

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

- - - - - X  
SPECIAL MEETING OF THE HOBOKEN : August 23, 2016  
ZONING BOARD OF ADJUSTMENT : 7:05 p.m.  
- - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Philip Cohen
- Commissioner Owen McAnuff
- Commissioner Dan Weaver
- Commissioner Edward McBride
- Commissioner Cory Johnson
- Commissioner Frank DeGrim

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

- Kristin Russell, Planning Consultant
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
CERTIFIED COURT REPORTER  
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1                   CHAIRMAN AIBEL: Okay. Good evening.

2                   Thanks for waiting, everybody.

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

11                  Thank you for joining me in saluting  
12                  the flag.

13                  (Pledge of Allegiance recited)

14                  CHAIRMAN AIBEL: Good evening,  
15                  everybody.

16                  We are at a Special Meeting or are we  
17                  at our Regular Meeting?

18                  MS. CARCONE: A Special Meeting.

19                  CHAIRMAN AIBEL: Special Meeting of the  
20                  Hoboken Zoning Board of Adjustment.

21                  Pat, do you want to give us a roll  
22                  call, please?

23                  MS. CARCONE: Okay.

24                  Commissioner Aibel?

25                  CHAIRMAN AIBEL: Here.

1 MS. CARCONE: Commissioner Branciforte  
2 is absent.

3 Commissioner Cohen?

4 COMMISSIONER COHEN: Here.

5 MS. CARCONE: Commisioners Grana, Marsh  
6 and Murphy are absent.

7 Commissioner McAnuff?

8 COMMISSIONER MC ANUFF: Here.

9 MS. CARCONE: Commissioner Weaver?

10 COMMISSIONER WEAVER: Here.

11 MS. CARCONE: Commissioner McBride?

12 COMMISSIONER MC BRIDE: Here.

13 MS. CARCONE: Commissioner Johnson?

14 COMMISSIONER JOHNSON: Here.

15 MS. CARCONE: Commissioner DeGrim?

16 COMMISSIONER DE GRIM: Here.

17 MS. CARCONE: Okay.

18 CHAIRMAN AIBEL: Great.

19 We have several resolutions to hear.

20 MR. GALVIN: Yes. The first one is 12  
21 Bloomfield Street, which is a denial --

22 CHAIRMAN AIBEL: 1200.

23 MR. GALVIN: -- 1200 Bloomfield Street,  
24 so that is HOZ-16-1. That's --

25 MS. CARCONE: Commissioner Aibel,

1 Commissioner Aibel, and Commissioner Aibel.

2 (Laughter)

3 MR. GALVIN: Yes.

4 Do you accept that?

5 CHAIRMAN AIBEL: I accept that  
6 responsibility.

7 MR. GALVIN: That is done. That  
8 resolution is passed.

9 The next denial was 511 Washington  
10 Street.

11 In favor of a denial, Mr. McAnuff, Mr.  
12 Weaver, and Chairman Aibel.

13 Is there a motion?

14 COMMISSIONER MC ANUFF: Motion to  
15 approve the denial.

16 MR. GALVIN: Okay. Is there a second?

17 COMMISSIONER WEAVER: Motion -- I'll  
18 second. I'm sorry.

19 MR. GALVIN: Thank you.

20 Mr. McAnuff?

21 COMMISSIONER MC ANUFF: Yes.

22 MR. GALVIN: Mr. Weaver?

23 COMMISSIONER WEAVER: Yes.

24 MR. GALVIN: And Chairman Aibel?

25 CHAIRMAN AIBEL: Yes.

1 MR. GALVIN: All right.

2 And then the last matter, we actually  
3 approved one, is 610 Hudson Street, HOZ-15-41. Mr.  
4 McAnuff, Mr. Weaver, Mr. McBride, Mr. Johnson and  
5 Mr. Cohen.

6 Is there a motion?

7 COMMISSIONER MC ANUFF: Motion to  
8 approve.

9 COMMISSIONER MC BRIDE: Second.

10 MR. GALVIN: All right. We have a  
11 motion and a second.

12 Mr. McAnuff?

13 COMMISSIONER MC ANUFF: Yes.

14 MR. GALVIN: Mr. Weaver?

15 COMMISSIONER WEAVER: Yes.

16 MR. GALVIN: Mr. McBride?

17 COMMISSIONER MC BRIDE: Yes.

18 MR. GALVIN: Mr. Johnson?

19 COMMISSIONER JOHNSON: Yes.

20 MR. GALVIN: And Mr. Cohen?

21 COMMISSIONER COHEN: Yes.

22 MR. GALVIN: Thank you.

23 CHAIRMAN AIBEL: Thank you.

24 (Continue on the next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN  
HOZ-16-7

----- X  
RE: 128 Jefferson Street, Unit B : August 23, 2016  
APPLICANTS: Jason Swankoski & Alicia : SPECIAL MEETING  
Keenan :  
Development to Add a Fourth Story :Tuesday 7:10 p.m.  
Addition to an Existing Three-Story :  
Structure & C Variances :  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

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9                   Jersey City, New Jersey 07302  
10                  Attorney for the Applicants.

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WITNESS

PAGE

OSVALDO MARTINEZ

15

EDWARD KOLLING

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JASON SWANKOSKI

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1                   CHAIRMAN AIBEL: All right. We have  
2 one hearing on this evening. It is 128 Jefferson  
3 Street.

4                   Mr. Cherami, I think it is you.

5                   MR. CHERAMI: Yes.

6                   All right. Well, first, thanks for  
7 having us to the meeting this evening. We  
8 appreciate it, and we are glad we could make it.

9                   So we are looking today at your case  
10 number HOZ-16-7. This is 128 Jefferson Street.

11                   So just to orient the Board a little  
12 bit, the property sits between First and Second on  
13 Jefferson, and it sits up in the middle of the  
14 block, and one thing we are looking for here is an  
15 increase in the height of the property.

16                   So in looking for an addition, you  
17 know, to add a fourth story addition to the existing  
18 three-story structure, that expansion actually ends  
19 up activating a couple of different C variances  
20 relating to lot coverage, depth setbacks and facade  
21 materials, and so that is kind of what brings us  
22 before the Board today.

23                   The actual increase in the height isn't  
24 a variance, but because we are going to be doing  
25 that kind of work on the property, we are here on a

1 couple of other components of the matter.

2 The property itself, and before I call  
3 our experts, I just wanted to orient you a little  
4 bit further. The property itself is Unit B of a  
5 two-unit building. It is two condos side by side.  
6 Each condo is three stories, so this would be the  
7 Unit B side, which actually abuts a property that  
8 has a greater height.

9 Yes?

10 MR. GALVIN: Yes.

11 You know, I want the Board to  
12 understand this because we have gotten a couple of  
13 these, and I hope this doesn't hurt your case in any  
14 way, but I want the Board to understand that I do  
15 not care if there is Condo A and Condo B, because we  
16 take it as the condo. In other words, it is not a  
17 subdivision. It is a condo.

18 So the problem is if you start dividing  
19 these into two, you don't get the improvements that  
20 you should get from a building if you consider it as  
21 one whole building, right? Because, in hindsight,  
22 and again, without knowing your case, Side A wants  
23 to get an expansion. Side B doesn't go for the  
24 expansion.

25 What happens in the future when Side B

1 wants to go for the expansion, and say Side A used  
2 up all of the remaining building coverage that was  
3 allowable?

