

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

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REGULAR MEETING OF THE HOBOKEN : Tuesday  
ZONING BOARD OF ADJUSTMENT : March 19, 2013  
----- X 7 p.m.

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Joseph Crimmins
- Commissioner Nancy Pincus
- Commissioner John Branciforte
- Commissioner Jay Boucher

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

- Eileen Banyra, Planning Consultant
- David Atkinson, PE, PP  
Board Engineer
- Patricia Carcone, Board Secretary

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1           A P P E A R A N C E S:

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5                   (732) 364-3011  
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1                   CHAIRMAN AIBEL: I would like to advise all  
2 of those present, that notice of this meeting has  
3 been provided to the public in accordance with the  
4 provisions of the Open Public Meetings Act, and that  
5 notice was published in The Jersey Journal and on  
6 the city website. Copies were provided in The  
7 Star-Ledger, The Record, and also placed on the  
8 bulletin board of City Hall.

9                   Would everybody please stand and salute the  
10 flag?

11                   (Pledge of Allegiance recited)

12                   CHAIRMAN AIBEL: Pat, want to do a roll  
13 call?

14                   MS. CARCONE: Commissioner Aibel?

15                   CHAIRMAN AIBEL: Here.

16                   MS. CARCONE: Commissioner Greene?

17                   VICE CHAIR GREENE: Here.

18                   MS. CARCONE: Commissioner Crimmins?

19                   COMMISSIONER CRIMMINS: Here.

20                   MS. CARCONE: Commissioner DeFusco is  
21 absent.

22                   Commissioner Pincus?

23                   COMMISSIONER PINCUS: Here.

24                   MS. CARCONE: Commissioner Branciforte?

25                   COMMISSIONER BRANCIFORTE: Here.

1 MS. CARCONE: Commissioner Boucher?

2 COMMISSIONER BOUCHER: Here.

3 MS. CARCONE: Okay. We have a quorum.

4 CHAIRMAN AIBEL: Want to do the  
5 resolutions?

6 MR. GALVIN: Okay.

7 The first one we have is in the matter of  
8 T&C Management, known to us as 636 Grand Street.

9 Mr. Greene, Mr. Crimmins, Mr. Branciforte,  
10 Mr. Boucher, and Chairman Aibel voted in favor.

11 May I have a motion?

12 COMMISSIONER CRIMMINS: Motion to approve.

13 MR. GALVIN: Can I have a second?

14 COMMISSIONER BRANCIFORTE: Second.

15 MR. GALVIN: All right. Mr. Greene?

16 VICE CHAIR GREENE: Yes,

17 MR. GALVIN: Mr. Crimmins?

18 COMMISSIONER CRIMMINS: Yes.

19 MR. GALVIN: Mr. Branciforte?

20 COMMISSIONER BRANCIFORTE: Yes.

21 MR. GALVIN: Mr. Boucher?

22 COMMISSIONER BOUCHER: Yes.

23 MR. GALVIN: Chairman Aibel?

24 CHAIRMAN AIBEL: Yes.

25 MR. GALVIN: The next matter is ERO

1 Property Management, 108 Jefferson Street.

2 Mr. Greene, Mr. Crimmins, Ms. Pincus, Mr.  
3 Boucher and Chairman Aibel.

4 Would someone like to make a motion?

5 COMMISSIONER PINCUS: I'll make a motion.

6 MR. GALVIN: Thank you.

7 Is there a second?

8 COMMISSIONER CRIMMINS: Second.

9 MR. GALVIN: All right. Mr. Greene?

10 VICE CHAIR GREENE: Yes.

11 MR. GALVIN: Mr. Crimmins?

12 COMMISSIONER CRIMMINS: Yes.

13 MR. GALVIN: Ms. Pincus?

14 COMMISSIONER PINCUS: Yes.

15 MR. GALVIN: Mr. Boucher?

16 COMMISSIONER BOUCHER: Yes.

17 MR. GALVIN: And Chairman Aibel?

18 CHAIRMAN AIBEL: Yes.

19 MR. GALVIN: The last matter we have is 812

20 Bloomfield Street, also known as 812 Bloomfield,

21 LLC. This was a resolution of denial. Those voting

22 to deny were Mr. Crimmins, Mr. Branciforte, Mr.

23 Boucher and Chairman Aibel.

24 COMMISSIONER CRIMMINS: I'll make a motion

25 to approve.

1 MR. GALVIN: Thank you.

2 Is there a second?

3 COMMISSIONER BRANCIFORTE: Second.

4 MR. GALVIN: Thank you.

5 Mr. Crimmins?

6 COMMISSIONER CRIMMINS: Yes.

7 MR. GALVIN: Mr. Branciforte?

8 COMMISSIONER BRANCIFORTE: Yes.

9 MR. GALVIN: Mr. Boucher?

10 COMMISSIONER BOUCHER: Yes.

11 MR. GALVIN: Chairman Aibel?

12 CHAIRMAN AIBEL: Yes.

13 (Continue on the next page(

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HOBOKEN BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
 302-306 MONROE STREET :  
 Block 47, Lot 32 :  
 Applicant: Monroe 302, LLC : Tuesday  
 Preliminary Site Plan : March 19, 2013  
 C&D Variances : 7:10 p.m.  
 ----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

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Vice Chair Elliot H. Greene  
Commissioner Joseph Crimmins  
Commissioner Nancy Pincus  
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9                   Hoboken, New Jersey 07030  
10                  Attorney for the Applicant.

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WITNESS

PAGE

FRANK MINERVINI

16

E X H I B I T S

EXHIBIT NO.

DESCRIPTION

PAGE

A-1

Photo Board

18

A-2

Rendering

26

1                   CHAIRMAN AIBEL: Mr. Matule, we have  
2                   302-306 Monroe Street.

3                   MR. MATULE: Yes, Mr. Chair.

4                   MR. GALVIN: Wait. We had two --

5                   CHAIRMAN AIBEL: Hold on one second,  
6                   please.

7                   MR. GALVIN: We had still two matters on  
8                   the -- we probably should deal with 1312 Adams  
9                   Street first.

10                  MR. MATULE: Yes, Mr. Chair.

11                  I was going to ask on 1312-1318 Adams, we  
12                  were on the agenda we had noted for tonight. We  
13                  didn't get our plans in until Monday, and Ms. Banyra  
14                  discussed it with me, and I had agreed that we would  
15                  ask that the matter be carried to next month's  
16                  meeting. She didn't have time to write up a report.  
17                  This was one that was in transition from Elizabeth  
18                  to Ms. Banyra or I should say from Ms. Vandor. So I  
19                  would ask if we can carry it to the April meeting  
20                  and make an announcement tonight that there will be  
21                  no further public notice.

22                  We had submitted our proof of publication  
23                  and proof of mailing to the Board Secretary.

24                  MR. GALVIN: Is anybody here on this  
25                  matter?

1                   Mr. Chairman, nobody is here on this  
2 matter.

3                   (Board members confer)

4                   CHAIRMAN AIBEL: Do we have time next  
5 month?

6                   MS. BANYRA: If he is asking for it to be  
7 carried, yes.

8                   MR. GALVIN: We are used to Elizabeth  
9 keeping track of crowd control.

10                  (Laughter)

11                  MS. BANYRA: So do we have other  
12 applications on, is that what you are asking?

13                  MR. GALVIN: Yes.

14                  (Laughter)

15                  MS. BANYRA: I'm sorry. I was writing  
16 something.

17                  Yes. We have 206 11th that was scheduled,  
18 and if anything from tonight gets carried over, so  
19 that would be the second matter on the agenda right  
20 now.

21                  We do have a little bit of a backlog, but  
22 we will juggle them, and that is what I had  
23 discussed with Mr. Matule, seeing as the plans came  
24 in less than 10 days prior to the hearing, so --

25                  CHAIRMAN AIBEL: They came in late.

1           MR. GALVIN: So I guess the professionals  
2           are okay to carrying this to the April 16th meeting  
3           without notice, if that helps you.

4           CHAIRMAN AIBEL: Any problem?

5           MR. GALVIN: Will someone make a motion to  
6           carry it to April 16th without notice?

7           VICE CHAIR GREENE: I move that we carry  
8           the application to April 16th without any further  
9           notice.

10          MR. GALVIN: Is there a second?

11          COMMISSIONER PINCUS: Second.

12          MR. GALVIN: All in favor?

13          (All Board members answered in the  
14          affirmative.)

15          MR. GALVIN: Anyone opposed?

16          That the matter will be heard on the 16th.

17          MR. MATULE: Okay.

18          CHAIRMAN AIBEL: Two gentlemen just came  
19          in.

20          Are you here on the 302-306 Monroe Street  
21          application?

22          UNIDENTIFIED VOICE: No.

23          CHAIRMAN AIBEL: Are you here on a Board  
24          application?

25          UNIDENTIFIED VOICE: No.

1                   CHAIRMAN AIBEL:  You are welcome.  Nice to  
2   see you.

3                   MR. GALVIN:  You do know this is the Zoning  
4   Board, and it is kind of boring?

5                   (Laughter)

6                   UNIDENTIFIED VOICE:  We will try to contain  
7   ourselves.

8                   MR. GALVIN:  All right.  We will give you  
9   as much comic relief as we can.

10                  CHAIRMAN AIBEL:  It's nice and warm in  
11   here, so --

12                  MS. CARCONE:  Want me to turn the heat  
13   down?

14                  CHAIRMAN AIBEL:  Mr. Matule?

15                  MR. MATULE:  302-306 Monroe Street, Robert  
16   Matule appearing on behalf of the applicant.

17                  This is an application to raze the existing  
18   buildings at 302, 304 and 306 Monroe Street and  
19   construct a new 12-unit building on the site.

