE WITNESS: So this is 33, and so
25 there is about one foot as we go up --

1 MR. GIACCHI: They would probably go
2 out as far just the same as the concrete is now.

3 THE WITNESS: Yes, exactly.

4 MR. GIACCHI: That is all. That's all
5 I have.

6 Thank you.

7 MR. GALVIN: Thank you.

8 ACTING CHAIRMAN COHEN: Thank you.

9 Any other members of the public have
10 any questions for the architect?

11 Seeing none.

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

14 COMMISSIONER MC ANUFF: Second.

15 ACTING CHAIRMAN COHEN: All in favor?

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

18 ACTING CHAIRMAN COHEN: Any opposed?

19 MR. MATULE: Thank you.

20 ACTING CHAIRMAN COHEN: Okay.

21 Mr. Matule, your next witness?

22 MR. MATULE: Yes. Thank you.

23 Mr. Ochab.

24 MR. GALVIN: Please raise your right
25 hand.

1 this would have been in April of this year.

2 MR. MATULE: Okay.

3 THE WITNESS: I don't know the exact
4 date.

5 MR. MATULE: And it shows Hudson
6 Street?

7 THE WITNESS: Yes.

8 A-6 is going to show the Hudson Street
9 side, and A-7 is going to show the Court Street
10 side.

11 (Exhibit A-7 marked)

12 MR. MATULE: Thank you.

13 So I know you testified to this
14 earlier, but you are familiar with the master plan
15 and the zoning ordinance of the City of Hoboken?

16 (Laughter)

17 THE WITNESS: Yes, I am.

18 MR. MATULE: And you are familiar with
19 this project as most currently revised?

20 THE WITNESS: Yes.

21 MR. MATULE: And you prepared a
22 planner's report December 4th, revised April 15th?

23 THE WITNESS: Yes.

24 MR. MATULE: And you are obviously
25 familiar with the most recent changes to the plan?

1 THE WITNESS: Yes.

2 MR. MATULE: Okay.

3 Could you go through your report as
4 modified by those most recent changes and give us
5 your professional opinion regarding the variances
6 the applicant is requesting?

7 THE WITNESS: Okay. So we have a
8 number of variances requested from this application.

9 For the principal building, the only
10 variance is a height variance for physical height,
11 so they are both at the 40 foot height limitation.

12 On the accessory building, we have some
13 D variances -- well, a D variance. Initially I
14 thought it was a D-1 variance for a use variance,
15 and again, we have a conditional use, no conditions,
16 so the law requires us to look at it as a use
17 variance, but we also have an existing condition
18 there, so it actually could be an expansion of a
19 nonconforming use, which would be a D-2 variance as
20 opposed to a D-1.

21 In either case, the proofs are just
22 about the same except, of course, that the Board can
23 recognize and be cognizant of the fact that the use
24 is already there. It's already in place.

25 So other than that, it is pretty much

1 the same criteria. We no longer have a lot coverage
2 variance, and the only other variance we have
3 therefore is for the height, accessory height.

4 Again, two stories over the garage as
5 opposed to one story, and that would be it. I
6 believe in my opinion -- oh, we do have one other,
7 which is a development or expansion of a
8 nonconforming lot because in this case we have a
9 lot, which is a lot size of 1850 square feet, where
10 2,000 square feet is required, and because we have a
11 lot width of 18 and a half as opposed to the 20
12 feet, which is required again, in the R-1 (CS) Zone.

13 So let's deal with the principal
14 building first. We have a height variance for the
15 fifth floor. The architect went through the design
16 of that and the rationale for some of it, basically
17 that it's sort of sight unseen and so with respect
18 to that, I looked at the street scape along this
19 block on Hudson, and I am referring to A-6.

20 So from A-6, the top photograph will
21 show the building in question, which has the
22 drapery, the construction drapery over it at the
23 time that I took the photograph, and then south of
24 that. So you have the building in question and then
25 the building south of that.

1 You can see to the immediate south,
2 there is actually a six-story building at the corner
3 of Fifth and Hudson, one, two, three, four, five,
4 six stories. The top two stories are, again, I am
5 not good at this, but sort of a mansard adjusted
6 design, so that's at the south end.

7 Then at the north end in the middle
8 photograph, you can see at the end of the block
9 there is again a fifth story, one, two, three, four,
10 five sort of at the north end of the block.

11 And then the final photograph is just a
12 photograph of the street scape, again looking
13 southbound, staircases, just a point of reference.

14 But the main argument here is that
15 typically we look to see if there are examples of
16 additional stories on buildings, and here we have
17 two examples where the building street scape exceeds
18 the permissible height in terms of feet, one to the
19 south and then one to the north.

20 So in terms of a precedence being
21 established here on the block, in my opinion, there
22 would not be a precedent established. The architect
23 already testified that you won't be able to see the
24 fifth floor addition, which is 350 square feet from
25 the street due to the setback. None of these other

1 additions are set back from the street, so you are
2 looking right at them.

3 In addition to that, the extent of the
4 addition, the fifth floor addition on the street
5 scape is less than five percent of the entire block
6 frontage, so it's 18 and a half feet of the block
7 frontage that we are dealing with.

8 The building to the south here has
9 about 80 feet of frontage, and it's fully exposed,
10 and the building to the north has 25 feet of
11 frontage and fully exposed.

12 So in terms of the Grasso criteria or
13 the Coventry criteria, it is looking at what the
14 impact or what the problems might be associated
15 with the addition. And, again, in my view, because
16 you can't see it, it will be set back, the impact
17 will be minimal at best, and would be a good design
18 feature with respect to the type of building being
19 designed. And I guess from a planning perspective,
20 we are looking at a building, also on the principal
21 building, that is about 45 feet in depth -- yeah,
22 about 45 feet in depth as opposed to the typical 60
23 feet in depth.

24 So in terms of building mass, we are
25 actually a little shorter, but we are a little

1 higher as opposed to building out to the 60 percent
2 lot coverage that we might be able to do normally.
3 We are at 45 percent on the existing building.

4 So I think that's pretty good rationale
5 for the D variance with respect to height on the
6 principal structure.

7 Again, on the accessory structure --

8 MS. BANYRA: Excuse me, Mr. Ochab.

9 Can I just correct you, or just add in
10 while you are on the height issue, so I believe you
11 also require a number of stories for your principal
12 structure, so I think it is the same standard as the
13 R-1 for the Court Street -- R-1 on Court Street, so
14 I think you are at five, and three are required.

