

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE ZONING : November 15, 2016
BOARD OF THE CITY OF HOBOKEN : Tuesday, 7 pm
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Frank DeGrim

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

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

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1 CHAIRMAN AIBEL: Good evening.

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

10 Please join me in saluting the flag.

11 (Pledge of Allegiance recited)

12 CHAIRMAN AIBEL: Good evening,
13 everybody.

14 We are at Regular Meeting, Pat --

15 MS. CARCONE: Yes, a Regular Meeting.

16 CHAIRMAN AIBEL: -- of the Zoning Board
17 of Adjustment.

18 Want to do a roll call?

19 MS. CARCONE: Sure.

20 Commissioner Aibel?

21 CHAIRMAN AIBEL: Here,

22 MS. CARCONE: Commissioner Branciforte?

23 VICE CHAIR BRANCIFORTE: Here.

24 MS. CARCONE: Commissioner Cohen?

25 COMMISSIONER COHEN: Here.

1 MS. CARCONE: Commissioner Grana?

2 COMMISSIONER GRANA: Here.

3 MS. CARCONE: Commissioner Marsh is
4 absent.

5 Commissioner Murphy?

6 COMMISSIONER MURPHY: Here.

7 MS. CARCONE: Commissioner McAnuff?

8 COMMISSIONER MC ANUFF: Here.

9 MS. CARCONE: Commissioner Weaver is
10 absent at this time.

11 Commissioner McBride is absent.

12 Commissioner Johnson is absent.

13 Commissioner DeGrim?

14 COMMISSIONER DE GRIM: Here.

15 CHAIRMAN AIBEL: Okay. We have a
16 quorum.

17 Okay. We have a couple of
18 administrative matters, one resolution, and then a
19 review of roof plans for 610 Hudson.

20 Is anybody here for 610 Hudson?

21 Good. We will do that at the end of
22 the meeting.

23 Right now we have a resolution of
24 approval for Block 16, Lot 33, 72 Madison Street.
25 Those in favor and who are entitled to vote are Mr.

1 Cohen, Mr. Grana, Ms. Marsh, Ms. Murphy, Mr.
2 McBride, and I can vote.

3 So I need a motion.

4 COMMISSIONER COHEN: Motion to approve.

5 COMMISSIONER GRANA: Second.

6 MS. CARCONE: Commissioner Cohen?

7 COMMISSIONER COHEN: Yes.

8 MS. CARCONE: Commissioner Grana?

9 COMMISSIONER GRANA: Yes.

10 MS. CARCONE: Commissioner Murphy?

11 COMMISSIONER MURPHY: Yes.

12 MS. CARCONE: And Commissioner Aibel?

13 CHAIRMAN AIBEL: Yes.

14 Okay. Thanks, everybody.

15 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 703 Bloomfield Street :
APPLICANT: Gerald P. Heimbuch : November 15, 2016
Variance Review : Tuesday 7:05 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Diane Fitzmyer Murphy
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9 236A Newark Avenue
10 Jersey City, New Jersey 07302
11 BY: NICHOLAS J. CHERAMI, ESQUIRE
12 Attorney for the Applicant.

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WITNESS

PAGE

Oswaldo Martinez

13

Gerald P. Heimbuch

19

1 CHAIRMAN AIBEL: Mr. Cherami, 703
2 Bloomfield Street.

3 MR. CHERAMI: All right. Good evening.
4 Nicholas Cherami, appearing for the
5 applicant, Gerald Heimbuch. The application is 703
6 Bloomfield Street.

7 Before we just dive right in, the Board
8 had heard a similar application, the same property,
9 about a year ago, December 22nd, 2015. That
10 application was denied.

11 We had kind of gone back, did a redraw.
12 We met a couple of times with the Planning
13 Department and with some of the professionals from
14 the city, and we came back with a substantially
15 different application.

16 So we submitted this application. The
17 current application you are seeing before you
18 requires a couple of C variances.

19 Really basically what is going on, we
20 are increasing the height of the building by adding
21 a story. It is not the height really that brings us
22 before you, but kind of everything else that falls
23 into place because of the height.