20                  I have two witnesses tonight, Frank  
21   Minervini, our architect, and Edward Kolling, our  
22   planner.

23                  I have already submitted my jurisdictional  
24   proofs to the Board secretary.

25                  And just for the record, I know Ms. Banyra

1 in her report raised the fact that the taxes were  
2 not paid on one of the lots. In fact, it was in  
3 transition. When we submitted the application, we  
4 were not the owner of 306. This applicant was not  
5 the owner. That is why the property owner had  
6 signed a consent form. In the interim, they closed  
7 on it, and the taxes were paid,

8 I have printouts here from the tax office  
9 dated today that show that the taxes on 302 and 306  
10 being paid through the first quarter of 2013. And  
11 304 was previously tax exempt because it was a  
12 church, and it has not been added to the rolls yet.

13 My understanding is in October when the tax  
14 assessor has the opportunity to do his added and  
15 omitted assessment, it will go on, and then get a  
16 retroactive tax bill.

17 So I could submit those just for the  
18 record, so that is not an issue.

19 MR. GALVIN: I will just start right out  
20 making that a condition, that in the event that the  
21 matter is concluded successfully, that we will  
22 confirm the proof of payment of the taxes.

23 MR. MATULE: Because I do have a letter,  
24 you know, back --

25 MR. GALVIN: You know what I am trying to

1       avoid is the Board does not need to be involved with  
2       this. I believe you. If you are telling me it is  
3       paid, I believe you, so let's leave it.

4               MR. MATULE: Yes, I'm fine with that.

5               I was just going to say that as a logistic  
6       issue also, when we filed the application, we  
7       submitted the letter to the tax collector, but I  
8       have a letter from last November saying that the  
9       taxes are current.

10              But I agree. I think that is the simplest  
11      way to do it.

12              Okay. Taking care of that housekeeping,  
13      then if we could have Mr. Minervini sworn.

14              MR. GALVIN: Please raise your right hand.

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

17              MR. MINERVINI: Yes.

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

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

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

24              MR. MATULE: Mr. Chair, I would ask that  
25      you accept Mr. Minervini as an expert in the field

1 of architecture since he has testified here so many  
2 times.

3 CHAIRMAN AIBEL: We will accept him.

4 MR. MATULE: Thank you.

5 All right. Mr. Minervini, if you would for  
6 the Board members and any members of the public who  
7 might be here, could you please describe the  
8 existing site, the three lots on 302, 304 and 306  
9 Monroe that are currently there?

10 THE WITNESS: Yes.

11 As Bob said, we are here tonight for 302,  
12 304 and 306 Monroe Street, three separate lots and  
13 three separate buildings that will be razed. In  
14 terms of context, the property is 75 feet by 100 as  
15 I just alluded to. It is on the west side of the  
16 street --

17 MR. MATULE: I am going to stop you for a  
18 second.

19 I am going to mark this photo board. We  
20 will mark it P-1 -- A-1 --

21 MS. CARCONE: We don't have any stickers.

22 MR. GALVIN: Yes, we do.

23 We should buy some, so we have some.

24 MS. CARCONE: I know, but I didn't realize  
25 it was empty.

1                   MR. GALVIN: We will go with A-1 for  
2 Applicant 1.

3                   (Photo board marked as Exhibit A-1.)

4                   MR. MATULE: So A-1 is a photo board.

5                   Mr. Minervini, you took those pictures?

6                   THE WITNESS: Yes. These four photos were  
7 taken today by my office, and this one we got off  
8 the internet site.

9                   MR. GALVIN: Which internet?

10                  THE WITNESS: This is from Bing. It is a  
11 good one.

12                  MR. GALVIN: I just wanted to know which  
13 one.

14                  THE WITNESS: Understood.

15                  So the three buildings that we are talking  
16 about that are to be razed, this is the corner  
17 property, which is four stories, and it covers just  
18 about a hundred percent of the lot, and that goes  
19 down toward the west on Third Street.

20                  MR. GALVIN: View A?

21                  THE WITNESS: Yes, View A.

22                  Our building number 302 is a two-story  
23 building that currently covers 100 percent of the  
24 lot.

25                  The second building, 304, is a three-story

1 plus because it has more than 30 feet, a three-story  
2 building. About four or five years ago, it had fire  
3 damage, and it was at that point a church.

4 306 is a three-story residential building,  
5 which is here -- a two-story residential building,  
6 so those three buildings are to be razed.

7 Contextually again, directly to our west is  
8 a one-story shopping center that's along Third and  
9 Jackson Street.

10 To the west of that is public housing, and  
11 then towards the east, we have three and four  
12 stories, and in some cases five-story residential  
13 buildings, and the rest of our block going toward  
14 the north are residential buildings.

15 We are proposing to demolish those three  
16 buildings, which are all in pretty poor condition,  
17 and construct a five-story, 12-unit residential  
18 building.

19 The ground floor would have 12 parking  
20 spaces, floors two, three, four and five would each  
21 contain three apartments. Each floor would have two  
22 three-bedroom apartments probably 1700 square feet.  
23 It varies a little bit, and one two-bedroom  
24 apartment, and I will go through the exact sizes as  
25 I go through the floor plan.

1           The end result that we were proposing is a  
2 five-story building with 12 residential apartments,  
3 eight of those being three-bedrooms.

4           So starting with Sheet Z-1, this drawing  
5 here tells the story where we are on the property,  
6 but more importantly, our Monroe Street west  
7 elevation. This is a diagrammatic elevation showing  
8 what our building looked like in terms of its height  
9 relative to the other buildings as it goes down the  
10 street only on our side of the street.

11           Moving on to Sheet Z-2, we will start with  
12 the existing site plan, which is based on the  
13 property survey.

14           As you can see here, the second lot, this  
15 is 302, which currently covers 100 percent of the  
16 lot. A three-story building, which was fire  
17 damaged. It is vacant, and the windows are missing,  
18 and it's in very poor condition, and that covers a  
19 smaller section. The building actually extended  
20 down about 65 or 70 percent of the lot. The  
21 foundation sections are still there.

22           306 is a two-story building with a swimming  
23 pool in the rear, so these three are to be  
24 demolished.

25           The adjacent building directly to our north

1 is a four-story residential building with a ten foot  
2 rear yard depth and egress stair.

3 Our drawing here in the center of the site  
4 plan shows the extent of our building overlaid on  
5 what is the existing property -- what the existing  
6 structures look like, so we are proposing our  
7 building to be the full 75 feet in width and 70 feet  
8 in depth. The 70 feet in depth aligns exactly with  
9 the adjacent buildings to the north and their egress  
10 there.

11 Sheet Z-3 is one of the several ground  
12 floor plans, and I will use it to describe how the  
13 ground floor is.

14 Our lobby is at the corner on the southern  
15 most end of the property, so we enter the main lobby  
16 there. The elevator and the ingress and egress for  
17 the parking is directly to the north of that.

18 We are proposing 12 parking spaces, one for  
19 each unit.

20 There is a storage area for the occupants  
21 of the building, and we are proposing our refuse and  
22 recyclables to be here at the end.

23 The three spaces shown here in the yard,  
24 two are terraces that are accessed directly from the  
25 stairs at floor two, and the third on the southern

1 side is a common area. As I get through the plans,  
2 I will explain our intent for the outdoor space for  
3 each of the apartments.

4 We are also proposing some small  
5 landscaping, a landscaping bed and three street  
6 trees, and we will get into that later.

7 So we will pass Z-4.

8 We will pass Z-5, and we will go through  
9 the layers of the site plan and move to Sheet Z-6.

10 Floors two, three, four and five,  
11 residential floors, each contain three apartments.  
12 Two of those apartments being three-bedroom units.  
13 One of those apartments per floor is a two-bedroom.

14 So the three-bedroom units range from 1684  
15 and go up to 1766 square feet, and then there is the  
16 two-bedroom that is about 1250 square feet.

17 Small variations in the floor plans, for  
18 example, the second floor, the apartments to the  
19 rear are a bit smaller because of the stair access  
20 to the private yard. Instead of having of them  
21 project past the 70 foot line, we recessed them into  
22 the building.

23 The elevator, we are proposing -- and the  
24 reason I bring it up is because the elevator is  
25 along our south wall, which is shared with the

1 adjacent property, the four-story building, and  
2 often you concern yourself with the vibration that a  
3 piston elevator would transmit to the adjacent  
4 building. But we are proposing an electric elevator  
5 with no piston. It is a regenerative -- a  
6 regenerative type, excuse me, so it is green in that  
7 sense. It uses about 40 percent less energy than a  
8 standard piston elevator would.

9 So the fourth and fifth floors are similar  
10 as I talked about before.

11 Sheet Z-7, we are looking at now. If you  
12 go to the roof plan on the right side of the sheet,  
13 you can see the three roof decks that we are  
14 proposing accessed privately from the three top  
15 floor apartments. It is 362 square feet, 400 square  
16 feet and 366 square feet.