15 MR. MATULE: For a principal structure?

16 MS. BANYRA: I think so in the
17 principal structure --

18 MR. MATULE: I thought we took that
19 out of the ordinance --

20 MS. BANYRA: Page 1, I am looking at
21 principal buildings, I'll show you, but I think
22 you'll need -- and I didn't call it out -- it's a
23 principal building, same as the R-1 district.

24 For accessory buildings, it's one story
25 over -- here you go, Mr. Matule, and the second one

1 is a use variance for the cellar on the --

2 THE WITNESS: Where?

3 MS. BANYRA: Right here. I just wanted
4 to make sure your testimony is --

5 MR. MATULE: Is that the amended
6 ordinance?

7 MS. BANYRA: I think so.

8 MR. MATULE: Because in the R-1 -- it
9 says: Principal buildings, a maximum height of 40
10 feet is allowed above design flood elevation.

11 Number of stories shall not be applied to determine
12 building height. Minimum floor height ten feet --

13 MS. BANYRA: Okay. Maybe I have the
14 old one.

15 THE WITNESS: Yeah, I think so.

16 MS. BANYRA: Okay. Cool. That is
17 great.

18 This is on Court Street. Okay. Great.
19 Good. Never mind.

20 ACTING CHAIRMAN COHEN: Never mind.

21 MS. BANYRA: Yeah. And then the use of
22 the cellar on the principal building.

23 MR. MATULE: Yes.

24 THE WITNESS: Okay. So for -- I am
25 sorry, yes, you are right, I didn't mention that.

1 So on the Court Street building --
2 okay. So we have the existing building. This is
3 A-7, the upper left photograph showing the existing
4 building.

5 On the right side, a brick building,
6 two stories, showing two buildings to the north of
7 that, right side photograph showing the buildings to
8 the south of that. And, again, we have a vacant
9 parcel, a single -- a two-story, one and a half
10 story garage, and then another building, which
11 actually has approval just before the large building
12 on the corner for a three-story accessory building,
13 so we have one accessory apartment coming, and this
14 is the other one that is proposed in that section,
15 and then the big building that sits in the back here
16 is actually seven stories with garages all facing
17 Court Street.

18 The lower left photograph is a
19 photograph across Court Street basically looking at
20 a more commercial view of the backs of Washington
21 Street activity commercial retail activity, so that
22 is what that looks like. It is not a typical
23 continuation of the Court Street accessory building
24 apartment design environment there.

25 And then the lower right photograph is

1 further up on Court Street. Again, we are at 610.
2 This is 622 and 623, so again, three-story accessory
3 buildings, again, a different type of design, a
4 little bit more modern design.

5 And then again, if you continue
6 further, you got a two-story and then a three-story
7 again, so basically by and large more recent
8 development, all three-story accessory structures.

9 So we have a use variance for the
10 accessory structure in the first place, so my
11 argument there again is that the master plan talks a
12 little bit about Court Street saying that we should
13 continue with the design as outlined in the zoning
14 ordinance, which is pretty much to encourage the
15 accessory apartments on Court Street.

16 It is a unique design. It provides for
17 a variety of housing types and a different
18 environment. It is a unique setting. It's a
19 historic setting, so all of those things play into
20 the acceptability of this site as a particularly
21 suited site for accessory apartments and the
22 conformance with at least the objectives and
23 discussion in the master plan of the accessory
24 apartment itself.

25 The other D variance that Eileen

1 mentioned, and also we discussed, is a D variance
2 for the cellar space because cellar as defined can
3 only be used for storage and utilities, and we are
4 using the cellar for storage and utilities, but
5 because we also have a bathroom facility in that
6 basement, that is not a permitted use, so it is
7 actually a D variance for the cellar space as well.

8 Again, the rationale there is that
9 because of the fact that the basement level in the
10 principal building is being used for a use, which is
11 not storage or utilities or a place where you put
12 your - for lack of a better word - stuff that you
13 can't put anywhere else, that is the place that is
14 most likely and most suited for that type of use.

15 It is not habitable in the sense that
16 nobody will be living there. Again, it has no
17 shower facilities, no bath facilities, other than
18 the toilet and the sink in my estimation from
19 looking at the plan.

20 So, again, it is the functionality of
21 the site that plays into the use of that cellar,
22 which would be totally appropriate from a planning
23 or a land use perspective.

24 The only other variance again is the
25 two-story variance over the one, and again, my

1 argument here is that this is a typical design
2 approach. We are allowed 30 feet of height, and so
3 the 30 feet of height, we get garage level with the
4 one-car garage in this case and a living unit on the
5 upper two floors, all within -- I'm sorry -- all
6 within 30 feet of the physical height limitation,
7 and that is consistent with the character of this
8 area and the most recent development, as well as the
9 earlier development as well along Court Street.

10 I might add that because of the unique
11 lot coverage situation with the principal and the
12 accessory building, where typically we need to have
13 20 feet between the accessory building and the back
14 of the principal building, in this case we have 30
15 feet, almost 31 feet from -- if you look at the
16 plans, there is a little bump-out on the principal
17 building. I kind of call it a breakfast nook where
18 the table bumps out. It's from that point to the
19 accessory building, we have of almost 31 feet of
20 open space, and then the principal building sort of
21 goes back in.

22 So if you take that area, we would have
23 almost 35 feet of space between the two buildings,
24 so there is lots of space for openness, for a rear
25 yard area. And as far as the requirements are

1 concerned, it greatly exceeds the typical
2 requirement there.

3 So my view then is from the negative
4 standpoint, I don't see that there would be any
5 substantial detriment to the public or the
6 surrounding neighborhood.

7 Again, the principal building addition
8 cannot be seen from the street, and the green roofs
9 are being provided, which are all positive aspects
10 of the design here.

11 From the accessory use standpoint,
12 again, I believe that it certainly meets the
13 positive criteria, and from the negative criteria,
14 it is similar to other examples of accessory
15 apartments on Court Street.

16 By and large, it meets the zoning
17 criteria with the exception of the building height,
18 which, of course, is a conundrum that we need to
19 deal with in every application for accessory
20 buildings, and it provides a minimum amount of lot
21 coverage with excess open space in the rear yard,
22 all of which I think are positive aspects of this
23 application.

