

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : June 14, 2016
PLANNING BOARD : 7:12 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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1 CHAIRMAN HOLTZMAN: Okay, everybody.

2 We are going to get started here.

3 Could somebody just close the back door
4 since it is usually too loud in that hallway?

5 Thank you.

6 It is June 14th, 2016. It is 7:12 p.m.
7 This is the Hoboken Planning Board Meeting.

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

16 Pat, please call the roll.

17 MS. CARCONE: Commissioner Holtzman?

18 CHAIRMAN HOLTZMAN: Here.

19 MS. CARCONE: Commissioner Magaletta is
20 going to be late.

21 CHAIRMAN HOLTZMAN: Yes.

22 MS. CARCONE: Commissioner Stratton?

23 COMMISSIONER STRATTON: Here.

24 MS. CARCONE: Commissioner Forbes?

25 COMMISSIONER FORBES: Here.

1 MS. CARCONE: Commissioner Doyle?

2 COMMISSIONER DOYLE: Here.

3 MS. CARCONE: Commissioer Graham?

4 COMMISSIONER GRAHAM: Here.

5 MS. CARCONE: Commissioner McKenzie is
6 absent.

7 Commissioner Pinchevsky?

8 COMMISSIONER PINCHEVSKY: Here.

9 MS. CARCONE: Commissioner Peene is
10 absent.

11 Commissioner Jacobson?

12 COMMISSIONER JACOBSON: Here.

13 MS. CARCONE: And Commissioner
14 O'Connor?

15 COMMISSIONER O'CONNOR: Here.

16 CHAIRMAN HOLTZMAN: Great. Thank you
17 very much.

18 Dennis, do you want to take the floor
19 on this?

20 We have our amended PUD with Maxwell.

21 Can you give us an introduction on this?

22 MR. GALVIN: Yes. Let me give
23 everybody --

24 CHAIRMAN HOLTZMAN: This is the -- I'm
25 sorry -- this is the handout that Pat put in front

1 of each of the Commissioners here.

2 MR. GALVIN: Whenever we do a major
3 project, we often put in the resolution that the
4 developer has to enter into a developer's agreement
5 with the city, right?

6 And the reason why we do that is
7 because some of the operation of the development, in
8 a big development, involves roadways, sidewalks,
9 sewers, things that are otherwise the governing
10 body's jurisdiction, not ours. Sometimes it
11 involves things like controlling when operations are
12 going to occur.

13 In this instance, Ron Cuchiarro, who is
14 a really good land use attorney represents the city
15 as their special counsel. He has created this
16 developer's agreement, and he has gone back and
17 forth and negotiated with Glenn Pantel, who is the
18 attorney for Maxwell Place.

19 In their wisdom, they went and said
20 since this is the first ever developer's agreement
21 15 years ago or 20 years ago, whenever this was,
22 also had the Planning Board as a party to the
23 document, and because of that, they want us to be a
24 party to this new document.

25 Now, I have looked at it -- was it

1 2000?

2 COMMISSIONER DOYLE: '4.

3 MR. GALVIN: 2004.

4 So I looked at the document. I thought
5 it was consistent with our resolution. I had Andy
6 and Dave look at it.

7 Andy, in particular, I wanted him to
8 look at the engineering part.

9 Dave tells me that Andy gave it the
10 okie-dokie, and it doesn't impact other Maxwell
11 properties. It just brings to life what we have
12 already decided on the Maxwell Place road thing, the
13 whole Sinatra Drive in all directions, and you know.

14 So what I would recommend that we do is
15 I need motion and a second to authorize the Chairman
16 to sign the developer's agreement, provided the
17 Mayor and Council sign the developer's agreement,
18 and tomorrow night the Mayor and Council are going
19 to decide if the developer's agreement is adequate
20 and whether or not they want to sign it.

21 CHAIRMAN HOLTZMAN: So in laymen's
22 terms what I had suggested to Dennis is it sounds
23 like for the most what we are doing is we are
24 memorializing our resolution. It is a little
25 different than that, but basically we're --

1 MR. GALVIN: Right.

2 In layman's terms, in my view, we are
3 not touching --

4 CHAIRMAN HOLTZMAN: We're not
5 touching --

6 MR. GALVIN: -- we're not touching
7 anything. There is nothing new.

8 All this does is say, look, if you are
9 on the roadways you're going to do this, and the
10 roadways are the city's, and the Planning Board is
11 only signing off on this because we approved the
12 resolution.

13 CHAIRMAN HOLTZMAN: So any questions or
14 comments, or is there a motion to accept the --

15 COMMISSIONER DOYLE: Can I ask a
16 question about whether -- is it the same people who
17 voted on the original --

18 MR. GALVIN: No. We are just
19 authorizing the signing of the developer's
20 agreement. That is all.

21 COMMISSIONER DOYLE: Okay. Thank you.

22 MR. GALVIN: If we were going to amend
23 the resolution, then that is when I start looking
24 for the people that were on it.

25 COMMISSIONER STRATTON: I make a

1 motion.

2 CHAIRMAN HOLTZMAN: There's a motion on
3 the floor.

4 Is there a second?

5 COMMISSIONER FORBES: Second.

6 CHAIRMAN HOLTZMAN: Pat, please call
7 the vote.

8 MS. CARCONE: Commissioner Stratton?

9 COMMISSIONER STRATTON: Yes.

10 MS. CARCONE: Commissioner Forbes?

11 COMMISSIONER FORBES: Yes.

12 MS. CARCONE: Commissioner Doyle?

13 COMMISSIONER DOYLE: Yes.

14 MS. CARCONE: Commissioner Graham?

15 COMMISSIONER GRAHAM: Yes.

16 MS. CARCONE: Commissioner Pinchevsky?

17 COMMISSIONER PINCHEVSKY: Yes.

18 MS. CARCONE: Commissioner Jacobson?

19 COMMISSIONER JACOBSON: Yes.

20 MS. CARCONE: Commissioner O'Connor?

21 COMMISSIONER O'CONNOR: Yes.

22 MS. CARCONE: And Commissioner

23 Holtzman?

24 CHAIRMAN HOLTZMAN: Yes.

25 MR. GALVIN: I thank you all. It is

1 unusual, and I appreciate your help.

2 Thank you.

3 CHAIRMAN HOLTZMAN: Now, we have two
4 resolutions for memorialization tonight as well. We
5 have 133 Monroe.

6 Were there any additional questions or
7 comments?

8 We had received some from some of the
9 Commissioners, and Dennis's office took some of that
10 under advisement.

11 If there are no questions or comments,
12 is there a motion to accept 133 Monroe, the
13 resolution?

14 MS. CARCONE: Voting is Commissioners
15 Holtzman, Stratton, Forbes, McKenzie, Peene -- Peene
16 is not here, and Jacobson.

17 CHAIRMAN HOLTZMAN: Okay. Is there a
18 motion to accept the resolution?

19 COMMISSIONER JACOBSON: So moved.

20 CHAIRMAN HOLTZMAN: Okay.

21 And a second?

22 COMMISSIONER STRATTON: Second.

23 CHAIRMAN HOLTZMAN: A second, great.

24 Pat?

25 COMMISSIONER DOYLE: Pat, did you

1 exclude me from those eligible to vote?

2 MS. CARCONE: I don't think you voted
3 on that one.

4 CHAIRMAN HOLTZMAN: Hang on one sec.
5 Take your time.

6 133 Monroe.

7 COMMISSIONER JACOBSON: You were
8 opposed.

9 CHAIRMAN HOLTZMAN: You were opposed.
10 Okay. You don't vote.

11 COMMISSIONER DOYLE: I don't remember
12 this one --

13 MS. CARCONE: Frank Magaletta, Jim
14 Doyle and Ann Graham were opposed.

15 CHAIRMAN HOLTZMAN: Okay. So there you
16 go.

17 So we have a motion and a second.

18 Pat, please call the vote.

19 MS. CARCONE: Okay. Commissioner
20 Stratton?

21 COMMISSIONER STRATTON: Yes.

22 MS. CARCONE: Commissioner Forbes?

23 COMMISSIONER FORBES: Yes.

24 MS. CARCONE: Commissioner McKenzie?
25 He is absent, too.

1 CHAIRMAN HOLTZMAN: Correct.

2 MS. CARCONE: Commissioner Jacobson?

3 COMMISSIONER JACOBSON: Yes.

4 MS. CARCONE: Commissioner Holtzman?

5 CHAIRMAN HOLTZMAN: Yes.

6 Okay. We also have a memorialization
7 of 719 Washington Street --

8 MS. CARCONE: 319 Washington Street.

9 CHAIRMAN HOLTZMAN: -- 319. Thank you.

10 Any questions or comments?

11 We had some updates, and Dennis' office
12 took care of that as well. There were some language
13 changes to clarify a couple of things.

14 Jim, anything additional?

15 COMMISSIONER DOYLE: No.

16 CHAIRMAN HOLTZMAN: Great. Thank you.

17 Is there a motion to accept 319
18 Washington?

19 COMMISSIONER DOYLE: Motion.

20 CHAIRMAN HOLTZMAN: Great.

21 Second?

22 COMMISSIONER JACOBSON: Second.

23 CHAIRMAN HOLTZMAN: There you go.

24 Pat, please call that.

25 MS. CARCONE: Commissioner Stratton?

1 COMMISSIONER STRATTON: Yes.

2 MS. CARCONE: Commissioner Forbes?

3 COMMISSIONER FORBES: Yes.

4 MS. CARCONE: Commissioner Doyle?

5 COMMISSIONER DOYLE: Yes.

6 MS. CARCONE: Commissioner Graham?

7 COMMISSIONER GRAHAM: Yes.

8 MS. CARCONE: Commissioner Jacobson?

9 COMMISSIONER JACOBSON: Yes.

10 MS. CARCONE: And Commissioner

11 Holtzman?

12 CHAIRMAN HOLTZMAN: Yes.

13 Thank you. Okay.

14 (Continue on the next page)

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CITY OF HOBOKEN
PLANNING BOARD
HOP-16-2

- - - - - X
RE: 713-715 Monroe Street : June 14, 2016
Block 82, Lots 7 and 8 :
Zone R-3 :
Applicant: 713-5 Monroe Street, LLC :
Minor Site Plan Review & Variances : 7:20 p.m.
- - - - - X

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Hoboken, New Jersey

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1 CHAIRMAN HOLTZMAN: The first item up
2 for a hearing is 713-715 Monroe.

3 Mr. Burke, are you and your team ready
4 for us?

5 MR. BURKE: Yes, we are, Mr. Chairman.

6 CHAIRMAN HOLTZMAN: Thank you.

7 MR. BURKE: Good evening, Board, and
8 good evening, Mr. Chairman.

9 Jim Burke representing the applicant.

10 A few opening remarks.

11 The property was the subject of an
12 application that was heard before this Board in
13 November 2015.

14 That application had a number of C
15 variances, including a fairly large lot coverage
16 variance, and the Board did not approve that matter,
17 and the applicant basically revised the
18 application -- not the application -- they came up
19 with a new application, which eliminates all of the
20 variances with the exception of a three foot height
21 variance.

22 So, in summary, the prior application
23 had five or six C variances. This application has
24 one, and other than that, minor site plan is
25 required.

1 So I have one witness tonight, Mr.
2 Bruce Stieve, and if he could be sworn in.

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

7 MR. STIEVE: I do.

8 B R U C E S T I E V E, Marchetto, Higgins &
9 Stieve, 1225 Willow Avenue, Hoboken, New Jersey,
10 having been duly sworn, testified as follows:

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

13 THE WITNESS: Bruce Stieve,
14 S-t-i-e-v-e.

15 MR. GALVIN: Mr. Chairman, do we accept
16 his credentials?

17 CHAIRMAN HOLTZMAN: We accept Mr.
18 Stieve's credentials, absolutely.

19 THE WITNESS: Thank you very much.

20 MR. GALVIN: Very good.

21 Carry on.

22 THE WITNESS: Good evening.

23 So tonight we are presenting a project
24 at 713-715 Monroe. It is in the R-3 zoning
25 district. It is located on Block 82, Lots 7 and 8,

1 and again, and we are seeking minor site plan with a
2 C variance for building height.

3 The site is a 50-by-100 foot lot, 5,000
4 square feet. The building footprint is 3000 square
5 feet. It's 50 foot wide by 60 feet deep, and it
6 covers 60 percent of the site.

7 We are proposing seven residential
8 units. The residential density permitted on the
9 site is 7.5 residential units.

10 There will be six two-bedroom units.
11 They range in size from 1230 square feet to 1165,
12 and there is one three-bedroom unit that is over
13 2000 square feet.

14 There will be five off-street parking
15 spaces. Two are required, so there will be three
16 additional off-street parking spaces.

17 And we will start by reviewing quickly
18 the drawings.

19 Drawing A-1 is our location map.
20 Again, it shows that the site is located mid block
21 on Block 82, mid block on Monroe Street. It is
22 opposite from Monroe Center for the Arts. Monroe
23 Center for the Arts is in the Northwest
24 Redevelopment Plan.

25 The site is located in the R-3

1 district, and directly east of that is on the R-2
2 district on the other side of Madison Street.

3 The zoning chart and information again
4 shows compliance with everything except for the
5 variance. We are three feet on building height. I
6 will explain why we are requesting that as we go
7 along.

8 Sheet A-2 is our ground floor plan.
9 The building is located in the flood zone. The site
10 is elevation 6. The rear of the site is at
11 elevation 3.

12 We are showing all new curbs and
13 sidewalks on the front of the property with two new
14 proposed street trees that will be reviewed and
15 approved and coordinated with the Shade Tree
16 Commission.

17 There is an entry vestibule into the
18 residential building at the north edge of the site,
19 which leads into a lobby, an elevator lobby, with
20 the elevator being towards the rear of the building.

21 You enter the parking garage close to
22 the center of the building, and inside is located a
23 handicapped van parking space, two regular-sized
24 parking spots and two compact-sized parking spots.

25 There will be hanging bike racks

1 located over the parking spaces for residents of the
2 building. There is a trash and recycling and
3 storage area. There is access to the rear yard, and
4 there are electric charging stations located in the
5 garage.

6 God bless you.

7 MR. GALVIN: Thank you.

8 THE WITNESS: In the rear yard, we have
9 a small set of stairs for access to the -- to make
10 the transition from elevation 6 to elevation 3, and
11 there is also a small handicapped ramp that provides
12 handicapped access to the rear yard.

13 The rear yard is landscaped primarily
14 with raised planting beds and a lawn area, and then
15 the rest of it is covered with permeable pavers to
16 provide an outdoor terrace area for the residents.

17 There is also a variety of details on
18 the sheet.

19 Sheet A-3 is the second floor plan.
20 The second floor plan has a utility room located out
21 of the -- above design flood elevation, so that all
22 of the utilities will be located above that, and
23 there is a three-bedroom unit on that floor. That
24 three-bedroom unit is a 2000 square foot unit.

25 The remaining floors, three through

1 five, each have two two-bedroom units on them with a
2 connecting hallway and elevator service.

3 Sheet A-4 is our roof plan. The roof
4 is being presented as a high albedo white roof that
5 has a minimum reflectance of 40 percent to reduce
6 the heat island effect. It is a green feature of
7 the building.

8 We are using, again, a roof drain that
9 actually helps hold water back during a storm. It
10 will hold an inch or two of water on the roof
11 itself, and then it will slowly release that water
12 into the roof leaders that connect to our storm
13 water system.

14 We have some details as well. We have
15 got some roof coverage. Ten percent of the roof is
16 covered by mechanical equipment for the units and
17 for the common areas, and there is also a generator
18 and a generator enclosure, and those details were
19 provided on the sheet as well.

20 Sheet A-5 is our building elevation
21 sheet, and this one might be the best sheet to
22 describe the reasons that we are seeking a height
23 variance.

24 The building height is measured above
25 design flood elevation. In this location the design

1 flood elevation is 14. Therefore, 40 feet above 14
2 would be the permitted building height.

3 However, we are permitted or we are
4 allowed to put parking and storage uses under the
5 building in the flood zone, but the dimension that
6 would be left from elevation 14 to elevation 6 is
7 only 8 foot clear, and so in order to accommodate
8 parking spaces, and actually in this case we are
9 required to provide handicapped parking spaces and a
10 handicapped van parking space, which requires
11 additional height, we are asking for the additional
12 height for our building to raise it to 43 feet, and
13 that would allow us to have an 11 foot first floor.

14 The reason that we would need that 11
15 foot first floor is 8 foot 2 is the minimum clear
16 dimension for a handicapped van. We would like to
17 ask for 8 foot 6 clear for the handicapped van, just
18 in case there is an antenna on top of the van or
19 something like that, roof racks, things that we
20 don't know about.

21 In addition to that, then that would
22 leave us 30 inches between the top of the van and
23 the next floor above.

24 So within that, we would need to have
25 our floor system, which is typically a four-inch

1 concrete slab with a 16-inch structural support that
2 would again leave us ten inches between the bottom
3 of our structure and the top of the 8 foot 6 clear
4 for the van, and in that location we would need to
5 run all of our roof drain pipes, fire sprinkler
6 pipes, and then a ceiling panel because we need to
7 heat space between the garage and the floor above,
8 so that those pipes don't freeze, and that is the
9 reason why we are looking for the 11 foot first
10 floor height.

11 MR. BURKE: The other floors are now
12 ten feet?

13 THE WITNESS: That's correct. The
14 other -- the other floors are 10 feet. One of the
15 features that we were looking at on the previous
16 application has been eliminated, and so we brought
17 those back to typical floor-to-floor heights like we
18 find in Hoboken.

19 The building facade itself is
20 constructed -- comprised of brick, cast stone and
21 aluminum clad windows.

22 There is a decorative metal cornice at
23 the top of the building, and what we tried to do is
24 group the windows to provide a larger scale to this
25 building because it is opposite the Monroe Center

1 building, which has large industrial style windows,
2 so the scale of this building is a little bit in
3 character with the industrial scale of across the
4 street.

5 The rear of the building will be Hardie
6 board siding, which is a prefinished cementitious
7 siding material, so it will have a long lasting
8 finish on it.

9 There will be a board-on-board fence
10 that will enclose the rear yard.

11 Sheet A-6 has the block elevations.
12 Again, there are a number of five-story buildings
13 that exist on Block 82. I believe before we count
14 for the proposed building, about 65 percent of the
15 block is already constructed with five-story
16 buildings, so the scale of this building is not out
17 of character with that block.

18 Since the last time we were here, the
19 buildings that were on site have been removed, so we
20 updated our site photographs to reflect that.

21 Sheet A-7 is our -- just our 200 foot
22 property --

23 MR. BURKE: Since we are asking for a
24 C-2 variance also --

25 THE WITNESS: If I could just do --

1 you confirm the request for the need for the
2 handicapped van and what Mr. Stieve laid out for us?

3 MR. HIPOLIT: They need to provide a
4 handicapped space, and it needs to be van
5 accessible. 8-2 is minimum height. 8-6 is a normal
6 request for that height, giving a couple extra
7 inches for clearance.

8 CHAIRMAN HOLTZMAN: So it is certainly
9 within reason?

10 MR. HIPOLIT: Absolutely.

11 CHAIRMAN HOLTZMAN: Okay.

12 MR. BURKE: Could this be granted
13 without substantial detriment to the public good?

14 THE WITNESS: Yes.

15 And, again, because of the overall
16 increase, and the permitted building height is
17 minimal, given the context of the existing
18 neighborhood, there are other five-story buildings
19 on the block, multi-family buildings on the block.
20 Monroe Center is directly across the street, and it
21 is substantially taller than this building, and we
22 are providing a necessary access for granting it.

23 MR. BURKE: Do the benefits outweigh
24 the detriments in your mind?

25 THE WITNESS: Yes.

1 I think that the benefits definitely
2 outweigh any detriments. We are able to provide
3 five street -- off-street parking spaces under the
4 building.