17 We set them back off the front of the face  
18 of the building 13 feet, almost 14 feet. We set  
19 them back off the rear of the building eight feet  
20 six, and 14 feet four off the south side, and 11  
21 feet two off the north side to get them toward the  
22 center having less intrusion upon the adjacent  
23 properties, so they can't be seen from the street.

24 Outdoor space, because of these particular  
25 developers, the owners of the property really want

1 to provide larger family-sized apartments, which is  
2 why we end up with eight large two-bedroom  
3 apartments. That outdoor space becomes important,  
4 so two of these outdoor decks are for the  
5 three-bedroom units, two of the three-bedrooms on  
6 the top floor. The third is for the two-bedroom  
7 unit. The two rear yards are also for each  
8 three-bedroom unit, so seven of the apartments will  
9 have outdoor space, seven of the 12 --

10 VICE CHAIR GREENE: You said seven?

11 THE WITNESS: Seven. We've got -- I'm  
12 sorry -- five -- my apologies.

13 Seven won't, but five do, because we have  
14 three on the roof and two --

15 VICE CHAIR GREENE: Thank you.

16 MR. MATULE: Also, before you get off Sheet  
17 Z-7, the roof coverage tabulation, I think the  
18 zoning chart and what we have called for was 31  
19 percent, and you are now 33.2?

20 THE WITNESS: Yes.

21 MR. MATULE: Are we requesting that the  
22 application be amended for an additional two  
23 percent?

24 THE WITNESS: Yes.

25 MR. MATULE: Is that generated by the fact

1           that the size of the decks has changed a little?

2                   THE WITNESS: Slightly, and we rearranged  
3           some of the condensing units as well.

4                   MR. MATULE: Thank you.

5                   Continue.

6                   THE WITNESS: Okay. Sheet Z-8, building  
7           elevations, I will start with the two-dimensional  
8           drawing.

9                   It is important, as we certainly listened  
10          to this Board, it is important that a building that  
11          takes up more than 25 feet in width doesn't look  
12          like a building that is largely overscale and  
13          massive relative to its neighbors. So with that, we  
14          broke the building down in different materials. We  
15          have brick, cast stone, aluminum panels, and also we  
16          also gave the building a cap again with the thinking  
17          that the focus would be on the lower sections of the  
18          building and not visually seem like one massive  
19          structure.

20                   We designed the rear of the facade, and  
21          often they don't get the attention they deserve. We  
22          are using a composite cement board product here.  
23          Although it looks like a checker board in the  
24          drawing here, it is really not. It is slightly  
25          different colors, but the graphics show that.

1           This is -- and you don't have this as part  
2 of your packet. This is a three-dimensional  
3 computer generated rendering that we have put  
4 together.

5           MR. MATULE: We are going to mark that A-2.

6           (Rendering marked Exhibit A-2.)

7           MR. MATULE: Thank you.

8           THE WITNESS: I think this helps tell the  
9 story as I was trying to explain how we broke what  
10 could have been a large 75 foot potentially massive  
11 building into smaller sections, and to our eye it  
12 doesn't look out of context with the adjacent  
13 properties.

14           Again, we used aluminum panels, so you have  
15 a gray aluminum panel, two bay projections, cast  
16 stone, and the cap of the building, and it also  
17 comes down in two sections down to the street, and  
18 then red brick, which is all traditional Hoboken  
19 material. So I can pass it around, if you want, or  
20 I can put it here.

21           MR. GALVIN: Can I see it?

22           THE WITNESS: Sure.

23           But the intent here is to provide  
24 apartments that are suited for families. This Board  
25 has seen a lot of it as of late. We have been

1 charged by many developers to design apartments that  
2 can keep families here.

3 Just so the Board understands, last week we  
4 had a neighborhood meeting. Quite a few  
5 neighborhood members came, and I went through the  
6 entire presentation, and everybody seemed to be  
7 happy with the plan, and hopefully some of them will  
8 show up and tell that part of the story, but we made  
9 that attempt to hear what they had to say.

10 The building will be fully ADA compliant.  
11 As I mentioned, three street trees, and we will  
12 adhere to the Shade Tree Commission's provisions.  
13 It will be a noncombustible material in terms of its  
14 structural construction, and we think it will be a  
15 very good addition to the neighborhood.

16 MR. MATULE: Mr. Minervini, did you receive  
17 the H2M reports, dated November 16th, and revised  
18 March 13th?

19 THE WITNESS: I did.

20 MR. MATULE: And if you have not already  
21 addressed the comments of Mr. Marsden, are there any  
22 issues addressing the comments that he has raised?

23 THE WITNESS: No. There are no issues, and  
24 we can easily address his comments.

25 MR. MATULE: And we also got a letter from

1 the Shade Tree Commission?

2 THE WITNESS: Yes.

3 MR. MATULE: I don't know if the Board got  
4 that or not.

5 One of the things that they asked for, and  
6 I could provide a copy to the Board, but the only  
7 comment they had was -- and I discussed it with Mr.  
8 Minervini -- is they suggested tree pits  
9 three-by-eight, and I think the tree pits were shown  
10 as three-by-five.

11 It seems awfully large. But if that is  
12 what the Shade Treet Commission wants, we will do  
13 that.

14 The only other comment was that if we had  
15 overhead lines, to chose a tree from the list that  
16 was not a tall growing tree.

17 You also received Ms. Banyra's report?

18 THE WITNESS: Yes.

19 MR. MATULE: I think there was some comment  
20 in there about the glazing down on the ground floor  
21 or something in the garage.

22 THE WITNESS: As well as the roof deck  
23 coverage that you had already explained.

24 MR. MATULE: Okay. No issues with that?

25 THE WITNESS: No issues.

1           MR. MATULE: And is it the applicant's  
2 intent that this will be a LEED certified building?

3           THE WITNESS: Yes. They are proposing to  
4 be a LEED -- have a LEED level certification. I had  
5 forgotten to mention that, and you can see it on the  
6 parking plans, each of the parking stalls will have  
7 bicycle racks attached to it, which -- not attached  
8 to it -- excuse me -- at the nose of the car,  
9 bicycle racks attached to the wall, so we have  
10 storage there for bicycles and also have other  
11 storage, and there is an electrical charging  
12 station.

13          MR. MATULE: You will have an on-site  
14 stormwater detention system as per the --

15          THE WITNESS: As per any HSA requirements,  
16 yes, and we show that on the diagram.

17          MR. MATULE: Okay.

18          I have no further questions at this time.

19          CHAIRMAN AIBEL: Board members?

20          Ms. Pincus?

21          COMMISSIONER PINCUS: Okay.

22          On Sheet Z-8, could you suggest a way to --  
23 or could five feet in building height to bring it  
24 down to the 45 feet -- it seems to be the average on  
25 the block, how -- how would -- could you do that,

1 and how would you do that?

2 THE WITNESS: Well, the average on the  
3 block is -- not the average, but there are certainly  
4 four-floor buildings that are all residential, and  
5 they don't have parking, and we have, of course,  
6 parking requirements, which brings us then to five  
7 stories.

8 This building could be designed at three  
9 stories or four stories or two stories, but it would  
10 be referring to removing a floor. There is no other  
11 way to do that. Already our floor heights are at a  
12 minimum of 10 feet.

13 COMMISSIONER PINCUS: So that is floor to  
14 floor?

15 THE WITNESS: Yes.

16 COMMISSIONER PINCUS: So then -- okay. The  
17 floor on the other side --

18 THE WITNESS: It depends on the structural  
19 system we use. It would be between nine feet,  
20 nine-two, eight foot eight. We have not decided if  
21 the building would be approved, what the structural  
22 system would be.

23 COMMISSIONER PINCUS: Okay.

24 THE WITNESS: I should mention in this  
25 area, the ABFA, which is the Advised Base Flood

1 Elevation, would require our first floor here to be  
2 at 13 feet above sea level anyway. So with the  
3 parking, it brings us three feet above that, so  
4 there is no issue with the base flood elevation that  
5 it is going to be changed to.

6 COMMISSIONER PINCUS: Okay.

7 Next question: Do you -- have you looked  
8 at the site lines from the street, and do you see  
9 any of the stair -- stair wells?

10 THE WITNESS: I have prepared a site line  
11 diagram. You will, I imagine, from further down the  
12 south of the street see the elevator and stair  
13 protrusion. I don't know if there is any way to  
14 avoid that.

15 We can lessen the height of the stairs by  
16 having -- we have all seen a sloped roof that mimics  
17 the pitch of the stairs, but the elevator we cannot  
18 change.

19 COMMISSIONER PINCUS: Okay.

20 Then a question on the property that is  
21 behind those three lots --

22 THE WITNESS: Yes.

23 COMMISSIONER PINCUS: -- okay, you said  
24 that was a supermarket?

25 THE WITNESS: Correct.

1 COLMMISSIONER PINCUS: And that is built  
2 out to the lot line?

3 THE WITNESS: It doesn't take up a hundred  
4 percent of the lot. There is no rear yard. There  
5 is a small side yard, which is along Third Street,  
6 which allows for nose-in parking. I will show you  
7 here.

8 But in terms of how our property meets it,  
9 this back wall, and it shows on our survey --  
10 sorry -- this back wall of the shopping center is  
11 directly at the rear lot line, so the rear of our  
12 property has a wall.