24 Mr. Chairman, thank you very much.

25 ACTING CHAIRMAN COHEN: Thank you, Mr.

1 Ochab.

2 Any questions from the Board for
3 Mister --

4 COMMISSIONER MC BRIDE: I have a
5 question.

6 ACTING CHAIRMAN COHEN: Yes.

7 COMMISSIONER MC BRIDE: On the
8 principal building, if you look at one end where
9 there is a six-story structure, group of structures,
10 at one end there is a five-story. Is there any
11 other building of any kind on the roofs between
12 those two?

13 Is there another five-story that we
14 didn't see from an aerial view?

15 THE WITNESS: I didn't see any.

16 But the one that is being proposed, you
17 cannot see from the street.

18 COMMISSIONER MC BRIDE: No, I
19 understand. I got that. I understand.

20 I just wondered if there's any other --
21 is there a roof garden somewhere up there on any
22 other building?

23 They are all contiguous buildings,
24 right?

25 THE WITNESS: Right.

1 COMMISSONER MC BRIDE: You could walk
2 across.

3 Is there any other -- if we looked at
4 Google Earth, for example, if somebody put a rooftop
5 recreation area up there that we don't know about,
6 or is there any other structure up there?

7 THE WITNESS: You know, I didn't notice
8 any. I didn't specifically look for it, but I
9 didn't see anything within the immediate sphere of
10 the property. I don't know if I went from block to
11 block --

12 COMMISSIONER MC BRIDE: Well, you
13 couldn't see it. I mean, if it's recessed like this
14 proposal, you wouldn't see it either, right?

15 THE WITNESS: Right.

16 COMMISSIONER MC BRIDE: It's a
17 curiosity question.

18 THE WITNESS: Yeah. I didn't notice
19 anything. I probably would have picked it up if I
20 did, but I didn't see any.

21 COMJMISSIONER MC BRIDE: Okay.

22 ACTING CHAIRMAN COHEN: Is that all,
23 Commissioner McBride?

24 COMMISSIONER MC BRIDE: That's all for
25 now, yes.

1 ACTING CHAIRMAN COHEN: Anybody else on
2 this end?

3 Yes, Cory.

4 COMMISSIONER JOHNSON: I have a
5 question. I don't know if this is a question for
6 Mr. Ochab, but I guess in the architectural plans,
7 the view that we were given, I guess looking up at
8 the building, it was sort of like directly in front
9 of the building, and you couldn't see the addition.

10 I think you actually showed a few
11 pictures where you can see the additions on other
12 buildings, and that had a slightly different angle
13 from probably like further down the block. Maybe
14 just in your opinion, like I said, I don't know if
15 it's a question for you, but do you think that maybe
16 if you were further down the block, you would be
17 able to see this fifth floor addition?

18 THE WITNESS: I don't think so. The
19 architect's plan showed the vision from across the
20 street, in other words, on the Stevens' side of the
21 street.

22 COMMISSIONER JOHNSON: Right.

23 But I'm saying, like let's say you were
24 further like north or south, would you be able to
25 see that addition?

1 THE WITNESS: I don't think so because
2 at that point when you move further away from the
3 property, the other buildings are going to get in
4 the way. So even if you have a four-story building,
5 the further you move, the lower that angle becomes,
6 so eventually you will just lose sight of the
7 building entirely.

8 It is really within the immediate
9 neighborhood that it would be most apparent.

10 COMMISSIONER CORY: Thank you.

11 COMMISSIONER WEAVER: Can I add
12 something to that?

13 Typically -- typically when we do
14 this -- when I do this, the standard of care in
15 Manhattan is you go from the back of the sidewalk on
16 the other side of the street.

17 That when you go -- if you were to walk
18 north and south, the further you walk to the north,
19 you may indeed get a clipped view of the corner
20 because the angle is going to get less, right?

21 But generally, that is not the standard
22 of care that we use. We go to the back of the --
23 which would actually be through the gate onto the
24 back of somebody's property at five feet looking up
25 to see if we see it, right?

1 And I have drawn some lines here, and
2 even if I add a three foot tall compressor on top, I
3 still wouldn't see the compressor, right?

4 So I will pass this down to you. But
5 generally, that's -- and you have your own opinion,
6 and you can -- but I think you would start to see
7 it. But at that point, it just becomes, in my
8 opinion, it's more noise.

9 ACTING CHAIRMAN COHEN: Thanks.

10 Carol, anything?

11 COMMISSIONER MARSH: No, I am fine.

12 Thank you.

13 ACTING HAIRMAN COHEN: Antonio?

14 COMMISSIONER GRANA: No questions.

15 ACTING CHAIRMAN COHEN: Dan?

16 COMMISSIONER WEAVER: Mr. Ochab, how --
17 we had a question before of the intensity of use.
18 From a planning perspective, hum, how would you
19 describe the intensity of the use of this property,
20 given that it is a single-family -- it's going from
21 a -- what was it, a four-unit to --

22 THE WITNESS: Four.

23 COMMISSIONER WEAVER: -- to what is
24 really a one-family, number one.

25 Number two: Maybe this is a question

1 for Mr. Matule.

2 Is there a way that we could put in
3 place some protections for the city, so that we
4 could preserve what I perceive is a lower intensity
5 of use, i.e., that the carriage house cannot be sold
6 off from this property, or that it could be used as
7 a rental property?

8 MR. GALVIN: I have already been
9 thinking about this, and I was just being quiet
10 because I was letting us plow through.

11 Here is what I have --

12 MR. MATULE: After you respond, I
13 will --

14 MR. GALVIN: Yeah.

15 Is that okay?

16 And you can tell me if I screwed up.

17 MR. MATULE: No. I always defer to
18 you.

19 MR. GALVIN: I was thinking the
20 opposite. I was thinking that the building, the
21 fact that it's a single-family home, that we would
22 want to preserve that rather than have that be
23 changed, so I have:

24 The applicant agreed to record a deed
25 restriction limiting the use of the home facing

1 Hudson Street as a single-family home, as long as
2 the accessory apartment exists. The deed
3 restriction is to be reviewed and approved by the
4 Board's Attorney prior to recording, and recorded
5 prior to the issuance of a building permit.

6 Two: The applicant must obtain Council
7 approval of any non-permitted encroachment into the
8 city right-of-way, and I think that solves our
9 problem.