24 So the height would be conforming, but
25 the construction and the approval of the height

1 would lead us into a position where we need a few C
2 variances. So tonight we are seeking approval for
3 the development on a nonconforming lot. The lot is
4 undersized, and the property is also nonconforming,
5 because it is undersized. The building takes up --

6 (Commissioner Weaver present)

7 MS. CARCONE: Should we start over?

8 MR. CHERAMI: -- nearly the entirety of
9 the property, and so that puts us into a position
10 where we have a nonconforming structure --

11 MR. LEIMBACH: Can I pause you for one
12 minute?

13 We have a new Commissioner stepping in,
14 so just let him get settled, so he could take part
15 in this.

16 CHAIRMAN AIBEL: Is that all right,
17 that he's a couple seconds late?

18 (Board members confer)

19 MR. LEIMBACH: Yes. If you want to
20 briefly just go over it again, so he can hear what
21 was just said since it was only a couple of minutes,
22 you know, just so he can --

23 MR. CHERAMI: Okay.

24 Just very briefly, 703 Bloomfield is
25 the application before you. Jerry Heimbuch is the

1 applicant.

2 We are kind of back before you. There
3 was a prior application back in December of 2015,
4 where we had come in and we were unfortunately
5 denied.

6 We reworked the plans, and now we are
7 coming before you with a bit of a different
8 structure in a substantially different scenario.

9 We are increasing the property height
10 by creating an additional story. Because we are
11 creating that story kind of puts us into a bucket
12 where we are activating a number of other C
13 variances, so we have variances for lot area, lot
14 depth. It is an undersized lot, and the structure
15 takes up nearly the entire lot because it is
16 undersized.

17 So we also have the explanation of a
18 nonconforming structure because of that undersized
19 lot, and we have got a couple of rear yard setbacks,
20 lot coverage, and floor-to-floor heights for that
21 existing nonconforming structure.

22 The property is situated on Block 203
23 on Lot 2, and it is located on Bloomfield Street
24 just between 7th and 8th, and that just orients the
25 Board a little bit on where we are.

1 Before we get to our first witness,
2 Osvaldo, I just wanted to note on the record, Mr.
3 Galvin and I, the city attorney, had had a very
4 brief conversation. We do not have an expert
5 planner on for tonight.

6 We felt we might be comfortable with
7 that, given the fact we have a couple C variances,
8 but he wanted me to remind -- you know, put that on
9 the record in the event that he is not here.

10 MR. LEIMBACH: I am his associate.

11 MR. CHERAMI: Very good, yes.

12 All right. Without further adieu, we
13 can call our first witness. It's Osvaldo Martinez.

14 MR. LEIMBACH: Please raise your right
15 hand.

16 Do you swear or affirm to tell the
17 truth, the whole truth, and nothing but the truth?

18 MR. MARTINEZ: I do.

19 O S V A L D O M A R T I N E Z, RA, ICOM
20 Architects, 66 Willow Avenue, Hoboken, New Jersey,
21 having been duly sworn, testified as follows:

22 MR. LEIMBACH: Please state your name
23 and spell your last name for the record.

24 THE WITNESS: Osvaldo Martinez,
25 M-a-r-t-i-n-e-z. Icom Architects, 66 Willow Avenue,

1 Hoboken, New Jersey.

2 CHAIRMAN AIBEL: And Mr. Martinez has
3 been qualified before, so we accept his
4 qualifications.

5 MR. CHERAMI: Very good.

6 Thank you very much.

7 All right. Mr. Martinez, thank you.

8 Would you mind just giving the Board a
9 brief rundown of the project?

10 THE WITNESS: Again, I will try to keep
11 it as brief as possible.

12 We do have an existing single-family
13 dwelling, which is a hundred percent, with a hundred
14 percent coverage. We are proposing a new third
15 story.

16 Again, when I go for any height
17 variances, the new third story does not -- it just
18 goes above the other buildings by about a foot and a
19 half or so, so it is not substantial, so we don't
20 require a variance for that.

21 We have changed the facade material of
22 this new third story.

23 We did -- I am referring to Sheet
24 Z-2 -- we did keep the existing cornice to keep the
25 existing character of the building. We have now

1 added slate to the new third floor addition.

2 Basically this new third floor addition
3 will be used for a master bedroom for a
4 single-family dwelling.

5 The entire third floor has a smaller
6 lower roof deck on that third floor, and we are
7 proposing a roof deck obviously on our new roof.