13 COMMISSIONER PINCUS: Okay. Just cement  
14 block, no windows?

15 THE WITNESS: No windows.

16 COMMISSIONER PINCUS: Okay.

17 I have nothing else. That will be it for  
18 now.

19 COMMISSIONER BRANCIFORTE: Can I just see  
20 the first -- the first piece of evidence, the photo  
21 board?

22 THE WITNESS: The photo board?

23 COMMISSIONER BRANCIFORTE: Yes.

24 CHAIRMAN AIBEL: Do you have a question  
25 right now, John?

1 COMMISSIONER BRANCIFORTE: No. I'm sorry.

2 CHAIRMAN AIBEL: Mr. Greene?

3 VICE CHAIR GREENE: I have a number of  
4 questions.

5 The garage door, what is the elevation that  
6 that starts at, in other words, the ground level?

7 THE WITNESS: Ground level.

8 In terms of the base flood elevation?

9 VICE CHAIR GREENE: Yes,

10 THE WITNESS: I have it on the elevation,  
11 six feet even. On Sheet Z-4 we have our spot  
12 elevations shown graphically.

13 VICE CHAIR GREENE: So what measures are  
14 you taking to prevent intrusion of water into the  
15 parking garage?

16 THE WITNESS: Well, we are not required to  
17 as of yet.

18 What we are required to do is move all of  
19 our machinery. So one of the reasons, and I  
20 mentioned the particular elevator we were using, one  
21 of the reasons for that is because the standard  
22 piston elevator has all of the machinery on the  
23 ground floor.

24 So many of the properties that we have been  
25 involved in and the relocation of them since the

1 flood, so many properties have very expensive and  
2 extensive damage to their elevators. So a system  
3 like this elevator, although it costs much more,  
4 doesn't take any -- all of its machinery is at the  
5 top of the building, so that is one.

6 We are not proposing any flood venting.  
7 HSA or the DEP doesn't require that for lobbies or  
8 for parking.

9 VICE CHAIR GREENE: It is not required, but  
10 would it be pragmatic to think about doing it?

11 THE WITNESS: I don't think -- I don't  
12 think it is a bad idea at all, and I don't think --  
13 and my clients, I can certainly speak to them about  
14 providing some semblance of a flood gate.

15 But really the only thing that can be done  
16 with today's technology are manually installed flood  
17 gates, and then you rely upon the person who is  
18 installing them, but that could certainly be  
19 specified. It's not very expensive.

20 VICE CHAIR GREENE: It just seems to me,  
21 that given the circumstances, something that we  
22 might want to consider.

23 So let me ask you a more difficult  
24 question. You are asking for a number of D  
25 variances based on the height and bulk of the

1 building. Why not do a four-story building that is  
2 60 feet deep and not have to ask for at least two of  
3 the D variances?

4 THE WITNESS: It's not a decision that I  
5 was asked for as the architect. I design what I am  
6 told to design so to speak. But in this case, I  
7 think this is not a bad project given the mass,  
8 although we are asking for one floor taller than the  
9 code allows, given the context on the adjacent  
10 properties, I don't think it is out of place.

11 Having said that, are there visual things,  
12 trickery -- some tricks that we can use to help  
13 reduce the mass?

14 There are. Of course, I have to talk to  
15 the clients about it, but what we had in the past,  
16 and it is pretty effective, is taking the top floor  
17 and pushing it back a little bit. But the real goal  
18 here was to provide as many as possible large  
19 apartments because there is a need for them, and I  
20 know this Board understands.

21 VICE CHAIR GREENE: If the building were  
22 ten feet less deep, wouldn't you still be able to  
23 provide three large apartments on a floor, a  
24 three-bedroom and two two-bedrooms?

25 THE WITNESS: It would be much smaller. It

1 would be 750 square feet less. We would have to  
2 work out --

3 VICE CHAIR GREENE: So it is doable. But I  
4 understand what would be ideal --

5 THE WITNESS: All of these things that we  
6 are talking about are doable, but whether it makes  
7 sense here in the context is another question.

8 VICE CHAIR GREENE: Thank you.

9 COMMISSIONER CRIMMINS: I have no  
10 questions.

11 COMMISSIONER BRANCIFORTE: Do you know what  
12 the floor area ratio is? Is that something that you  
13 are required --

14 THE WITNESS: I have not calculated it. It  
15 is not something that Hoboken's Zoning ordinance  
16 requires us to do. We are more based on the number  
17 of dwelling units per lot area.

18 COMMISSIONER BRANCIFORTE: I appreciate the  
19 bike racks.

20 How will the people -- I am kind of  
21 familiar with these bike racks, but I am more  
22 curious about how are they going to lock up the  
23 bikes, so people can't just grab them off the wall  
24 and run away with them?

25 THE WITNESS: The bike racks that we

1 specified here and that I have seen, you have your  
2 own bicycle lock and chain --

3 COMMISSIONER BRANCIFORTE: Yes.

4 THE WITNESS: -- attach the chain to the  
5 rack. The rack gets mechanically fastened to the  
6 mason wall.

7 COMMISSIONER BRANCIFORTE: Oh, so there is  
8 a way that they can lock --

9 THE WITNESS: They can lock it, and it is  
10 almost impossible to pull the rack out of the wall,  
11 if done properly, of course.

12 COMMISSIONER BRANCIFORTE: And the other  
13 thing, too, you don't know where the electric car --

14 THE WITNESS: I realized that, but we can  
15 certainly provide that.

16 COMMISSIONER BRANCIFORTE: This is the  
17 second application now where we see the recycling  
18 and garbage at the rear of the building rather than  
19 in the front.

20 You know, is there any way you can move it  
21 toward the front, so as people leave in the morning  
22 for work, they don't have to walk to the back of the  
23 garage?

24 THE WITNESS: It is a small trade-off  
25 because we are required to have our utility meters

1 in the front of the building. So once you provide  
2 the utility meters in the front, there really isn't  
3 any space that's left over. I think what we have  
4 done here is a pretty convenient space.

5 I mean, could we put doors along that wall?

6 Certainly we could, but they are all in  
7 containers. We designed refuse and recyclables to  
8 be put in containers. I don't think it is really  
9 very far, but I get the point.

10 COMMISSIONER BRANCIFORTE: Yes. I mean, I  
11 can see lazy people, as I said the last time in the  
12 last application, lazy people leaving for work,  
13 right, not wanting to walk to the back of the garage  
14 and dumping it in their neighbor's cans or just  
15 dumping it in the curb as they leave and --

16 THE WITNESS: That sounds like more effort  
17 to me than taking their own garbage --

18 COMMISSIONER BRANCIFORTE: What's that?

19 THE WITNESS: -- that sounds like more  
20 effort to me than taking your own garbage out --

21 COMMISSIONER BRANCIFORTE: I mean, as you  
22 leave your apartment in the morning, and you're  
23 going for the bus, if I don't feel like walking to  
24 the back of the garage, I am just going to dump it  
25 in my neighbor's can or dump it at the curb.

1           THE WITNESS: As I look at the floor plan,  
2           again, because it's a requirement to have the gas  
3           meters and the electric meters at the front of the  
4           building, certainly we would prefer to have them at  
5           the rear and put the refuse in the front.

6           COMMISSIONER BRANCIFORTE: Are you meeting  
7           your requirement on the parking, or are you over it?

8           THE WITNESS: We are over it. We are  
9           required to have seven parking spaces, and we are  
10          providing one parking space per unit, again, because  
11          who we are trying to market these apartments to are  
12          people, probably given the size, is a family, so  
13          with the family generally comes a car.

14          COMMISSIONER BRANCIFORTE: One quick  
15          question.

16          This family-friendly thing, I never heard  
17          an architect give a firm definition of what they  
18          consider to be family-friendly, so what do you  
19          consider it to be?

20          THE WITNESS: What do I consider it to be?

21          COMMISSIONER BRANCIFORTE: Yes.

22          THE WITNESS: A building that probably has  
23          three bedrooms, a building that takes into account  
24          sound attenuation between apartments, which this one  
25          would, a building that has an elevator, a building

1 that has storage and outdoor space.

2 COMMISSIONER BRANCIFORTE: Okay.

3 Then the LEED certified is not a silver  
4 level or --

5 THE WITNESS: No. Just proposing a  
6 straight LEED certification at this point.

7 COMMISSIONER BRANCIFORTE: And what -- how  
8 are you reaching that certification?

9 THE WITNESS: We haven't determined it yet,  
10 but the elevator goes a long way towards that. The  
11 structural materials that will be used will be  
12 dictated probably by that. But as part of, if this  
13 were to be approved, we could prove that we would  
14 meet the requirements.

15 COMMISSIONER BRANCIFORTE: Okay.

16 I guess there is nothing else for now.

17 Thanks. Thank you, Mr. Chair.

18 CHAIRMAN AIBEL: Mr. Boucher?

19 COMMISSIONER BOUCHER: So you are proposing  
20 no front setback?

21 THE WITNESS: Yes.

22 COMMISSIONER BOUCHER: But then there would  
23 also be bays that stick out?

24 THE WITNESS: Two feet past the property  
25 line.

1                   COMMISSIONER BOUCHER: Then from what I  
2 see, there are also planters that are going to also  
3 be five feet out into the --

4                   THE WITNESS: They were designed prior to  
5 hearing from the Shade Tree Commission and their  
6 extended tree pit, so the size of these planters may  
7 have to be revised.

8                   COMMISSIONER BOUCHER: Is there a reason  
9 there is no setback?

10                  It seems as though you could probably meet  
11 the setback requirement and still have adequately  
12 sized apartments for families.