10 And three: The accessory apartment is
11 not to be used for commercial purposes.

12 That was something I was -- I know that
13 there was commercial office in -- I assume that was
14 in the --

15 COMMISSIONER WEAVER: Oh, well, so if
16 the --

17 MR. GALVIN: -- whoa, whoa.

18 COMMISSIONER WEAVER: -- if the
19 owner -- now, just as an architect, right, if this
20 was my property, and I wanted to have a home office
21 there, let's just say, that would be commercial.

22 MR. GALVIN: I am not saying you can't
23 have a home office.

24 I am saying you can't turn that
25 accessory apartment into a business operation.

1 COMMISSONER WEAVER: Okay.

2 MR. GALVIN: That's what I was thinking
3 because I heard business --

4 COMMISSIONER WEAVER: Then I think
5 we --

6 MR. MATULE: We don't have --

7 MR. GALVIN: It's not a problem.

8 MR. MATULE: -- we don't have a
9 problem.

10 But getting back to the first point, I
11 don't know that you have to go through all of that
12 because under our current density ordinance, you can
13 only have two residential units on this site because
14 it is only 1850 square feet, so if someone wanted to
15 make that house in the front a two-family house,
16 they would have to come to the Board for a density
17 variance --

18 MR. GALVIN: Okay.

19 MR. MATULE: -- so I don't know that we
20 need to go through all of that because --

21 COMMISSIONER WEAVER: But they could,
22 and there has been testimony tonight that it is to
23 be used for in-laws and visitors, but it sounds like
24 when you say a two-family is permitted, that they
25 could rent it.

1 MR. MATULE: Well, I think our
2 intention, and I mean, let's be candid, our
3 intention is to use it for that purpose. But it is
4 the same conversation we have about when we have the
5 guy who we think is a great responsible wrestler on
6 tour, and we always worry that 20 years from now,
7 some guy will put a restaurant-bar in there --

8 COMMISSIONER WEAVER: Well --

9 MR. MATULE: -- I mean, the point is
10 under the zoning ordinance, you are allowed two
11 residential units on the site, the principal
12 structure and the accessory structure, and I don't
13 know, and I don't want to get into a big
14 philosophical discussion about the alienation,
15 but --

16 MR. GALVIN: I am not arguing for this
17 either. This is just what I heard earlier, that
18 there was some suggestion about that.

19 MR. MATULE: The point is that it's
20 like saying is it going to be condos or rentals.
21 you know, that is really not within the scope of
22 zoning. If that is a permitted -- the use is
23 residential. There is no present intention to rent
24 it out, but the fact that it's --

25 MR. GALVIN: In a recent case we

1 combined the -- there was a five-unit, we combined
2 the one with the other, but the facts of that case
3 were different, and I don't think we should go into
4 that --

5 MR. MATULE: That was a density
6 variance, though.

7 MR. GALVIN: Right. Yes, it was.

8 COMMISSIONER WEAVER: We also have a
9 problem -- we also have the problem that the -- how
10 would they egress.

11 I mean, there are a number of changes
12 that you would have to make to the --

13 MR. MATULE: No. They have got the
14 egress --

15 COMMISSIONER WEAVER: The accessory
16 structure --

17 MR. MATULE: On Court Street. It is
18 not a multiple dwelling, so you don't get into the
19 whole second means of egress thing.

20 But the point is --

21 COMMISSIONER WEAVER: No, you're right.

22 MR. MATULE: -- I don't think we could
23 subdivide the property without substantial variances
24 because we would be making a nonconforming lot even
25 more nonconforming, so I think it is a solution in

1 search of a problem.

2 MS. BANYRA: Can I ask one question,
3 though?

4 So the question in other applications,
5 and you know, we are talking about an accessory
6 structure versus a principal structure, so you are
7 asking for an additional story and a basement --
8 cellar, and hypothetically if this building got
9 subdivided off, if it becomes something different
10 than what the Board -- it becomes not I'm going to
11 say -- it's clearly not accessory then. It becomes
12 a standalone structure.

13 So the question is: Is it a potential
14 to be bound to the front property, as opposed to --
15 so that it remains accessory based on --

16 MR. MATULE: We don't have any problem
17 if you want to have a deed restriction that says the
18 property can't be subdivided.

19 MS. BANYRA: -- it clearly remains
20 accessory then based on the conversation --

21 MR. MATULE: But, again, I don't know
22 that it's --

23 MR. GALVIN: You know, guys, you are
24 talking about stuff that is not -- it is like --

25 MR. MATULE: -- getting theoretical.

1 ACTING CHAIRMAN COHEN: Commissioner
2 Grana, you had something?

3 MR. GALVIN: No. He's shutting my
4 mouth.

5 Go ahead.

6 COMMISSIONER GRANA: I think that we
7 are all going to have maybe a different view on
8 this, but I think I just heard the thing that I
9 needed to hear, which was that what would be
10 permitted on the site is two residential units.

11 So whether or not that -- I understand
12 that changes the question of the accessory. Maybe
13 we should address that, but it removes for me the
14 debate about the single-family versus the --

15 MR. GALVIN: No problem.

16 COMMISSIONER GRANA: -- that all goes
17 away, you know --

18 MR. GALVIN: No problem.

19 COMMISSIONER GRANA: -- so if two
20 residential units are allowed on the property, then
21 that is already governing what can and cannot be
22 done, in my opinion

23 MR. GALVIN: I am not suggesting in any
24 way that we should -- I am happy to delete this.
25 Let's get to deliberations. Wrap it up.

1 COMMISSIONER GRANA: Maybe we should be
2 doing this in deliberations, not here actually.

3 MR. GALVIN: But the reason for
4 bringing it up is because I'm hearing things that --

5 COMMISSIONER GRANA: Understood.

6 ACTING CHAIRMAN COHEN: Any other
7 questions for the witness from the Board or the
8 professionals?

9 Okay. We'll open it up to the general
10 public. Any questions for the planner from the
11 general public?

12 COMMISSIONER MC ANUFF: Motion to close
13 public portion.

14 MR. GALVIN: No, okay.

15 COMMISSIONER GRANA: Second that
16 motion.

17 ACTING CHAIRMAN COHEN: Okay.

18 Now, Mr. Matule?

19 MR. MATULE: I have no more witnesses.

20 I don't know if you have to open it up
21 to the public.

22 MR. GALVIN: No, no. We opened it up
23 to the public just for the planner.

24 Does anyone in the public want to
25 comment --

1 ACTING CHAIRMAN COHEN: Questions --

2 MR. GALVIN: -- I'm sorry. Now we are
3 beyond questions.

4 Does anybody in the public want to
5 comment on this application for or against?

6 Come on up.

7 And you are not associated with the
8 application?

9 MS. BOYD: No, I am just a neighbor.

10 MR. GALVIN: Okay. State your full
11 name for the record.

12 MS. BOYD: Madeline Boyd, B-o-y-d.

13 ACTING CHAIRMAN COHEN: And give me
14 your street address.

15 MS. BOYD: 604 Hudson Street.

16 MR. GALVIN: Raise your right hand.

17 Do you swear or affirm the testimony
18 you are about to give in this matter is the truth,
19 the whole truth, and nothing but the truth?