4 Now, when Side B wants that same  
5 building coverage, that is going to necessitate a  
6 variance, so you have to take these buildings as a  
7 whole. You can't look at them as partway. I had  
8 the same problem with strip malls in suburban areas,  
9 where somebody wants to come in for an individual  
10 approval for one of the stores, you want to clean up  
11 the whole parking lot. You maybe want the parking  
12 lot paved or maybe you want new striping --

13 COMMISSIONER COHEN: I don't think that  
14 will be the case in this application.

15 MR. GALVIN: -- okay. But I want to  
16 make sure that every time we get one of the cases,  
17 you guys you are alert to this concern I have about,  
18 you know, trying to help one person out in the  
19 condo, but you have to consider the property as a  
20 whole, okay?

21 COMMISSIONER WEAVER: Well, who are the  
22 other owners of the condo?

23 MR. GALVIN: Just the mere fact that  
24 they had authorization, though, what I heard in the  
25 last case that we had was they didn't have -- you

1 know, we had said, oh, we would like to see.

2 They were cleaning up one side of the  
3 building, but they weren't cleaning up the other  
4 side of the building, and it is really a dangerous  
5 way to proceed. That is all I am saying.

6 Do you have authorization from the  
7 condo association?

8 MR. CHERAMI: We do have authorization  
9 from the condo association, and the Unit A owner is  
10 actually present with us tonight.

11 MR. GALVIN: Okay. But my comments are  
12 more general not to this case, but I wanted the  
13 Board to be on the alert for that.

14 MR. CHERAMI: Okay. I understand.

15 MR. GALVIN: Kristin, do you agree with  
16 that?

17 MS. RUSSELL: I agree.

18 MR. GALVIN: That is our planner.

19 MR. CHERAMI: Okay.

20 Well, I mean, I think we should just  
21 begin calling the experts at this point. So we will  
22 call Oswaldo Martinez, who is an architect here in  
23 town.

24 MR. MARTINEZ: Do you prefer these on  
25 this side?

1 MR. GALVIN: We usually take it on this  
2 side, but, you know.

3 Is this something that we have already  
4 received, or is this a new exhibit? It's colorized.

5 MR. MARTINEZ: No. This is exactly  
6 what you received.

7 MR. GALVIN: Then there's no reason to  
8 mark it.

9 You may proceed.

10 Raise your right hand.

11 Do you swear or affirm the testimony  
12 you are about to give in this matter is the truth,  
13 the whole truth, and nothing but the truth?

14 MR. MARTINEZ: I do.

15 O S V A L D O M A R T I N E Z, RA, ICOM  
16 Architects, 80 Park Avenue, Hoboken, New Jersey,  
17 having been duly sworn, testified as follows:

18 MR. GALVIN: Please state your full  
19 name for the record and spell your last name.

20 THE WITNESS: Osvaldo Martinez,  
21 M-a-r-t-i-n-e-z.

22 MR. GALVIN: And you'll be testifying  
23 tonight as an architect?

24 THE WITNESS: Yes, I will

25 CHAIRMAN AIBEL: And as I recollect,

1       you are licensed in New Jersey?

2                   THE WITNESS:   Yes, I am.

3                   MR. GALVIN:   Mr. Chairman, Mr. Martinez  
4       has testified before us previously.

5                   CHAIRMAN AIBEL:   We accept his  
6       qualifications.

7                   THE WITNESS:   Thank you.

8                   MR. GALVIN:   You may proceed.

9                   THE WITNESS:   Good evening, everyone.

10                  MR. CHERAMI:   Mr. Martinez, you are  
11       familiar with the project at 128 Jefferson Street?

12                  THE WITNESS:   Yes, I am.

13                  MR. CHERAMI:   Would you tell the Board  
14       a little bit about what we are looking for here?

15                  THE WITNESS:   Again, this is exactly  
16       what all of you should have in front of you.  It's  
17       just a bigger version.

18                  Again, this is Unit 128B of a series of  
19       eight row houses on Jefferson Street.

20                  What we are proposing to do, and I am  
21       referring to Sheet A-1, a proposed exterior view, we  
22       are proposing to put on a fourth floor addition.

23                  Again, we propose to keep the existing  
24       cornice and then add this fourth floor sort of  
25       Mansard type roof with some standing metal seam, and

1 I will get into that a little bit further. We plan  
2 to color them to compliment the existing.

3 We are doing no work to that existing  
4 facade. That will remain exactly as it is today,  
5 and this is an actual photo of that.

6 I have the elevations of what we are  
7 proposing to do. Again, standing metal seam, and  
8 then stucco around the new fourth floor windows.

9 So on Sheet A-2 we have the existing  
10 ground floor, which somewhere in the report I think  
11 we need to clarify it is a two-car -- an existing  
12 two-car garage.

13 The existing second floor consists of a  
14 living room, kitchen, dining and a powder room.  
15 That is all existing, as well as an existing deck on  
16 the second level.

17 The existing third floor consists of  
18 two bedrooms and two bathrooms. Mr. Swankoski and  
19 his family has expanded as of the last ten months.  
20 He has had a baby, and so he has found a need to add  
21 an additional bedroom, and we have done that by  
22 adding a new fourth floor, which would create a new  
23 master bedroom suite, walk-in closet, bathroom, and  
24 an additional office with an additional bathroom on  
25 that new fourth story.

1                   That new fourth story would cover 750  
2 square feet, and that would be exactly over the  
3 existing footprint of the third floor, which is a  
4 footprint of 12 and a half by 60 feet deep, 12 and a  
5 half feet wide by 60 feet deep.

6                   A-3 has the existing roof plan, which  
7 does not have an existing deck. It has a skylight  
8 and just some access up to the roof.

9                   We have the proposed roof plan now,  
10 which includes a skylight, access -- actually two  
11 new skylights and then access to the roof just as we  
12 have today.

13                  We have included a new site elevation,  
14 which shows the existing three stories, and then the  
15 new proposed site elevation.

16                  This building beyond is the building  
17 that we are facing, the property to the north, which  
18 would still be approximately four feet below our new  
19 proposed addition, and that is pretty much it.

20                  CHAIRMAN AIBEL: So no roof deck?

21                  THE WITNESS: No roof deck.

22                  CHAIRMAN AIBEL: Is there any outdoor  
23 space in front of the Mansard window?

24                  THE WITNESS: No.

25                  CHAIRMAN AIBEL: Board members?

1                   COMMISSIONER JOHNSON: I think that  
2 roof slopes. It goes down, where as this --

3                   THE WITNESS: There is --

4                   COMMISSIONER JOHNSON: -- so that is a  
5 slope towards the back of the house?

6                   THE WITNESS: -- well, the flat roof  
7 will have a slight slope to tie into the existing  
8 leaders in the roof, very, very slight slope, just a  
9 minimum of a quarter inch or so, just so that water  
10 can run down to the two existing leaders in the  
11 back.

12                   COMMISSIONER JOHNSON: Okay.

13                   COMMISSIONER DE GRIM: How much lower  
14 is the roof line than the roof next door?

15                   THE WITNESS: Four feet.

16                   COMMISSIONER DE GRIM: And the  
17 fenestration that you are adding --

18                   THE WITNESS: Yes.

19                   COMMISSIONER DE GRIM: -- is that -- is  
20 that greater than what would otherwise be allowable  
21 for that area of the facade of the fourth floor, if  
22 it was essentially doubled, the same, you know, with  
23 regard to the comment that the attorney had made, if  
24 the same facade and window were put on the A Unit,  
25 would that be allowed, or how did you determine the

1 fenestration?