13                  THE WITNESS: Understood. But when we  
14 designed the building, we thought that the context,  
15 given that all of the adjacent buildings are at zero  
16 lot line, it was more important than meeting one  
17 aspect of the zoning code that was probably not  
18 meant for blocks like this.

19                  COMMISSIONER BOUCHER: But there is a  
20 garage. Do any other buildings have a parking  
21 garage that cars will be ingressing and egressing?

22                  THE WITNESS: No.

23                  COMMISSIONER BOUCHER: So there is no  
24 setback, and you will have cars coming in and out  
25 from the building?

1           THE WITNESS: Correct. And it is the same  
2           condition whether the building is set back five feet  
3           or not.

4           COMMISSIONER BOUCHER: Right. But it would  
5           give you a little bit more warning, if you were  
6           walking down the street, or if a child were on a  
7           tricycle, they would have five feet or a little bit  
8           more warning for the automobile --

9           THE WITNESS: We are required to provide an  
10          audio and a visual alert when the garage door opens.

11          COMMISSIONER BOUCHER: Okay. That's all.

12          COMMISSIONER BRANCIFORTE: I do have one  
13          other question along that line, though. At the  
14          entrance of the right and left of the garage, you  
15          have -- do you show landscaping there or bushes  
16          or --

17          THE WITNESS: I'm sorry. Here?

18          COMMISSIONER BRANCIFORTE: Yes.

19          THE WITNESS: We are showing a low planter.

20          COMMISSIONER BRANCIFORTE: I am kind of  
21          afraid that might destroy the sight line for the --  
22          the limit of the sight line for a driver pulling  
23          out.

24          MS. BANYRA: No.

25          THE WITNESS: We thought we would soften

1 the front of the building. It is certainly not  
2 something that can't be removed, and again, given  
3 the fact that we have to extend the size of the tree  
4 pits, it might make sense for them to be removed,  
5 which we would be happy to do it, if it is a  
6 suggestion by the Board.

7 COMMISSIONER BRANCIFORTE: Okay. I am  
8 curious what the other Board members and the planner  
9 and engineer think.

10 Thank you, Mr. Chairman.

11 CHAIRMAN AIBEL: I have several issues, Mr.  
12 Minervini.

13 The first thing is let me focus on the  
14 front elevations. I am having trouble understanding  
15 the 50-foot height in the context of the other  
16 buildings on the block. And as Ms. Pincus said, the  
17 prevailing height seems to be 45. The buildings  
18 immediately to the south and north are probably five  
19 feet or more lower than the --

20 THE WITNESS: Let me pull them out.

21 CHAIRMAN AIBEL: -- so I do have a concern  
22 that contextually it is not -- it is not, you know,  
23 appropriate for the neighborhood.

24 THE WITNESS: Well, if you look at the  
25 photos, the three buildings that are on the site are

1 shorter than most, if -- the ones that will be  
2 razed -- but the rest of the properties down the  
3 street have. I think the -- the elevation is on  
4 Z-1, and I don't think that it looks out of height  
5 contextually.

6 But to your point, as I mentioned before,  
7 we could reduce the mass of the building by pulling  
8 in that top floor potentially, if it is something  
9 that the Board requested, which then would mean the  
10 major front plane of the building would be similar,  
11 if not probably a bit less than 45 feet, as  
12 Ms. Pincus mentioned, and the fifth floor would be  
13 set back, slightly visible from the street, but  
14 certainly visible from three blocks away, if you  
15 were in a helicopter. But from across the street,  
16 you might not be able to see it.

17 CHAIRMAN AIBEL: I think that is something  
18 that needs consideration.

19 So let me to revert back to the rear  
20 elevation. I guess my concern is that the depth of  
21 the building exceeds what looks like the neighbor's  
22 building by at least 10 feet. You had mentioned  
23 that to the north, there is an egress stair, and you  
24 built or designed the building to come out as far as  
25 the egress stair.

1                   Why don't you tell me, what is the egress  
2 stair? Is it an exterior open stairwell?

3                   THE WITNESS: It is. It is an open  
4 stairwell. As shown diagrammatically based off the  
5 property survey, the stairs are three feet. They  
6 are actually three foot stairs, and you have about  
7 12 inches between the stair and the platform.

8                   So really in this case, other than perhaps  
9 putting a small chair there, there is an egress  
10 stair. So when we look at this again contextually,  
11 you have that property here and then the adjacent  
12 two properties have a very common rear addition --  
13 although the original --

14                  CHAIRMAN AIBEL: Are those two protruding  
15 on --

16                  THE WITNESS: -- that would be 310 and 312.

17                  CHAIRMAN AIBEL: -- are they a single story  
18 or are they --

19                  THE WITNESS: No. It is the height of the  
20 building.

21                  But understanding your point, I don't think  
22 this building would be appropriate if it were in a  
23 different location. I think given the fact that we  
24 have a one-story property behind this, that is a  
25 commercial building, comes up to the property line,

1       our building going back the additional ten feet,  
2       which gains us square footage, I don't think it has  
3       any impact in that direction, and that was part of  
4       our thinking.

5                   CHAIRMAN AIBEL: I respect it.

6                   But my question is: You have a one-story  
7       commercial building on the other side of the  
8       property, but we are also looking at what is  
9       theoretically the Hoboken donut.

10                  The way I am viewing this is that we ought  
11       to be trying everything that we can to maximize the  
12       backyard area and minimize the bulk, and I am  
13       concerned that the extra ten feet of this building,  
14       given its height and sort of massive appeal is too  
15       much maybe.

16                  Again, my idea would be to pull it back in.  
17       I am concerned it goes well beyond the building to  
18       the north, and it will block the views of light and  
19       air from the other side and present the people on  
20       that side with a solid wall going up I guess ten  
21       feet out and all the way up to the building, so that  
22       is a concern for me.

23                  And I guess at some point, if development  
24       occurs on the one-story building on the back, we  
25       would expect that there would be an adequate open

1 space in the back of that building adjoining yours  
2 and creating a nice donut.

3 THE WITNESS: We are providing the required  
4 rear yard variance, though.

5 CHAIRMAN AIBEL: I understand.

6 THE WITNESS: I just wanted to mention it  
7 because I failed to do so.

8 CHAIRMAN AIBEL: I guess, again, I am not  
9 looking to redesign your building, but at a minimum,  
10 I think probably that last extension of ten feet  
11 should be, you know, chopped in on each side at  
12 least reducing the bulk --

13 THE WITNESS: Understood.

14 CHAIRMAN AIBEL: -- so, again, that is  
15 something that is on my mind.

16 Finally, let me ask you to go to the top of  
17 the building. I am concerned about the appearance  
18 of the stairs from the street and from the rear  
19 yard, so you are at 50 feet, and then I guess the  
20 stair bulkhead must go up another six or eight feet?

21 THE WITNESS: Pardon me.

22 Nancy --

23 COMMISSIONER PINCUS: Yes.

24 THE WITNESS: -- you were asking about this  
25 stair penthouse or the private stair penthouse?

1                   I am afraid I may have answered that  
2 question incorrectly.

3                   COMMISSIONER PINCUS: No.

4                   THE WITNESS: This one?

5                   COMMISSIONER PINCUS: Yes.

6                   THE WITNESS: So you are referring to the  
7 one with the decks?

8                   CHAIRMAN AIBEL: Correct.

9                   THE WITNESS: I certainly can provide a  
10 sight line diagram, but so far I don't think they  
11 are visible.

12                   CHAIRMAN AIBEL: I guess looking at what  
13 you proposed or what you presented to us, they do  
14 look like they're visible from the street.

15                   THE WITNESS: I am actually certain that  
16 they won't be visible, and I could provide a sight  
17 line diagram showing that.

18                   There is another method we could use that I  
19 mentioned. This is designed as a standard  
20 rectangular roof to the penthouse. We could have it  
21 so that the roof follows the stairs, and it is much  
22 less perceptually massive.

23                   CHAIRMAN AIBEL: Is there any reason you  
24 can't move the three decks together instead in the  
25 middle of the roof to create --

1 THE WITNESS: Yes, I am sorry.

2 The same sheet. It is really just where  
3 they fall within the apartments. That is not to say  
4 that we couldn't massage them and get it closer, but  
5 we could do that, if that were a concern.

6 CHAIRMAN AIBEL: My concern is trying to  
7 keep it as private and unobtrusive from the rear  
8 yard as possible. Otherwise you do create issues  
9 and the next building will have its own decks --

10 THE WITNESS: I understand that, and I  
11 think we can achieve it, to get them closer and less  
12 bulk.

13 CHAIRMAN AIBEL: I have nothing else.

14 Anybody else?

15 COMMISSIONER PINCUS: Just as a follow-up  
16 to what Chairman Aibel brought up.

17 If the top floor were set back, and it is  
18 not fair to ask you a -- what effect would that have  
19 on the two three-bedrooms?

20 Would we lose the three-bedrooms?

21 THE WITNESS: I don't know. It is not a  
22 question -- I think it is a question for -- it could  
23 be designed that way, they don't -- that those  
24 two -- well, I take that back.

25 COMMISSIONER PINCUS: How much, what would

1 the sufficient setback be?