5 We are able to provide the required
6 handicapped van space and access, and I think that
7 again it would be a -- granting this variance would
8 be beneficial to the neighborhood.

9 MR. BURKE: And if the Board saw fit to
10 grant this variance, would it impair the intent and
11 purpose of the zoning ordinance?

12 THE WITNESS: No. We meet all of the
13 other areas of the zoning code and zoning ordinance,
14 except for the one for building height, and again, I
15 think that that is a minimal request.

16 MR. BURKE: Thank you.

17 I have no other questions.

18 CHAIRMAN HOLTZMAN: Great.

19 Thank you.

20 Dave, did you want to start us off
21 here?

22 There were a number of specific
23 callouts in your report.

24 MR. ROBERTS: Yes.

25 I think the two main ones, Mr.

1 Chairman, it has to do with the physical limits and
2 lot coverage just to make sure we are at 60 percent
3 because when we get right up to the threshold, we
4 want to make sure that there is nothing that we are
5 missing that would cause it over 60 percent in any
6 way.

7 Two questions. And one -- and we had
8 asked for kind of an over the top view. I just want
9 to confirm, other than the four-inch recess
10 dimension in the front --

11 THE WITNESS: Right.

12 MR. ROBERTS: -- which is only the
13 upper portion of the building, there are no other
14 bay windows, balconies, other --

15 THE WITNESS: We do have a projecting
16 cornice. The cornice -- actually the cornice looks
17 like it projects slightly --

18 MR. ROBERTS: As far as the physical
19 limits of the building, it would be at the property
20 line?

21 THE WITNESS: That's correct.

22 MR. ROBERTS: And that four-inch recess
23 is only for that one portion of the building?

24 THE WITNESS: Yes.

25 MR. ROBERTS: And the rest of that

1 65 -- 50 foot box, which gets you that 60 percent,
2 the ramp and the stair in the rear, I notice that
3 you counted that for your impervious coverage of the
4 rear yard --

5 THE WITNESS: That's correct.

6 MR. ROBERTS: -- so that is not a
7 physical extension of the building. That is a
8 concrete set of steps and ramp to get you to the
9 front door?

10 THE WITNESS: It just gets you access
11 to the rear of the property, correct.

12 MR. ROBERTS: Okay.

13 I just wanted to make sure that it was
14 clear for the record, Mr. Chairman.

15 CHAIRMAN HOLTZMAN: So is that rear
16 stair three feet more or less?

17 Where are we, because that was the
18 question that you had, Dave.

19 THE WITNESS: Well, again, from a
20 handicapped perspective, we are required to provide
21 a landing outside the door, and then the ramp coming
22 down.

23 So if we could eliminate these stairs,
24 it is a convenience, though, for people that aren't
25 in wheelchairs to be able to walk directly --

1 MR. HIPOLIT: Yeah. I don't think --
2 I'll jump in -- I don't think they should eliminate
3 the stairs. I mean, they're putting -- the stairs
4 they need to get down, and the ramp is required, so
5 I would not eliminate the stairs.

6 CHAIRMAN HOLTZMAN: Okay.

7 MR. ROBERTS: We just wanted to make
8 sure that the stairs don't push them over 60
9 percent.

10 And the way I read your notes, you were
11 counting that as part of the impervious coverage of
12 your rear yard --

13 THE WITNESS: That's correct.

14 MR. ROBERTS: -- so it's effectively a
15 concrete --

16 THE WITNESS: Right.

17 MR. ROBERTS: -- I just wanted to make
18 sure that was --

19 THE WITNESS: It is part of that
20 terrace area outside.

21 MR. ROBERTS: Okay.

22 I think the other question I had, I
23 think you might have already addressed in your
24 testimony.

25 In the original application, part of

1 the rationale for the height variance was the extra
2 thickness. You have a radiant heating system in
3 that building, so that you needed that extra
4 thickness in the floor, but that is not the case in
5 this application?

6 THE WITNESS: That is correct.

7 In this application, we have
8 re-engineered the building.

9 We are still looking at creating green
10 features in the building. We are using low water
11 consumption appliances, fixtures. We are using
12 Energy Star appliances, and in fact, another feature
13 is that the detention system in the building is a
14 little bit oversized, so it will help contain again
15 more of the water runoff from the site.

16 CHAIRMAN HOLTZMAN: That is great, Mr.
17 Stieve.

18 Can you be specific as to how much
19 oversized it is, or Mr. Hipolit?

20 Does anyone have that calculation for
21 us so we can get it on the record?

22 MR. HIPOLIT: He can put it on the
23 record. We have it.

24 THE WITNESS: Right. I believe that
25 the --

1 CHAIRMAN HOLTZMAN: Take a moment. No
2 rush.

3 THE WITNESS: -- the post
4 redevelopment -- the post development runoff was
5 reduced to 50 percent, 75 percent and 80 percent of
6 the predevelopment conditions, and I believe that
7 was for the two-year storm and the hundred-year
8 storm.

9 MR. HIPOLIT: So they are meeting the
10 exact requirements of the North Hudson Sewerage
11 Authority, which is 50 percent for the two-year, 75
12 for the ten, and 80 percent for the hundred.

13 CHAIRMAN HOLTZMAN: So it meets it?

14 MR. HIPOLIT: It meets it, yes.

15 CHAIRMAN HOLTZMAN: It does not exceed?

16 MR. HIPOLIT: No, it meets it.

17 CHAIRMAN HOLTZMAN: I just wanted to
18 make sure we are clear.

19 MR. HIPOLIT: Clear.

20 CHAIRMAN HOLTZMAN: Thank you.

21 Mr. Hipolit -- do you have something
22 else, Dave?

23 MR. ROBERTS: No, that's good. Those
24 were my two main points.

25 CHAIRMAN HOLTZMAN: Great.

1 Mr. Hipolit, there was an environmental
2 issue that you just told me you got some additional
3 information on?

4 MR. HIPOLIT: I got a letter today, and
5 it probably was sent on Friday, but it might have
6 been caught in our inbox spam email.

7 It's dated June 9th from Mr. Burke, and
8 it identifies this issue of the underground storage
9 tank. It is a 550-gallon tank that's necessarily --
10 it's unregulated, but it's still on site. They --

11 CHAIRMAN HOLTZMAN: It was a fuel oil
12 tank originally, correct?

13 MR. HIPOLIT: Yes.

14 And they removed it in accordance with
15 the regulations. They got a building permit for it,
16 and they provided the documentation, which I have
17 since forwarded to Dennis, so the issue is not an
18 issue any more.

19 CHAIRMAN HOLTZMAN: So it had been
20 remediated?

21 MR. HIPOLIT: They closed it --

22 CHAIRMAN HOLTZMAN: "They closed it,"
23 what does that mean?

24 MR. HIPOLIT: -- and removed -- well,
25 they took the fuel out of it. They foam filled it,

1 removed the foam, disposed of it, and then removed
2 the tank and did whatever they had to do with to get
3 it off site within the building permit requirements.

4 CHAIRMAN HOLTZMAN: So the tank is no
5 longer there. It was a matter of, it sounds like,
6 we just didn't have documentation on it?

7 MR. HIPOLIT: Yes, and we have it now.

8 MR. GALVIN: And it was thorough.

9 They actually gave us proof of the
10 weight of the equipment being delivered to a metal
11 salvaging yard, and then they gave us a subsequent
12 letter --

13 MR. HIPOLIT: Correct.

14 MR. GALVIN: -- of somebody testing the
15 soil and saying it was okay.

16 It was very well done, Mr. Burke.

17 MR. HIPOLIT: You have great, great
18 documentation.

19 CHAIRMAN HOLTZMAN: Terrific.

20 MR. BURKE: If I may interrupt one
21 second --

22 CHAIRMAN HOLTZMAN: Sure, go ahead.

23 MR. BURKE: -- this is an email from
24 George Glotti since he prepared the report.

25 He said to me in this email: The

1 design of the septic tank exceeds the minimum
2 reduced flow by 37 percent in the two-year storm,
3 and 35 percent for the hundred-year storm.

4 So he is not here. Obviously, I can't
5 present him as a witness, but I asked him
6 specifically because I wanted to be able to report
7 that to the Board.

8 CHAIRMAN HOLTZMAN: Okay.

9 MR. HIPOLIT: Let me put that down.

10 Say that again.

11 MR. BURKE: The design of the septic
12 tank, which is the detention tank, exceeds the
13 minimum reduced flow by 37 percent for the two-year
14 storm, and 35 percent for the hundred-year storm.

15 CHAIRMAN HOLTZMAN: Well, it certainly
16 is not a septic.

17 MR. HIPOLIT: So it's a stormwater --

18 CHAIRMAN HOLTZMAN: It's a
19 stormwater --

20 MR. BURKE: That is the engineer. I
21 mean, I don't --

22 CHAIRMAN HOLTZMAN: -- he wrote the
23 word "septic"?

24 MR. BURKE: He wrote the word "septic."
25 I could show it to you.

1 MR. HIPOLIT: It is a little more than
2 what is required.

3 MR. BURKE: I was surprised by that
4 myself.

5 (Laughter)

6 CHAIRMAN HOLTZMAN: We will have the
7 engineer confirm it's not a septic system.

8 (Laughter)

9 MR. GALVIN: It's not a puma --

10 (Commissioners talking at once.)

11 MR. BURKE: Unless that's a generic
12 term that they use --

13 MR. HIPOLIT: It is not.

14 COMMISSIONER DOYLE: Maybe it could be
15 used for that, but it is being --

16 (Commissioners talking at once)

17 CHAIRMAN HOLTZMAN: Mr. Hipolit, do you
18 have any other callouts in your report?

19 MR. HIPOLIT: I just have the drains in
20 the garage and your tank that's under the garage
21 redesigned for HS-20 loading --

22 MR. GALVIN: You're talking off the
23 book, Buddy, because the court reporter can't get a
24 stitch of it.

25 (Laughter)

1 MR. HIPOLIT: I'll talk this way.

2 Your tank under the garage --

3 THE WITNESS: Yes.

4 MR. HIPOLIT: -- that needs to be
5 designed for HS-20 loading.

6 THE WITNESS: That's correct.

7 MR. HIPOLIT: Okay.

8 That is all I have.

9 CHAIRMAN HOLTZMAN: Commissioners,
10 questions for the architect?

11 Sure, go ahead.

12 COMMISSIONER GRAHAM: I just don't know
13 about this, so I am asking.

14 You talked about the handicapped van.
15 Why is that a requirement here, and what does that
16 mean for other buildings that don't fit into that
17 space?

18 Are we always going to be having to go
19 raise the height because of handicapped vans?

20 MR. HIPOLIT: Yes. It's an issue.
21 When they require a handicapped parking space, they
22 have to have one van accessible, so it serves --

23 COMMISSIONER GRAHAM: For every
24 building?

25 CHAIRMAN HOLTZMAN: Is it for any

1 parking, or is it for -- or is it a size trigger, or
2 do the number of units trigger?

3 MR. HIPOLIT: The number of units
4 and/or number of spaces also.

5 MR. BURKE: But it starts with one
6 space --

7 MR. HIPOLIT: Right.

8 If you need one handicapped space, that
9 needs to be both van and regular accessible.

10 MR. GALVIN: But what triggers the
11 handicapped van space?

12 MR. HIPOLIT: Well, the van -- the
13 handicapped space is based on your units and/or your
14 number of spaces.

15 MR. GALVIN: What is the minimum?

16 COMMISSIONER DOYLE: What is that?

17 MR. HIPOLIT: Once you are over five.

18 CHAIRMAN HOLTZMAN: There you go.

19 That's why.

20 COMMISSIONER GRAHAM: What did you say?

21 MR. HIPOLIT: Once you are over five.

22 MR. GALVIN: We are at seven, so we are
23 over five.

24 COMMISSIONER GRAHAM: Any building has
25 to have it, so that could create issues going

1 forward --

2 CHAIRMAN HOLTZMAN: Correct. In this
3 case it is three feet.

4 COMMISSIONER DOYLE: Can I ask --

5 CHAIRMAN HOLTZMAN: Sure.

6 COMMISSIONER DOYLE: -- we have seen a
7 series of these separate applications with garages,
8 where I know I am just asking more as a question, I
9 don't think I have a problem, but it has been ten
10 feet, not 11, and we have heard testimony that, you
11 know, you really need 11, and I am just wondering
12 how everybody else fits within ten.

13 MR. HIPOLIT: It's really -- maybe they
14 should -- it is based on their design, based on
15 their floor design, the joist design --

16 THE WITNESS: It can be based on
17 structural design, and in this case, we are looking
18 at some form of steel structure for the first floor.

19 The first floor has to be fire rated,
20 and then the floors above could be wood frame
21 construction. So you could do a concrete floor
22 system. You can do a steel floor system with a
23 deck, which is what we are proposing to do, and that
24 requires a four-inch concrete slab, and then your
25 steel structure ends below.

1 Then you need to bring in all of your
2 piping. We got some more roof drains coming down
3 and connecting. They need to pitch, so --

4 MR. GALVIN: Maybe a better way to say
5 this is if we got rid of a foot on each floor, the
6 three floors, and get rid of a foot, then you
7 comply.

8 Why wouldn't that work in this
9 instance?

10 What happens to the building?

11 THE WITNESS: Well, it would -- the
12 definition of a story is ten feet in the Hoboken
13 code.

14 MR. ROBERTS: That is another
15 variance --

16 MR. GALVIN: Okay.

17 COMMISSIONER GRAHAM: It has to be ten
18 foot --

19 COMMISSIONER DOYLE: But what you're
20 saying is if you had designed it in a different way,
21 it might have been accommodated, but --

22 MR. HIPOLIT: Correct.

23 COMMISSIONER DOYLE: -- some --

24 MR. HIPOLIT: Yes, it does happen.

25 CHAIRMAN HOLTZMAN: Okay. Great.

1 Commissioner Jacobson?

2 COMMISSIONER JACOBSON: Andy, in your
3 report on Page 5, you make mention to a test mapping
4 from NJGO web, two contaminant plumes containing
5 chlorinated volatile organics.

6 Is there anything more that we need to
7 know about that or factor into our consideration of
8 the architect's proposal?

9 MR. HIPOLIT: No.

10 The only thing is they may -- it is
11 possible, that they may need vapor intrusion on this
12 site when they actually get on this site and start
13 building. I mean, it is something that may be
14 required.

15 We put it in our letter to kind of
16 highlight it to them. This is off-site
17 contamination coming to them, so it is really their
18 responsibility or the responsibility of the
19 adjoining owner, if they know where it is coming
20 from, to work that out with them. It's kind of a --

21 CHAIRMAN HOLTZMAN: So who would
22 enforce that?

23 Is that a DEP enforcement issue?

24 MR. HIPOLIT: Yup.

25 CHAIRMAN HOLTZMAN: So if --

1 MR. HIPOLIT: If it was my building --
2 if it was my building, and I was building it, I
3 would design the building with vapor intrusion to be
4 safe.

5 COMMISSIONER JACOBSON: Which means
6 what?

7 MR. HIPOLIT: They put a vapor barrier
8 up to prevent vapors from some form of contaminant
9 from permeating through that building.

10 CHAIRMAN HOLTZMAN: And that vapor
11 barrier is something that goes below the foundation?

12 MR. HIPOLIT: Yes, below the slab.

13 COMMISSIONER JACOBSON: Okay.

14 COMMISSIONER DOYLE: It is reasonably
15 inexpensive if you do it when you're building the
16 building --

17 MR. HIPOLIT: Well, if you do it when
18 the building is built, it's reasonably inexpensive.

19 If you have to retrofit it, it is very
20 expensive.

21 COMMISSIONER DOYLE: Yes, that's what I
22 thought.

23 COMMISSIONER PINCHEVSKY: Is this meant
24 to be rented or -- rentals or condos?

25 MR. BURKE: The applicant at this time

1 proposes condos. But under the MLUL, you really
2 can't really bind them one way or the other. So if
3 he switches to rentals, he can do that.

4 COMMISSIONER PINCHEVSKY: Sure.

5 So there is seven units and five
6 parking spaces, correct?

7 MR. BURKE: Correct.

8 COMMISSIONER PINCHEVSKY: Is there any
9 idea out there how those five spots would be
10 allocated amongst the seven units?

11 MR. BURKE: That hasn't been thought
12 through yet.

13 Probably, I mean, my guess would be
14 deeded separately to the first five people who buy
15 units.

16 COMMISSIONER PINCHEVSKY: So if it is
17 rentals -- I'm sorry -- if it's condos, the example
18 you just gave, the idea is that they will be deeded
19 to specific units?

20 MR. BURKE: Yes.

21 COMMISSIONER PINCHEVSKY: Not rented
22 out?

23 MR. BURKE: Not rented out --

24 COMMISSIONER PINCHEVSKY: Meaning,
25 yeah, if it is a condo building, will the owner of

1 the building maintain the parking and rent it out to
2 whoever wants it, or will it be deeded to five
3 specific units?

4 MR. BURKE: Well, actually both. I
5 mean, it will be deeded to a unit owner, but that
6 unit owner could rent it out.

7 COMMISSIONER PINCHEVSKY: Yes,
8 understood, the unit, but not the owner of the
9 building current --

10 MR. BURKE: Correct.

11 CHAIRMAN HOLTZMAN: Mr. Pinchevsky, is
12 the goal to, as we normally try to establish, that
13 the parking in the building will be used by the
14 people in the building and not rented to outside, so
15 there is additional traffic?

16 COMMISSIONER PINCHEVSKY: Well, no.
17 It's actually what we discussed at the last meeting,
18 so -- and I think what you just mentioned is
19 correct, that the owner of a unit, if they buy the
20 parking spot, it's deeded, and they could rent it
21 out to whoever they want. We can't police that.

22 However, what I was curious about is if
23 it is going to be condos, and this is what we did at
24 the last meeting is we made a -- we made it so that
25 they had to -- they couldn't just rent it out

1 separately, the owner couldn't. It had to be deeded
2 to a unit or a common element or I forget what the
3 phrase was.

4 My question, though, is: If it is
5 going to be rentals instead, can you still have that
6 same type of stipulation that it has to be --

7 MR. GALVIN: Anything we impose has to
8 be imposed regardless of whether it is a rental or
9 it's a condo.

10 MR. PINCHEVSKY: But how would that
11 work if it is rentals?

12 MR. GALVIN: I don't know.

13 COMMISSIONER PINCHEVSKY: Yeah.

14 If it's condos, I understand. But I
15 don't know if it is rentals --

16 COMMISSIONER O'CONNOR: Well --

17 COMMISSIONER DOYLE: Go ahead.

18 COMMISSIONER O'CONNOR: My thinking on
19 this is, you know, we have lots of buildings that
20 start out as rentals, and then convert to condos or
21 vice versa. So I feel like we are trying to police
22 something that we can't really control because at
23 some point in the future, the owner has their
24 prerogative on whether or not they are going to have
25 an apartment rental or a condo.

1 COMMISSIONER PINCHEVSKY: Well, I don't
2 think we are trying to police, you know, whatever
3 they want to choose. They can choose whatever path
4 they want to go. I don't personally care about
5 that.

6 What I do care about is: Should they
7 go the condo route, I want to make sure that the
8 parking is deeded to units as opposed to kept
9 separately and rented out.

10 COMMISSIONER DOYLE: Could you
11 articulate your reasoning for that desire?

12 CHAIRMAN HOLTZMAN: Yes. What is the
13 concern?

14 COMMISSIONER PINCHEVSKY: Sure.

15 So the concern is -- maybe on a grander
16 scale when you have an applicant, who says, all
17 right, we have 300 units, we're going to build a 300
18 parking car garage, and instead of it being deeded,
19 they are going to rent them out separately.

20 What ends up happening is half of the
21 people, who have cars, don't want to spend \$300 a
22 month or whatever it is, and they end up parking on
23 the street anyway.

24 So when -- and this has been the case
25 the last six months or actually the last five years

1 follow-up?