8 The existing structure does have a roof
9 deck, so we would like to carry that right on up.

10 MR. CHERAMI: All right.

11 CHAIRMAN AIBEL: So we're good?

12 Mr. Martinez, are those the changes you
13 are testifying to from the first application?

14 THE WITNESS: No.

15 There were basically four issues last
16 time, I believe, that we have changed.

17 One of the them was the stair bulkhead.
18 We propose sort of a very contemporary white glass,
19 white aluminum and glass bulkhead.

20 We have changed that now, and that will
21 be covered. It would be lowered in height. It was
22 eight feet. We lowered that to a seven foot high
23 bulkhead, and we cover that with the same material
24 as our new facade, which is a slate fish scale type
25 of material.

1 Again, that brings us to the second
2 item, which was the facade material.

3 We had a Hardie Plank material last
4 time, and now we are going to a slate, which is more
5 in keeping with the building. The bulkhead, the
6 materials on the facade --

7 MS. BANYRA: The windows?

8 THE WITNESS: The windows.

9 What we did with the windows, we had a
10 single piece of glass.

11 Now, what we did is we have divided it
12 into mullions more in keeping with the windows in
13 the existing second and third floor, so that this
14 pattern follows right on up through to this new
15 third floor addition.

16 It was important for us to have sort of
17 this scale windows, and now what we have done is we
18 have divided those, again, more in keeping with the
19 second and third floor -- more in keeping with the
20 first and second floor.

21 I believe -- which one am I missing?
22 That is it.

23 MS. BANYRA: Did you make changes to
24 the deck as well besides the --

25 THE WITNESS: Yes.

1 MS. BANYRA: So maybe you can explain
2 the differences on the deck.

3 THE WITNESS: Yes.

4 What happens is we have taken the deck
5 now, the new roof deck, and we have pushed it up
6 three feet, hence creating -- we had ten feet
7 originally from the front, but now by pushing this
8 roof deck up towards Bloomfield, we create that deck
9 variance that we need, that ten-foot variance. But
10 we thought that was important because that creates a
11 nice three-foot buffer and it creates more privacy
12 for the neighbor behind.

13 VICE CHAIR BRANCIFORTE: Do you have
14 any photos or renderings of what the new facade
15 might look like?

16 THE WITNESS: That would be here on
17 Z-1.

18 VICE CHAIR BRANCIFORTE: It is kind of
19 hard to tell from these copies, that is why.

20 THE WITNESS: It would be a gray slate
21 fishtail -- fish scale type.

22 CHAIRMAN AIBEL: Would it be helpful if
23 you passed the board around, so John can get a
24 little closer at it?

25 THE WITNESS: Yes.

1 VICE CHAIR BRANCIFORTE: I thought you
2 might have had a bigger --

3 THE WITNESS: No. I apologize for
4 that. We don't have a bigger rendering.

5 MR. CHERAMI: Well, Mr. Martinez, we
6 will just take this quick opportunity just to go
7 through one or two questions that the Board might be
8 interested in.

9 In your opinion, do you believe the
10 project will benefit the community?

11 THE WITNESS: I believe so. I do not,
12 in my opinion, I do not see any negative impact on
13 the community.

14 MR. CHERAMI: What would be one of the
15 benefits?

16 THE WITNESS: Well, I believe it is
17 attractive. It is a nice new look on to the
18 existing building. In my opinion, it is
19 esthetically pleasing as well.

20 MR. CHERAMI: Thank you.

21 Do you believe it will have any
22 negative impact on the surrounding properties?

23 THE WITNESS: No, I do not.

24 I think that by pushing the deck back
25 three feet, as I said, there is an existing deck

1 there, by pushing the deck back three feet creating
2 a green roof around that, again, gives a little more
3 privacy to the neighbor in the rear.

4 We are not blocking any windows on the
5 side, and I don't see any negative impact that I
6 could think of.

7 CHAIRMAN AIBEL: Quick question: Is
8 there an intention to repoint or refinish the
9 original brick in the front for the original
10 building?