2 THE WITNESS: The fenestration?

3 COMMISSIONER DE GRIM: Yeah.

4 THE WITNESS: Good question.

5 There are two things --

6 COMMISSIONER DE GRIM: Poorly worded,  
7 but thank you.

8 (Laughter)

9 MR. GALVIN: Well, let me just throw  
10 one more like attachment to that.

11 Is the 51 percent figure including the  
12 entire front of Units A and B?

13 THE WITNESS: No.

14 MR. GALVIN: Why not?

15 THE WITNESS: That would just be --

16 UNIDENTIFIED VOICE: No, no. It does.

17 THE WITNESS: -- oh, it does. Okay.

18 The 51 percent, yes. I am sorry. I  
19 thought you meant on the top. Yes, it does.

20 That was -- we had done the original  
21 analysis just based on Unit B, and then we got some  
22 comments back from the planner, and that does  
23 include A and B, both, yes.

24 MR. GALVIN: Mr. DeGrim, am I in the  
25 ball park?

1 COMMISSIONER DE GRIM: Yeah, exactly.

2 MR. GALVIN: Okay.

3 So then the next question: If Unit A  
4 wanted to do the same exact thing that you are doing  
5 or Unit B, the other side, what impact would that  
6 have on the fenestration -- on the percentage?

7 Would it lower it more than even 51  
8 percent?

9 THE WITNESS: It would probably lower  
10 it because -- and the reason that number gets  
11 lowered is because this new facade, although we do  
12 have a standing metal seam and the piece around the  
13 window is stucco, but I don't believe that qualifies  
14 as masonry --

15 MS. RUSSELL: Correct.

16 THE WITNESS: -- so it does reduce it  
17 by a little bit.

18 And if the neighbor to our south or  
19 Unit 128A, that would probably reduce it slightly as  
20 well.

21 Now, just to answer this Commissioner's  
22 question, how do we arrive at these window sizes?

23 Two factors: One, we wanted to match  
24 the facade. We wanted to keep these lines, these  
25 vertical lines nice and clean.

1                   And two: It is also determined by it  
2 will be a bedroom, and those windows need to be  
3 egress windows, so by code hopefully if this  
4 application gets approved tonight, by code those  
5 windows need to be 5.7 square feet of opening for  
6 egress purposes.

7                   COMMISSIONER MC BRIDE: Where are the  
8 mechanicals --

9                   COMMISSIONER DE GRIM: I guess -- I'm  
10 sorry.

11                   Just to put it simply, if A wanted to  
12 do the exact type of fenestration, they would be  
13 able to?

14                   THE WITNESS: Yes. But I would  
15 imagine, one, they would have to come before this  
16 Board as well as any of the row houses down that  
17 block.

18                   And two: I believe if I am doing the  
19 math correctly, it probably would reduce it for the  
20 same reason unless A was to decide to do that in  
21 brick or another masonry material.

22                   COMMISSIONER DE GRIM: Okay.

23                   Thank you.

24                   THE WITNESS: You are welcome.

25                   MR. CHERAMI: So it would activate the

1 same set --

2 THE WITNESS: Yes. Obviously it would  
3 have to come before you as we go.

4 COMMISSIONER DE GRIM: Obviously.

5 COMMISSIONER MC BRIDE: So there are no  
6 mechanicals on the roof.

7 Where are the mechanicals in this  
8 building?

9 THE WITNESS: The existing mechanicals,  
10 I'm not sure if I have a -- right there.

11 The existing mechanicals are right  
12 outside here, right outside the ground floor. They  
13 are up off the ground about three or four feet.

14 COMMISSIONER MC BRIDE: Under the deck?

15 THE WITNESS: Under the deck, yes, and  
16 I believe that is where most of those row houses  
17 have them.

18 COMMISSIONER MC BRIDE: And are they  
19 being upgraded to handle the additional 700 square  
20 feet?

21 THE WITNESS: I believe that unit is  
22 big enough. That is something that we have to take  
23 a look at going forward.

24 COMMISSIONER MC BRIDE: But I ask about  
25 the noise, would the larger unit create more noise?

1                   THE WITNESS: No. I believe that is a  
2 big enough unit to cover. That was upgraded a few  
3 years ago, and I believe it was done with the  
4 intention that if it was ever to put a fourth floor  
5 on it, that this would be able to handle it.

6                   COMMISSIONER MC BRIDE: Okay.

7                   COMMISSIONER COHEN: Mr. Chairman?

8                   MR. GALVIN: Mr. Cohen has a question.

9                   CHAIRMAN AIBEL: Oh, I'm sorry.

10                  COMMISSIONER COHEN: On A-1, looking at  
11 the back elevation --

12                  THE WITNESS: Yes.

13                  COMMISSIONER COHEN: -- comparing the  
14 current to the final, it looks like the height of  
15 the deck is reduced, so that the windows on the  
16 second level clear the deck as opposed to being  
17 obstructed by the deck. I don't think --

18                  THE WITNESS: It is not. That is a  
19 perspective.

20                  It is the view. It is the way this  
21 picture was taken. I actually took that picture  
22 myself.

23                  So it is the angle that the picture was  
24 taken versus this 3D computer model --

25                  COMMISSIONER COHEN: So the deck -- the

1 deck will be unchanged?

2 THE WITNESS: Unchanged, untouched.

3 COMMISSIONER COHEN: Okay. All right.

4 CHAIRMAN AIBEL: Commissioners,  
5 anything else?

6 COMMISSIONER JOHNSON: I guess from an  
7 architectural standpoint, the fourth floor addition,  
8 is there a reason that it couldn't be like more  
9 masonry, more masonry --

10 THE WITNESS: That is a good question,  
11 too.

12 We wanted to keep it. If you look at  
13 these row houses, and I am sure we are all familiar  
14 with Jefferson Street, there is a nice cornice line  
15 going straight across. We wanted to keep that, and  
16 it is more of an architectural feature.

17 Actually our unit has a small  
18 impediment on that cornice, so we kind of wanted to  
19 keep that.

20 The only way this, in my professional  
21 opinion, would look right with brick is if we were  
22 to rip that cornice off, and then continue brick all  
23 the way up, and then put a new cornice on top.

24 We didn't think that would be very  
25 attractive or conforming, so we felt that this would

1 be a better option.

2 MR. GALVIN: Anybody else?

3 COMMISSIONER WEAVER: Yes.

4 Hi.

5 THE WITNESS: Hi.

6 COMMISSIONER WEAVER: How do you drain  
7 the water off the Mansard roof?

8 THE WITNESS: This will -- it actually  
9 drains just like a facade would, because we are not  
10 putting up any gutters or any additional gutters  
11 there or anything.

12 COMMISSIONER WEAVER: So the water is  
13 going to just drain onto the public way?

14 THE WITNESS: Well, no, just like the  
15 facade would.

16 COMMISSIONER WEAVER: I know, but it is  
17 a sloped surface, so it is going to pick up water,  
18 and also the top of that roof is going to pick up  
19 water, so --

20 THE WITNESS: It is very small -- the  
21 top here will pick up with the gutter --

22 COMMISSIONER WEAVER: But where is that  
23 water going to go?

24 THE WITNESS: We will bring that back  
25 on to this roof somehow.

1                   COMMISSIONER WEAVER: So you are  
2                   delivering water onto Unit A?

3                   THE WITNESS: No.

4                   Well, actually this is a very small --  
5                   the pitch on that -- let me see --

6                   COMMISSIONER WEAVER: I mean, I don't  
7                   want to get into a debate about the quantity of  
8                   water.