2 COMMISSIONER JACOBSON: No.

3 COMMISSIONER DOYLE: Is the concern
4 that the garage would be empty, and all of the
5 people will be parking on the street, is that --

6 COMMISSIONER PINCHEVSKY: Well, the
7 garage won't empty. There will be a market even if
8 it's outside the building, we'll use it, and then
9 people inside of the building will use it -- I mean,
10 it is such a small example, and I get that.

11 However, I just try to be consistent from each
12 application.

13 CHAIRMAN HOLTZMAN: Okay. Thank you.

14 COMMISSIONER STRATTON: Gary, can I --

15 CHAIRMAN HOLTZMAN: Yes.

16 COMMISSIONER STRATTON: -- one point of
17 very minor clarification, on Sheet A-4, the proposed
18 items to be run off the generator --

19 THE WITNESS: Yeah, I missed it, yes.

20 COMMISSIONER STRATTON: -- so there is
21 the fire alarm system, and I don't know if this is
22 just language, but will it be the whole fire
23 suppression system?

24 So there is elements of the fire
25 suppression system in a building like this that may

1 need electrical power, is that just the whole thing,
2 is it just the language?

3 THE WITNESS: Yes.

4 Any of the life safety issues for the
5 building would be run off that generator.

6 COMMISSIONER STRATTON: Okay.

7 CHAIRMAN HOLTZMAN: Mr. Hipolit?

8 MR. HIPOLIT: I just have two items.

9 One is with the vapor barrier. I think
10 it would be prudent that you put that in in advance
11 of your project and not after that, so I would like
12 to offer that as a condition.

13 CHAIRMAN HOLTZMAN: He can discuss it
14 with the client in a minute.

15 CHAIRMAN HOLTZMAN: Is there something
16 else as well, Mr. Hipolit?

17 MR. HIPOLIT: You know, and the other
18 thing I think you should make the -- if you vote on
19 it, the application subject to Ann Holtzman's
20 letter. The last one I have is September 10th,
21 2015.

22 CHAIRMAN HOLTZMAN: So we need a
23 revised Flood Plain Manager letter.

24 MR. HIPOLIT: Yes. We need a Flood
25 Plain Manager letter.

1 I mean, I think we need at least a
2 revised review of whatever you approve --

3 COMMISSIONER DOYLE: This is January
4 25th.

5 MR. HIPOLIT: I don't have that one.

6 COMMISSIONER DOYLE: Do you want to see
7 this one?

8 CHAIRMAN HOLTZMAN: And that is after
9 the revisions were made to the building, Mr. Stieve?

10 A VOICE: There's three.

11 CHAIRMAN HOLTZMAN: There's three
12 copies. Now you have three copies.

13 CHAIRMAN HOLTZMAN: Were there any
14 callouts?

15 MR. HIPOLIT: Yes. It says they have
16 all been addressed, so I would just make it subject
17 to her January 25th, 2016 letter.

18 CHAIRMAN HOLTZMAN: Okay.

19 So it sounds like you are suggesting to
20 the Board to make as a condition of approval the
21 addition of a vapor barrier, so that there is no
22 question about the --

23 MR. HIPOLIT: Off site contamination.

24 THE WITNESS: Off site plumbing vapor --
25 plumbing vapors?

1 MR. HIPOLIT: Correct.

2 And the vapor barrier should be
3 designed in accordance with the DEP standards for a
4 vapor barrier --

5 CHAIRMAN HOLTZMAN: And if the
6 applicant needs some guidance on that, you can point
7 them in the right direction?

8 MR. HIPOLIT: Yes. Their environmental
9 engineer or their LSRP can do that, but we can point
10 them in the right direction.

11 COMMISSIONER DOYLE: Is this a vapor
12 mitigation or just a vapor barrier?

13 MR. HIPOLIT: It's a vapor barrier.

14 COMMISSIONER DOYLE: Okay.

15 MR. HIPOLIT: There's a number of ways
16 you can do it. Usually it's some positive
17 barrier --

18 COMMISSIONER DOYLE: Okay.

19 MR. HIPOLIT: -- venting.

20 CHAIRMAN HOLTZMAN: Anything else?
21 Sure, Director?

22 COMMISSIONER FORBES: I just wanted to
23 note that I appreciate you exercising architectural
24 creativity in the design, in the facade, and coming
25 up with something that is visually interesting, yet

1 does not encroach on the city's right-of-way, and I
2 appreciate that.

3 THE WITNESS: Thanks.

4 CHAIRMAN HOLTZMAN: Does the -- you
5 said, Mr. Stieve, that there is a slight
6 encroachment, though, with regard to the top
7 cornice?

8 THE WITNESS: Cornice.

9 CHAIRMAN HOLTZMAN: So does that
10 technically still need to be --

11 COMMISSIONER DOYLE: Is the shadow over
12 the door to the lobby also?

13 COMMISSIONER STRATTON: It is non
14 occupiable space --

15 CHAIRMAN HOLTZMAN: It's non occupiable
16 space, correct.

17 COMMISSIONER DOYLE: No, with that you
18 just had --

19 COMMISSIONER STRATTON: -- I said it's
20 non occupiable space. I don't know how that is
21 governed.

22 THE WITNESS: We had some planters --
23 there was a small canopy over the front door.

24 CHAIRMAN HOLTZMAN: So, Mr. Roberts, do
25 you have any insight for us, if they still need a

1 right-of-way approval for the top of the building?

2 Does it make any difference if it is,
3 as Commissioner Stratton pointed out, that is it non
4 occupiable space or not usable space?

5 MR. ROBERTS: Well, I think without
6 having -- I believe that my understanding is that
7 that provision, that two and a half foot extension,
8 is a separate ordinance.

9 I have not studied the actual wording
10 of it, but I would think it would be reasonable to
11 allow a decorative feature of the building, almost
12 like if you had a sill or something that protruded
13 out an inch or two from the facade, and the facade
14 was right on the property line, it is really just an
15 ornamental feature --

16 CHAIRMAN HOLTZMAN: Okay.

17 MR. ROBERTS: -- and this cornice would
18 definitely fall into that category. I just don't
19 know exactly how it is worded, so I can't really
20 answer your question as far as it technically a
21 request for an easement --

22 COMMISSIONER FORBES: And the planters,
23 and if there's an awning, they may have to.

24 My point is more about having livable
25 occupied space in the city's right-of-way, and in

1 the past that we have heard the comments that that
2 is the way they can provide visual interest, and I
3 wanted to acknowledge the creativity that went into
4 this to create something that is interesting, yet
5 does not have that livable space encroaching in the
6 right-of-way.

7 CHAIRMAN HOLTZMAN: I just want to make
8 sure that the applicant, you know, I am not looking
9 to make it more difficult for them, but I don't want
10 them to get an approval potentially from the Board
11 and to have anything left open ended, so --

12 COMMISSIONER FORBES: Agreed.

13 CHAIRMAN HOLTZMAN: -- I am not sure if
14 there is a way that we resolve that or --

15 COMMISSIONER DOYLE: Seek whatever
16 approvals are necessary, and leave it to the
17 applicant.

18 CHAIRMAN HOLTZMAN: And leave it for
19 them to seek, if necessary.

20 THE WITNESS: We understand.

21 And we've noted on our drawing that if
22 any encroachments are required, they're subject to
23 City Council approval.

24 CHAIRMAN HOLTZMAN: Great. Okay.

25 Thank you.

1 Mr. Galvin, do you have a couple of
2 conditions here?

3 MR. GALVIN: Yes.

4 One: The applicant is to consult with
5 the Shade Tree Commission and follow their direction
6 regarding the shade trees to be planted.

7 Two: The applicant is to revise the
8 plan to show the installation of a vapor barrier,
9 which is to occur prior to the construction of the
10 building. The vapor barrier is to be designed in
11 accordance with DEP standards.

12 Three: Subject to the Flood Plain
13 Manager's letter of January 25th, 2016.

14 Four: Subject to compliance with the
15 Board's planner and engineer review letters.

16 COMMISSIONER STRATTON: So one tweak, I
17 think the vapor barrier has to be installed as part
18 of the construction of the project. They can't do
19 it proceeding construction because they would have
20 to propose the vapor barrier --

21 MR. HIPOLIT: It is during
22 construction.

23 COMMISSIONER STRATTON: -- as part of
24 the permit --

25 CHAIRMAN HOLTZMAN: As long as they put

1 the floor in.

2 COMMISSIONER DOYLE: That would be the
3 first step.

4 MR. HIPOLIT: Yes.

5 MR. GALVIN: Change "prior to" to
6 "during." No problem.

7 CHAIRMAN HOLTZMAN: Easy.

8 Any other additional questions or
9 comments, Commissioners?

10 COMMISSIONER PINCHEVSKY: Was there the
11 condition that should it be a condo, that the
12 parking would be deeded to units within the
13 building?

14 CHAIRMAN HOLTZMAN: Okay.

15 COMMISSIONER DOYLE: And the last one
16 about the license, what we just discussed, that any
17 necessary licenses will be obtained from the city.

18 CHAIRMAN HOLTZMAN: Right. That is
19 pretty standard language that Dennis includes any
20 additional licensing requirements or --

21 MR. GALVIN: What will they need a
22 license for?

23 In this case they don't have any
24 encroachments into the right-of-way.

25 COMMISSIONER DOYLE: Well, he said they

1 may --

2 THE WITNESS: There is an entry canopy
3 over the front door that may require --

4 CHAIRMAN HOLTZMAN: Okay.

5 So technically, I just, you know, yeah,
6 perhaps it is something that the zoning officer
7 can -- I am not going to --

8 COMMISSIONER DOYLE: Leave it at that.

9 MR. GALVIN: Got it.

10 CHAIRMAN HOLTZMAN: Okay.

11 Any additional questions, comments, any
12 opinions, Commissioners?

13 COMMISSIONER STRATTON: Do you want to
14 open it up to the public?

15 CHAIRMAN HOLTZMAN: We're going to do
16 that.

17 Any there any members of the public
18 that wish to speak or have any questions for the
19 architect or opinions about the application?

20 Sure. Come on up.

21 MR. GALVIN: Raise your right hand.

22 Do you swear or affirm the testimony
23 you are about to give in this matter is the truth,
24 the whole truth, and nothing but the truth?

25 MR. BOGDANOS: I do.

1 MR. GALVIN: State your full name for
2 the record and spell your last name.

3 MR. BOGDANOS: Constantine Bogdanos,
4 B-o-g, as in George, d, as in donkey, a, as in
5 apple, n, as in Nancy, o-s, as in Sam.

6 MR. GALVIN: Street address?

7 MR. BOGDANOS: 711 Monroe Street.

8 MR. GALVIN: You may proceed.

9 MR. BOGDANOS: Thank you.

10 I live next door with my wife and my
11 family, and I wholeheartedly and without reservation
12 support the plan as drawn up here.

13 I have gotten to know the owner the
14 past year as a neighbor, and I am really happy I
15 did.

16 I am truly looking forward to this
17 being built, as are other people in the
18 neighborhood.

19 Thank you.

20 CHAIRMAN HOLTZMAN: Thank you.

21 Any other members of the public that
22 wish to speak?

23 Okay. We will close public portion.

24 Commissioners, any additional comments,
25 questions, opinions?

1 If not, we have the conditions as read,
2 six conditions as read by Mr. Galvin.

3 Is there a motion to accept?

4 COMMISSIONER FORBES: Motion.

5 COMMISSIONER DOYLE: Motion.

6 CHAIRMAN HOLTZMAN: And a second?

7 COMMISSIONER DOYLE: Second.

8 CHAIRMAN HOLTZMAN: Okay. Mr. Doyle.

9 Pat, please call the roll.

10 MS. CARCONE: Commissioner Stratton?

11 COMMISSIONER STRATTON: Yes.

12 MS. CARCONE: Commissioner Forbes?

13 COMMISSIONER FORBES: Yes.

14 MS. CARCONE: Commissioner Doyle?

15 COMMISSIONER DOYLE: Yes.

16 MS. CARCONE: Commissioner Graham?

17 COMMISSIONER GRAHAM: Yes.

18 MS. CARCONE: Commissioner Pinchevsky?

19 COMMISSIONER PINCHEVSKY: Yes.

20 MS. CARCONE: Commissioner Jacobson?

21 COMMISSIONER JACOBSON: Yes.

22 MS. CARCONE: Commissioner O'Connor?

23 COMMISSIONER O'CONNOR: Yes.

24 MS. CARCONE: And Commissioner

25 Holtzman?

1 CHAIRMAN HOLTZMAN: Yes.

2 MR. BURKE: Thank you very much.

3 CHAIRMAN HOLTZMAN: Okay. We will take
4 a five-minute recess.

5 (Recess taken)

6 (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: 6/16/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

1 CHAIRMAN HOLTZMAN: We're back on the
2 record here. Terrific.

3 Director Forbes, you had a request?

4 COMMISSIONER FORBES: Yes. I just
5 wanted to let everybody here know on the Board that
6 the City Council is expected to be considering a
7 redevelopment agreement for 7th and Jackson at the
8 July 6th City Council meeting, and at that meeting,
9 if that's approved, there would be an introduction
10 of a redevelopment plan amendment by the Council
11 that would be referred to the Planning Board.

12 In that situation, because of the
13 timing of when meetings are, so we are not pushing
14 this back into possibly even September for the
15 second reading of that ordinance, I would like the
16 Board to consider possibly having a second meeting
17 in July to review that plan amendment, just so that
18 it keeps the process moving forward on that.

19 So I am just putting that out there,
20 and I will coordinate with Pat on circulating dates
21 and seeing when the professionals might be
22 available.

23 CHAIRMAN HOLTZMAN: Okay. Thank you.

24 VICE CHAIR MAGALETTA: Also for the
25 record, I am here.

1 CHAIRMAN HOLTZMAN: Oh, yes. Terrific.

2 VICE CHAIT MAGALETTA: Thank you.

3 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD
HOP-16-5

RE: 527-529 Monroe Street : June 14, 2016
Block 67, Lots 14 and 15 :
Zone R-3 :
Applicant: 527 Monroe Street, LLC :
Minor Site Plan Review & Variances : 8:10 p.m.

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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

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A P P E A R A N C E S:

DENNIS M. GALVIN, ESQUIRE
730 Brewers Bridge Road
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(732) 364-3011
Attorney for the Board.

ROBERT C. MATULE, ESQUIRE
Two Hudson Place (5th Floor)
Hoboken, New Jersey 07030
Attorney for the Applicant.

I N D E X

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WITNESS

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5

FRANK MINERVINI

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6

EDWARD KOLLING

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8

E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

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Rendering

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Photo Realistic Rendering

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1 CHAIRMAN HOLTZMAN: Thank you.

2 Mr. Matule, we're ready for 527 Monroe.

3 MR. MATULE: Yes.

4 Good evening, Mr. Chairman, Board
5 members, Robert Matule, appearing on behalf of the
6 applicant.

7 This is an application for the property
8 at 527-531 Monroe Street.

9 It is for eight residential units on
10 four floors over ground floor parking. It is a
11 retail space.

12 Mr. Minervini and Mr. Kolling will go
13 into it in more detail, but we are requesting
14 variances for height, 41 feet six inches; lot
15 coverage, which Mr. Minervini will go into it, but
16 it is my understanding it is 68.2 percent, and a
17 rear yard depth of 27 feet two inches where 30 feet
18 is required.

19 Also, because we added a retail
20 component on the ground floor, we need a variance
21 from Section 196-33, which requires two other retail
22 on the same block frontage.

23 We have submitted our jurisdictional
24 proofs to the Board Secretary.

25 And, again, as Mr. Minervini will go

1 into, some of the variances are being driven by the
2 building design and layout, but I just wanted to
3 make two comments with regard to Mr. Hipolit's
4 report.

5 One is that the survey makes reference
6 to a recorded alleyway agreement.

7 Assuming this is approved, there would
8 be a deed of consolidation filed, which would create
9 a merger.

10 I believe when anybody buys two lots
11 that are subject to an easement, and they are in
12 common ownership, it extinguishes that easement as a
13 matter of law, but that would extinguish it as a
14 matter of record.

15 The second thing is there was a
16 reference on the survey to a possible Riparian
17 claim. The title insurance company for the previous
18 owner of the property is currently processing an
19 application with the State for a Riparian grant as
20 part of their underlying title insurance, so that
21 just addresses those two comments raised by Mr.
22 Hipolit. So --

23 MR. GALVIN: Time out for a second.

24 MR. MATULE: Okay.

25 MR. GALVIN: One of the Board members I

1 just heard. The Riparian grant, when waters,
2 right --

3 MR. HIPOLIT: Why don't you --

4 MR. GALVIN: Yes.

5 If something was flowed by tidal water,
6 the State has a claim to it. You know, the crown
7 has a right to it as it were, so --

8 (Laughter)

9 MR. HIPOLIT: You have to pay, so what
10 happens is the State will evaluate to find out if it
11 actually was deemed water surface or water body at
12 one point. If it was, they will give them a number
13 to pay to take that right.

14 MR. MATULE: Yes. There is a special
15 appraiser you have to hire, and depending if it is
16 one percent, or five percent, or ten percent, they
17 figure it all out, and it takes quite a long time, a
18 year at least to process. But at the end of the
19 day, the bottom line is you pay some money to --
20 that was -- that is what originally caused this to
21 come up I believe in the '80s. It was never
22 pursued, but then somebody got the bright idea in
23 the '80s that this like the lottery would raise
24 money for education.

25 (Laughter)

1 MR. HIPOLIT: Dennis, how do we deal,
2 it's a legal issue, this alleyway easement, do we
3 ignore it? I mean, what happens with it.

4 They are saying it basically dissolves
5 with the application.

6 MR. GALVIN: Well, they can vacate it,
7 too.

8 MR. MATULE: On an easement?

9 MR. GALVIN: Yes. If you have a bulk
10 lot, it's easy to vacate.

11 MR. MATULE: Well, I think if we file a
12 deed of consolidation --

13 MR. GALVIN: And as part of a deed of
14 consolidation, you can make a reference to that --

15 MR. MATULE: Yes, we could --

16 MR. GALVIN: -- why don't you make a
17 reference in the deed of consolidation that the
18 alleyway easement is vacated?

19 MR. MATULE: We could.

20 MR. GALVIN: I agree with you that
21 technically --

22 MR. MATULE: I am happy to do that. I
23 mean, my understanding is you can't have an easement
24 with yourself across your own land, but we will make
25 it explicit.

1 MR. GALVIN: I don't like it when other
2 lawyers do belts and suspenders, but I guess I am
3 folding in on myself. I agree with you technically.

4 MR. MATULE: Okay.

5 CHAIRMAN HOLTZMAN: Hang on one second.

6 Dave, can you just give us a quick
7 introduction for the Commissioners?

8 Is there a little discrepancy in the
9 reports?

10 MR. ROBERTS: Yes.

11 I think it would be helpful to try to
12 clear some things up. Actually I think it really
13 had something to do with the fact that our meeting
14 was a week later than it normally is.

15 Remember, last week when you had the
16 special meeting with Stevens, the packets were
17 handed out for this week, and effectively what
18 happened was our letter was done -- started on June
19 2nd for both applications that were heard tonight.

20 The actual revised plans came in the
21 next day, where as Andy's letters came in -- they
22 were done based on the new revised plans, so we were
23 looking at effectively the old set versus the new
24 set of plans.

25 In this particular application -- it

1 wasn't so much an issue with the last application as
2 you could tell, but with this application there were
3 a couple different revisions made. One had to do
4 with the modification of the ground floor to include
5 600 square feet of commercial, which Mr. Matule
6 referred to.

7 Another change was the removal of the
8 green roof, which our letter referred to, and Andy's
9 letter indicated was gone.

10 The most significant issue that came up
11 was the difference in the building coverage. We had
12 calculated ourselves based on the original plan
13 using the physical limits. The revised plans
14 referenced 64 percent at the ground floor because
15 there is a recessed entrance on the ground floor
16 that causes a lesser coverage on the ground floor,
17 but we measured limits.