2 THE WITNESS: I think because of the  
3 three-bedrooms space in the front, they would have  
4 to lose square footage, and if you are talking about  
5 five feet, you know, you multiply five times 75, and  
6 that is the square footage that is the result.

7 COMMISSIONER PINCUS: We might end up with  
8 three two-bedrooms?

9 THE WITNESS: Three two-bedrooms.

10 MS. BANYRA: Mr. Chairman, may I ask a  
11 question?

12 CHAIRMAN AIBEL: Sure.

13 MS. BANYRA: Can you tell us how you  
14 ascertained the heights of the buildings going down  
15 the street?

16 THE WITNESS: The street facade, we  
17 measured our buildings. This is how we do it. We  
18 measured the heights of our buildings and drew a  
19 line, a relative line using our street scape --

20 MS. BANYRA: Yes, okay.

21 THE WITNESS: -- and make -- we call it a  
22 diagram because it is not to the inch, but it is  
23 pretty accurate.

24 MS. BANYRA: So do you have any idea in  
25 terms of the buildings going down the street, what

1 building coverage the rest of them are besides the  
2 ones immediately to your north?

3 THE WITNESS: If you look at Sheet Z-1, you  
4 have the map showing the properties and each of the  
5 buildings are shown here.

6 MS. BANYRA: Okay.

7 Can you just explain what we are looking at  
8 then? Can you give us a distinct -- is at 70  
9 percent?

10 THE WITNESS: We are at 70 percent. The  
11 buildings to the north are 60 percent for the  
12 building and about ten percent for the fire escapes.

13 The property at 308 and 310 is about the  
14 same as its furthest point as 308 and the same with  
15 312. It looks like five, two -- I'm sorry -- it  
16 looks like 314, 315, 318 are at 60 percent. When  
17 you get to 320, it goes back further. 322 has a  
18 front yard setback.

19 MS. BANYRA: The balance appear to be at 60  
20 percent?

21 THE WITNESS: Yes.

22 MS. BANYRA: The numbers that are  
23 represented there differ from your street scape  
24 facade. Some say four and a half and some say four.

25 Is that what means?

1                   Are they stories?

2                   THE WITNESS: The stories, but in some  
3 cases, the first floor is raised up above the  
4 sidewalk. There is an actual storage area. It  
5 could be a cellar space, so we call it four and  
6 half, but this is correct. The diagram is correct.

7                   MS. BANYRA: Okay.

8                   THE WITNESS: If there is any revision to  
9 be made, I have to do it here.

10                  MS. BANYRA: Okay. So the one on the  
11 bottom, correct?

12                  THE WITNESS: Yes.

13                  MS. BANYRA: Then the other question I had:  
14 Between the fourth and fifth floor, your diagram  
15 appears to change and maybe you can just --

16                  THE WITNESS: The floor plan?

17                  MS. BANYRA: On the front elevation --

18                  THE WITNESS: Yes.

19                  MS. BANYRA: -- and maybe that is just what  
20 is going on there because it looks almost like it is  
21 set back, but it is not.

22                  THE WITNESS: It's not, and I probably  
23 didn't explain it.

24                  The idea here is recognizing that this  
25 building is taller than the adjacent properties, we

1 gave the building a one-story cornice, so the  
2 material changes here and with the visual impact  
3 that we are looking at two four-story buildings, but  
4 with a large cap on it.

5 MS. BANYRA: Could the cap project a little  
6 bit?

7 THE WITNESS: This whole section you're  
8 talking about or this section?

9 MS. BANYRA: The lower level right there,  
10 yes.

11 THE WITNESS: It's a very small slight  
12 cornice.

13 MS. BANYRA: So it is an illusion. It  
14 looks like a deck, but it is not?

15 THE WITNESS: No, it is not a deck. It is  
16 a singular --

17 MS. BANYRA: Yes, I saw it --

18 THE WITNESS: -- this does a better job of  
19 explaining it.

20 MS. BANYRA: -- and you said it is a  
21 two-foot projection --

22 THE WITNESS: It's less than two feet. The  
23 bases are two feet, and this is less than two.

24 MS. BANYRA: Okay.

25 THE WITNESS: Do you want to see it?

1 MR. GALVIN: Do me a favor. There are  
2 cameras here. Do you guys want to see the picture?

3 UNIDENTIFIED VOICE: Yes.

4 MR. GALVIN: They do it in other towns.  
5 They get to focus on what the photo is.

6 THE WITNESS: Please don't get me in it,  
7 please.

8 (Laughter)

9 COMMISSIONER PINCUS: Can I see it?

10 MR. GALVIN: No, he is lying about being  
11 with us.

12 THE WITNESS: I don't have to lie about  
13 that.

14 (Laughter)

15 COMMISSIONER BRANCIFORTE: You know what is  
16 kind of deceptive about that, that you are talking  
17 about on Z-1, when you look at the property next  
18 door to yours to the north, it is 308 on Z-1 --

19 THE WITNESS: Yes.

20 COMMISSIONER BRANCIFORTE: -- you know, you  
21 show it as a straight line going across. There in  
22 the upper right-hand corner, where you show the 200  
23 foot radius.

24 Now, on Z-1 --

25 THE WITNESS: Yes. I am referring back to

1 the actual construction.

2 Well, you can go back -- you can go right  
3 to the plan. You can put it down and go to the  
4 floor --

5 VICE CHAIR GREENE: You are looking at A-1,  
6 and he is talking about Z-1.

7 THE WITNESS: Right here you're talking  
8 about?

9 COMMISSIONER BRANCIFORTE: Yes. I'm  
10 looking in the upper left-hand corner, 200 foot  
11 radius.

12 You show the building next door being  
13 equal. It is a little deceptive because it shows  
14 the building that sort of goes out just as far as  
15 your building, and it doesn't --

16 THE WITNESS: We are showing two lines.  
17 The first line is the major of the building, and the  
18 second line is the rear deck, and that line is  
19 there. If you look at Sheet Z-2, it does a better  
20 job of explaining it.

21 MR. GALVIN: Let me stop you for a second.

22 So we are talking about 308, the building  
23 stops at the first line at the rear of the property,  
24 and then that is where there is a fire escape.

25 THE WITNESS: Sheet Z-2 is a drawing based

1 off the property survey that describes it much  
2 better than the diagram on Sheet Z-1.

3 MR. GALVIN: You might want to hatch that  
4 different in the future.

5 THE WITNESS: Certainly, we can do that.

6 MR. GALVIN: Just in general, it looks like  
7 the edge of the building goes all the way back, but  
8 it doesn't. It makes a big difference on the map  
9 here.

10 VICE CHAIR GREENE: The existing pool is  
11 going to be filled in?

12 THE WITNESS: Yes. That is probably  
13 another variance, if we were to keep it.

14 (Laughter)

15 VICE CHAIR GREENE: Where would all of the  
16 mosquitoes live?

17 (Laughter)

18 CHAIRMAN AIBEL: Anybody else?

19 MR. ATKINSON: You may have mentioned, and  
20 I am not sure, the site lighting, what are you  
21 proposing.

22 THE WITNESS: I have a drawing. Generally  
23 we provide an up and down lighting just along the  
24 facade, not meant to cover much of the sidewalk,  
25 just a small section of the facade.

1           MR. ATKINSON: Is that adequate? I mean,  
2 being that we are going to have a garage on the  
3 first floor, is there adequate lighting in that area  
4 existing or the proposed?

5           I mean, I did see the proposed lighting.  
6 It seems like it is very upper -- low level.

7           THE WITNESS: Generally this Board, as well  
8 as the Planning Board, doesn't like when we provide  
9 additional street lighting.

10          The property survey doesn't -- I actually  
11 don't recall where the sheet lights are, but we are  
12 proposing to keep as is the municipal lighting.

13          MR. ATKINSON: Thank you.

14          What else did I have?

15          With regard -- this may not be a question  
16 for you.

17          As far as the parcels themselves, we are  
18 looking at a number of properties, what is the  
19 intent when we are done, is it going to be merged as  
20 one lot being that it is one building?

21          MR. MATULE: This is always a question.

22          The tax assessor in Hoboken doesn't do  
23 that. We don't have a problem doing it, but  
24 typically what the tax assessor does is he takes one  
25 lot as the lead lot, and then maintains the other

1 two lot numbers.

2 I think from a land use perspective, once  
3 we put one building on the entire site, there is a  
4 merger, but the tax assessor doesn't see it that  
5 way.

6 MR. GALVIN: So if we required a deed of  
7 consolidation, we understand that the tax lots will  
8 be kept separate. That is what the assessor wants  
9 to do, and we will do what we want do on the Zoning  
10 Board. You will have three tax lots and one actual  
11 property.

12 MR. MATULE: Yes.

13 I guess what I am saying is I don't know as  
14 a practical matter what a deed of consolidation  
15 would do. That is not already being done with  
16 building one building on the site, if the assessor  
17 is not going to merge them on the tax rolls. But,  
18 again, I don't have any objections to doing that.  
19 It just seems like kind of a moot exercise.

20 MR. ATKINSON: That's all I have.

21 CHAIRMAN AIBEL: Okay.

22 I guess I will open it up to the public.

23 Anybody from the public have questions of  
24 the architect?

25 VICE CHAIR GREENE: Seeing none, I move to

1 close the public portion.