9                   The fact is you have water, and where  
10                  is it going, and how are you dealing with it?

11                  THE WITNESS: This is a very small  
12                  pitch. This small roof here, we'll have to pick  
13                  that up and bring it back in and work that out.

14                  COMMISSIONER WEAVER: I mean, either  
15                  way when I do a building in New York, and it is all  
16                  glass, and it's a vertical glass surface, we have to  
17                  deal with the water when it comes down, right?

18                  THE WITNESS: Uh-huh.

19                  COMMISSIONER WEAVER: And yours isn't a  
20                  vertical surface. It is a sloped surface, so there  
21                  will be water. There will be snow. There will be  
22                  snow accumulation.

23                  I don't want to get into a debate about  
24                  the quantity of water, but I don't think it should  
25                  go on to the public way.

1 THE WITNESS: Okay.

2 COMMISSIONER WEAVER: And then I have a  
3 question about the stucco in the back, because your  
4 drawing make it looks like it is all going to be one  
5 uniform stucco surface --

6 THE WITNESS: Yes.

7 COMMISSIONER WEAVER: -- but then you  
8 are also saying just new stucco to match the stucco  
9 below.

10 So are you re-stuccoing the back, are  
11 you painting the entire back, so that it all matches  
12 or --

13 THE WITNESS: Yes. We will match the  
14 back. We will stucco the new back and then remove  
15 this aluminum cap and match --

16 COMMISSIONER WEAVER: Uh-huh. And  
17 paint the whole thing, so the stucco matches?

18 THE WITNESS: -- and match the whole  
19 thing, and then paint it the same color --

20 COMMISSIONER WEAVER: Okay.

21 THE WITNESS: -- I am sure it has faded  
22 over the years --

23 COMMISSIONER WEAVER: That's what I  
24 mean.

25 It is just really difficult to get

1       stucco to match, if it is real stucco, right,  
2       because you are actually dealing with the pigments  
3       in the stucco material itself, and so if you're  
4       going to paint it --

5                   THE WITNESS: We will paint it, yes.

6                   COMMISSIONER WEAVER: Okay, perfect.

7                   I actually -- I like --

8                   MR. GALVIN: Do you need some sort of a  
9       condition?

10                   COMMISSIONER WEAVER: Architecturally?  
11       Well, no. He just said it is going to match.

12                   MR. GALVIN: Okay.

13                   COMMISSIONER WEAVER: And by match, it  
14       is going to match, match, match.

15                   MR. GALVIN: Okay.

16                   COMMISSIONER WEAVER: Architecturally,  
17       I like that you didn't bring the brick up.

18                   THE WITNESS: Thank you.

19                   COMMISSIONER WEAVER: We have had  
20       applications in front of us where they have done  
21       things like that, which just reminds me of that  
22       really ugly building on the corner of 11th and  
23       Garden. You should check it out.

24                   MR. GALVIN: If the owner of 11th and  
25       Garden is here, we apologize.

1 (Laughter)

2 COMMISSIONER WEAVER: No. I know the  
3 owners of 11th and Garden, and they don't really  
4 like it either. They bought the building that way.

5 And there was something about -- I  
6 mean, I don't know how it happened in Hoboken, but  
7 there was something about a judge, who other people  
8 looked the other way. It was a number of years ago.

9 COMMISSIONER COHEN: I heard the story  
10 about that, but I don't know that it's for this  
11 record.

12 COMMISSIONER WEAVER: Maybe it's not  
13 for this record.

14 CHAIRMAN AIBEL: Well, I know the story  
15 personally, so --

16 MR. GALVIN: All right. Moving on  
17 then.

18 COMMISSIONER WEAVER: Other than that,  
19 I don't have any other comments.

20 Thank you.

21 THE WITNESS: Thank you.

22 CHAIRMAN AIBEL: Let me just ask one  
23 question to get it off my chest.

24 Would you design this extension any  
25 differently if it were mid row, if it were three

1 buildings south?

2 THE WITNESS: If it had been mid row,  
3 hum --

4 CHAIRMAN AIBEL: You didn't have the  
5 building to the north to abut?

6 THE WITNESS: Appearance-wise, no. It  
7 is such a small footprint, I don't -- now, when you  
8 say any other way, you mean the facade?

9 CHAIRMAN AIBEL: Would you do the  
10 facade differently, the fenestration?

11 THE WITNESS: I think I would still  
12 keep the cornice going straight across.

13 I might discuss maybe a different --  
14 maybe different facade materials with the owner  
15 perhaps, just to make it interesting.

16 COMMISSIONER WEAVER: What are you  
17 getting at?

18 CHAIRMAN AIBEL: What am I getting at?

19 COMMISSIONER WEAVER: Yes.

20 CHAIRMAN AIBEL: Well, to the point of  
21 building a fourth story in the middle of a block,  
22 which would end up being sort of a bunker on top of  
23 a building, in my estimation.

24 I am trying to figure out how it is  
25 going to look if we in effect grant these same

1 rights to somebody two buildings south, and instead  
2 of having a nice row with, you know, a nice fourth  
3 floor extension tucked up against the larger  
4 building on the north, we are looking at a  
5 standalone extension.

6 COMMISSIONER WEAVER: Well, I mean --

7 THE WITNESS: Well, the good thing is  
8 that they will have to come before you, and you will  
9 have to --

10 CHAIRMAN AIBEL: That's why I'm --

11 THE WITNESS: -- it's not like they  
12 could do it as of right. They will have to. They  
13 don't have a choice.

14 COMMISSIONER WEAVER: Architecturally,  
15 that is the benefit of having that taller building  
16 next to you. I understand what Mr. Aibel is saying,  
17 and I mean, there was an application, and I don't  
18 think you were here, Jim, but I think it was the  
19 last meeting we had, where they had done just that,  
20 but they had pushed the build -- the penthouse, if  
21 you will, they pushed it so far back, that you  
22 couldn't see it from the street.

23 So it is not -- architecturally it's  
24 good that they have that wall to lean up against  
25 sort of. Yeah. It is going to be much more

1       difficult for me to view an application in the  
2       middle of the block favorably just because it is  
3       just -- it is difficult to do that and  
4       architecturally and make it sort of -- you would  
5       have to pull it back from the cornice --

6                   THE WITNESS:  Yes, I agree --

7                   COMMISSIONER WEAVER:  -- but I have a  
8       feeling now that we have approved -- well, if we  
9       approve this one, it is opening it up for everybody  
10      else to do the same thing.

11                   I don't know that that is a bad thing,  
12      but it sort of architecturally, it opens up the door  
13      for that.

14                   THE WITNESS:  I agree a hundred percent  
15      with you as far as, you know, we are lucky that we  
16      have this building to our right.

17                   I think moving forward, if this was  
18      done again, it has to come before this Board.  If  
19      this was done in the correct manner, it could look  
20      okay.

21                   And one of the other techniques, as you  
22      mentioned, is to pull that facade back.  
23      Unfortunately, this footprint is so small, that if  
24      we were to do that, we would lose our bedroom.

25                   CHAIRMAN AIBEL:  Everybody should take

1 a walk up Park Avenue in the 600 block and see the  
2 result of the mid block.