18 Meanwhile, in response to our planning
19 letter, Mr. Minervini provided an exhibit to me,
20 which he is going to provide to the Board, which is
21 what we asked for is a silhouette of all physical
22 limits looking from the top down with a calculation
23 of square footage, which is where the 68.2 percent
24 comes from.

25 So effectively, that building coverage

1 is 68.2 percent, so we wanted to clear that up right
2 at the beginning of the meeting, so you didn't have
3 to be -- first of all, sorry for the confusion, but
4 that is the explanation.

5 It was really a matter of the plans
6 coming in between my letter and Andy's letter, and
7 we were trying to get the letters done early, so
8 they could be given to the Board last week.

9 CHAIRMAN HOLTZMAN: Great. Thank you,
10 Dave.

11 MR. ROBERTS: Yup.

12 CHAIRMAN HOLTZMAN: Mr. Minervini, can
13 you enter into that silhouette?

14 MR. GALVIN: Raise your right hand.

15 Do you swear or affirm the testimony
16 you are about to give in this matter is the truth,
17 the whole truth, and nothing but the truth?

18 MR. MINERVINI: I do.

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

21 MR. GALVIN: State your full name for
22 the record and spell it.

23 THE WITNESS: Frank Minervini,
24 M-i-n-e-r-v-i-n-i.

25 MR. GALVIN: Do we accept Mr.

1 Minervini's credentials?

2 CHAIRMAN HOLTZMAN: We do.

3 MR. GALVIN: You may proceed.

4 THE WITNESS: Thank you.

5 CHAIRMAN HOLTZMAN: So you have an
6 additional sheet here for us and handouts for the
7 team?

8 MR. MATULE: All right.

9 So for the record, Mr. Minervini, we
10 are going to mark what you have as your sheet Z-2 as
11 Exhibit A-1, and just describe what it is while I
12 hand the rest of the sheets out to the Board.

13 (Exhibit A-1 marked)

14 THE WITNESS: It is what I am calling a
15 lot coverage overlay, so it is a drawing describing
16 the lot coverage in its entirety at its maximum from
17 an upper view, from a plan view.

18 I got larger ones as well, if anybody
19 would like them.

20 To further Mr. Roberts' point, when we
21 initially submitted, which is what we have submitted
22 in the past, this set was initially submitted to the
23 Board prior to the request for this silhouette
24 drawing.

25 So what we did was in that case, we

1 the photos of as part of your package, I will give a
2 brief description of our property and what's there.

3 We are 67 feet in width, 67 and a half
4 feet in width. We are on the east side of Monroe
5 Street between Fifth and Sixth Street.

6 What is on the site now is a one-story
7 laundromat with an associated parking -- ground
8 level parking lot.

9 There are no other structures on the
10 site. It's 67 and a half feet wide by 100 feet
11 deep. That is not ordinary, but that is not what I
12 am referring to specifically.

13 Our building to the north, this
14 five-story multi-family residential building, is
15 strangely set in off its side property line 2.8
16 feet. So this wall -- this building and this
17 wall -- the building has 2.8 foot side yard, and
18 with that, and we have all seen windows on the
19 property line in Hoboken, this is a different
20 condition. There are 35 windows on this side yard.

21 So when we first were hired to design a
22 building there, without really the knowledge of
23 this, we designed a typical 67 and a half foot wide
24 building, which went from one side of the property
25 to the other and extended 60 feet deep.

1 Very quickly on, we realized this
2 condition, which is the driving force behind what
3 you are looking at. So what we did in response to
4 this two foot less than three foot part of the side
5 yard and the large number of windows that are not
6 just bathrooms, like we typically see, there are
7 living rooms, bathrooms, dining rooms, as well as a
8 stair hall, so these windows serve all different
9 uses within the apartment.

10 So what we decided to do -- and by the
11 way, sorry, those windows are not on the first
12 floor, so they are only for that building floors
13 two, three, four, and five.

14 So we thought being a good neighbor and
15 just good urban design, we set back our residential
16 portions of our building five feet from the property
17 line, from our property line. So in effect that
18 would mean that our new wall that is on the northern
19 side of our building facing the southern side of the
20 adjacent building would be just under eight feet
21 away from all of these windows. That seemed like a
22 relatively reasonable amount of space to allow in
23 light and air.

24 With that, I will go to our site plan,
25 which you do have copies of. I am jumping around,

1 so I will use Sheet Z-2, with that setback.

2 So this line represents the five foot
3 setback of our residential portion of the building
4 off of our property line, which then means we have a
5 bit less than eight feet, 7.8 feet exactly, between
6 our wall and then the adjacent building's wall with
7 all of the windows.

8 So now we have the decision, what do we
9 do with the alleyway that would be on that first
10 floor, because we decided, and we would need a
11 variance for a front side setback, what would we do
12 with the right-of-way.

13 So, again, quickly on the process --
14 early on in the process, it didn't seem to make any
15 sense to have a five foot open space. We thought it
16 was a maintenance issue. We thought it might be a
17 security issue.

18 So with that came what you see in front
19 of you, which is larger lot coverage on the ground
20 floor. So what we did was we had the first floor
21 structure extend up our property line, and what that
22 did in effect, on our property there is no alleyway.

23 So although the number you are looking
24 at in lot coverage, and I will get to the balconies
25 in a bit, but it looks rather large, it is mostly

1 driven by this additional strip of construction at
2 the first floor, not on floors, two, three, four,
3 and five, Those floors exclusive of outdoor space,
4 the residential portion of the building is at 60
5 percent.

6 So to make our footprint whole and at
7 the permitted 60 percent, the building then had to
8 go further back, and that explains that four feet
9 ten inches of additional length in the building
10 about here. That makes up the difference in lot
11 coverage that we would have been losing with this
12 five foot setback.

13 The building does not have to be built
14 this way. We could be coming to this Board with a
15 completely as-of-right project in terms of
16 floor-to-floor heights, overall height and build our
17 wall at that property line without any variances,
18 and that would also mean that we wouldn't have given
19 any thought to what the adjacent property was.

20 So that could be done. I have just for
21 reference, Mr. Matule, you may want to --

22 CHAIRMAN HOLTZMAN: So, Mr.
23 Minervini --

24 THE WITNESS: Yes.

25 CHAIRMAN HOLTZMAN: -- the setback,

1 let's call it, it's not really an alleyway, right,
2 because it is not at the grade level, what we think
3 of as an alleyway --

4 THE WITNESS: Correct.

5 CHAIRMAN HOLTZMAN: -- I think it is
6 sort of it's more like a setback at the second
7 floor. Does that also make sense?

8 THE WITNESS: Yes. At floors two,
9 three, four, and five, correct.

10 CHAIRMAN HOLTZMAN: Right. But a
11 setback -- a left-hand side setback of the second
12 floor.

13 What you are saying, because I know
14 that Mr. Pinchevsky is going to calculate this, if
15 he hasn't already, is that it is five foot wide, and
16 then what is the depth of that?

17 THE WITNESS: The depth of that section
18 is the same depth of the building --

19 CHAIRMAN HOLTZMAN: As the whole
20 building, which is --

21 THE WITNESS: -- as the whole building,
22 which is 64 foot ten inches.

23 With that rectangle gives us on floors
24 two, three, four, and five --

25 CHAIRMAN HOLTZMAN: I just want to deal

1 with our setback.

2 So it is 64.10 times five, that is all
3 it is, right? That's the setback?

4 COMMISSIONER JACOBSON: Well, unless
5 you consider it only going back 60 feet, which is
6 the normal permitted maximum building depth.

7 CHAIRMAN HOLTZMAN: Okay.

8 COMMISSIONER DOYLE: You can't compare
9 it with the addition in the back --

10 CHAIRMAN HOLTZMAN: Correct.

11 COMMISSIONER DOYLE: -- to the loss on
12 the sides --

13 THE WITNESS: That's the --

14 CHAIRMAN HOLTZMAN: That's the
15 trade-off.

16 THE WITNESS: -- our project here is a
17 very nice project, and I will go through all of the
18 details with you, but the biggest point that needs
19 to be discussed is the lot coverage issue.

20 So with this, and I am going --

21 CHAIRMAN HOLTZMAN: We might have one
22 or more other things also, Mr. Minervini.

23 THE WITNESS: As part of my
24 presentation, I have no doubt there will be other
25 issues. I have no doubt.

1 (Laughter)

2 So with this five foot setback, there
3 is a loss of two things that are important to a
4 building.

5 There is a loss of window wall front
6 and rear, because now instead of having a building
7 that could be 67 and a half feet in width, allowing
8 for that many windows within that dimension, we have
9 now got a building that is five foot shorter at 62
10 and a half, and that's both for the front and the
11 rear, as well as a loss of about 326 square foot of
12 outdoor space.

13 So we have not gained any residential
14 space. We lost 326 square feet of rear yard space,
15 and I will point this out specifically when we get
16 to the floor plans, that this additional swath gave
17 us nothing.

18 In essence, it winds up being an
19 interior corridor connecting the lobby to the rear
20 and some recyclable storage. The corridor doesn't
21 have to be there. We could go straight through the
22 garage.

23 So I guess the bigger point is that
24 although we are getting extra lot coverage with this
25 part of the structure, it doesn't have any real

1 value to the building.

2 So for reference, we put together some
3 simple models showing what can be built without any
4 variances, so this --

5 MR. MATULE: Let me interrupt you.

6 Can we mark that A-2 for the record?

7 (Exhibit A-2 marked)

8 THE WITNESS: -- so looking out from
9 the front, this is the adjacent building with the
10 windows that I've been discussing to our north.

11 This is our building at the 67 and a
12 full width, and this is at 40 feet above DFE.

13 So I'm not going to even discuss the
14 unit count, but in terms of the building mass, this
15 is what can be built if the applicant and we,
16 frankly, paid no attention to the condition on the
17 building to the north.

18 What they would have is a less than
19 three foot alleyway with a blank wall.

20 So right now all of those windows that
21 I pointed out in the photo board are getting --
22 those apartments are getting their natural light and
23 ventilation from the south, that would all be gone.
24 Not that there would be a wall there, but they would
25 have a new wall. The windows would still be there,

1 pardon me, but there would a wall less than three
2 feet away at our property line.

3 So --

4 COMMISSIONER DOYLE: You --

5 THE WITNESS: Yes, question?

6 COMMISSIONER DOYLE: -- you could have
7 windows, too.

8 THE WITNESS: No, we cannot.

9 So we will get into some of this more
10 discussion, and I think the Chairman is pointing to
11 something.

12 MR. GALVIN: Listen, I know from other
13 Boards, that there has to be a three foot separation
14 in order to have windows between buildings. I don't
15 know if that is true. You are the expert, but I
16 don't know -- I don't want to dig into that --

17 THE WITNESS: I don't see how that's
18 relevant, though.

19 MR. GALVIN: Because you are trying to
20 tell us that the volume of the building takes a
21 certain spot, and you might not be able to go the
22 full length of the property. Maybe you would have
23 to come in four inches or something stupid like
24 that --

25 CHAIRMAN HOLTZMAN: No.

1 THE WITNESS: No, I am not saying that.

2 I'm saying that we can build --

3 CHAIRMAN HOLTZMAN: He can if they
4 want --

5 THE WITNESS: -- right up to our
6 property line.

7 MR. GALVIN: I am saying, I don't think
8 if I agree with that, but I don't think it matters.

9 THE WITNESS: Well, I am the expert in
10 this case, as you mentioned, and that is the
11 absolute truth.

12 MR. GALVIN: Okay.

13 MR. MATULE: Okay. So I think we
14 digressed.

15 (Laughter)

16 MR. GALVIN: But where are we going?

17 I mean, I'm saying, no matter what, you
18 did the volume study. That's good.

19 Let's move on.

20 THE WITNESS: Yeah. But while we are
21 here -- not that we are here for other -- the
22 biggest reason we are here, the lot coverage issue
23 is all in response to this condition on the site.
24 It is in response to -- and I think being us, the
25 team on our side, this property, being good

1 neighbors, allowing an additional five feet, where
2 it wouldn't have to be.

3 So we allowed an additional five feet.
4 We gained lot coverage on the ground floor that I
5 mentioned, which does not have any real value, and I
6 will get to the plans to describe that.

7 We lost 326 square feet of rear garden
8 area, which brings us to the balconies. This is
9 some of the trade-offs that we're thinking of on our
10 side, the loss of these things, the additional
11 construction costs, we are asking for outdoor space.
12 Again, I will get through all of the details, but
13 that is the meat and potatoes of our application.

14 COMMISSIONER PINCHEVSKY: Mr. Chairman,
15 can I ask a question?

16 CHAIRMAN HOLTZMAN: Yes, Mr.
17 Pinchevsky.

18 COMMISSIONER PINCHEVSKY: I think it
19 might be what you're asking.

20 You said you are losing outdoor
21 space --

22 THE WITNESS: Uh-huh.

23 COMMISSIONER PINCHEVSKY: -- is that
24 only because you are trying to recoup the five-foot
25 space on the side? Meaning if --

1 THE WITNESS: Yes.

2 COMMISSIONER PINCHEVSKY: -- you are
3 stuck with the 60 foot threshold, you wouldn't be
4 losing the outdoor space.

5 THE WITNESS: We have stuff on the
6 residential floors to the 60 percent threshold --

7 COMMISSIONER PINCHEVSKY: No. If you
8 stuck with the 60 percent, I guess what is it -- is
9 this a hundred -- yeah -- so if you stuck with 60
10 foot back --

11 THE WITNESS: Uh-huh.

12 COMMISSIONER PINCHEVSKY: -- you would
13 have maintained your full outdoor space. But
14 because you are trying to recoup some of this -- the
15 space on the side, the five foot space that you're
16 essentially recessing in, that's how you are losing
17 space.

18 You're losing space by voluntarily
19 trying to get back the other space.

20 THE WITNESS: Exactly, but we are
21 losing space by again being good neighbors --

22 COMMISSIONER PINCHEVSKY: You are not
23 really losing. I'd say trading. You're trading
24 your outdoor space in the back as a way to recoup
25 the space on the side.

1 I'm just trying to clarify.

2 THE WITNESS: Well, I think a more
3 accurate way to say that is we're trading -- we are
4 proposing to trade the outdoor space in the back
5 that's lost, not for the ground floor coverage,
6 because there is no gain on our -- in terms of
7 design and usable floor space.

8 The trade-off we would be asking for,
9 and you may not see it yet, but again, I'll get into
10 it, is the balconies that are off the back of the
11 building. I think that is the trade-off that we're
12 really asking for.

13 The trade-off, as we see it, is good
14 neighbors, pulling this wall back an additional five
15 feet from the property line, which makes it seven
16 feet, 7.8 feet off of the adjacent building's wall.

17 With that, and to get our full 60
18 percent lot coverage, because that is what we are
19 permitted, the building up a little deeper at 64
20 feet ten inches, and by getting deeper we have lost
21 this section of outdoor space.

22 That is kind of this change of design
23 event based on responding to the condition of the
24 adjacent building.

25 COMMISSIONER PINCHEVSKY: You also

1 mentioned that had you built up directly to the
2 property line, that they would be losing their
3 lighting and ventilation.

4 My question is: Does the extra five
5 feet really give them that much more?

6 THE WITNESS: I certainly think so.

7 I think there is a very large
8 difference between just under eight feet and just
9 under three feet in terms of light and air and what
10 they would -- the amount of light that would come
11 into the building, and certainly the amount of air
12 flow.

13 CHAIRMAN HOLTZMAN: I think it is an
14 interesting trade-off.

15 I think it is an interesting argument
16 for Mr. Minervini, who is normally, of course,
17 making the argument for additional square footage
18 for the building he is working on. Today we
19 reversed it, and we are working on square footage
20 for his backyard, but we will continue.

21 (Laughter)

22 THE WITNESS: So having laid that
23 groundwork, I will go through the floor plans.

24 I will make sure I have everything here
25 that I wanted to talk about. Rear yard -- okay.

1 So back -- I guess we will use the
2 sheet that I started with, Sheet Z-2, and here is
3 the property as it exists and the property survey.

4 So this is our property at 67 and a
5 half feet, a hundred feet deep, east side of Monroe
6 Street between Fourth and Fifth Street, and -- I am
7 sorry -- between Sixth and Fifth Street and within
8 the R-3 zone.

9 So what is there now is a one-story
10 structure that was until recently being used as a
11 laundromat. It is also a dry cleaner, but all of
12 the dry cleaning was off site, so hence the clean
13 Phase I study.

14 This five-story brick building that has
15 35 windows on the side that I discussed quite a bit
16 here is 2.8 feet from its property line, which in
17 the condition that it exists now, is not really an
18 issue because this one-story structure is only
19 blocking this wall at the first floor, and the first
20 floor of that building doesn't have any windows.

21 So this is the existing condition, and
22 this is what we are proposing.

23 From property line to property line, 67
24 and a half feet. This adjacent five-story building
25 is two foot off its property line. We are proposing

1 a one-story section at ground floor. I will get
2 into the plans to show you its use, which is at the
3 property line, which is 2.8 feet away from the
4 adjacent building.

5 Then on floors, two, three, four, and
6 five, we have got a setback of five feet from our
7 property line, 7.8 feet from the adjacent building,
8 so that is Sheet Z-2.

9 Z-3, we're calling it our circulation
10 and lighting plan. This is important, but to start
11 with, I can delineate that the additional swath of
12 lot coverage of five feet right here, and as I
13 mentioned, what is gained is a hallway that
14 internally connects the front of the building to the
15 rear yard as well as some storage space here.

16 There really is no value, as I hope the
17 Board sees it, to this additional space, so we are
18 not gaining something. We are not gaining extra
19 parking spaces. We are not even gaining retail
20 space because this retail space would be here with
21 or without this.

22 The retail space is actually, I can
23 give an exchange for parking spaces.

24 So this floor plan on the as-of-right
25 building would be virtually the same with this

1 sliding over and still meeting all of the
2 requirements, still having without this commercial
3 space, ten parking spaces and no variances. That is
4 Sheet Z-3.

5 MR. ROBERTS: Frank, can I just stop
6 you for a second?

7 THE WITNESS: Yes.

8 MR. ROBERTS: Just to get back to the
9 commercial space, so it sounds like there is a
10 question I was going to wait to later to ask, but
11 the rationale for adding the commercial space
12 between the original drawing and these was to deal
13 with the, in other words, trade-off for parking
14 spaces, is that the main reason?

15 THE WITNESS: Yes.

16 One of the comments at the SSP
17 Meetings, several of the comments were that although
18 we had eight units, we had ten parking spaces. So
19 it was thought that that was too much parking given
20 this building, so we removed these parking spaces
21 and put a small 600 small foot commercial space. We
22 need a variance because there are no others on the
23 street with the exception of what is already there
24 on our site.

25 CHAIRMAN HOLTZMAN: Mr. Hipolit?

1 MR. HIPOLIT: The retail space you are
2 going to try to --

3 THE WITNESS: Yes. New drawings have
4 been submitted to the Flood Plain Administrator. I
5 don't know if we received it yet, and there was just
6 an amendment. We have a letter on the previous
7 design, so there was an amendment to our drawings
8 just showing the flood proofing --

9 MR. HIPOLIT: I think that letter was
10 January 16th. Let me see.

11 CHAIRMAN HOLTZMAN: Just make sure that
12 we have it noted that the --

13 MR. HIPOLIT: Yeah, January 18th, 2016
14 was the original letter, and then we need a revised
15 letter because of the retail space.

16 CHAIRMAN HOLTZMAN: Thank you.

17 Go ahead.

18 MR. MATULE: Continue, Mr. Minervini.

19 THE WITNESS: So I'll go past Z-4.
20 these are the several layers of site plan that we
21 got, first floor utility, buffer, flood proofing we
22 discussed, topography.

23 While I am here on Sheet Z-6, one of
24 Mr. Hipolit's comments in his letter was questioning
25 the 16 foot dimension between our commercial space

1 wall and the side of our elevator.