2 CHAIRMAN AIBEL: Second?

3 MR. CRIMMINS: I'll second.

4 CHAIRMAN AIBEL: All in favor?

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

7 MR. MATULE: Mr. Chairman, if I could,  
8 before I start with Ed Kolling, we have gotten a lot  
9 of input from the Board here, and what I would like  
10 to do is take a five-minute break and just discuss  
11 some of the points that were raised here and see if  
12 we can't address them this evening rather than  
13 carrying this matter and moving along.

14 The other thing we did discuss, and I  
15 apologize for not raising it at the outset with Mr.  
16 Galvin, I see that we only have six Board members.  
17 We need seven votes, so you know, we may want to  
18 discuss our options there also.

19 MR. GALVIN: Yes. My advice to every Board  
20 that I work with is if you have less than seven when  
21 a D variance is required, we always provide the  
22 courtesy to the applicant, as long as you waive the  
23 time in which we have to act for the seventh member  
24 to hear it, and you decide, you know --

25 MR. MATULE: I expected that --

1                   MR. GALVIN: The other thing I would add,  
2                   too, if you are going to offer some substantial  
3                   changes to the plan, then I think the Board really  
4                   should look at what the changes are. So you might  
5                   suggest that, and then you might want to decide if  
6                   you want to continue or just come back with the  
7                   revised plans.

8                   MR. MATULE: Exactly. So a lot is up in  
9                   the air.

10                  MS. BANYRA: Can I ask you a question, Mr.  
11                  Minervini?

12                         Can you just indicate how many buildings on  
13                   Monroe Street, how many -- I guess the west side are  
14                   at 60 percent coverage and how many are exceeding 60  
15                   percent?

16                   THE WITNESS: Well, the diagram shows it.  
17                   I will have to be estimating because it is based  
18                   on -- we know our building would be 70 percent. The  
19                   adjacent building is 70 percent --

20                   MS. BANYRA: The buildings are 60, but they  
21                   have fire escapes, right?

22                   THE WITNESS: Yes. I don't know what the  
23                   exact lot coverage for 310 and 312 would be.

24                   MS. BANYRA: Just a guess, maybe 65?

25                   THE WITNESS: I don't feel comfortable

1 actually guessing.

2 MS. BANYRA: Maybe you can just confirm it.  
3 It appears to me that not counting the one with the  
4 fire escape, that nine of the 14 are at about 60  
5 percent.

6 THE WITNESS: That sounds about right, and  
7 they have different conditions in their rear yards  
8 than we do.

9 MS. BANYRA: Correct, because some of them  
10 have different front yard setbacks.

11 THE WITNESS: Yes.

12 MS. BANYRA: Across the street it looks  
13 like some of them are actually at 50 and 60 percent.

14 THE WITNESS: Yes. These are under  
15 covered, if you think about the maximum, yes.

16 MS. BANYRA: Thank you.

17 COMMISSIONER PINCUS: I have a question.

18 CHAIRMAN AIBEL: Go ahead.

19 COMMISSIONER PINCUS: Frank, in looking at  
20 the rendering, I really think that the top floor  
21 setback, as the Board discussed, would be a big  
22 improvement in terms of cutting down the massing of  
23 the building.

24 And then I would also like to suggest, and  
25 I realize this is something that you would review

1 with your clients, would be instead of having three  
2 two-bedrooms up there, maybe making two, three  
3 larger apartments depending upon how much square  
4 footage that you lost.

5 THE WITNESS: Sure. I understand. If they  
6 have not heard, I will relay that message.

7 MS. BANYRA: You didn't talk about the  
8 number of units. I guess we are waiting for the  
9 planner. The number of units exceeds it, and that  
10 is your third D variance, correct?

11 MR. MATULE: That is our second.

12 THE WITNESS: I didn't address any of the  
13 variances per se.

14 MS. BANYRA: The number of units we were  
15 talking about --

16 COMMISSIONER CRIMMINS: Density.

17 MR. MATULE: 11.36, and we are asking for  
18 12. I was going to have Mr. Kolling address all of  
19 the variances specifically.

20 MS. BANYRA: Okay.

21 Maybe relative to Ms. Pincus' question, by  
22 setting the front of the building back, what would  
23 that do in terms of light or air to the back into  
24 the donut?

25 THE WITNESS: Well, it won't change what is

1 going on in the rear of the building. However, the  
2 condition, as I mentioned, is much different than  
3 the standard conditions. You have a one-story  
4 shopping center --

5 MS. BANYRA: So the --

6 THE WITNESS: -- so the main effect that I  
7 think you are alluding to is really not here.

8 MS. BANYRA: Okay.

9 COMMISSIONER BRANCIFORTE: Yes. But to the  
10 left there, to the north -- the south rather, on the  
11 east-west street, which is Third Street, it looks  
12 like there is sort of a breezeway, an empty alleyway  
13 between the two buildings --

14 VICE CHAIR GREENE: That's a garage.

15 COMMISSIONER BRANCIFORTE: Is it a garage?

16 THE WITNESS: There is a garage there, and  
17 there is an aisle between the main building and the  
18 garage --

19 COMMISSIONER BRANCIFORTE: An aisle?

20 THE WITNESS: -- alley -- excuse me -- I  
21 mentioned that building is slightly less than a  
22 hundred percent lot coverage. The garage goes back  
23 to the rear lot line. The main building to the  
24 front at this point is probably 55 or 60 percent and  
25 a small space between --

1                   COMMISSIONER BRANCIFORTE: I was wondering  
2 if you just pulled it back to be somewhat equal to  
3 the other buildings at 60 percent, it may give you  
4 some breezeway there for air to get from Third  
5 Street into the backyard. I wasn't sure or not.  
6 That is why I asked.

7                   THE WITNESS: I am trying to see if any of  
8 our photographs help to tell that story.

9                   No. I don't see it, but I can provide the  
10 Board with a photograph of that condition as well.

11                   MS. BANYRA: One last question, Mr.  
12 Minervini.

13                   Can you just tell me how old is the  
14 one-story building in the back?

15                   It looks like it's been renovated, but it  
16 is an old commercial area --

17                   THE WITNESS: I would estimate it's 30  
18 years old based on what it looks like.

19                   MS. BANYRA: It looks like it was given a  
20 facelift, but --

21                   THE WITNESS: Maybe 20 years. It was there  
22 as long as I was.

23                   MS. BANYRA: It has been there a long time.

24                   COMMISSIONER BRANCIFORTE: I am pretty sure  
25 that may be approved for another building.

1 COMMISSIONER CRIMMINS: The next block  
2 over --

3 (Board members confer.)

4 COMMISSIONER BRANCIFORTE: I was thinking  
5 of the C Town, is that it?

6 COMMISSIONER CRIMMINS: No, the next block  
7 over.

8 THE WITNESS: Next block. Okay.

9 CHAIRMAN AIBEL: We will take a five-minute  
10 break.

11 MR. MATULE: Yes, thank you.

12 (Recess taken)

13 CHAIRMAN AIBEL: Back on the record.

14 Mr. Matule?

15 MR. MATULE: Thank you, Mr. Chairman.

16 Yes. We had some conversations with the  
17 applicant and with the architect.

18 You know, the short and sweet of it is we  
19 think we can address a lot of the concerns that the  
20 Board has raised here. We don't think it would be  
21 appropriate or fair to the Board or to the applicant  
22 to try to do it on the fly tonight.

23 THE WITNESS: I couldn't do it on the  
24 fly --

25 MR. GALVIN: You could do it, but it is not

1 fair to you.

2 MR. MATULE: We respectfully request that  
3 we carry the matter to give the architect time to do  
4 some redesign and try to address a lot of the  
5 issues, which I think we can address to the Board's  
6 satisfaction.

7 That I guess leads me to the next issue. I  
8 understand that there is a special meeting on the  
9 9th, where both Mr. Kolling and Mr. Minervini are  
10 the professionals for that application. You know,  
11 if we could tag on the back of that, fine.

12 If not, then I would ask that you carry us  
13 to the 16th, but only because they are both going to  
14 be here anyway --

15 VICE CHAIR GREENE: Does that give Mr. Minervini enough  
16 time to create the new plans?

17 MR. GALVIN: More than 10 days --

18 (Board members talking at once.)

19 MR. MATULE: The 10-day requirement, I  
20 discussed with Mr. Minervini, and he doesn't feel  
21 there will be an issue.

22 (Board members talking at once.)

23 MS. BANYRA: So that special meeting is a  
24 special meeting for the applicant that 300  
25 Washington has paid for. So, you know, I think in

1 fairness to that applicant, maybe you should ask  
2 them if you could tag on.

3 I don't know if the Board has a problem  
4 with that --

5 MR. GALVIN: We have to make an instant  
6 decision now if we are going to carry it.

7 MR. MATULE: I will have that conversation  
8 with Mr. Burke. I am reasonably confident that Mr.  
9 Burke won't have any objections as long as we don't  
10 go ahead of him. But, you know, if that is a  
11 concern, then I would ask that we carry it to that  
12 night. And if it is a problem that night, we can  
13 make an announcement that it will be carried to the  
14 16th.

15 MS. BANYRA: So, Mr. Matule, you will speak  
16 to Mr. Burke about it?

17 MR. MATULE: I will speak to him tomorrow.

18 MS. BANYRA: Because it was his party, you  
19 know, and they are paying for it.

20 CHAIRMAN AIBEL: Again, I guess the only  
21 caveat is if 300 Washington consumes too much of the  
22 evening, it would be a risk that you guys would not  
23 be heard.