3 But thank you, Mr. Weaver, I appreciate  
4 the distinctions.

5 Anybody else have questions for the  
6 architect?

7 Okay. Let me open it up to the public.

8 Does anybody in the public have  
9 questions for the architect?

10 Seeing none.

11 COMMISSIONER MC ANUFF: Motion to close  
12 public portion.

13 COMMISSIONER MC BRIDE: Second.

14 CHAIRMAN AIBEL: Thank you, Mr.  
15 Martinez.

16 THE WITNESS: You are welcome.

17 MR. CHERAMI: All right.

18 Next up we have Mr. Kolling.

19 MR. GALVIN: Raise your right hand.

20 Do you swear to tell the truth, the  
21 whole truth, and nothing but the truth?

22 MR. KOLLING: Yes, I do.

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

25 MR. GALVIN: State your full name for

1 the record and spell your last name.

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

4 MR. GALVIN: Mr. Chairman, do we accept  
5 Mr. Kolling's credentials?

6 CHAIRMAN AIBEL: We do.

7 MR. GALVIN: You may proceed.

8 Before you do that, could you  
9 explain -- there are two variances here. One is for  
10 the facade, and one is because it is a nonconforming  
11 structure. Could you explain the nonconforming  
12 structure?

13 MS. RUSSELL: Yes.

14 So the variance for expansion of a  
15 nonconforming structure is based on three things:  
16 Lot coverage, deck setback and parking.

17 And what this means is that the  
18 structure as it is today already doesn't meet the  
19 bulk standards that are in the zoning code.

20 MR. GALVIN: So any addition or change  
21 to the building would trigger that variance?

22 MS. RUSSELL: Yes.

23 So any addition to the building or  
24 changes to those, other than turning them into a  
25 conforming condition, requires a variance.

1                   So, for example, the zone permits 60  
2 percent coverage, and the building as it is today  
3 already has 70 percent coverage, and they are not  
4 rectifying that, so they need to have a variance.

5                   COMMISSIONER MC ANUFF: And the 70  
6 percent, though, the building itself is 60 percent,  
7 but the deck is adding the additional ten, correct?

8                   MS. RUSSELL: Yes, but that is how we  
9 count coverage.

10                  COMMISSIONER MC ANUFF: Okay, yes.

11                  MR. GALVIN: But they are not  
12 exasperating (sic) it.

13                  MS. RUSSELL: No. They are not  
14 exasperating (sic) it and --

15                  COMMISSIONER WEAVER: "Exasperating"?

16                  COMMISSIONER COHEN: Exacerbating.

17                  MS. RUSSELL: Exacerbating.

18                  MR. GALVIN: Okay.

19                  (Laughter)

20                  MS. RUSSELL: And just as a note, the  
21 facade masonry variances they're also asking for is  
22 largely due to the existing facade materials, and I  
23 don't know it could even be rectified no matter what  
24 they do.

25                  So by adding any kind of addition, I

1 think that this variance would be part of the  
2 application in any case.

3 MR. GALVIN: All right.

4 Good?

5 COMMISSIONER MC ANUFF: Yes, I am fine.

6 MR. GALVIN: All right. Mr. Kolling,  
7 go ahead. I kind of set you up there.

8 THE WITNESS: Yes, thank you.

9 I won't go through a lot of the stuff  
10 that was already covered.

11 I think what I want to do is just jump  
12 right to the situation in the variances that we  
13 have.

14 The height, we don't need a height  
15 variance per se, because even with the height, we  
16 are below the permitted 40 feet above DFE.

17 We don't need a coverage variance for  
18 the addition either because the addition is going to  
19 be at 60 percent coverage.

20 As your planner mentioned, the  
21 preexisting condition is that the deck results in  
22 the 70 percent coverage. This application will not  
23 change that. It won't remove the deck, but it  
24 doesn't add to the deck.

25 I would also say that the removal of

1 the deck to get it down to the lower coverage won't  
2 change any of the impacts of the added story because  
3 it's going to still be there and still be visible  
4 from the front.

5 So I think what you are really looking  
6 at because the addition doesn't result in any new  
7 variances -- and I will get to the facade later --  
8 any new variances in terms of the parking condition  
9 or in terms of the coverage or in terms of the fact  
10 that the rear deck has a six-inch setback on the  
11 side versus three, none of that changes, so none of  
12 the detrimental impacts, if any, will change.

13 There are no negative impacts in my  
14 opinion to this variance or to the added height  
15 because it is what would be anticipated even by the  
16 code as it is today. Four stories are allowed. 40  
17 feet are allowed, less than that, so I don't think  
18 you would have any added impacts whatsoever.

19 In terms of the facade materials, I  
20 think you can look at it in two ways:

21 One is that the way it is designed is  
22 intended to respect the existing condition of this  
23 building and also of the adjacent buildings.

24 I think the maintenance of the cornice  
25 line is important because it keeps the street scape

1 in the same scale and perspective, and adding the  
2 Mansard I think differentiates between the new and  
3 the old, which I also think is a good approach.

4 You also have to look at what the  
5 intent of that mostly masonry type of requirement  
6 is, and it is meant to be masonry versus say other  
7 siding materials, cheaper siding materials.

8 So it is meant, in my opinion, that you  
9 want to have quality materials.

10 Now, the fact that this is metal, the  
11 roofing instead of brick, I don't think -- I think  
12 still plays into that same intent. It is a  
13 substantial material. It is a quality material, and  
14 I think it works with the architectural building.

15 I think you could look at that as being  
16 a C2 variance with the benefits of approaching it  
17 this way would outweigh the detriments, because as  
18 the architect mentioned, to really try to make this  
19 building look as one masonry facade probably  
20 wouldn't be appropriate given the existing street  
21 scape, because that is not the way these buildings  
22 are designed.

23 They were designed with the cornice  
24 line, and I think that maintaining it is a better  
25 approach to design and falls under that C2 criteria.

1                   Similarly, I think allowing for the  
2                   fourth floor, although it does need a variance, I  
3                   think it does promote certain purposes of the master  
4                   plan.

5                   These are two-bedroom units meant for  
6                   smaller families. Adding the extra floor allows for  
7                   another full master bedroom and another spare room,  
8                   which could be an office or a nursery. That I think  
9                   promotes the idea of a family-friendly unit, which  
10                  is one of the recommendations of the master plan.

11                  We maintain the same density. We are  
12                  not increasing the density, so we are promoting the  
13                  intent of the Municipal Land Use Law in terms of  
14                  promoting appropriate population densities.

15                  I think the esthetics of this also  
16                  promote subparagraph 2(i), which talks about good  
17                  civic design and arrangement.

18                  So by promoting the purposes of the  
19                  master plan, of the zone plan, and of the Municipal  
20                  Land Use Law, you can also look at those as being  
21                  beneficial aspects, and in those cases, too, I think  
22                  you can say that the benefits outweigh the  
23                  detriments.

24                  CHAIRMAN AIBEL: Thank you, Mr.  
25                  Kolling.

1 Questions for Mr. Kolling?

2 COMMISSIONER WEAVER: On the  
3 application, I don't know if you filled it out or  
4 somebody else did.

5 It says on page one, two, three,  
6 four -- I guess five, it says lot coverage required  
7 60 percent.

8 Is that actually meant to say permitted  
9 or allowed?

10 THE WITNESS: It should be "permitted."

11 I think a lot of times when you see the  
12 charts, they will put "permitted/required," and in  
13 that case they just forgot to put permitted.

14 COMMISSIONER WEAVER: Okay.

15 CHAIRMAN AIBEL: Do you know offhand  
16 whether there are rear decks in the other buildings  
17 in that row?

18 THE WITNESS: Yes, there are.

19 They were all designed and built at the  
20 same time, and actually with the two units that you  
21 see here, each two units sort share a portion of the  
22 stairway coming down, so they are really integrated  
23 together. You can't remove one without decking the  
24 other. It's almost like -- a portion of it is like  
25 a shared element.