2 And my response is the requirement in
3 Hoboken, Hoboken only, is a 20 foot rear yard -- I'm
4 sorry -- 20 foot dimension between the backs of each
5 parking space, and that is for your rear -- for your
6 reverse movement for the car. That is not a
7 requirement, where there are no cars parked. 16
8 feet is more than what is required for two-way
9 traffic. So where we got cars and back up space is
10 required, that is 20 feet. That is 20 feet here.

11 Here, there is no back up space
12 requirement because obviously there is no car to
13 back up there. Pitching it down to 16 feet is
14 permitted within the ordinance and RSIS now, Hoboken
15 has its own exception from RSIS.

16 MR. HIPOLIT: I agree with that.

17 MR. GALVIN: There you go.

18 MR. ROBERTS: And, Frank, also -- sorry
19 to keep interrupting -- I think there was also a --
20 the driveway width was modified between the plans,
21 right, to 12?

22 THE WITNESS: Yes. We dropped it down
23 to twelve, and I think one of the concerns was if
24 that was small enough, having read through the
25 Hoboken ordinance again, and Mr. Matule pointed me,

1 12 feet is the minimum that we are permitted. So
2 you can certainly grant the variance, but in my
3 opinion, 12 feet is the minimum that works
4 comfortably with two-way traffic, and it keeps the
5 driveway access just wide enough.

6 MR. HIPOLIT: We agree with that.

7 CHAIRMAN HOLTZMAN: Do you want to
8 discuss the backyard, Frank, or do you want to do
9 that later?

10 THE WITNESS: Well, now is the time to
11 do it.

12 So there are eight residential units.
13 In an effort to provide outdoor space to as many of
14 these apartments as possible, we divided up the rear
15 into four sections. There is a three foot wide
16 stair that accesses this particular floor --
17 particular rear yard. The other three will be
18 accessed through the common area, and as currently
19 designed, they can come down the elevator and stair
20 and go here, or here or here. So each apartment has
21 access to the public area or in one particular case
22 off the second floor rear unit.

23 CHAIRMAN HOLTZMAN: So all the backyard
24 sections, there are four of them, they are all
25 private spaces?

1 THE WITNESS: Yes.

2 CHAIRMAN HOLTZMAN: So there is no
3 outdoor public space?

4 THE WITNESS: There's no proposed
5 outdoor public space --

6 MR. MATULE: Common space.

7 THE WITNESS: -- common space, yes. I
8 can describe it better.

9 CHAIRMAN HOLTZMAN: For the common man,
10 yes.

11 MR. HIPOLIT: Nor on the roof?

12 CHAIRMAN HOLTZMAN: Nor on the roof is
13 there common space.

14 THE WITNESS: No, on the roof, and I
15 will get to it, we are proposing just space for
16 particular apartments.

17 COMMISSIONER DOYLE: These for 2A, 3A,
18 and 4A, the front facing units?

19 THE WITNESS: Yes. I think we have
20 them now, because those particular apartments don't,
21 as designed, have a --

22 COMMISSIONER DOYLE: Rear balcony.

23 THE WITNESS: -- So with that in mind,
24 every apartment as we see it has outdoor space
25 attached to it, whether it's deck, rear balcony or

1 rear yard.

2 COMMISSIONER PINCHEVSKY: You mentioned
3 a three foot stairway, but it appears to be the same
4 eight foot width as the balcony on the drawing.

5 THE WITNESS: Yes.

6 Well, the stair, you know, that's -- it
7 actually should be six feet, pardon me. Those
8 stairs should be three feet, and three feet. I
9 guess we have to do that to make it clean. The
10 stairs will be a three foot width, although it wraps
11 around, it is a three feet width and a three feet
12 width, so in total six feet.

13 COMMISSIONER PINCHEVSKY: When it wraps
14 around like that, and it is six feet, it is still
15 okay to be excluded from the coverage?

16 MR. ROBERTS: Well, to be honest with
17 you, we hadn't thought about it that way, but it is
18 a three foot stairs. It is not together, you know,
19 it would technically comply, so we didn't call it
20 out.

21 MR. MATULE: I will chime in --

22 COMMISSIONER DOYLE: And I think
23 unfortunately --

24 CHAIRMAN HOLTZMAN: Hang on one second.
25 Most of the -- the significant reason

1 that the three foot maximum stair width was written
2 into the code was to kind of prevent these fire
3 stair balcony things that came about, so this is
4 obviously not usable space. It is just the stairs.
5 I think that is an important consideration, that
6 there is not a landing or an area for entertaining
7 or anything else.

8 COMMISSIONER PINCHEVSKY: Okay.

9 MR. ROBERTS: I can see your point as
10 far as them being wrap-around, but I think that the
11 outdoor stairs themselves are only three feet as
12 they wrap around.

13 COMMISSIONER PINCHEVSKY: Yeah. On the
14 diagram it looks to be eight feet by seven -- you
15 know, it looks to be a good sizable chunk, but --

16 MR. HIPOLIT: I think it's a good
17 question --

18 THE WITNESS: You are absolutely right,
19 and I have to revise that, that shows six feet in
20 total, three and three.

21 COMMISSIONER PINCHEVSKY: Thank you for
22 the clarification.

23 MR. MATULE: Okay.

24 THE WITNESS: Okay. Then I will
25 continue.

1 So our second floor plan, and I move to
2 Sheet Z-7, we have got third and fourth floor plans.
3 In each case, they are either three or four-bedroom
4 units depending on who is going to be living there.
5 They will make that choice at that time.

6 Out unit sizes range from 1,830 square
7 feet to 2,930 square feet.

8 The outdoor space that I have been
9 talking about at the back of the building is here.

10 So we are proposing an 8 foot deck to
11 that -- we'll call it a balcony, by 28 feet 6, so we
12 are proposing that on floors, two, three, four,
13 five, and in each case it serves one unit on each of
14 those floors.

15 Sheet Z-7 has some details that I will
16 pass through. Z-8 --

17 CHAIRMAN HOLTZMAN: Is that our roof
18 plan?

19 THE WITNESS: I didn't mean to --

20 CHAIRMAN HOLTZMAN: Walk that back.

21 MR. HIPOLIT: Going right by that.

22 CHAIRMAN HOLTZMAN: You didn't want to
23 talk about that one, did you?

24 THE WITNESS: I didn't mean to --

25 MR. HIPOLIT: He wants to call it a

1 green roof.

2 CHAIRMAN HOLTZMAN: Oh, the green roof
3 that's gone? Let's talk about that.

4 THE WITNESS: I hadn't heard that every
5 drawing must be talked about.

6 (Laughter)

7 CHAIRMAN HOLTZMAN: Why did our green
8 roof disappear from Plan A to Plan B, Mr. Minervini?

9 THE WITNESS: The green roof
10 disappeared because instead of providing a green
11 roof, we are proposing instead, again, a detention
12 system that is twice the size as relative to what is
13 required by the North Hudson Sewage Authority and
14 the RSIS standards --

15 CHAIRMAN HOLTZMAN: But we started this
16 conversation with your left side setback that it was
17 certainly being a good neighbor about that, but that
18 you needed to recapture some of your open space with
19 regards, and that trade-off you felt was somehow
20 justified with the balconies you are making the
21 argument.

22 And I think from an open space
23 standpoint, if we have got an additional lot
24 coverage on a lot larger building here, it would be
25 nice if we have again some trade-off with regard to

1 the percentage increase in the lot coverage, just
2 for the first floor, that there was some green roof
3 that we got very attached to on that first set of
4 plans, but we will continue the conversation.

5 THE WITNESS: I understand the point,
6 and I will certainly have a conversation with the
7 applicant, but our thought was in lieu of the green
8 roof, the detention system would be bigger and twice
9 as big, and just for reference, relative to other
10 projects, our civil engineer has told us that really
11 as an architect, I should not be up here telling
12 Boards that we can have more than twice as large,
13 because it is virtually impossible to fit a tank two
14 and a half times or three times the requirement
15 within our foundation.

16 Remember, the tank has to fit
17 underground beneath the slab, within gratings,
18 within pile caps and anything else, so when I say
19 twice as much, that is as we see in terms of design,
20 the largest we can provide beneath grade.

21 COMMISSIONER DOYLE: Frank, can I ask
22 you about the math on your deck?

23 It is 607 times two of area, is that
24 1214 square feet?

25 THE WITNESS: Yes.

1 COMMISSIONER DOYLE: Without the green
2 roof, you are limited to I believe 30 percent of the
3 roof.

4 THE WITNESS: Correct.

5 COMMISSIONER DOYLE: So are you telling
6 me that 1214 is 30 percent or less than the area of
7 the roof?

8 THE WITNESS: Let me find the exact
9 calculation, which I have here somewhere. I don't
10 know where I put it.

11 MR. MATULE: It is on Z-7 I think.

12 COMMISSIONER DOYLE: 64 by 7 or --

13 MR. MATULE: There you go.

14 THE WITNESS: Uh-huh.

15 So our two decks, as the Commissioner
16 mentioned, is 12 -- 1,214 square feet.

17 Our total roof, including bulkheads, is
18 all added up there, so as designed, it is 30 percent
19 of our roof.

20 COMMISSIONER DOYLE: Okay. That is on
21 this -- I couldn't -- I didn't bother to do it at
22 the time, but it is because the building is narrow
23 by five feet, I suspect that -- I mean the roof is
24 narrower because I was thinking of the lot like

25 67 --

1 MR. MATULE: 29.96.

2 CHAIRMAN HOLTZMAN: One more time, Mr.
3 Matule?

4 MR. MATULE: 29.96.

5 THE WITNESS: We gave up a bit.

6 (Laughter)

7 COMMISSIONER DOYLE: Okay.

8 THE WITNESS: Pardon me, for the bad
9 joke.

10 So I discussed the two decks. They
11 will be accessed. They are used by only two
12 particular units, 5B and 5A.

13 The remaining roof section, where there
14 isn't mechanical equipment or bulkheads, will be a
15 reflective white roof as opposed to a more commonly
16 used black rubber roof, so there is certainly an
17 environmental give-back in that case.

18 MR. MATULE: Frank, while you are on
19 that page, the mechanicals are going to be how far
20 off the property line, and how far away from the
21 building next door?

22 THE WITNESS: The mechanicals as
23 designed, and these are the air-conditioner
24 condensing units, are about 12 inches off the edge
25 of our building, which would mean six feet off of

1 our property line, which would mean 8.8 feet away
2 from the adjacent windows.

3 So as designed, these units are 8.8
4 feet away from the other windows.

5 CHAIRMAN HOLTZMAN: And is there any
6 kind of screening or shielding that's being
7 proposed?

8 THE WITNESS: Yes. They all got, and
9 it is delineated here, the Type II screening, which
10 this board has approved in the past. It seems to be
11 a very good proposed silencer --

12 CHAIRMAN HOLTZMAN: Well, that is an
13 enclosure, I believe.

14 THE WITNESS: Yes.

15 CHAIRMAN HOLTZMAN: My question,
16 though, is specific to screening --

17 THE WITNESS: Oh, pardon me.

18 CHAIRMAN HOLTZMAN: -- because we got
19 people that are you being a good neighbor to, to
20 your left, but they are still going to look out on a
21 whole big pile of condensers.

22 THE WITNESS: Well, we can certainly
23 design a screen. I'm happy to do that.

24 Just as I am looking at the adjacent
25 building, what we would be affecting is this top

1 floor, which is about the same height as ours,
2 roughly speaking, so yes, we can certainly design a
3 visual screen, so --

4 CHAIRMAN HOLTZMAN: Maybe it can be
5 just incorporated into the sound enclosure, I don't
6 know, but it would be -- perhaps it's something to
7 consider.

8 THE WITNESS: Understood.

9 CHAIRMAN HOLTZMAN: Mr. Pinchevsky,
10 while we got you, are you good with the square
11 footage calc? I know you were working on it.

12 COMMISSIONER PINCHEVSKY: Yeah, the
13 numbers are correct.

14 I guess, without getting into a long
15 conversation, I question why -- I guess I have an
16 issue with the front page not showing the number
17 that is applicable with the required 60 percent,
18 like not giving us apples to apples, but I don't
19 know if we need to get into that conversation at
20 this point.

21 CHAIRMAN HOLTZMAN: Let's leave that
22 for another day.

23 COMMISSIONER PINCHEVSKY: Yeah.

24 But in the future -- in the future, if
25 it is 58 percent, I would like that number on the

1 front page.

2 MR. MATULE: If I could say, going
3 forward, that's the practice that the architects I
4 have been dealing with have adopted. Heretofore
5 they were doing it on a floor-by-floor basis, but
6 we're now -- and I don't like to put it in this
7 context, but we are taking the worst case scenario
8 as the number we are asking for.

9 Like we recently did 319 Washington
10 Street, we asked for a hundred percent.

11 CHAIRMAN HOLTZMAN: Which is why we
12 have our silhouette drawing that sort of confirms
13 that.

14 MR. MATULE: Precisely.

15 So this predated that policy adoption.

16 CHAIRMAN HOLTZMAN: Okay. Thank you.

17 THE WITNESS: Okay.

18 Moving on to Sheet Z-8, two dimensional
19 building design. This is our adjacent building to
20 the north, a portion of our adjacent building to the
21 south, and I have a rendering to pass around.

22 CHAIRMAN HOLTZMAN: I'm sorry. Before
23 you go into the rendering, Mr. Minervini, you said
24 you were going to walk us through what that five
25 foot corridor on the left side contained. I don't

1 think --

2 THE WITNESS: I did, but I'll have to
3 do it again.

4 CHAIRMAN HOLTZMAN: I'm sorry. I must
5 have missed it. I'm sorry.

6 THE WITNESS: I will use Sheet Z-3.
7 So this yellow line, which I drew
8 before, approximately describes the additional five
9 feet at that first floor only.

10 So the majority of it is taken up by a
11 hallway connecting the front of the building to the
12 back of the building. And when I said before that
13 it is not of any real value to the design because we
14 don't actually have to have a hallway. Other
15 buildings that go from property line to property
16 line, we would just use the garage as our access.

17 Here, we had this additional space
18 without any real use. It didn't give us any more
19 parking. It didn't give any more storage -- pardon
20 me -- any more commercial space. It seemed to make
21 sense for a cleaner access to one particular section
22 in the rear yard. Again, there was not much value
23 to it. We put the lineal closet here for
24 recyclables, which could be put elsewhere, so we had
25 to come up with a reason to use the space.

1 CHAIRMAN HOLTZMAN: Thank you.

2 THE WITNESS: Back to the elevations,
3 Z-8.

4 So we have broken up the building into
5 three sections. Brick on those three main fields of
6 the building.

7 We got two bay projections as part of
8 this design. We are proposing a two 24-inch bay
9 projection, again, remember when this was initially
10 submitted. I will also say that as designed, it
11 meets the current ordinance and requirements, so the
12 bay projections meet what is permitted, given our
13 ordinance.

14 Of course, I did hear previous projects
15 today, so -- but having said that, this is either
16 aluminum panels, brick facade.

17 This little section that we talked
18 about is five feet is where we put our main entry,
19 garage door at the center in the bigger portion of
20 the building, and to our right is the entry to the
21 600 square foot commercial space.

22 The back of the building here are the
23 balconies that I described before, and a lot of
24 windows, which is not often seen on the rear of a
25 building.

1 This is what we are proposing, brick --

2 MR. MATULE: I am going to mark that

3 A-3.

4 (Exhibit A-3 marked)

5 THE WITNESS: -- this is a photo
6 realistic rendering prepared by our office, showing
7 what the building would look like with colors and
8 materials as well within the -- with context -- in
9 context so --

10 CHAIRMAN HOLTZMAN: Is there a color
11 rendering or materials that you could walk us
12 through for the rear of the building?

13 THE WITNESS: Yes. I have the rear of
14 the building and the side of the building actually.

15 So the rear of the building is to be
16 one color. We thought there was enough windows here
17 that to add more color in this case wouldn't make
18 any sense architecturally speaking. It will be of a
19 cement fiber board, so it comes precolored. There's
20 no maintenance, low maintenance. In effect, this
21 material is taking the place of what architects and
22 mostly developers used in the past, stucco.

23 This is a much nicer material. It's
24 safe. It is maintenance free. It comes in colors,
25 and it has replaced stucco.

1 CHAIRMAN HOLTZMAN: And the left side
2 setback wall?

3 THE WITNESS: Yes, but that would be
4 Sheet Z-9.

5 Using the same material -- I'm sorry
6 the print is so dark -- but we were going to
7 alternate with two different colors, and this is a
8 very simple color design.

9 What we were looking at here is what
10 the building that is in effect 7.8 feet away from us
11 would be seeing. So if you are on the third floor,
12 you would only see this section. The color change
13 looks drastic here. It will be certainly more
14 muted --

15 CHAIRMAN HOLTZMAN: Are they the colors
16 that are on the front of the building, Frank?

17 THE WITNESS: Yes. And I can, if, of
18 course, approved, I will provide --

19 CHAIRMAN HOLTZMAN: Can you hold up the
20 front rendering --

21 THE WITNESS: -- sorry.

22 CHAIRMAN HOLTZMAN: -- and kind of walk
23 us through that?

24 THE WITNESS: The colors are in
25 keeping, so what we would possibly do is the more

1 neutral color, which would be our cornice and
2 probably our metal, and this would alternate. This
3 design would use those two colors in an alternating
4 fashion, as opposed to the very strong and bright
5 red and brown that we have here for brick.

6 Just relative to the previous
7 application, the cornice is permitted to extend 36
8 inches within the ordinance. Ours doesn't, but it
9 is permitted, so -- without City Council approval.

10 So this is what you would see looking
11 from the building to our north.

12 This is what you would see looking at
13 it from the south.

14 This is the shape of the adjacent
15 building, so a good portion of it in this case is
16 hidden, and this section wouldn't be seen from
17 anyone on the street really, perhaps if they were
18 walking down the street, they would look up the
19 alleyway, and that is what they would see.

20 That is the extent of the drawings.

21 A couple more notes I would like to
22 add.

23 Green elements. So as I mentioned, we
24 are proposing a retention system that is two times,
25 twice as big as the North Hudson Sewerage Authority

1 requirement.

2 All of our lighting will be LED. All
3 of our fixtures would be low flow type. All the
4 toilets would be double flush.

5 The roof, as I mentioned, will have a
6 white reflective coating.

7 Closed cell insulation will be -- will
8 serve as insulating material for all the exterior
9 walls.

10 All of the appliances will be Energy
11 Star rated.

12 The windows will be also Energy Star
13 rated, and within the parking garage, each space has
14 a dedicated outlet that will be used for, if needed,
15 a car charging station.

16 MR. MATULE: And I know you talked
17 about sections of them, but obviously the Maser
18 letter from Mr. Hipolit and Mr. Roberts, you have no
19 issues addressing any of their comments?

20 THE WITNESS: No. I have no issues and
21 I will happily address them if they want to discuss
22 particular ones, I can do that as well.

23 MR. HIPOLIT: It's subject to the Flood
24 Plain Manager reviewing the revised plans. We need
25 dry flood proofing for the retail space.

1 MR. MATULE: I am sure it is noted, I
2 know I saw a detail in the drawings, but you are
3 going to have the standard garage door light, as
4 well as an LED strip in the sidewalk?

5 THE WITNESS: Yes, as all of our
6 applications have had as of late, we are proposing
7 the in-ground LED lighting here, which for
8 pedestrians -- is to alarm pedestrians.

9 CHAIRMAN HOLTZMAN: Alert.

10 THE WITNESS: Alert. Thank you for a
11 much better word.

12 COMMISSIONER DOYLE: Stressed out.

13 (Laughter)

14 MR. MATULE: And you previously
15 testified that the initial plan was reviewed by the
16 Flood Plain Administrator and recently submitted an
17 amendment for review?