20 MS. BOYD: Yes, I do.

21 MR. GALVIN: You may proceed.

22 MS. BOYD: I just want to say that just
23 looking at the pictures and listening to everything,
24 I think the changes to the principal structure and
25 the proposed changes to the current existing

1 accessory structure will be such a positive
2 improvement to Hudson Street and Court Street.

3 MR. GALVIN: Thank you.

4 That was awesome.

5 ACTING CHAIRMAN COHEN: Thank you.

6 Any other members of the public like to
7 comment?

8 Come forward.

9 Please state your name for the record.

10 MR. GALVIN: Again, and your street
11 address.

12 MR. GIACCHI: Angelo Giacchi, 516
13 Hudson Street.

14 MR. GALVIN: And spell it, please.

15 MR. GIACCHI: G-i-a-c-c-h-i.

16 MR. GALVIN: It makes it easier for
17 her.

18 Raise your right hand.

19 Do you swear or affirm the testimony
20 you are about to give in this matter is the truth,
21 the whole truth, and nothing but the truth?

22 MR. GIACCHI: Yes.

23 MR. GALVIN: Thank you.

24 MR. GIACCHI: I am not testifying, am
25 I?

1 MR. GALVIN: You are. Right now you
2 are. As soon as you start telling me what you
3 think, you are testifying.

4 MR. GIACCHI: Fair enough.

5 I would like to extend appreciation to
6 the applicant for having worked with the neighbors
7 and modifying her original plans to make the changes
8 as you see them here today.

9 My comments here tonight are to just
10 sort of give a little thought to the fact that you
11 now have a structure that is going to have an
12 additional fifth story on its principal structure,
13 an additional story on its accessory structure. You
14 are actually increasing the square footage, by I
15 don't know what the percentage is, but it is a
16 significant increase in usable space.

17 I realize that there may be definitions
18 as to habitable or not habitable, but it's
19 significant use for usable space which in turn
20 changes what you can do with the property at any
21 given time.

22 As a neighbor, I realize that the
23 height of the accessory building is within the 30
24 feet, but looking at the whole Court Street,
25 especially from the south looking north, on the

1 left-hand side, you have commercial structures that
2 are better than half way, perhaps even
3 three-quarters of the way up Court Street.

4 On the right-hand side you have the
5 Union Club. Then you have what is the rest of the
6 buildings that are pictured on one of the designs,
7 mostly low rise, admittedly.

8 Some of the two and three-stories don't
9 really kick in again until the further end of the
10 block closer to Seventh Street.

11 There is going to be a significant
12 canyon effect in that first part of that southern
13 part of Court Street. You are going to have --
14 actually you have an application that I am not sure
15 what the position of it is now on 604 Hudson. I
16 don't know if it is pending. I don't know if it's
17 denied, and I don't know if it's granted, but you
18 have an application there.

19 You have an empty lot just south of
20 this property. You have my property, which has
21 nothing more than a garage. 610 Hudson has just
22 been sold.

23 My understanding is that it is going to
24 be converted. It got renovated. They're likely
25 going to be looking for something to do with that

1 accessory structure as well.

2 Be careful, be careful, and always keep
3 in consideration that what is allowed here today,
4 you may need to be allowed tomorrow or the next day,
5 and the next thing you know, you are going to have a
6 ripple effect down Court Street, not just this
7 block, but obviously on other blocks, so that's my
8 comment.

9 I think the plan is good. I think the
10 modifications as made by the applicant are
11 excellent. There may be some points on esthetics
12 and stuff that can be addressed by the Board.

13 Another concern is: How do we address
14 the gutting of the cellar on the accessory property?

15 Court Street is a single lane, very
16 heavily used, mostly by the people who have their
17 parking spots back there.

18 When it gets excavated, is it going to
19 be excavated through Court Street, or will it be
20 excavated through Hudson Street?

21 And what's going to happen with Court
22 Street in that interim?

23 So, again, these are just comments that
24 I make, considerations that you should give to the
25 overall application.

1 Thank you.

2 MR. MATULE: I just have one question,
3 because I think it may have been mistaken.

4 You said 610 Hudson Street was recently
5 sold. 610 Hudson is the applicant.

6 MR. GIACCHI: I'm sorry. So it's 614.

7 MR. MATULE: Okay.

8 MR. GIACCHI: So 614. 614.

9 MR. GALVIN: What's the one we have on
10 appeal?

11 MR. MATULE: 604.

12 MR. GALVIN: 604.

13 MR. GIACCHI: Look at the big picture.

14 MR. GALVIN: The only thing I would say
15 is that I always instruct the Board that we have to
16 consider each case on its own merit, and the one
17 before this tonight, sadly for Mr. Matule, was
18 denied, so, you know, it is not always an automatic,
19 like you said. We're looking at -- it is not -- it
20 doesn't form -- they don't come to us and say to us,
21 you did five of these, you have to do five more.

22 It's like: No, each case on its only
23 merit. We have to determine whether it's worthy and
24 how far off is it from what's permitted in the zone.

25 MR. GIACCHI: Understood.

1 Thank you.

2 MR. GALVIN: Okay.

3 A VOICE: The excavation --

4 MR. GALVIN: That's true, too.

5 The excavation part has got to be done
6 by the building department, but it raises a question
7 that I don't like to do it, but sometimes it comes
8 up in Summit, where we have to do like rock
9 blasting.

10 Every once in a while a Zoning Board
11 should comment on a construction procedure -- I
12 almost never say that in Hoboken, because people
13 always say, well, walls are going to be affected,
14 and the building department does that every day
15 where houses get put in there.