1 CHAIRMAN AIBEL: Great.  
2 Board members, professionals?  
3 Let me open it up to the public.  
4 Questions for Mr. Kolling.  
5 Seeing none.  
6 COMMISSIONER COHEN: Motion to close  
7 public portion for this witness.  
8 COMMISSIONER MC ANUFF: Second.  
9 COMMISSIONER JOHNSON: Second.  
10 CHAIRMAN AIBEL: All in favor?  
11 (All Board members answered in the  
12 affirmative)  
13 CHAIRMAN AIBEL: Thank you, Mr.  
14 Kolling.  
15 MR. CHERAMI: Just briefly, we are  
16 going to call the applicant, just so we can get a  
17 sense of why we are doing this.  
18 MR. GALVIN: Raise your right hand  
19 Do you swear or affirm the testimony  
20 you are about to give in this matter is the truth,  
21 the whole truth, and nothing but the truth?  
22 MR. SWANKOSKI: I do.  
23 J A S O N S W A N K O S K I, having been duly  
24 sworn, testified as follows:  
25 MR. GALVIN: State your full name for

1 the record and spell your last name.

2 THE WITNESS: Jason Swankoski,  
3 S-w-a-n-k-o-s-k-i.

4 MR. GALVIN: All right.  
5 Your witness, Counsel.

6 MR. CHERAMI: All right.  
7 Jason, thank you.

8 I just wanted to give the Board a  
9 little bit of a sense of who you are and what you  
10 are doing with the property.

11 When did you first move in?

12 THE WITNESS: About three years ago.

13 MR. CHERAMI: Okay.

14 What is going on in your life that you  
15 need this --

16 MR. GALVIN: Whoa, whoa, whoa, whoa.

17 MR. CHERAMI: I would like to --

18 MR. GALVIN: Let me just say no, don't  
19 do it.

20 MR. CHERAMI: Okay.

21 MR. GALVIN: You have got two good  
22 witnesses that gave you good proper land use.

23 We never make a decision based on  
24 personal need.

25 MR. CHERAMI: Fair enough.

1 MR. GALVIN: There is no hardship here  
2 because personal hardship is never in play. It has  
3 got to be a physical hardship of the zoning, a C1  
4 variance. You need lot size, shape. You got it.

5 MR. CHERAMI: Understood. I just  
6 wanted to give the Board a sense of why --

7 MR. GALVIN: You just grew your family?

8 THE WITNESS: Yes.

9 I have been a Hoboken resident for over  
10 ten years and just had a second child.

11 MR. GALVIN: And that is what  
12 precipitated the need for this new addition?

13 THE WITNESS: Yes.

14 MR. GALVIN: And you would really like  
15 us to approve it, right?

16 THE WITNESS: Yes. I mean, we like  
17 Hoboken.

18 (Laughter)

19 MR. GALVIN: You know, we like you, and  
20 we like your project, but we don't want to screw up  
21 the whole street, so we have to figure out if it is  
22 okay or not, okay?

23 MR. CHERAMI: Fair enough.

24 Thank you.

25 CHAIRMAN AIBEL: Thank you.

1 (Witness excused)

2 MR. CHERAMI: I appreciate it.

3 CHAIRMAN AIBEL: Okay. Let me open it  
4 up to the Board members for deliberations.

5 COMMISSIONER MC ANUFF: Comments from  
6 the public?

7 CHAIRMAN AIBEL: Oh, I'm sorry, my  
8 apologies.

9 Does anybody in the public wish to  
10 comment on the application?

11 MR. JANOCHA: I do.

12 MR. GALVIN: All right.

13 MR. JANOCHA: How are you?

14 MR. GALVIN: Good.

15 MR. JANOCHA: My name is Don Janocha.  
16 I live at 130 Jefferson Street.

17 THE REPORTER: How do you spell your  
18 name?

19 COMMISSIONER WEAVER: Does he need to  
20 be sworn in?

21 MR. JANOCHA: That's a tough one.

22 J-a-n-o-c-h-a.

23 MR. GALVIN: By the way, we need  
24 everyone to spell their last name.

25 MR. JANOCHA: Don't worry about it.

1 MR. GALVIN: You're not unique.

2 CHAIRMAN AIBEL: Do you need to swear  
3 him in?

4 MR. GALVIN: I am.

5 Raise your right hand.

6 Do you swear or affirm the testimony  
7 you are about to give in this matter is the truth,  
8 the whole truth, and nothing but the truth?

9 MR. JANOCHA: I do.

10 MR. GALVIN: And your street address  
11 was again?

12 MR. JANOCHA: 130 Jefferson Street --

13 MR. GALVIN: Okay. You may proceed.

14 MR. JANOCHA: -- Apartment 4, which you  
15 would recognize as this apartment with the wall  
16 abutting to the new addition that Mr. Swankoski and  
17 Mrs. Allen are proposing.

18 MR. GALVIN: Okay.

19 MR. JANOCHA: So basically it's going  
20 to kind of cut right to it.

21 Basically I looked at, you know,  
22 reasons for a variance. Honestly, I am kind of in  
23 favor of this. They gather water on their roof all  
24 the time, and it would be nice to have less  
25 mosquitoes in the neighborhood.

1                   But I reached out to Mr. Swankoski  
2 basically looking to, hey, when are you planning to  
3 kick off construction.

4                   Noise is a concern for us, as we are  
5 expecting a baby in November, and this is my wife,  
6 Emily.

7                   MR. GALVIN: Congratulations.

8                   MR. JANOCHA: Thank you very much.

9                   As we understand it, they are planning  
10 to begin their construction in October.

11                  I am familiar with construction, and  
12 projects usually take a long time. They are  
13 expecting three to four months.

14                  If you are familiar with maternity  
15 leave, it's usually three months.

16                  We would actually very much appreciate  
17 this time to have Emily be at home with the infant.

18                  I think there is a lot of research out  
19 there, including information from pedi -- pedia --  
20 pedia -- Pediatric Association of America and the  
21 World Health Organization, that loud noise above  
22 decibel levels of 100 are detrimental for a baby's  
23 brain development, sleep, oxygen and blood levels.

24                  What we are basically saying here is  
25 that my wife has to be home for three months --

1 MR. GALVIN: Let me just stop you.

2 MR. JANOCHA: I know.

3 MR. GALVIN: Our answer is we vote  
4 yes --

5 MR. JANOCHA: Or no.

6 MR. GALVIN: -- or we vote no.

7 MR. JANOCHA: Okay.

8 MR. GALVIN: There is no way we can  
9 control the time --

10 MR. JANOCHA: When. Okay.

11 MR. GALVIN: -- now, one of the  
12 things -- one of the things is --

13 MR. JANOCHA: So I am asking you to  
14 vote no now.

15 MR. GALVIN: -- if the Board votes yes,  
16 I have to prepare a resolution, and it will probably  
17 take me 30 days to put the resolution on --

18 MR. JANOCHA: Okay.

19 MR. GALVIN: -- and then after they get  
20 the resolution, which would be sometime in  
21 September, they would have a right to pull their  
22 building permits and start their construction.

23 MR. JANOCHA: Absolutely.

24 But can a variance be denied because of  
25 health and safety issues?

1                   MR. GALVIN: Not for the person next  
2 door, no. It would have to be the health and safety  
3 for the entire community that was negative.

4                   MR. JANOCHA: A person is not a part of  
5 the community?

6                   MR. GALVIN: I'm sorry.

7                   MR. JANOCHA: Okay.

8                   Hum, what if I can say that this has a  
9 negative effect for the property value of my  
10 property?