18 THE WITNESS: We submitted a revised
19 drawing. In effect, it is this area specifically
20 that needs the amended letter because it is a
21 commercial space.

22 CHAIRMAN HOLTZMAN: While you have that
23 drawing up, Mr. Minervini, what is the height of the
24 first floor?

25 THE WITNESS: We are proposing a ten

1 foot floor to floor from garage level to the second
2 floor, as well as all of the residential spaces
3 which are required.

4 So we are proposing a ten foot floor to
5 floor, the last floor more comfortable lobby area,
6 as well as a more comfortable commercial space, and
7 what that leads us to is an 18-inch height variance.

8 CHAIRMAN HOLTZMAN: Director?

9 COMMISSIONER FORBES: You had mentioned
10 that there are two bay projections, but I just want
11 to be clear. That is two bay projections, but on
12 each of three floors, so it is an additional 44
13 square feet per floor that is encroaching into the
14 city's right-of-way. You know, that is a total of
15 132 square feet of livable space that is now, you
16 know, that's in the city's right-of-way not on the
17 property.

18 THE WITNESS: I didn't do the math.
19 That sounds about right.

20 Again, I will stress it, it is in
21 conformance with the ordinance.

22 COMMISSIONER FORBES: Yes. I'm just --
23 you know, you had testified that, you know, there
24 is -- you wanted a trade-off for being good
25 neighbors as far as the lot coverage, you know,

1 mentioned the loss of outdoor space, but now you are
2 taking, you know, you are gaining another 132 square
3 feet by taking that from the city's right-of-way.

4 I just wanted to put that on the
5 record.

6 CHAIRMAN HOLTZMAN: Great. I know that
7 the Director and the City Council have been a little
8 bit more comfortable as of late with one foot. We
9 certainly don't want to swelch the design elements
10 of the building too much, but it's something to
11 discuss.

12 Commissioners?

13 THE WITNESS: Well, if I may --

14 CHAIRMAN HOLTZMAN: Go ahead. Sure.

15 THE WITNESS: -- as Commissioner Forbes
16 was speaking, I looked over at the applicant, and he
17 suggested that we reduce it to 12 inches, much less
18 visually intrusive I think as part of your point,
19 and still allows us on the design side to get
20 articulation to the front wall.

21 CHAIRMAN HOLTZMAN: Great.

22 Councilman?

23 COMMISSIONER DOYLE: 5B gets both a
24 deck and -- a roof deck and a balcony?

25 THE WITNESS: Let me -- that would be

1 the case, yes. They have the roof -- I'm sorry --
2 the second floor plan -- yes, that is as designed,
3 yes.

4 COMMISSIONER DOYLE: So there is a
5 little -- okay --

6 (Laughter)

7 -- I am just pointing out -- the area
8 calculations that you included include the balcony
9 space, right?

10 THE WITNESS: Separate it.

11 COMMISSIONER DOYLE: I'm looking at
12 Z-6A that says 1871 for five feet --

13 THE WITNESS: 1871 is the internal
14 space of the apartment.

15 The additional 228 is obviously the
16 external balcony.

17 COMMISSIONER DOYLE: Well, that is the
18 thing. I just did the math, and 61 by 26 is 1600,
19 and then you add 228, which is the balcony, gets you
20 to 1870. So I mean, maybe I did it wrong --

21 THE WITNESS: Well, where are your
22 getting 61 by 26?

23 COMMISSIONER DOYLE: The width is 61
24 feet two inches --

25 THE WITNESS: No. That is incorrect,

1 because and maybe it is a coincidence that the
2 numbers are close, but our area calculation for an
3 apartment are outside walls included, and then half
4 of the dimension of any shared walls. So although
5 this says 61 feet two inches, that is not what the
6 area calculation is based off of.

7 It is based off the outer point to
8 here, and it's based off of this dimension to the
9 middle of this wall like that. That is how they are
10 required to --

11 COMMISSIONER DOYLE: So I trust you.

12 I guess my point here is, and I
13 mentioned it recently, you know, you know, these are
14 all four-bedroom units --

15 THE WITNESS: Three or four, depending
16 on if it's condos or rentals. We don't know that
17 yet, but depending on market conditions, we may
18 leave that up to whoever is purchasing the property.

19 COMMISSIONER DOYLE: Well, the plans
20 say four, so -- up to four.

21 THE WITNESS: Yes.

22 COMMISSIONER DOYLE: And I just
23 thought -- I was thinking 1600 square feet for a
24 four-bedroom apartment sounds a little tight, but
25 you are saying it is 18 or 1900-ish, and it may be

1 three bedrooms, and that is really not for us to
2 dictate how many bedrooms to put in there, but it
3 does seem that the number of four-bedroom apartments
4 we're seeing over, and over, and over again will not
5 make it very easy for one and two-bedrooms denizens
6 to have a place to live. But, again, this is an
7 observation.

8 CHAIRMAN HOLTZMAN: You assured us that
9 you are working on that with your City Council
10 colleagues, didn't you, Councilman?

11 COMMISSIONER DOYLE: We are doing the
12 best we can.

13 CHAIRMAN HOLTZMAN: Thank you.

14 An occupancy issue.

15 Commissioner Graham?

16 COMMISSIONER GRAHAM: Is it necessary
17 when you're concerned about the lot coverage again,
18 is it necessary for the rear yards to be as large as
19 they are? They are fairly large.

20 CHAIRMAN HOLTZMAN: How big are the
21 yards, Frank?

22 THE WITNESS: Area?

23 COMMISSIONER GRAHAM: Can they be cut a
24 little bit?

25 (Commissioners confer)

1 THE WITNESS: They are 590 square feet.

2 COMMISSIONER GRAHAM: That is very big.

3 It's nice.

4 THE WITNESS: Yeah, it is nice, and
5 that is what we are trying.

6 (Laughter)

7 COMMISSIONER GRAHAM: I mean when
8 it's --

9 COMMISSIONER DOYLE: Do you want to
10 cover it with more building? I don't --

11 (Laughter)

12 COMMISSIONER GRAHAM: No. Reduce the
13 size so that the lot coverage is not --

14 COMMISSIONER PINCHEVSKY: Reduce the
15 size of the backyard, is that what you are saying?

16 VICE CHAIR MAGALETTA: No, the
17 opposite.

18 CHAIRMAN HOLTZMAN: Okay. No problem.
19 It is getting late.

20 COMMISSIONER DOYLE: You wouldn't pull
21 the building back --

22 COMMISSIONER GRAHAM: I know. But you
23 could, yeah, you could do that, right, actually you
24 could.

25 CHAIRMAN HOLTZMAN: Commissioner Graham

1 for the first time wants the building bigger.

2 COMMISSIONER GRAHAM: I stepped into
3 that one, didn't I?

4 (Laughter)

5 CHAIRMAN HOLTZMAN: Commissioner?

6 VICE CHAIR MAGALETTA: Yeah.

7 COMMISSIONER GRAHAM: Wait. You could
8 pull the building back.

9 COMMISSIONER DOYLE: The yard would be
10 much bigger.

11 COMMISSIONER GRAHAM: No. You wouldn't
12 have to make the yard bigger. You could make the
13 yard smaller and the building bigger --

14 COMMISSIONER DOYLE: No.

15 CHAIRMAN HOLTZMAN: We will circle back
16 to you, Ann.

17 (Board members confer)

18 MR. GALVIN: It's a pause in the
19 action.

20 CHAIRMAN HOLTZMAN: Frank?

21 VICE CHAIR MAGALETTA: What is going on
22 the roof on the five foot strip on the north?

23 THE WITNESS: What is there on the
24 roof?

25 VICE CHAIR MAGALETTA: What will go on

1 the roof?

2 What's the plan --

3 THE WITNESS: I will go back to the
4 roof plan. I went over it a little bit before.

5 So Sheet Z-7 is our roof plan. This is
6 the five foot open area we will call it.

7 We have got -- there's a stair bulkhead
8 and our AC condensers, and I did the math before.
9 We are 12 inches off of our building wall with the
10 closest condenser and an additional five and then --
11 an additional eight feet, plus away from the
12 adjacent wall. But based on a comment, I agreed to
13 provide a screened method of some sort that will be
14 something interesting architecturally, perhaps, that
15 also allows light to come through it. We're not
16 competing like --

17 VICE CHAIR MAGALETTA: That is not my
18 question.

19 THE WITNESS: I'm sorry.

20 (Laughter)

21 VICE CHAIR MAGALETTA: That's the roof.
22 You are talking about the roof.

23 That one-story, what is going on top of
24 that one-story section only?

25 THE WITNESS: Nothing. Just the roof,

1 just the roof area. We're not proposing outdoor
2 space for it --

3 VICE CHAIR MAGALETTA: Nothing green on
4 top of that?

5 THE WITNESS: Nothing green --

6 VICE CHAIR MAGALETTA: Like a green
7 element?

8 Okay. I mean, if it was kind of deep
9 down --

10 THE WITNESS: It wouldn't get any
11 light.

12 VICE CHAIR MAGALETTA: I understand
13 that.

14 CHAIRMAN HOLTZMAN: No bocce court?

15 MR. MATULE: Too narrow.

16 (Laughter)

17 THE WITNESS: Can the Board require it?
18 It's something we could add.

19 VICE CHAIR MAGALETTA: Bowling, why
20 not?

21 With respect to the driveway, I know
22 the retail is to the south. Then you have the bike
23 storage, and then I'm talking about if we look at
24 the front of the building, the driveway, I am
25 talking about, just as far as a safety aspect.

1 Improved sight lines when you are driving out of
2 there always helps.

3 As you are exiting, if you look to the
4 north to your right, if you are the driver,
5 immediately to the right is the bicycle storage
6 area.

7 Is it possible -- and there is windows
8 in front of that, correct?

9 Is it possible to put a window between
10 the driveway and that wall, so you have a sight line
11 out to the street?

12 Do you know what I am trying to say?

13 THE WITNESS: I think so.

14 But I don't think a sight line will
15 start until your eyes get to that front facade.
16 There is no sight line from --

17 VICE CHAIR MAGALETTA: But you can look
18 down -- you can see people coming down the sidewalk
19 as they are walking or on bicycles on the sidewalk.

20 THE WITNESS: I will go to the floor
21 plan.

22 So specifically, let's add the design
23 again, cars here --

24 VICE CHAIR MAGALETTA:

25 THE WITNESS: -- coming here --

1 VICE CHAIR MAGALETTA: Yes.

2 THE WITNESS: -- you are talking about
3 what you would see this way?

4 VICE CHAIR MAGALETTA: Correct.

5 Because there is a window already in the front of
6 that storage area on the front facade. If you put
7 another window between there, would that help when
8 you're looking down the street?

9 Would it make a difference?

10 CHAIRMAN HOLTZMAN: Well, what is the
11 procedure also?

12 Somebody is approaching to exit the
13 building, the door goes up, so we have the LED strip
14 in the cement at the threshold --

15 THE WITNESS: Yes, in the threshold.

16 CHAIRMAN HOLTZMAN: We still have a
17 light outside.

18 VICE CHAIR MAGALETTA: I understand all
19 of that, but there is still kids who run on their
20 bikes or scooters and some pay attention, and some
21 don't, and I am putting an onus on the driver to
22 have a little more warning.

23 THE WITNESS: Yes. The onus is all on
24 the driver -- well, not all on the driver in this
25 case --

1 VICE CHAIR MAGALETTA: Well, it should
2 be, but also you can help the driver making it
3 easier to see what is going on.

4 THE WITNESS: This wall section has as
5 many windows as we can --

6 VICE CHAIR MAGALETTA: I'm talking
7 about internally, put some kind of sight in there --
8 where you've drawn that line, is it possible to do
9 something from that side?

10 THE WITNESS: Well, there are windows
11 here.

12 VICE CHAIR MAGALETTA: Right.

13 CHAIRMAN HOLTZMAN: So you should be
14 able to see movement through the windows if you are
15 the driver.

16 THE WITNESS: I understand now.

17 You should see silhouettes going by
18 there. There's something, yeah, so not that we can
19 put the windows there for that reason, but that
20 could be a side benefit as having windows as
21 designed here.

22 VICE CHAIR MAGALETTA: Right. That's
23 what I'm trying to say.

24 Because on the retail side, you
25 couldn't do it because they do what they do. The

1 want a solid wall there. You can't look through
2 that wall.

3 THE WITNESS: And looking at the facade
4 in the front, we are talking about this glass --

5 VICE CHAIR MAGALETTA: Correct.

6 THE WITNESS: -- so it looks like a
7 large amount of glass, given the distance.

8 VICE CHAIR MAGALETTA: Yeah, that is
9 what I mean.

10 THE WITNESS: Then I agree a hundred --
11 wholeheartedly --

12 VICE CHAIR MAGALETTA: What? How dare
13 you.

14 (Laughter)

15 Well, it's something to think of.

16 Okay. Thank you.

17 COMMISSIONER PINCHEVSKY: I have a
18 question.

19 CHAIRMAN HOLTZMAN: Hang on one second.

20 COMMISSIONER PINCHEVSKY: The front
21 sidewalk with the planters, what is the narrowest
22 portion of the sidewalk?

23 THE WITNESS: I will pull up the plan.

24 At its narrowest as shown on Sheet Z-2
25 is nine feet four. The planter extends three feet.

1 The tree pit is as per the ordinance
2 Shade Tree Commission requirement, three foot eight,
3 so only in this particular area would it be as
4 narrow as nine foot four. Everywhere else is 16.

5 CHAIRMAN HOLTZMAN: Director, is nine
6 foot four a fair standard for our sidewalks?

7 COMMISSIONER FORBES: Yes.

8 COMMISSIONER PINCHEVSKY: Thank you.

9 CHAIRMAN HOLTZMAN: Councilman?

10 COMMISSIONER DOYLE: Thank you.

11 The density calculation with the
12 commercial, is that one for one?

13 I know you are allowed I believe ten --

14 MR. MATULE: No.

15 COMMISSIONER DOYLE: -- and you are
16 doing eight and one. How --

17 MR. MATULE: No. The short answer is
18 no.

19 You figure out your allowable floor
20 area, and then subtract from that the floor area of
21 the commercial space --

22 THE WITNESS: Commercial space.

23 MR. MATULE: -- and whatever fraction
24 you get, you round up or down.

25 COMMISSIONER DOYLE: Okay.

1 THE WITNESS: Having said that --

2 COMMISSIONER DOYLE: You are covered --

3 THE WITNESS: -- we're good, and we
4 are -- excluding commercial space, and getting back
5 to the as-of-right building, ten units are permitted
6 here, so we are proposing eight with a commercial
7 space.

8 COMMISSIONER DOYLE: My last comment,
9 that you would get more roof deck, if you had a
10 green roof. You would get the 50 percent. It's
11 something to think about here.

12 CHAIRMAN HOLTZMAN: It's a good
13 incentive sometimes, right?

14 THE WITNESS: Understood.

15 COMMISSIONER JACOBSON: In addition to
16 the overlap of outside space for Unit 5B, as pointed
17 out by Councilman Doyle, I believe Unit 2B also has
18 duplicate outdoor space, so there are ten private
19 kind of outdoor spaces for a total of eight occupied
20 units, which is fine, but I think the underlying
21 point in that is I somewhat disagree with Mr.
22 Minervini's proposition that by taking away the
23 space, the five foot space along the north side of
24 the building, that we need to both push the building
25 out back in order to recover the inside space, the

1 bulk of the building, and then at the same time also
2 need to recover the lost outside space.

3 I don't think there is something that
4 compels when you exceed your lot coverage to
5 actually get it back as outside -- as additional
6 outdoor living space with things like patios that go
7 into the public right-of-way while they go into the
8 donut. So when you are at 68 percent lot
9 coverage --

10 CHAIRMAN HOLTZMAN: And it seems like
11 there is double dipping --

12 COMMISSIONER JACOBSON: -- right. I
13 think he is offsetting twice as opposed to once.

14 CHAIRMAN HOLTZMAN: With two units.

15 COMMISSIONER PINCHEVSKY: Mr. Chair, if
16 I may echo his comments, and I would even add that
17 there is nothing preventing the applicant from
18 sticking -- which is the 60 feet -- the building
19 went back 60 feet only and just having a little bit
20 less than 60 percent lot coverage, so I echo your
21 comments and throw out perhaps another, you know --

22 CHAIRMAN HOLTZMAN: Mr. Stratton?

23 COMMISSIONER STRATTON: I kind of had a
24 dissenting opinion.

25 I think that the extent that they have

1 gone to accommodate the 35 windows on the other
2 building is significant, and I think that the
3 project for the most part is a good project on its
4 merits as it has been proposed.

5 I think the more outdoor space the
6 people can get these days, the better.

7 COMMISSIONER DOYLE: Well, the decks
8 are each 228 square foot roughly, is that right?

9 MR. HIPOLIT: Yes.

10 COMMISSIONER DOYLE: So there is
11 roughly 900 square feet of decks to accommodate for
12 the 500 square foot of lost yard, so I think that is
13 to your point, if the top deck and lowest deck went
14 away, those units would all still have outdoor
15 space. There would be fewer decks -- I mean, I am
16 not sure a deck is a bad thing, but I am just
17 throwing it out there as far as, you know, that is
18 something that you guys were thinking.

19 THE WITNESS: If I may, and maybe I
20 wasn't as clear, there is really three reasons we're
21 asking for the additional height that we are asking
22 for.

23 So there is loss of outdoor space, as
24 mentioned.

25 There's a loss of window wall, not

1 quite as valuable. However, we have to include the
2 construction costs for all of this additional area
3 without any value in terms of the end product just
4 to accommodate the condition next door. That value
5 has to be concluded. It is not just, okay, let's
6 move the building back five feet, and let's make it
7 go back 60 feet.

8 MR. GALVIN: We don't consider that.

9 THE WITNESS: You have to remember --
10 we have to --

11 MR. GALVIN: We don't consider the cost
12 to the developer to create the project. It is
13 there, but it is not a zoning and planning
14 determination.

15 THE WITNESS: But I was going to finish
16 the point.

17 You have to remember what can be built
18 here. The applicant will get the exact same
19 building, the same square footage. He'll get the
20 same parking spaces. There is no additional benefit
21 with the exception of the things we are asking for
22 to offset the efforts that have to be taken to set
23 this back.

24 CHAIRMAN HOLTZMAN: Thank you, Mr.
25 Minervini.

1 Are there any other questions for the
2 architect, otherwise, Mr. Matule, do you have
3 additional witnesses?

4 MR. MATULE: I do.

5 CHAIRMAN HOLTZMAN: I wanted to make
6 one final --

7 MR. MATULE: We have to open the
8 architect up to the public first.

9 CHAIRMAN HOLTZMAN: I'm sorry?

10 MR. MATULE: Are you going to open it
11 up to the public first?

12 CHAIRMAN HOLTZMAN: Are there any
13 members of the public?

14 MR. MATULE: Thank you.

15 CHAIRMAN HOLTZMAN: Thank you,
16 Excellent.

17 THE WITNESS: Thank you.

18 CHAIRMAN HOLTZMAN: I did have one
19 closing remark for Mr. Minervini before he sits
20 down, which is I think you have made the case. It
21 is obviously a differing of opinions, it sounds
22 like.

23 I know that one of the things that the
24 team is always very focused on is stormwater
25 management to the greatest extent possible. It

1 seems like there is a differing of opinions on decks
2 versus roof usage versus backyard, and a couple of
3 the units that have two uses.

4 I happen to think that the balconies
5 off the back, there is symmetry to them that I think
6 would be upset if you say, let's take one out here
7 and one out here, and something to that effect.

8 Maybe there is a trade-off that you can
9 offer to the team of a green roof. There is an
10 awful large roof on this deck as well on this roof,
11 so I will conclude with that.

12 THE WITNESS: I will speak to the
13 applicant.

14 CHAIRMAN HOLTZMAN: Thank you.

15 Mr. Matule.

16 MR. MATULE: Yes.

17 Mr. Kolling.

18 MR. GALVIN: Mr. Kolling, raise your
19 right hand.

20 Do you swear or affirm the testimony
21 you are about to give in this matter is the truth,
22 the whole truth, and nothing but the truth?