24 MR. MATULE: It is a risk we will be  
25 willing to take.

1                   Based on my conversations with the  
2 architect, he is confident that it shouldn't, but  
3 one never knows. One never knows anyway.

4                   THE WITNESS: I have been wrong before.

5                   COMMISSIONER BRANCIFORTE: Is that --  
6 forget it. I was going to ask if we don't hear them  
7 on the 9th, does that screw up the time?

8                   MR. GALVIN: No, it doesn't.

9                   They are going to waive the time in which  
10 the Board has to act. That is a beautiful thing.  
11 If we put them on the 9th and we can't hear them, we  
12 can carry them to the 16th. But if we don't put  
13 them on the 9th, then we can't get them on there,  
14 so --

15                  COMMISSIONER BRANCIFORTE: The only thing I  
16 would ask, Mr. Minervini, are you putting a lot of  
17 these bike racks in your buildings?

18                  THE WITNESS: Yes.

19                  COMMISSIONER BRANCIFORTE: Could you  
20 actually bring one in, so I could look at it?

21                  THE WITNESS: Really?

22                  COMMISSIONER BRANCIFORTE: Yes.

23                  THE WITNESS: How about if I give you an  
24 extensive spreadsheet?

25                  COMMISSIONER BRANCIFORTE: I'm not

1 convinced. I'm not convinced. I am not sure you  
2 could secure them properly.

3 MR. MATULE: Secure a bike?

4 COMMISSIONER CRIMMINS: Do you want him to  
5 bring a bike, too?

6 (Laughter)

7 COMMISSIONER BRANCIFORTE: Mr. Bijou's  
8 property on 14th Street has them, right?

9 THE WITNESS: I don't know. I will find  
10 out. I will find out if there is something we could  
11 show you, John. Maybe I will escort you.

12 MR. GALVIN: I don't know if you have to  
13 escort him. I would rather he almost not be  
14 escorted, if he wants to go somewhere and take a  
15 look and see what it looks like.

16 THE WITNESS: Okay.

17 COMMISSIONER BRANCIFORTE: Thanks.

18 MS. BANYRA: The one other question I  
19 wanted to address that Mr. Branciforte raised in  
20 terms of the landscaping and the site triangle, I  
21 conferred with the engineer, and we both don't  
22 believe that the landscaping -- it is very low  
23 landscaping, and we have it all over town, and it  
24 shouldn't interfere at all with the site triangle  
25 coming out of the garage, so I wanted to say that

1 because I might forget about it at the next meeting.

2 COMMISSIONER CRIMMINS: Are we ready to  
3 make a motion?

4 CHAIRMAN AIBEL: I will say it is  
5 self-evident, but I will say, you know, we made a  
6 lot of commentary tonight, but I don't think that it  
7 should be taken as a definitive decision that we  
8 would approve any particular revision.

9 MR. MATULE: Absolutely not. We appreciate  
10 the input, but we certainly don't presume anything.

11 CHAIRMAN AIBEL: Thank you.

12 COMMISSIONER CRIMMINS: I'll make a motion  
13 to carry this project to the April 9th special  
14 meeting, without further notice.

15 CHAIRMAN AIBEL: Is there a second?

16 COMMISSIONER BRANCIFORTE: Second.

17 MR. GALVIN: What is the location that we  
18 are going to be at?

19 MS. CARCONE: Roos School. That is on  
20 Third Street between Garden and Bloomfield.

21 VICE CHAIR GREENE: What room will we be  
22 in?

23 MS. CARCONE: We are in the auditorium.

24 (All Board members talking at once.)

25 MR. MATULE: We waive the time in which the

1 Board has to act.

2 CHAIRMAN AIBEL: Roll call.

3 MS. CARCONE: Commissioner Greene?

4 VICE CHAIR GREENE: Yes.

5 MS. CARCONE: Commissioner Crimmins?

6 COMMISSIONER CRIMMINS: Yes.

7 MS. CARCONE: Commissioner Pincus?

8 COMMISSIONER PINCUS: Yes.

9 MS. CARCONE: Commissioner Branciforte?

10 COMMISSIONER BRANCIFORTE: Yes.

11 MS. CARCONE: Commissioner Boucher?

12 COMMISSIONER BOUCHER: Yes.

13 MS. CARCONE: Chairman Aibel?

14 CHAIRMAN AIBEL: Yes.

15 COMMISSIONER CRIMMINS: There will be a

16 note on this door, right, that we will be down

17 there?

18 MS. CARCONE: Yes.

19 (Discussion held off the record.

20 (The matter concluded.)

21

22

23

24

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300  
 Notary Public of the State of New Jersey  
 My commission expires 11/5/2015.  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.  
 Dated: 3/21/13

1 (Discussion held off the record.)

2 CHAIRMAN AIBEL: Back on the record.

3 Ms. Banyra?

4 MS. BANYRA: Yes.

5 So January had a plethora of applications  
6 that were submitted, and because of the schedule  
7 tonight, and then we are getting a little bit backed  
8 up, not a lot, but I think we probably have five  
9 applications that would be scheduled potentially for  
10 the 16th that I don't think we would get through.

11 Some of them -- one or two of them are  
12 simple, but for the most part I think they will be a  
13 little bit more than 45 minutes I would say.

14 So I wanted to just see if the Board would  
15 entertain possibly a special meeting in May. I  
16 think by having one special meeting in April, which  
17 would be 300 Washington, and hopefully picking off  
18 this application at that meeting, and then one more  
19 special meeting, I think we should be able to be  
20 clear in terms of the schedule. So I just wanted  
21 to, you know, either ask the Board to check their  
22 calendars for that second week in May.

23 VICE CHAIR GREENE: That would be the 14th?

24 MS. CARCONE: The regular meeting is the  
25 21st.

1 MS. BANYRA: The week after.

2 MS. CARCONE: That is the day after  
3 Memorial Day.

4 MR. GALVIN: Help me out here.  
5 In April, what did we do?

6 VICE CHAIR GREENE: We added the 9th.

7 MR. GALVIN: The 0th. Okay. I am just  
8 making sure I am with you.

9 We had a plan for a second meeting day --

10 MS. BANYRA: That's the 9th.

11 MR. GALVIN: -- no. But I'm saying in May,  
12 it should have been the 28th.

13 MS. CARCONE: 21st, and then the 28th is  
14 the special meeting date that we advertised for.

15 MR. GALVIN: Right.

16 COMMISSIONER CRIMMINS: But is that the day  
17 after Memorial Day?

18 MS. CARCONE: Memorial Day.

19 MR. GALVIN: That is why we don't want to  
20 do it.

21 MR. GALVIN: Can we go on the 14th?

22 MS. BANYRA: I don't know. Pat would have  
23 to see. That might be a Planning Board meeting,  
24 though.

25 (Board members all talking at once.)

1 MS. CARCONE: We might need to get a  
2 location.

3 MS. BANYRA: That would be fine.

4 MS. CARCONE: We will probably have to go  
5 off site.

6 MS. BANYRA: I think we will get our  
7 schedule cleared up pretty much for the summer then,  
8 and I think we will be in rhythm,

9 We kind of got off with a couple  
10 applications incomplete, and with this one  
11 application filing too late last week, so we  
12 couldn't hear two tonight, so we are just sort of  
13 out of rhythm.

14 VICE CHAIR GREENE: We are out of rhythm  
15 and we are short a few guys.

16 MS. BANYRA: That, too.

17 CHAIRMAN AIBEL: Do you want to check on  
18 the 14th?

19 MS. CARCONE: The 14th?

20 CHAIRMAN AIBEL: Pencil in the 14th of May.

21 MR. GALVIN: Again, unless you can try to  
22 keep it in the building somewhere.

23 (Board members all talking at once)

24 MS. CARCONE: All right.

25 COMMISSIONER CRIMMINS: They could go in

1 the historic hallway.

2 (Board members all talking at once.)

3 CHAIRMAN AIBEL: Gentlemen, please.

4 MS. BANYRA: So the only other thing we  
5 have is, and this is maybe more of a procedural  
6 thing between Dennis and myself, I spoke with  
7 Elizabeth, and there are 12 applications that have  
8 been hanging around, some as long as six years, that  
9 have never been dismissed formally or something.

10 Some of them have escrow accounts and some  
11 of them don't. I will speak with Dennis about the  
12 procedure to either dismiss without prejudice or  
13 dismiss them because I don't want them lingering  
14 that at some point in time now, they are going to  
15 come back and say, well, we still -- we never were,  
16 you know, let go. We have active applications.

17 So maybe at one of our meetings we will do  
18 that, and I will speak with you more about that.

19 MR. GALVIN: We should administratively  
20 dismiss them, but I think we should investigate them  
21 first and see why they are lingering.

22 MS. BANYRA: Elizabeth has made calls for  
23 years, and I will call again.

24 MR. GALVIN: You and I should probably do  
25 it like 15 minutes at an Arc meeting.

1 MS. BANYRA: Okay.

2 CHAIRMAN AIBEL: I will entertain a motion.

3 COMMISSIONER CRIMMINS: I'll make a motion  
4 to close.

5 VICE CHAIR GREENE: Second.

6 CHAIRMAN AIBEL: All in favor?

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

9 (The meeting adjourned at 8:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

-----  
 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300  
 Notary Public of the State of New Jersey  
 My commission expires 11/5/2015.  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.  
 Dated: 3/20/13

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