11                  MR. GALVIN: That is --

12                  MR. JANOCHA: No?

13                  MR. GALVIN: -- no. We generally don't  
14 consider that in this type of a case.

15                  If it was a radio tower case, you know,  
16 a helicopter on top of a building, occasionally we  
17 would take that kind of testimony, but not on a  
18 typical, single, you know, home getting a small  
19 addition. Courts don't consider it.

20                  MR. JANOCHA: All right.

21                  Thank you.

22                  CHAIRMAN AIBEL: Thank you.

23                  MR. GALVIN: It is something you have  
24 to work out with your neighbor.

25                  MR. JANOCHA: That's life.

1                   COMMISSIONER WEAVER: And I would  
2                   add -- sorry, sir, there's -- and we deal with this  
3                   a lot, and this Board and other Boards is noise  
4                   complaints and things like that, and people come up.  
5                   The latest one that I could remember was Pier 13 --

6                   MR. JANOCHA: It's -- I mean -- I know  
7                   there are all kinds of noise regulations from 8 a.m.  
8                   until 8 p.m., they can do whatever they want, which  
9                   is fine, but you can't even send a kid to day care  
10                  before three months or --

11                  COMMISSIONER WEAVER: Yes. But still,  
12                  if it is too loud, then you call your councilman --

13                  MR. JANOCHA: Okay.

14                  COMMISSIONER WEAVER: -- and you dog  
15                  that person.

16                  MR. JANOCHA: Okay.

17                  COMMISSIONER WEAVER: I mean, that is  
18                  why you put them in office, and they are there to  
19                  help you, so you call them, and you make sure that  
20                  your complaints are at least addressed and heard by  
21                  someone.

22                  MR. JANOCHA: Okay. Thank you.

23                  CHAIRMAN AIBEL: Please come forward.

24                  MR. GALVIN: Hi.

25                  MS. DE FUSCO: My name is Nicole

1 DeFusco, D-e-F-u-s-c-o.

2 MR. GALVIN: Raise your right hand.

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

6 MS. DE FUSCO: Yes.

7 MR. GALVIN: Thank you.

8 MS. DE FUSCO: I am a neighbor also,  
9 124 Jefferson.

10 I just wanted to say I think the  
11 extension is a great idea. Growing a family in  
12 Hoboken is hard.

13 I have one at home. We are looking to  
14 have another kid, and we are going to run into the  
15 exact same problem in about a year, so...

16 MR. GALVIN: Well, no guarantee that we  
17 will approve another one of these --

18 MS. DE FUSCO: No, no, no.

19 MR. GALVIN: -- because that one, as  
20 they have already said, if they were to approve it,  
21 they're saying it is next to the building that sets  
22 it off --

23 MS. DE FUSCO: I understand.

24 MR. GALVIN: -- and makes it kind of --  
25 maybe on another part of the building, it might not

1 look right.

2 MS. DE FUSCO: I totally understand,  
3 and either way I am pro family making in Hoboken,

4 MR. GALVIN: All right.

5 MS. DE FUSCO: And if that's how we can  
6 stay here, then that's what we should do.

7 CHAIRMAN AIBEL: Thank you very much.

8 MR. GALVIN: Thank you.

9 CHAIRMAN AIBEL: Anybody else?

10 Thanks. Come forward.

11 MR. HORBAC: Hi.

12 I'm Patrick Horbac. I'm at 128A.

13 MR. GALVIN: Spell your last name.

14 MR. HORBAC: H-o-r-b-a-c.

15 MR. GALVIN: And now, raise your right  
16 hand.

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

20 MR. HORBAC: Yes.

21 MR. GALVIN: Thank you.

22 You may proceed.

23 MR. HORBAC: I think it is a great  
24 idea. I mean, me and my wife have lived here 20  
25 years, and that is all we ever had in Unit B is

1 people come in, get married, two kids, and leave.

2 I think it is great that they want to  
3 stay here, and I think it is great for the  
4 community. They are good people and, you know,  
5 there is nothing more I can say about it, but I just  
6 think it is a good idea, and I think it looks great,  
7 too. It works, so I mean we have no objection to it  
8 whatsoever.

9 CHAIRMAN AIBEL: Thank you for coming  
10 out.

11 MR. HORBAC: You're welcome.

12 MR. GALVIN: Thank you.

13 Anybody else?

14 Seeing no one else, Mr. Chairman.

15 COMMISSIONER COHEN: Motion to close  
16 public portion.

17 COMMISSIONER MC ANUFF: Second.

18 CHAIRMAN AIBEL: All in favor?

19 (All Board members answered in the  
20 affirmative)

21 CHAIRMAN AIBEL: Okay. Now it is time  
22 to deliberate.

23 Anybody want to kick off?

24 Mr. Cohen?

25 COMMISSIONER COHEN: I think it is a

1 good improvement. I think it works with the  
2 building next to it. I think it is an attractive  
3 design.

4 I think -- and we might need a  
5 condition with respect to the water runoff, which  
6 the architect seemed to acknowledge was something  
7 that was missing from the design, but needs to be  
8 included. Maybe it's something for the planner or  
9 the engineer to approve before final resolution, but  
10 that seemed to be the one issue that came out.

11 You know, as far as -- I mean,  
12 Commissioner Weaver made a point about talking to  
13 your council person. I think there is also a  
14 building department that enforces proper  
15 construction practices. And if you think that there  
16 are construction practices happening next door that  
17 are violating whatever requirements there should be,  
18 because, listen, you know, we are all close to each  
19 other in row houses in Hoboken, and people make  
20 improvements to their homes all of the time, and  
21 they make additions to their home all of the time,  
22 and the city building department is in the business  
23 of dealing with complaints when they come in.

24 You know, with all due respect to our  
25 council people, I think you are more likely to get a

1 faster response if you deal with the building  
2 department than you would with a council person, so  
3 you know, it's not to say you shouldn't call your  
4 council person, but I think that your council person  
5 is likely to contact the building department and  
6 say, "What's going on," and you can just cut that  
7 out of the loop and go right to the source where  
8 there's a potential problem.

9 So I am sympathetic to it, and you  
10 know, I wish you the best of luck with your  
11 pregnancy --

12 MR. JANOCHA: Thank you.

13 COMMISSIONER COHEN: -- and the baby  
14 and everything, and you know, this is someone who  
15 has raised babies in row houses, you know, and they  
16 usually turn out great.

17 (Laughter)

18 But I wish you the best of luck with  
19 everything.

20 But I think this is a good project. I  
21 think it is good for the block, and it's an  
22 attractive design, and I enthusiastically support  
23 it.

24 COMMISSIONER WEAVER: I have a question  
25 for Mr. Cohen.

1 COMMISSIONER COHEN: Yes.

2 COMMISSIONER WEAVER: When you said it  
3 was a -- that the application was a good  
4 improvement, you mean it's an improvement on the  
5 building that is there?