16 I don't know how they are going to do
17 the excavation, but I think that there could
18 potentially -- the architect has her hand up -- but
19 there could potentially be an impact on Court
20 Street --

21 MR. MATULE: Well, yes.

22 MR. GALVIN: -- depending on how
23 complicated the excavation is.

24 MR. MATULE: As far as traffic goes,
25 you can enter from both sides. You can enter from

1 Fifth Street -- I mean Sixth Street or Seventh
2 Street, so assuming in front of this site that they
3 had the road blocked, people could still get in and
4 out on the rest of the block.

5 But you heard the question and perhaps
6 you could enlighten us.

7 A N A S A N C H E Z, having been previously sworn,
8 testified further as follows:

9 THE WITNESS: If I could explain, the
10 excavation would be taken from the underside of the
11 building working out, and when you underpin, you
12 work -- you do like two foot areas, and you space
13 them in order not to infringe on the other
14 properties.

15 So they would sort of dig one hole,
16 fill it up with concrete, and then move it over, so
17 there is a sequencing, and that sequencing is
18 actually submitted to the city, so I would say the
19 extent of --

20 MR. GALVIN: The impact on Court
21 Street.

22 THE WITNESS: -- the impact on Court
23 Street would be some of the brick work that would be
24 done on the outside. That would be the majority of
25 it.

1 MR. GALVIN: That is up to the Board if
2 you're satisfied with that.

3 MS. BANYRA: Can I just ask a question?
4 I know it's up to that, so what you are
5 saying is -- and is that brought out by a
6 wheelbarrow?

7 Is that brought in a dump truck parked
8 in front of the -- how does that work?

9 THE WITNESS: Court Street is a
10 right-of-way, so actually the work that they have
11 been doing there, everything goes out by
12 wheelbarrow, and the only dumpster has actually been
13 on Hudson Street, and I am not sure, but I think
14 Sixth Street is too small to have a dumpster.

15 MS. BANYRA: I'm saying I have a five
16 cubic yard dump truck parked on Court Street. Is
17 that how it's going to come out, or not typically?

18 If it comes out by wheelbarrow and it's
19 some kind of a smaller mode of ex -- you know,
20 taking it away?

21 THE WITNESS: I don't think we can
22 block Court Street. I don't think the city would
23 allow it.

24 MR. GALVIN: Let me just -- I got a
25 shortcut.

1 The applicant agreed that it would not
2 impair Court Street during construction.

3 Do you agree with that?

4 COMMISSIONER MC ANUFF: I don't think
5 that's a --

6 MR. MATULE: That seems pretty --

7 MR. GALVIN: No. But you are making a
8 representation that you won't, and then that would
9 give the zoning officer the right to --

10 COMMISSIONER GRANA: But what is
11 impairment?

12 MR. MATULE: That is my concern --

13 VICE CHAIR BRANCIFORTE: Somebody could
14 park their car there.

15 COMMISSIONER GRANA: What's the
16 impairment, I mean, if a wheelbarrow is parked out
17 in front --

18 MR. GALVIN: Time out. I am done.
19 Okay? I'm done.

20 COMMISSIONER WEAVER: No, Dennis, wait.

21 When we were on the Planning Board, the
22 lane on Hudson and 14th, they had closed Hudson to
23 do their work from the rain garden to --

24 MR. GALVIN: But that we put in a
25 developer's agreement, and I am not so sure that

1 this case rises to the level of where I should be
2 making Ron Cucchiaro do a developer's agreement for
3 an apartment over a garage.

4 I agree the unreasonableness of
5 over-conditioning the case --

6 COMMISSIONER MARSH: You could be
7 building something as of right and have the same
8 problem. Somebody's got to be --

9 COMMISSIONER WEAVER: Yeah.

10 COMMISSIONER GRANA: Yup.

11 MR. GALVIN: Okay. I am good. I am
12 Switzerland. I'm just throwing out and mentioning
13 conditions.

14 ACTING CHAIRMAN COHEN: I think we are
15 done.

16 Do you want to sum up?

17 MR. MATULE: I do.

18 Are we going to close the public?

19 ACTING CHAIRMAN COHEN: Do any other
20 members of the public here want to speak on this
21 application?

22 Is there a motion to close public
23 portion?

24 COMMISSIONER MC ANUFF: Motion to close
25 public portion.

1 ACTING CHAIRMAN COHEN: Second?

2 COMMISSIONER MC BRIDE: Second.

3 ACTING CHAIRMAN COHEN: All in favor?

4 (All Board members answered in the
5 affirmative)

6 ACTING CHAIRMAN COHEN: Opposed?

7 MR. MATULE: I do have a couple of
8 remarks, and I'm going to make them in reverse
9 order.

10 Just specifically to Mr. Giacchi's
11 concern about, if you will, the cascading effect or
12 canyon effect on Court Street, I mean, we do have to
13 bear in mind that the ordinance contemplates a 60
14 percent principal building, a 20 percent open space,
15 and a 20 percent accessory structure 30 feet high.
16 So, you know, just strictly from a form based
17 zoning, that is what the plan is for that space,
18 so --

19 MR. GALVIN: I never get that form
20 base --

21 MR. MATULE: -- it's happening.

22 I think Mr. Ochab kind of really, you
23 know, hit all of the positive points.

24 But I think the fact, you know, this is
25 sort of, if you will, the total opposite of my

1 previous use in the sense that we're going from five
2 units to two units. We only have one parking space.
3 It's a substantial esthetic improvement.

4 I know the cellar is a little bit of an
5 outlier, because we're going to have a half bath
6 down there, but I think in the context of it being
7 accessible from the backyard and just an amenity, I
8 don't think that's a significant impact on anything.
9 There is no windows down there.

10 I mean, if you're just concerned that
11 somehow that's going to become an illegal cellar
12 apartment, I think that would be pretty far-fetched,
13 and that would be an enforcement issue in any event.

14 The structure that's there now is 24
15 feet high, and we are making it 30 feet high.

16 I realize that although in one of the
17 pictures, it looks like there is a elevator bulkhead
18 or something sticking up on this building here, I
19 can't really tell what it is, but obviously whatever
20 it is, it's much closer to the front of the building
21 because it's showing up on the pictures from the
22 sidewalk.

23 But I think the applicant and the
24 architect have been sensitive to the concern that
25 there is a very, you know, esthetically pleasing

1 cornice line on that street, and by pushing this
2 back, it really respects that, and, again, Mr. Ochab
3 touched on it.