11 THE WITNESS: If required, yes, we can.

12 CHAIRMAN AIBEL: Maybe you can have
13 your owner come up and --

14 MR. LEIMBACH: I have to swear you.

15 MR. CHERAMI: I have the applicant
16 here, Gerald Heimbuch.

17 MR. LEIMBACH: Can you please raise
18 your right hand?

19 Do you swear or affirm to tell the
20 truth, the whole truth, and nothing but the truth?

21 MR. HEIMBUCK: I do.

22 G E R A L D P. H E I M B U C H, having been duly
23 sworn, testified as follows:

24 MR. LEIMBACH: Please state your name
25 and spell your last name for the record.

1 THE WITNESS: Gerald Heimbuch,
2 H-e-i-m-b-u-c-h.

3 MR. LEIMBACH: Thank you.

4 THE WITNESS: So the brick was
5 repointed -- the whole building was repointed in
6 1992 when I did the original renovation. It really
7 doesn't require it at this point to repoint it
8 again.

9 CHAIRMAN AIBEL: Okay.

10 Are there any other improvements you
11 are making to the original facade?

12 THE WITNESS: We are going to fix --
13 the cornice is a little bit dilapidated, so there
14 will be some esthetic and structural fixes to that
15 as well.

16 CHAIRMAN AIBEL: Ironwork as well?

17 THE WITNESS: No. That is it.

18 CHAIRMAN AIBEL: Thank you, sir.

19 COMMISSIONER WEAVER: If I may -- if I
20 might --

21 CHAIRMAN AIBEL: Oh, I'm sorry.

22 COMMISSIONER WEAVER: -- while the
23 applicant -- sorry --

24 CHAIRMAN AIBEL: Mr. Weaver?

25 COMMISSIONER WEAVER: -- what about the

1 windows?

2 What's the age of the windows and
3 what's the --

4 THE WITNESS: Presently?

5 COMMISSIONER WEAVER: Yeah.

6 And what's the material color?

7 THE WITNESS: So right now the windows
8 were put in in 1992. They are vinyl clad white
9 windows.

10 COMMISSIONER WEAVER: And what is the
11 material for the windows that you are proposing to
12 put in?

13 MR. MARTINEZ: We would have a wood --
14 a wood --

15 THE WITNESS: It is an aluminum clad
16 bronze color.

17 COMMISSIONER WEAVER: Okay.

18 So the new windows are bronze, and the
19 new windows will remain --

20 THE WITNESS: Well, the reality is if
21 this goes through, I would replace the front facing
22 windows to match the windows on the new space.

23 COMMISSIONER WEAVER: That's important.

24 THE WITNESS: Yeah, sure, it is.

25 (Laughter)

1 COMMISSIONER WEAVER: I mean details
2 like that are important to share with the Board.

3 THE WITNESS: Yes, I agree.

4 CHAIRMAN AIBEL: Can we make that an
5 offer?

6 THE WITNESS: Sure.

7 COMMISSIONER WEAVER: And then, if I
8 may, also we were talking about the color of metal,
9 right, and the coordination of the color of metal
10 and the consistency throughout the facade.

11 The railing seems to be very
12 prominent --

13 THE WITNESS: Right.

14 COMMISSIONER WEAVER: -- and almost to
15 be a roof-like -- of roof-like character. It is so
16 close to the edge of the facade.

17 THE WITNESS: Uh-huh.

18 COMMISSIONER WEAVER: It may not
19 technically be a roof, but because it is very dense
20 with the spindles and the wall, just having the
21 parapet walls having to come out to the facade, it
22 is very prominent.

23 First of all, does it have to come out
24 that far, which is a question for the architect.

25 And then, secondly, what is the

1 material and what is the color?

2 THE WITNESS: So the color would be the
3 same color as the windows, like a dark bronze,
4 aluminum powder coated railing basically.

5 We did suggest something less obtrusive
6 the last time, which was glass panels with aluminum
7 mullions as well, but that was not looked favorably
8 upon.

9 COMMISSIONER WEAVER: Does it need to
10 be that far out?

11 MR. MARTINEZ: Well, we do need to have
12 a protection, as you know --

13 COMMISSIONER WEAVER: Uh-huh.

14 MR. MARTINEZ: -- so we thought if we
15 would have any other material there, the building
16 would just look a little bit taller, so by having
17 this railing there, you have a sense of the building
18 being somewhat smaller.