6 I mean, it actually makes the building  
7 better?

8 Or are you saying that "improvement" as  
9 in now, as in the way you would describe any  
10 project?

11 COMMISSIONER COHEN: I would describe  
12 it as a "now" as any project, that if you were to  
13 add a story to this building within the height  
14 permitted in the district in the zone, as this one  
15 is, within the envelope that is permissible. This  
16 is a nice concept --

17 COMMISSIONER WEAVER: It is  
18 acceptable --

19 COMMISSIONER COHEN: Yes.

20 COMMISSIONER WEAVER: -- it's not that  
21 you are making the building better by doing that?

22 COMMISSIONER COHEN: I'm not suggesting  
23 we go through Hoboken and pop these on the top of --

24 COMMISSIONER WEAVER: Okay. No, no.  
25 I'm just being clear. Okay. Okay.

1                   COMMISSIONER MC ANUFF: I do support  
2 the application. I think it is a nice design.

3                   However, I think maybe the Board might  
4 want to take the opportunity, since there are  
5 numerous units in this row here that could  
6 potentially come back to say, maybe we should set  
7 this facade back a foot or so, and that gives us an  
8 opportunity to put a drain there to drain off the  
9 Mansard roof. I don't know if that is something  
10 that we want to talk about now --

11                   COMMISSIONER WEAVER: I think --

12                   COMMISSIONER MC ANUFF: -- and snip it  
13 in the bud before it becomes --

14                   COMMISSIONER WEAVER: -- there are ways  
15 that you can do it without having to move it back.

16                   Moving it back should be separate from  
17 the drainage issue, because the drainage can always  
18 be run through the cornice. The cornice is hollow  
19 basically --

20                   COMMISSIONER MC ANUFF: I know.

21                   COMMISSIONER WEAVER: -- moving it back  
22 is a separate issue as far, you know, having to have  
23 less impact on the street, in my view, and  
24 traditionally a Mansard roof is really built upon  
25 the load bearing masonry wall underneath it, so to

1 move it back actually makes it kind of awkward.

2 Just as the last application we had for  
3 the property I think on Hudson, where they built the  
4 masonry penthouse, where you had brick walls that  
5 were basically sitting on top of a wood frame  
6 structure, which made no sense architecturally, but  
7 it was so far back from the street, that I thought  
8 it was de minimus, because typically those  
9 constructions are light weight. They are light  
10 gauged. They are clad in metal, which the Mansard  
11 roof is. I just don't think -- moving back is a  
12 separate issue.

13 COMMISSIONER MC ANUFF: Well -- okay.

14 MR. GALVIN: Well, I have a condition  
15 that says that we didn't involve the Board Engineer  
16 in this application at all, which I think is  
17 appropriate. That is the new thing that we have  
18 been doing if it doesn't involve the site plan, but  
19 it might be okay to refer this to Jeff and let  
20 him -- let them submit a drainage plan to Jeff and  
21 let him sign off on it.

22 COMMISSIONER WEAVER: Yeah.

23 I mean, the thing is it is not like  
24 they own only the second floor or only the third  
25 floor. In fact, they own the entire thing all the

1 way down to the ground, and the storm sewer  
2 connection is in the street anyway, so they can just  
3 add a drain, I mean, and encase it in the wall going  
4 straight down --

5 COMMISSIONER MC ANUFF: Right.

6 COMMISSIONER WEAVER: -- instead of  
7 running all the way back, to then run it back, and  
8 then all the way forward again.

9 COMMISSIONER MC ANUFF: That wasn't  
10 what I was suggesting, but I get your point.

11 COMMISSIONER WEAVER: But I think you  
12 are right in that the Board needs to consider -- I  
13 mean, the only reason why I find the application so  
14 acceptable architecturally is because they have the  
15 building there that they are building up against.

16 If this was in the middle of the block,  
17 I may not find it as acceptable.

18 COMMISSIONER MC ANUFF: Correct, right.

19 And that was what I was saying is that  
20 while we have this in front of us now, since there  
21 are numerous units or buildings on the same row that  
22 could potentially come before us, why not address it  
23 now, and say --

24 CHAIRMAN AIBEL: Well, I mean --

25 COMMISSIONER MC ANUFF: -- because what

1 happens when you come back with the next one, is  
2 that going to butt up against this or, you know --

3 COMMISSIONER WEAVER: I think you would  
4 have to say that it would.

5 I mean, architecturally, and again, I  
6 am just speaking with my personal experience,  
7 architecturally, it would have to basically match  
8 this.

9 COMMISSIONER MC ANUFF: Even if it is  
10 not connected to it?

11 COMMISSIONER WEAVER: No. It would  
12 need to be connected and it would need --

13 COMMISSIONER MC ANUFF: What if you  
14 have one that's not connected?

15 COMMISSIONER WEAVER: Then I may not  
16 support it.

17 MR. GALVIN: You have to take each  
18 case --

19 COMMISSIONER COHEN: Right. But  
20 ultimately, we are going to have to look at it as it  
21 comes before us and decide, is this appropriate for  
22 this lot. And if it is, that's fine. But you think  
23 it is not, but until we see it --

24 COMMISSIONER MC ANUFF: You know, I  
25 thought somebody could potentially have a hard time

1 later --

2 CHAIRMAN AIBEL: I misspoke earlier.

3 Walk up 7th and Park, there is a vivid  
4 example of both an extension that is built into a  
5 larger building, in this case to the south, and then  
6 there is another extension that is built mid block  
7 on a row of two-story houses, and I find this one,  
8 you know, acceptable, and I have troubles with the  
9 other.

10 Anybody else want to comment?

11 COMMISSIONER DE GRIM: I like the  
12 design. I like the fact that the cornice is  
13 remaining where it is, and it is a Mansard on top of  
14 it.

15 I like the fact that it is, you know,  
16 it is remaining a single-family unit, so I am in  
17 favor of it.

18 CHAIRMAN AIBEL: Any other comments?

19 COMMISSIONER MC BRIDE: No.

20 CHAIRMAN AIBEL: Good.

21 Ready for a motion.

22 COMMISSIONER COHEN: Motion to approve  
23 with the conditions stated.

24 COMMISSIONER WEAVER: What are the  
25 conditions?

1 MR. GALVIN: Well, here is what I have:  
2 There is to be no roof deck.

3 The new stucco is to match the existing  
4 stucco color, okay?

5 And the drainage plan is to be  
6 submitted to the Board's Engineer for his review and  
7 approval.

8 It doesn't have to be anything -- just  
9 show him a plan, so it is not pouring over onto the  
10 next guy's roof --

11 COMMISSIONER COHEN: Or in the public  
12 right-of-way.

13 MR. GALVIN: Yes.

14 CHAIRMAN AIBEL: Okay. We have a  
15 motion. Mr. Cohen made the motion.

16 Do we have a second?

17 COMMISSIONER WEAVER: Motion to  
18 approve.

19 COMMISSIONER MC BRIDE: Second.

20 MS. CARCONE: Commissioner Cohen?

21 COMMISSIONER COHEN: Yes.

22 MS. CARCONE: Commissioner McAnuff?

23 COMMISSIONER MC ANUFF: Yes.

24 MS. CARCONE: Commissioner Weaver?

25 COMMISSIONER WEAVER: Yes.

1 MS. CARCONE: Commissioner Mc Bride?

2 COMMISSIONER MC BRIDE: Yes.

3 MS. CARCONE: Commissioner Johnson?

4 COMMISSIONER JOHNSON: Yes.

5 MS. CARCONE: Commissioner DeGrim?

6 COMMISSIONER DE GRIM: Yes.

7 MS. CARCONE: Commissioner Aibel?

8 CHAIRMAN AIBEL: This is rare,

9 agreement. Yes.

10 (Laughter)

11 Thank you very much. Good

12 presentation.

13 COMMISSIONER COHEN: Motion to close.

14 COMMISSIONER MC ANUFF: Second.

15 (The meeting concluded at 8 p.m.)

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C E R T I F I C A T E

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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

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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 11/5/2020.  
Dated: August 24, 2016  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.