4 If the applicant just did an
5 as-of-right 15 foot addition on four floors here,
6 they would be adding approximately 1200 square feet
7 of floor space to the principal structural, and I
8 think this addition is about 350 square feet, so
9 it's again, very modest in the grand scheme of
10 things, and by this alternative design, we get to
11 keep (a) a much larger open space between the
12 buildings, and also respect the fact on this block
13 most of the principal structures are only 45 feet
14 deep, even though as of right, they could be 60 feet
15 deep.

16 So, you know, I think that is really
17 the crux of the trade-off we're asking you to look
18 at here in terms of weighing the positive and
19 negative of the application.

20 ACTING CHAIRMAN COHEN: Thank you, Mr.
21 Matule.

22 Okay. It's time for the Board to
23 deliberate.

24 Would anybody want to start, kick off
25 deliberations?

1 COMMISSIONER MC BRIDE: I have a
2 comment about Court Street.

3 ACTING CHAIRMAN COHEN: Yes.

4 COMMISSIONER MC BRIDE: Looking at
5 these pictures of Court Street and what we saw
6 earlier in the evening are two very different Court
7 Streets. There is nothing 18th, 19th Century that I
8 can see in any of the photographs here.

9 So let me just make that comment.
10 There is two very different Court Streets a block
11 away.

12 ACTING CHAIRMAN COHEN: Okay.

13 Mr. Grana?

14 COMMISSIONER GRANA: I think that -- I
15 think a few things.

16 I think one is I think that the
17 applicant is trying to expand the size of the
18 property. They could have done so as of right with
19 a very different impact.

20 I think that this is an alternative,
21 which is to go down and up, and as far as the upward
22 triggers the height variance on the principal
23 structure, I guess my biggest concern would be this
24 particular block, it's my own particular specific
25 concern, this particular block and the street scape

1 that's along that block, and whether that has been
2 considered, and the applicant has considered it, and
3 I think it makes this a modest addition, especially
4 since the lot is undersized -- excuse me -- the
5 structure is undersized and the lot.

6 As far as the accessory structure, you
7 know, the contrast with the last application, this
8 is exactly what we seemed to be talking about in the
9 last application, which we denied, is that it's
10 actually being an accessory structure. It is
11 intended to be used as an accessory structure to the
12 principal structure. That's what the -- if there is
13 any ambiguity, that ambiguity is resolved, and I
14 would be willing to approve a D-1 variance, and
15 therefore, the other variances would be subsumed
16 under that.

17 I would also add that I think
18 personally that the esthetic improvement, shutters
19 and all, which is actually new, but I think the
20 esthetic improvement is very thoughtful and is very
21 considerable.

22 ACTING CHAIRMAN COHEN: Thank you.

23 Commissioner McAnuff?

24 COMMISSIONER MC ANUFF: In this case, I
25 will have to agree with Commissioner Grana. I think

1 it is a good design.

2 (Laughter)

3 And the accessory building in this case
4 doesn't bother me as much as the first case,
5 especially since we are going from a current
6 five-unit building down to essentially two now. I
7 had a problem with the density in the other
8 application, so I would support the project.

9 ACTING CHAIRMAN COHEN: Commissioner
10 Weaver?

11 COMMISSIONER WEAVER: I have to agree
12 with my other two colleagues. Although I am not a
13 big fan of the carbuncle on the roof, it is a missed
14 opportunity architecturally. I don't mean that in
15 a -- it is often very challenging to put these
16 bulkheads on top of the buildings, and we've seen
17 them before, these and other material. They use
18 siding. They use stucco. They use, you know, metal
19 is very nice, but they often just look like a thing
20 plopped on top of the building.

21 I don't know that there is another way
22 around that, but I think the compromise of moving it
23 back, so it not within the view cone from across the
24 street, and the fact that it is minimal in height,
25 and did we settle on moving the condensers off of

1 that roof and onto the adjacent roof?

2 MS. BANYRA: I don't think we discussed
3 it, but I would --

4 COMMISSIONER GRANA: We did not move --

5 MS. BANYRA: -- recommend that that be
6 moved, and not on top.

7 We don't have a roof plan --

8 COMMISSIONER GRANA: We don't have a
9 roof plan.

10 MS. BANYRA: -- and we don't have some
11 other things that hopefully won't trigger any
12 variances, and I think Ms. Sanchez would probably
13 agree that some of them related to the facade and
14 some details, and so I'm hoping that none of those
15 will trigger, like the facade masonry, glazing, but
16 we don't have a roof plan, and my recommendation
17 would be to take that, I'm going to say, bump off
18 and move it down.

19 MR. MATULE: If I might --

20 MS. BANYRA: Yeah.

21 COMMISSIONER GRANA: Could -- could --

22 MR. MATULE: -- we can absolutely
23 commit to the fact that the compressor will be taken
24 off the roof of the fifth floor structure --

25 MS. BANYRA: The fifth story.

1 MR. MATULE: -- and it will be put down
2 somewhere on the fourth floor roof. We haven't
3 figured out where yet, but obviously within the
4 parameters of the ordinance in terms of setbacks and
5 sound attenuation.

6 COMMISSIONER GRANA: And maybe we
7 can -- can we just let Eileen address that with the
8 applicant?

9 MR. MATULE: We could provide that
10 subject to, you know, review by the planner before
11 any resolution would be adopted or something. I
12 think we have done that in the past.

13 COMMISSIONER WEAVER: And then lastly,
14 this is maybe a question for the professionals, the
15 toilet in the cellar in the carriage house, is there
16 a variance that's tied with that, because I think --

17 MR. MATULE: Yes.

18 MS. BANYRA: They testified to that.
19 The variance is that it's considered -- a cellar is
20 only allowed to be used for storage and mechanicals.
21 So it's not storage. It's not mechanicals, so it is
22 not permitted, and the planner testified to that, so
23 they asked for a use variance for that.

24 COMMISSIONER WEAVER: I would not
25 support that use variance. There is more than

1 enough fixtures in the -- I would support
2 everything, but that.

3 COMMISSIONER GRANA: Okay.

4 ACTING CHAIRMAN COHEN: Cory, do you
5 have any comment?

6 COMMISSIONER JOHNSON: Yeah.

7 I pretty much agree with Commissioner
8 Weaver. I think it is definitely architecturally
9 speaking, I think it's a very nice -- it's beautiful
10 two structures that were added.

11 I'm not a big fan of the addition, the
12 fifth floor addition because of the way it's set
13 back. I understand it might not have a big impact
14 visually, I guess, if you're standing on the street,
15 so I am kind of okay with that.