23 MR. KOLLING: Yes, I do.

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

1 MR. GALVIN: State your full name for
2 the record and spell your last name.

3 THE WITNESS: Edward Kolling,
4 K-o-l-l-i-n-g.

5 MR. GALVIN: Do we accept Mr. Kolling's
6 credentials as a planner?

7 CHAIRMAN HOLTZMAN: We do.

8 MR. GALVIN: You may proceed.

9 MR. MATULE: Thank you.

10 Mr. Kolling, you are familiar with the
11 zoning ordinance and the master plan of the City
12 Hoboken?

13 THE WITNESS: Yes, I am.

14 MR. MATULE: And you are familiar with
15 the proposed project as it has been revised?

16 THE WITNESS: Yes.

17 MR. MATULE: And you prepared a
18 planner's report originally in January and revised
19 April 19th?

20 THE WITNESS: Correct.

21 MR. MATULE: Would you go through your
22 report and give us your professional opinion
23 regarding the variance relief being requested by the
24 applicant?

25 THE WITNESS: Certainly, and I will be

1 brief in the beginning because I think Frank was
2 exhaustive in his descriptions, so we will go
3 quickly through there.

4 The property as it sits today has a
5 one-story commercial building that covers about a
6 hundred percent of Lot 15, and Lot 14 is about a
7 hundred percent covered with asphalt pavement, so
8 almost a plain impervious surface. That's the
9 existing condition.

10 The proposed development Frank has gone
11 through, and I won't go through that because, as I
12 said, it was pretty exhaustive.

13 The surrounding area is mostly
14 residential. There is a few commercial ground
15 floors here and there, but it's mostly residential.

16 The building immediately next door is a
17 five-story building at the corner.

18 Across the street, there are a couple
19 five-story buildings, and going towards Sixth, there
20 are other five-story buildings directly behind us,
21 just five and six stories.

22 There are other three or four-story
23 buildings in the area, but certainly the five-story
24 building is not out of character and it's our
25 closest neighbors are that high.

1 It is an R-3 District. The purpose is
2 to advance the achievement of a viable residential
3 neighborhood and to encourage conservation and
4 rehabilitation of existing residential blocks and
5 support residential revitalization, and otherwise
6 reinforce residential characteristics of the
7 district.

8 Certainly the exiting one-story
9 commercial building, without any residential uses at
10 all, is not consistent with that intent, nor is it
11 the asphalt paved lot.

12 Conversely what we are proposing will
13 promote the intent and purpose of the R-3 District.

14 The variances that we are asking
15 include building height. We are asking for an
16 18-inch height variance. The reason for that has to
17 do with us being in the flood plain and the need to
18 raise the first floor an extra 18 inches for
19 handicapped accessibility for the perspective of the
20 ADA van, but also in terms of providing the
21 commercial use on the ground floor.

22 Commercial uses in a very squat space
23 just wouldn't be very attractive. It wouldn't be
24 very functional. I also think it makes for a more
25 eloquent building, if the ground floor is a little

1 bit taller. That is typically how buildings have
2 been constructed in Hoboken, and I think anywhere
3 where you have this more traditional historic
4 architecture.

5 The lot coverage, I won't go through
6 all of that, because Frank had a lot of
7 calculations. But 60 percent is permitted. Our
8 total lot coverage is 68.2 percent.

9 On the rear setback, we actually have a
10 little over 35 feet to the building itself. The
11 balconies above do extend into the rear yard
12 resulting in a setback of 27 feet two inches, which
13 is a two foot two inch variance.

14 I think the project promotes many
15 recommendations of the master plan. I think it
16 promotes compatibility in scale, density and design.
17 Obviously, the five-story building is consistent
18 with our immediate neighbors, and the density is
19 within what is permitted within the district.

20 Another recommendation is to provide
21 parking on the ground level of buildings. We have
22 done that by incorporating the parking within the
23 building and also screening it with the use of the
24 retail space, so we activate the ground floor a bit
25 more than if was simply parking.

1 We provide open space on the interior
2 of the blocks and create the rear yard, which is
3 another recommendation of the master plan. You
4 know, it is a great, really improvement over the
5 existing situation. So notwithstanding the fact
6 that we are asking for the variances for lot
7 coverage and the rear yard, we still create a
8 situation that is much improved over what exists.

9 And notwithstanding that the green roof
10 isn't there, we have incorporated many of the green
11 features into the building, such as the reflective
12 roof, the bicycle parking, Energy Star appliances
13 and things of that nature, so I think we also
14 promote that recommendation of the master plan.

15 The project provides additional street
16 trees. It also creates quality housing,
17 family-friendly housing, which also promotes
18 recommendations of the master plan.

19 So in conclusion, I think that the
20 height variance can be granted and for two reasons:

21 One, because of the hardship of the
22 flood plain that we are in, and the fact that when
23 you meet the one and a half feet to provide for the
24 handicapped accessible parking space, that would be
25 a C-1 criteria, but I think also in terms of the

1 beneficial aspects to the appearance of the
2 building, having the retail space on the ground
3 floor and being able to activate the street, I think
4 that that is a better approach to design and would
5 also fit into the C-2 criteria of the benefits
6 outweighing the detriments.

7 I don't see any real detriments to the
8 extra foot and a half. Most of our immediate
9 neighbors are of similar height, as you can see from
10 the renderings that Frank has done, so there is no
11 substantial detriment, in my opinion, to the public
12 good or the general welfare.

13 In terms of the lot coverage, yes, we
14 do exceed the lot coverage, but I think the
15 accommodations that are being made to the adjoining
16 property could be looked at as sort of a hardship,
17 which affects this specific piece of property, and
18 that also, though, it is beneficial, I think more
19 beneficial, to the public good to provide that extra
20 air and light.

21 So adjusting the lot coverage in the
22 way that we have asked for will help to promote the
23 general welfare, will help to protect public good
24 and provide benefits that would outweigh the
25 detriments under the C-2 criteria, and just the

1 existence of those windows there and what has caused
2 us to do in terms of redesigning the building, I
3 think can be considered a hardship under the C-1
4 criteria.

5 I don't see a substantial detriment for
6 granting these variances. The lot coverage is a
7 great improvement over what is there today, and the
8 creation of the rear yards is a great improvement as
9 well. So that goes very much following to the rear
10 yard, which I think you can look at from the same
11 perspective.

12 The rear yard shrinks a little bit
13 because of the rearrangement of the building.
14 Although at grade level, we still exceed the
15 requirement, but by providing extra open space on
16 the balconies, we do incur a slight incursion, I
17 guess, into the rear yard of two feet. I don't
18 think that's a substantial incursion or results in a
19 substantial detriment. On balance, I think that the
20 benefits substantially outweigh the detriments.

21 So I think that the variances can be
22 granted for those reasons with a C-1 and C-2
23 criteria.

24 We have one other variance for the lack
25 of retail uses on the block front. In this case,

1 too, there was already a commercial use on this
2 site, so I think replacing it would really have no
3 detrimental impact, and really I think has a
4 beneficial aspect to it, because it further creates
5 activity on the street and livens the street scape
6 in areas like this, where the ground floor cannot be
7 used for residential uses, it is important to put
8 some kind of active uses on the street, so I think
9 there, too, we look at benefits outweighing the
10 detriment, and there really is no substantial
11 detriment because there was already a commercial use
12 on this site.

13 I think we promote several of the
14 purposes of zoning under the Municipal Land Use Law,
15 which is also looked at as being public benefits.

16 We are providing quality housing,
17 including family-friendly and ADA accessible
18 housing. I think that promotes the general welfare,
19 which is consistent with Subparagraph 2(a).

20 The density is within keeping with the
21 permitted density, so this promotes the
22 establishment of an appropriate population in this
23 area, which is Subparagraph 2(e).

24 The project, the site area is
25 sufficient for the proposed uses, both the

1 residential, the ancillary parking, the ancillary
2 retail and the accessory parking, which is
3 Subparagraph 2(g) and I think the project promotes a
4 desirable visual environment, replacing the
5 one-story commercial structure and an empty parking
6 area with a well-designed building, which I think
7 will enhance the character of the area.

8 So all and all, I think the proofs
9 outweigh the granting of each of the variances.

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

11 CHAIRMAN HOLTZMAN: Mr. Roberts, any
12 questions or comments for the planner?

13 MR. ROBERTS: Just a couple on
14 observations.

15 One question for Ed, though, you
16 mentioned the rear yard setback variances due to the
17 balconies, and the balconies are eight feet by 23
18 feet -- 23 feet 6 inches, I believe, right, so I
19 think -- I guess the question is: If you were to
20 reduce the balconies and make it six feet, would
21 that eliminate that rear yard variance?

22 THE WITNESS: Yes. I think we would
23 still be two inches. I think the number was chosen
24 by the architect for functionality in terms of if
25 you were putting a table there, being able to sit on

1 both sides of the table, and I think that is why the
2 number was selected. But certainly, if you reduced
3 it from the two feet, you would lose all but two
4 inches of the variance.

5 MR. ROBERTS: Right.

6 The only reason I asked is that if
7 there is an opportunity to eliminate a variance and
8 at the same time reduce the building coverage, since
9 we use the outer physical limits of the building,
10 and we are trying to I think strike a balance
11 because we recognize the efforts being made to
12 accommodate the neighbor, that that -- what the
13 impact would be, or at least your weighing of the
14 benefits and detriments of that two foot or two foot
15 six inch, whatever it is, to have that rear yard
16 setback variance eliminated.

17 Then the other observation, Mr.
18 Chairman, in that the existing -- and this is really
19 to support Ed's argument in that not only is there
20 an existing business on the property, but currently
21 that existing business is not conforming with all
22 three requirements of the ordinance, in that it is
23 not part of a mixed-use building in a residential
24 zone. It is greater than a thousand square feet,
25 and there is no other use on the block.

1 By adding the commercial space, they
2 are eliminating two of the three of those, so they
3 are reducing it, because it would be less than a
4 thousand feet to be part of a mixed-use building,
5 and it still won't be -- I believe that the closest
6 commercial use is actually on the other side of the
7 street at the corner, so that variance really can't
8 be made to go away.

9 But I think this application does
10 eliminate two out of the three nonconforming
11 aspects, so I just wanted to add that for the
12 record.

13 That was really it, Mr. Chairman.

14 CHAIRMAN HOLTZMAN: Thank you.

15 VICE CHAIR MAGALETTA: That space, do
16 you know what is contemplated for that?

17 I mean, it is a small 200 square foot
18 space. Do you know what is contemplated for that,
19 if anything yet, retail, commercial?

20 What is it, in particular?

21 MR. MINERVINI: Yes. Retail,
22 commercial, we don't know what yet, but we know what
23 it can't be. It can't be a restaurant. It can't be
24 office space --

25 VICE CHAIR MAGALETTA: Okay. Is it a

1 coffee shop, something like that?

2 MR. MINERVINI: That be would nice, if
3 the opportunity arises.

4 VICE CHAIR MAGALETTA: Okay.

5 All right.

6 And then you made the point about the
7 public benefit. I mean, all of the reasons you
8 argued, those are private benefits. You know,
9 having ADA, having a nice building, having the
10 neighbor next door, like those are private benefits.
11 These are not really helping the public, so I
12 understand it was your point. It's nice for the
13 neighbor to get more light, but that's not really a
14 public benefit, like open space kind of public kind
15 of space --

16 THE WITNESS: Well, it's not
17 necessarily a benefit to the property owner or to
18 the developer. The benefit goes towards the
19 neighbor or towards the community or our neighbors
20 in general.

21 But also, the benefits wouldn't
22 promote -- when you promote the purposes of zoning,
23 that is considered to be promoting the general
24 welfare because zoning is intended to affect the
25 general welfare and public good, that sort of thing.

1 So by providing ADA accessible housing
2 or proving family-friendly housing, that is
3 something that's encouraged by the master plan, and
4 therefore, it's considered to be to the public good.

5 VICE CHAIR MAGALETTA: I understand the
6 argument. I think it is a little stretched out, but
7 I hear you. I understand the argument.

8 THE WITNESS: It is not as nice as if
9 we built a park.

10 (Laughter)

11 VICE CHAIR MAGALETTA: Right. That is
12 a direct line. Yeah, that is clear.

13 Okay. Thank you.

14 MR. GALVIN: The other thing, too, is I
15 think you have to look at it, as the Board said,
16 that sometimes one of the things you have to
17 consider is the negative impact on the surrounding
18 property owners, and to have left it alone to be
19 cubic and have that impact on those windows would
20 have had more of a negative impact on surrounding
21 property owners.

22 VICE CHAIR MAGALETTA: I understand
23 that.

24 MR. GALVIN: As to the purposes of
25 zoning, it increases the amount of light and air.

1 That's also one of the goals and purposes of the --

2 VICE CHAIR MAGALETTA: I get all of
3 that. Thank you.

4 MR. GALVIN: No problem.

5 COMMISSIONER PINCHEVSKY: Yeah. I'll
6 start it off.

7 So I think Mr. Minervini -- Mr.
8 Minervini mentioned that they were trying to be good
9 neighbors and bring back the building five feet --

10 MR. GALVIN: We're still asking Mr.
11 Kolling questions about the planning report.

12 CHAIRMAN HOLTZMAN: Oh, are you asking
13 Mr. Kolling questions about the planning report?

14 COMMISSIONER PINCHEVSKY: Well, I was
15 going to get to kind of the overall -- I can pause.

16 MR. GALVIN: We are not in
17 deliberations yet is what I'm saying. We have to
18 still finish the witness --

19 COMMISSIONER PINCHEVSKY: You know
20 what? I'll pause, just keeping it safe.

21 Thank you.

22 CHAIRMAN HOLTZMAN: Any questions for
23 planner with regard to the planner's report?

24 COMMISSIONER DOYLE: So, Mr. Kolling,
25 on Page 7 of your report, you describe the request

1 as rather modest, the percentage of the increase,
2 and you know, I couldn't help but think that that
3 cuts both ways. If it is modest lot coverage
4 increase, then maybe you could get rid of that and
5 comply with the 60 percent lot coverage because that
6 would be asking you to cut back a rather modest
7 amount of the building. But I am not sure if that
8 is a question, but I mean, if you want to reply why
9 I am wrong.

10 THE WITNESS: Well, looking at that,
11 that is in there in terms of looking at the negative
12 criteria and what would be the impact of granting
13 the variance. That is why that statement was there.

14 If it was cut back that modest amount,
15 we wouldn't be even asking for a variance, so that
16 is why the argument is in support of a variance.
17 There wouldn't have to be a statement, if there was
18 no variance.

19 COMMISSIONER DOYLE: Okay.

20 And on Pages 8 and 9 of the report, you
21 argue -- you make a point that this is a significant
22 improvement from what is there.

23 THE WITNESS: Yes.

24 COMMISSIONER DOYLE: I actually am
25 having a hard time, and this may be just, you know,

1 getting into the criteria. But the notion that this
2 property, because there is a nonconforming structure
3 on this property, and it will be reduced, that is a
4 benefit that should favor our granting this variance
5 versus if this were a vacant lot, we would not
6 consider that, and so that somehow having a
7 nonconforming structure on your property means that
8 you are more -- you are more worthy of a variance is
9 the logic that I am having trouble with.

10 THE WITNESS: And that is because if
11 there is a nonconforming structure and a
12 nonconforming use, it can continue. As long as it
13 is preexisting, then that can continue until it is
14 removed by some other action, but in a vacant
15 property, that is not the case. The vacant property
16 is vacant and then just gets --

17 COMMISSIONER DOYLE: So if I am eager
18 to develop, I should look for nonconforming
19 structures and acquire them, so that I know that I
20 will get more variances as a result of that logic.

21 MR. GALVIN: Yes and no.

22 The courts have actually found that
23 when you reduce nonconformities, that that is
24 something to be taken into consideration.

25 But you make a great point that if you

1 have completely -- if you are going to do --
2 whenever you're going to take the building down to
3 the ground, and why can't you comply with the
4 ordinance?

5 I mean, I think the fact that they are
6 eliminating nonconforming conditions -- if -- some
7 of this is when you see a project favorably, we have
8 to look to the reasons that make it justifiable to
9 grant it. There has to be some reason for us to
10 grant it.

11 COMMISSIONER DOYLE: Well, in this
12 instance, we have a hundred percent lot coverage on
13 one lot, and we have zero percent lot coverage on
14 the other lot, so if you are averaging, we have 50
15 percent lot coverage on this property, and you are
16 seeking 68.

17 So, you know, I am actually very -- as
18 you heard, I am -- Mr. Minervini has done a very
19 good job because I was initially not as -- but he
20 did very good job advocating for this, and I think
21 your client is doing a lot that is not required to
22 try to help the neighboring property.

23 The part I am struggling with is, you
24 know, there is almost an underlying presumption that
25 you have to get 60 percent, and if I can't get the

1 the Board members, and we would like to amend the
2 drawings to reflect a green roof with about 2000
3 square feet, but not change the size of the roof
4 decks.

5 In other words, we could, given the
6 ordinance, increase the size of the roof deck, put a
7 smaller amount of green roof.

8 We are proposing to keep the roof deck
9 at 30 percent, and all of the remaining area be
10 green roof.

11 A quick calculation brings that to
12 about 2000 square feet of green roof with still only
13 30 percent deck area.

14 CHAIRMAN HOLTZMAN: And I think you
15 previously testified about the bay windows in the
16 front being reduced to one foot?

17 THE WITNESS: Correct.

18 CHAIRMAN HOLTZMAN: Are there any other
19 concerns or questions for the architect while we
20 sort of have him up there for a second?

21 COMMISSIONER FORBES: I just wanted to
22 confirm. I believe you said that it would be
23 revised, so that the width of the stairs is only
24 three feet each way, so it is a total of six feet --

25 THE WITNESS: Yes. Thank you.

1 COMMISSIONER FORBES: -- so I just
2 wanted to make sure that that is reflected.

3 THE WITNESS: Yes.

4 CHAIRMAN HOLTZMAN: Thank you.

5 Mr. Matule?

6 MR. MATULE: Just I think Mr. Minervini
7 and Mr. Kolling sort of laid it all out there, and I
8 think to Councilman Doyle's comments, there is
9 always the counter argument that you could achieve
10 some of the same things by building a conforming
11 building, but that's -- and I don't mean this in any
12 combative or pejorative way -- that is not what is
13 before you.

14 What is before you is, you know, sort
15 of this versus whatever.

16 MR. GALVIN: Well, if something was
17 completely conforming, we would have to approve. We
18 would have almost no choice.

19 MR. MATULE: Yes, exactly.

20 And we could come up in with a
21 completely conforming building and probably have
22 more units and totally disrespect our neighbors.

23 And I also think it is very important,
24 I know in Mr. Roberts' report he had an overhead
25 shot, and Frank does, too. The large residential

1 building to the rear of our building, I guess it
2 would be to the east, while it's, quote, unquote,
3 open in the back, it is a surface parking lot all
4 the way up to the rear property line.

5 So, you know, is that really what the
6 donut is all about?

7 Yes, it is -- there is no building
8 there, but it certainly is not green space in the
9 back yard. We are eliminating a 100 percent
10 impervious lot coverage situation.

11 And while we are asking for a two foot
12 ten inch deviation from the 30 foot rear yard, it is
13 just where the balconies, you know, hang out in
14 space. We are creating a large open pervious rear
15 yard, which is going to benefit everybody in the
16 neighborhood, not just our building, so I think that
17 is a real benefit.

18 We are eliminating the nonconforming
19 structure, the nonconforming use, the surface
20 parking lot, and it is a substantial esthetic
21 benefit I think to the neighborhood, and I would say
22 in light of the fact that the applicant has now
23 agreed to put a green roof on, I would like to posit
24 that by keeping the roof decks to 30 percent, we are
25 sort of trying to trade off having balconies the

1 size they are on all four units in the back. It is
2 a trade-off of outdoor space again, and we think it
3 is a better zoning alternative, so there you have
4 it.