16 But to agree with Commissioner Weaver,
17 I don't see why we need the bathroom in the cellar.
18 It doesn't make sense, and I won't support it.

19 ACTING CHAIRMAN COHEN: Anything more
20 you want to say, Ed?

21 COMMISSIONER MC BRIDE: No, I'm
22 finished.

23 ACTING CHAIRMAN COHEN: Okay.

24 I just think it is obvious, I mean, I
25 think we heard testimony that more than a year of

1 planning has gone into the design of this project,
2 and I think a lot of that came through in the
3 application.

4 The thoughtfulness of the design, I
5 think it is a beautiful design, and despite the fact
6 that it will be a better design without the fifth
7 floor from the way it has been set back should be a
8 minimal impact on the neighborhood.

9 One thing that I would like to see in
10 the condition was a representation that on the
11 passive side of the roof garden, that there will be
12 no access on the fifth floor.

13 I think we had testimony from the
14 architect that that would be just be a window there,
15 there would not be a door that would access the
16 front of the fifth floor roof, so that should be a
17 condition.

18 MR. MATULE: Correct.

19 ACTING CHAIRMAN COHEN: I would ask,
20 Mr. Matule, there has been some -- two Commissioners
21 expressed concern about the use.

22 Do any of the other Commissioners have
23 the same concern about the use in the basement?

24 COMMISSIONER GRANA: I don't have a
25 concern because I already stated that I would

1 support the use.

2 COMMISSIONER MARSH: I don't have any.

3 ACTING CHAIRMAN COHEN: Okay. Ed, do
4 you?

5 COMMISSIONER MC ANUFF: No, I'm fine.

6 COMMISSIONER MC BRIDE: No, I don't
7 have any concern.

8 ACTING CHAIRMAN COHEN: Okay. So then
9 I don't think we need to address that.

10 MS. BANYRA: And then the only other
11 condition, Dennis, is that the plans will be revised
12 I guess just to provide the details suggested in my
13 report, dated July 8th, and particularly the roof
14 plan be provided and detailed with the
15 air-conditioning, with an HVAC unit or whatever, and
16 that the facade materials and glazing calculations
17 are provided in the revised plan.

18 COMMISSIONER MC ANUFF: Is everyone
19 okay with the cladding of the fifth floor?

20 Are we going to stay with brick, or do
21 you want to suggest anything else?

22 COMMISSIONER GRANA: Again, I didn't
23 have any concerns because I took the testimony --
24 the cone of vision -- did I get it right -- the cone
25 of vision is not going to make that a concern for

1 the neighbor.

2 COMMISSIONER MC ANUFF: Okay. I'm fine
3 with it.

4 ACTING CHAIRMAN COHEN: Okay.

5 Can you read the conditions the
6 conditions, Counsel?

7 MR. GALVIN: Yes. So listen carefully,
8 because when I give it back, it may not sound like
9 what you said. Okay?

10 MS. BANYRA: Okay.

11 MR. GALVIN: One: The applicant must
12 obtain the Couhncil approval of any non-permitted
13 encroachment into the city right-of-way.

14 Two: The accessory apartment is not to
15 be used for commercial purposes. This is not
16 intended to impair their right to have a home
17 office.

18 Three: The applicant is to submit a
19 roof plan, which will show that there will be no
20 access to the passive roof garden --

21 MS. BANYRA: Green roof.

22 ACTING CHAIRMAN COHEN: Green roof.

23 MR. GALVIN: -- green roof. All right.

24 For the Board's Planner for her review
25 and approval.

1 Four: The plan will be revised to show
2 the compressor on the fourth floor and in compliance
3 with the ordinance. This revision is to be reviewed
4 and approved by the Board's planner.

5 Five: The plan is to be revised as
6 explained in the planner's report.

7 MS. BANYRA: That is fine. That is
8 good.

9 MR. GALVIN: Okay.

10 COMMISSIONER MC ANUFF: The verbiage
11 that we had before about never being more than
12 two --

13 ACTING CHAIRMAN COHEN: Or I think --

14 MR. GALVIN: Let me just say this --

15 (Everyone talking at once)

16 MR. GALVIN: -- one thing I want you to
17 understand. When I was trying to draft that, I was
18 under a misimpression that more units were permitted
19 than actually are. Two units are permitted. We're
20 out two units. It would be belt and suspenders for
21 us to restrict that --

22 COMMISSIONER MC ANUFF: That's fine.

23 MS. BANYRA: And require Board
24 approval --

25 COMMISSIONER MC ANUFF: That's fine.

1 MS. BANYRA: -- because it's a density
2 issue.

3 MR. GALVIN: The same thing with
4 subdivided. If they wanted to subdivide this
5 property --

6 COMMISSIONER MC ANUFF: As long as we
7 have some protection, yes.

8 MR. GALVIN: -- so that other people
9 will be then -- it will be their responsibility.

10 COMMISSIONER GRANA: Chair, I'd like to
11 motion to approve 610 Hudson with the conditions.

12 ACTING CHAIRMAN COHEN: Is there a
13 second?

14 COMMISSIONER MC ANUFF: Second.

15 ACTING CHAIRMAN COHEN: All right.

16 Ms. Carcone?

17 MS. CARCONE: Commissioner Grana?

18 COMMISSIONER GRANA: Yes.

19 MS. CARCONE: Commissioner Marsh?

20 COMMISSIONER MARSH: Yes.

21 MS. CARCONE: Commissioner McAnuff?

22 COMMISSIONER MC ANUFF: Yes.

23 MS. CARCONE: Commissioner Weaver?

24 COMMISSIONER WEAVER: Yes.

25 MS. CARCONE: Commissioner McBride?

1 COMMISSIONER MC BRIDE: Yes.

2 MS. CARCONE: Commissioner Johnson?

3 COMMISSIONER JOHNSON: Yes.

4 MS. CARCONE: Commissioner Cohen?

5 ACTING CHAIRMAN COHEN: Yes.

6 Congratulations.

7 MR. MATULE: Thank you very much.

8 ACTING CHAIRMAN COHEN: I'll take a
9 motion to adjourn.

10 COMMISSIONER MC ANUFF: Motion to
11 adjourn.

12 COMMISSIONER GRANA: Second.

13 ACTING CHAIRMAN COHEN: All in favor?

14 (All Board members voted in the
15 affirmative)

16 (The meeting concluded at 11:05 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 7/25/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.