5 CHAIRMAN HOLTZMAN: Thank you, Mr.
6 Matule.

7 Mr. Pinchevsky?

8 COMMISSIONER PINCHEVSKY: Thank you.

9 I guess I will just start off. This is
10 the deliberations, I assume?

11 CHAIRMAN HOLTZMAN: Correct.

12 (Laughter)

13 COMMISSIONER PINCHEVSKY: Very, very
14 good.

15 So I want to echo Councilman Doyle's
16 comment before about 60 percent is the standard, or
17 at least it appears to be a standard, where as
18 really it is the maximum. It is the limit, and
19 there is really nothing preventing an applicant from
20 going less than that, and Mr. Minervini was
21 mentioning that they were trying to be good
22 neighbors, and how the five foot setback, which I
23 think is a great thing to do, and, you know, it's,
24 you know, trying to work with the neighboring
25 building. It is certainly a partial hardship, so I

1 agree with that -- with the way it was phrased by
2 Mr. Kolling.

3 However, they are not reducing the five
4 foot and going down to 55 percent. They are using
5 that as an excuse to add it elsewhere, so I think it
6 is more of an excuse than really -- but, you know,
7 also -- it is kind of both. It's an excuse and
8 working with the neighbor, so I agree with it.

9 However --

10 CHAIRMAN HOLTZMAN: It is a trade-off.

11 COMMISSIONER PINCHEVSKY: It's a
12 trade-off. However -- and I am okay with the
13 trade-off in this case. I think it is really very
14 nice to work with the neighbors.

15 However, I think somebody else
16 mentioned before that it appears that they are
17 trying to double-dip, and I agree with that
18 completely.

19 I think the five foot setback they are
20 replacing essentially square foot to square foot by
21 extending beyond 60 feet or extending to 64 and a
22 half feet I think it is, or whatever the amount is,
23 and at the same time they're using the five foot
24 setback to have the balconies -- or really patios,
25 and they are quite large.

1 Personally, I would be okay with one or
2 the other. I think asking for both exceeds the
3 hardship that is really upon them with the
4 neighboring windows. I think if they got rid of one
5 or the other, they would then fall -- they wouldn't
6 need a 30 foot setback, right, for the -- it would
7 be one less variance?

8 MR. ROBERTS: If they --

9 COMMISSIONER PINCHEVSKY: If they got
10 rid of four feet from the building or they got rid
11 of the balconies, they wouldn't would not need --

12 MR. ROBERTS: They would reduce the
13 balconies to get rid of the rear yard setback. They
14 wouldn't have to eliminate them.

15 COMMISSIONER PINCHEVSKY: Well, I am
16 saying if they did. If they eliminated the
17 balconies or if they went back from 64 feet back
18 down to 60 feet, if they did either of those, they
19 would also reduce one of the variances --

20 MR. ROBERTS: I think I would --

21 COMMISSIONER PINCHEVSKY: So I agree
22 with the hardship that Mr. Kolling brought up during
23 his testimony. However, I don't think that two
24 variances essentially, you know, the extra four feet
25 for the building and the balcony, I think that is

1 excessive in terms of the trade-off.

2 However, I just wanted to make a side
3 comment real quick for Dennis. I didn't think it
4 was necessary to mention during -- during -- or
5 previously, you know, as a condition, if you could
6 add our standard language for the parking, if it is
7 to get approved, the standard language for the
8 parking, that if it is to be a condo and not a
9 rental, that the parking spaces be deeded, unless
10 the applicant has any objection to that.

11 MR. MATULE: Do you have any objection?

12 No. We have no objection.

13 MR. GALVIN: Should the property be
14 converted to condominium, the parking spaces will be
15 deeded to units within the building.

16 COMMISSIONER PINCHEVSKY: Yeah, rather
17 than -- yes.

18 Thank you.

19 MR. GALVIN: I already had it down.

20 CHAIRMAN HOLTZMAN: Thank you, Rami.
21 Director?

22 COMMISSIONER FORBES: Yes.

23 I do appreciate the thought that went
24 into this, and you know, acknowledging, especially
25 the number of windows that are on the other

1 building, and really creating something that is
2 livable for them, not going out, you know, taking
3 the extra step and then trying to then cram windows
4 on this building either.

5 I do appreciate the interesting feature
6 for that wall, too, so that people are not just
7 looking out at one color wall, but there is an
8 interesting detail. I thought that that was good.

9 I do understand wanting to have that
10 offset. You know, I know that we are talking about
11 the bays not being something that's as usable, but
12 it is still to me asking for a lot, when you are
13 also asking for this particular -- to get more in
14 the rear yard, you know, that is always going to be
15 my concern is the public's space with that. But I
16 do appreciate that consideration for the neighbors
17 that has been put into this.

18 CHAIRMAN HOLTZMAN: Thank you.

19 Commissioners, any other questions or
20 comments?

21 COMMISSIONER JACOBSON: Just one.

22 You know, I agree completely with all
23 of the discussion about the consideration of the
24 neighboring building to the north. 35 units is
25 not -- 35 windows is not an insignificant number of

1 windows, and I think the idea of the five foot
2 setback along that side of the building is a very
3 considerate approach to that.

4 But there is also adjoining -- there is
5 a neighbor to the south as well, and the existing
6 structure to the south appears to be a two, two and
7 a half story frame building, quite old, that it
8 wouldn't surprise me if at some point in the future,
9 that property is redeveloped, and now with this
10 project as proposed, they are facing, you know, an
11 issue with a 60 foot deep building is going to have
12 four and half feet along the edge, which is
13 protruding against, you know, to the north.

14 So are they going to come to us looking
15 for a variance to expand that building out, so that
16 they can be flush with the back side of this
17 building?

18 So, you know, on account of both
19 adjoining properties, I would, as Commissioner
20 Pinchevsky had commented, that, you know, either,
21 you know, the patios has one approach to
22 compensating for the five foot setback, or the
23 building depth, you know, one or the other is
24 probably a reasonable trade-off.

25 I would be much more comfortable with

1 the balconies and maintaining the 60 foot building
2 depth, so that we don't create an issue for the
3 adjoining property to the south.

4 CHAIRMAN HOLTZMAN: Okay.

5 Frank?

6 VICE CHAIR MAGALETTA: Do you want to
7 go?

8 COMMISSIONER STRATTON: I think we
9 talked about the consciousness of the other
10 property, so I'm not going to add on that.

11 I will talk about some of the other
12 reasons I would support this application as
13 proposed. I have three of them.

14 If we were not to approve this
15 application that is before us tonight, they could as
16 of right build something that would not be good on
17 this property or the building adjacent to it.

18 Second: I think that advancing
19 stormwater management is significant, and they have
20 done it through a detention system, as well as a
21 green roof.

22 Third: We have an ordinance, flood
23 damage prevention ordinance, that makes it difficult
24 to include retail on the ground floor and activate
25 the street space. Dry flood proofing is expensive.

1 There is not retail on this block face, and I think
2 that is a good thing.

3 CHAIRMAN HOLTZMAN: Thank you.

4 VICE CHAIR MAGALETTA: Just a policy
5 question. This as Councilman Doyle, and, you know,
6 if the lot is nonconforming, and you have an
7 opportunity to make it so it's conforming, then
8 that's what you should encourage.

9 So you don't go from nonconforming to
10 nonconforming again. That doesn't mean we should
11 never have nonconforming. I am just saying the idea
12 that if it is nonconforming now, and we can do
13 something else to make it less nonconforming, that's
14 an argument I understand. I appreciate it. That
15 doesn't mean just because it's nonconforming there,
16 we could make it less nonconforming, therefore, give
17 us what we think would be appropriate for the space.

18 I agree with Mr. Pinchevsky, you know,
19 one or the other, but maybe not both.

20 That is really it.

21 COMMISSIONER GRAHAM: I just want to
22 say I appreciate Commissioner Pinchevsky's remarks
23 because in my stupidity before, I think that was
24 something that I was trying to get at, but I
25 couldn't at the point in time articulate, so I

1 appreciate you saying it.

2 Thank you for clarifying.

3 CHAIRMAN HOLTZMAN: Thank you.

4 Anyone else?

5 COMMISSIONER O'CONNOR: I'll go.

6 So, you know, I was kind of weighing
7 the options. I really appreciate what Commissioner
8 Pinchevsky has said.

9 I also really appreciate what
10 Commissioner Stratton has said, and for the reasons
11 that Commissioner Stratton had mentioned, I am also
12 in support of the project as it is.

13 CHAIRMAN HOLTZMAN: Okay. Thank you.

14 Dennis, you have a couple conditions.
15 Can you read them for us?

16 MR. GALVIN: Yes.

17 One: The applicant is to file a deed
18 of consolidation, which will vacate the existing
19 alleyway easement as a function of law. I agree
20 with Mr. Matule.

21 Two: The applicant shall obtain the
22 city's approval of any encroachment into the city's
23 right-of-way.

24 Three: The applicant will comply with
25 the Flood Plain Administrator's review letter of

1 January 18th, 2016. The applicant agreed to submit
2 the revised plan to the Flood Plain Administrator
3 seeking her additional review and approval, and the
4 applicant acknowledged that it will dry flood proof
5 the commercial space.

6 Four: The Board understands there is a
7 limitation of the storage capacity that might be
8 employed in the building. Notwithstanding this
9 fact, the applicant is to revise the plan to show
10 that the building will contain twice as big as the
11 North Hudson Sewer Authority requirement. This
12 stormwater storage plan is to be reviewed and
13 approved by the Board's engineer.

14 I will fix that. It won't be "big."

15 (Laughter)

16 Five: The condensers on the roof are
17 to be screened from view from the adjacent property
18 and shall have a Type II sound attenuation
19 enclosure. The revisions to the plan regarding the
20 condensers are to be reviewed and approved by the
21 Board's Engineer and Planner.

22 Six: Subject to compliance with the
23 Board's Planner and Engineer's letters.

24 Seven: Should the property be
25 converted to a condominium, the parking spaces are

1 to be deeded to units within the building.

2 Eight: The plan is to be revised to
3 reduce the balcony encroachment into the
4 right-of-way, so to show --

5 CHAIRMAN HOLTZMAN: This is a bay
6 window.

7 MR. GALVIN: -- to reduce the bay
8 window encroachment into the city right-of-way as
9 not exceeding one foot.

10 Nine: The plan is to be revised to
11 show a green roof of 2000 square feet, and the roof
12 deck not exceeding 30 percent.

13 The plan is to be reviewed and approved
14 by the Board's Engineer and Planner.

15 Ten: The applicant is to record a deed
16 restriction to ensure that the owner of the
17 building, which may be a condominium association, is
18 to maintain the green roof as shown on the plan as
19 long as the building exists. The deed restriction
20 is to be reviewed and approved by the Board's
21 attorney prior to being recorded, and it must be
22 recorded prior to the issuance of the first
23 certificate of zoning.

24 Those are my conditions.

25 CHAIRMAN HOLTZMAN: Director?

1 MR. GALVIN: Wait, wait. I got one
2 more -- well, go ahead.

3 COMMISSIONER FORBES: I was just saying
4 do we need to have a condition that says the plan
5 was to be revised, so the stairwell width would only
6 be three feet not to --

7 CHAIRMAN HOLTZMAN: Total of six.

8 COMMISSIONER FORBES: -- a total of
9 six, yeah.

10 MR. GALVIN: Say that again.

11 The plan is to be revised to show --

12 COMMISSIONER FORBES: The stairs --

13 CHAIRMAN HOLTZMAN: Rear steps.

14 COMMISSIONER FORBES: -- the width of
15 the rear steps shall not exceed three feet, a total
16 of six feet for the entire stairwell.

17 COMMISSIONER PINCHEVSKY: With a
18 wrap-around.

19 MR. HIPOLIT: That's right, or the
20 wrap-around --

21 MR. GALVIN: Or six feet for the entire
22 length?

23 COMMISSIONER FORBES: No. Six feet for
24 the entire width.

25 CHAIRMAN HOLTZMAN: Entire width.

1 COMMISSIONER FORBES: At the
2 wrap-around.

3 MR. GALVIN: Get it right now.

4 MR. HIPOLIT: The entire width at the
5 wrap-around, where it wraps around.

6 CHAIRMAN HOLTZMAN: You might need to
7 fine tune that one.

8 COMMISSIONER FORBES: Yes.

9 (Laughter)

10 Big wrap-around.

11 COMMISSIONER DOYLE: For the green
12 roof, the number of 2,000 I think was just thrown
13 out as a rough estimate. I mean, I don't know
14 whether we could define that part as --

15 CHAIRMAN HOLTZMAN: Is that a number
16 that you are comfortable with, Mr. Minervini, that
17 you gave us, or was that off the top of your head?

18 MR. MINERVINI: It was a quick
19 calculation off the drawings. I would say plus or
20 minus. I would suggest that the way to write it is:
21 Any space left over that is not the 30 percent roof
22 and it's not mechanical area will be a green roof.

23 COMMISSIONER DOYLE: Thank you.

24 CHAIRMAN HOLTZMAN: And the Board
25 Engineer will review that.

1 MR. HIPOLIT: Yes.

2 MR. GALVIN: I have a question.

3 Those of who are in favor of this
4 application, I need you to tell me whether you think
5 this would be a C-2 case alone or a C-2 and a C-1
6 case.

7 It has been suggested that the windows
8 create a hardship. I don't know how you feel about
9 it. I am not there, but I --

10 COMMISSIONER STRATTON: So I don't
11 think that it is a hardship as per definition of the
12 zoning code.

13 Is it a hardship in the design of the
14 project, and does it impose a hardship upon the
15 application to drive the design further than is
16 necessary, yes, but it is not --

17 MR. GALVIN: Well, if you say it that
18 way, it could be a C-2 in the fact there is three
19 components to a C-1 variance.

20 One is due to the topographical nature
21 or the -- with the lot -- but there is a third
22 category of an unusual condition affecting a
23 property.

24 You could say that having this building
25 with 35 windows is an unusual condition affecting

1 the property, and therefore, it is appropriate to
2 treat it also.

3 It was a hardship in the development of
4 the building, because they could put it right on the
5 property line, but then it would have an adverse
6 consequence on the adjacent property, but that's --

7 MR. ROBERTS: I was going actually to
8 say because of the condition that is, you know, that
9 we are talking about is not on the property --

10 VICE CHAIR MAGALETTA: It wouldn't
11 drive the design. It's like you can't go -- it is a
12 strange shape for the lot, and you had to have like
13 a five foot side yard, and you can't make that side
14 yard, they could go up to it, so it's not a hardship
15 in that sense.

16 COMMISSIONER DOYLE: They testified as
17 such, too, that they can.

18 MR. ROBERTS: But I mean, that is the
19 traditional consideration of hardship. But I think
20 what Dennis just said about a condition affecting
21 the property sounds like it is coming from maybe a
22 court decision that might have considered something
23 that was affecting the property that wasn't on the
24 property, so --

25 MR. GALVIN: Listen, one of the things

1 I normally like to do, and I will shut up in a
2 second, is that when I draft resolutions, if we turn
3 something down, I am going to give every effort in
4 turning it down and being as thorough as I can.

5 If we are going to approve something, I
6 want to try to put every single bit of machinery in
7 there that I can to advance the application, but I
8 don't want to put in a hardship argument if this
9 Board is going to be uncomfortable with that.

10 COMMISSIONER STRATTON: So what would
11 the difference in writing the resolution with either
12 a C-1 or C-2 variance be then?

13 MR. GALVIN: Well, the C-2 is going to
14 be there no matter what.

15 If I were going to add a C-1 argument,
16 it would be C-1 and C-2. In every resolution I am
17 including a C-2 --

18 COMMISSIONER DOYLE: But he's asking
19 the different criteria to add the --

20 COMMISSIONER STRATTON: What would
21 be -- what would be --

22 MR. GALVIN: No. You would have to be
23 finding that there was a hardship, and as Councilman
24 Doyle pointed out, he doesn't think there is a
25 hardship because they could put a compliant building

1 there.

2 CHAIRMAN HOLTZMAN: I have --

3 MR. GALVIN: Something that's
4 compliant, maybe you can't --

5 CHAIRMAN HOLTZMAN: -- I have one
6 question, Dave, which is this: It would seem that
7 on this particular piece of property, there is not
8 the hardship for them, but is there any
9 consideration for the hardship that you cause to
10 somebody else's property by you -- by them executing
11 a width to width lot?

12 MR. ROBERTS: Actually I was going to
13 mention that, Mr. Chairman. I think that actually
14 is the argument for the C-2, because one of the
15 conclusions that you come to is that the benefits of
16 allowing a deviation from the ordinance results in a
17 better project than if the project were conforming
18 with the ordinance, and I think that is really what
19 is happening here.

20 So I think in this case, if you felt
21 that the five foot setback and then the
22 accommodation on the variances that are being
23 requested is a result of a better project than
24 design-wise and also in terms of how it affects the
25 negative criteria, which includes the surrounding

1 properties, then you could use that as a
2 justification --

3 CHAIRMAN HOLTZMAN: Right.

4 From the Planning Board's perspective
5 versus other municipal types of Boards, it is very
6 important for us to consider the neighborhood and
7 the neighbors in evaluating the property, because
8 there is a spill-over, and obviously what happens on
9 this property can very quickly adversely affect
10 somebody else.

11 MR. ROBERTS: Right.

12 So that would be my reason for why it
13 would be more of a C-2 justification.

14 MR. GALVIN: Then I think I got my
15 direction. I know what to do. I won't be
16 categorizing this as a C-1. I'll just take the C-2,
17 if the Board sees it in the affirmative.

18 CHAIRMAN HOLTZMAN: Okay.

19 So there were 11 conditions as read by
20 Dennis. Is there a motion to accept the conditions
21 and approve the application?

22 COMMISSIONER O'CONNOR: I'll make a
23 motion.

24 CHAIRMAN HOLTZMAN: Is it a motion to
25 accept?

1 Ms. O'Connor.

2 Is there a second for the motion?

3 COMMISSIONER STRATTON: I will second

4 it.

5 CHAIRMAN HOLTZMAN: Second.

6 Pat, please call the vote.

7 MS. CARCONE: Commissioner Magaletta?

8 VICE CHAIR MAGALETTA: No.

9 MS. CARCONE: Commissioner Stratton?

10 COMMISSIONER STRATTON: Yes.

11 MS. CARCONE: Commissioner Forbes?

12 COMMISSIONER FORBES: Yes.

13 MS. CARCONE: Commissioner Doyle?

14 COMMISSIONER DOYLE: No.

15 MS. CARCONE: Commissioner Graham?

16 COMMISSIONER GRAHAM: No.

17 MS. CARCONE: Commissioner Pinchevsky?

18 COMMISSIONER PINCHEVSKY: No.

19 MS. CARCONE: Commissioner Jacobson?

20 COMMISSIONER JACOBSON: No.

21 MS. CARCONE: Commissioner O'Connor?

22 COMMISSIONER O'CONNOR: Yes.

23 MS. CARCONE: Commissioner Holtzman?

24 CHAIRMAN HOLTZMAN: Yes.

25 MS. CARCONE: So we have four to

1 approve, and five to not approve. It's not
2 approved.

3 COMMISSIONER GRAHAM: What, it's not
4 approved?

5 CHAIRMAN HOLTZMAN: Not approved.

6 MR. MATULE: Thank you.

7 CHAIRMAN HOLTZMAN: Is there a motion
8 to close the meeting?

9 COMMISSIONER FORBES: I so move.

10 CHAIRMAN HOLTZMAN: Is there a second?

11 VICE CHAIR MAGALETTA: Second, yes.

12 CHAIRMAN HOLTZMAN: All in favor, aye?

13 (All Board members answered in the
14 affirmative.)

15 (The meeting was 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: 6/16/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.