19 COMMISSIONER WEAVER: No. I understand
20 you have to have a guard of some sort, but does the
21 guard need to be right at that location, or can it
22 be set back a foot?

23 I mean, typically when you have
24 architectural features, and you have a series of
25 setbacks, they really differentiate -- because right

1 now, nothing differentiates that Mansard roof from
2 the guardrail itself, because they are sitting on
3 top of each other, and it's relatively dense with
4 spindles. It looks like architecturally, the
5 expression, that it is one thing, and I don't think
6 that is the intent.

7 THE WITNESS: Right.

8 COMMISSIONER WEAVER: So I'm wondering
9 why is it out that far, and I am asking the
10 architect or you, although it's more of -- it sounds
11 like he's couching it more as a code issue, can that
12 then be pulled back to provide some sort of
13 differential -- differentiation between the mass of
14 the Mansard and sort of what I think you are trying
15 to make, sort of like this lacy addition, which is
16 not really read as part of the roof, because you are
17 also not asking for a roof variance?

18 THE WITNESS: Right.

19 COMMISSIONER WEAVER: You don't really
20 want it to look like part of the roof.

21 THE WITNESS: Uh-huh.

22 MR. MARTINEZ: It would take away -- it
23 would somewhat take away from our green roof. We
24 could push it back six inches.

25 THE WITNESS: I don't have a problem

1 with moving it back or reducing the density of
2 the --

3 COMMISSIONER WEAVER: The density is a
4 the code issue --

5 THE WITNESS: -- but that's a code
6 issue, correct.

7 MR. MARTINEZ: We have to keep it
8 within four inches.

9 COMMISSIONER WEAVER: Yeah, yeah.

10 I am done.

11 Thank you. Thank you very much.

12 CHAIRMAN AIBEL: So are you suggesting
13 a foot?

14 COMMISSIONER WEAVER: I am suggesting
15 at least a foot back just to differentiate the mass
16 of the Mansard from this thing that sits up there,
17 which looks like it is a crew-cut.

18 (Laughter)

19 MR. MARTINEZ: It is actually set back
20 a little bit. It's probably set back four to six
21 inches --

22 COMMISSIONER WEAVER: But come on, four
23 to --

24 MR. MARTINEZ: -- but if you prefer, we
25 can take it back a little more.

1 COMMISSIONER WEAVER: -- yeah, I think
2 you understand the intent.

3 CHAIRMAN AIBEL: Good.
4 Mr. Grana?

5 COMMISSIONER GRANA: Chairman, I am not
6 exactly sure what change we are proposing to the
7 structure. Maybe we can just describe it again what
8 change we are proposing to the structure.

9 COMMISSIONER WEAVER: Okay.

10 The Mansard roof, which is basically
11 what this addition is, appears like to me, right, as
12 it comes up, it then is punctuated, right, with this
13 row -- this band of windows. And above that,
14 basically sitting right on top of that Mansard roof
15 is this railing, right?

16 And the railing then anchors in on the
17 left and right, these brick parapet walls, which
18 come out. So they are effectively coming out to the
19 facade, so automatically they become primary
20 architectural elements, which you see as part of the
21 facade.

22 So what I was asking them is if you
23 could actually take at least that last piece, right,
24 the handrail, the guardrail with all of its spindles
25 and the two parapet walls, if you could just pull

1 that back, I'm asking at least a foot, to
2 differentiate the Mansard roof from this thing on
3 top, which I don't think is incredibly attractive.
4 I don't think it is fantastic, you know, and to that
5 architectural statement, but I think, if necessary,
6 it is not that -- it is not that bad. And I think
7 if you pull it back a foot to differentiate it from
8 the Mansard roof, it won't make the awkward greeting
9 of the two of those surfaces together.

10 COMMISSIONER GRANA: I don't want to
11 spend a lot time on this, Mr. Chairman, but I just
12 wanted to ask Ms. Banyra if she might have an
13 opinion architecturally whether there is a
14 preference for keeping that -- I will call it the
15 railing flush to the new structure, or whether there
16 is generally a preference to set it back.

17 MS. BANYRA: I think it is actually a
18 preference to set it back, because I think it does
19 read as one. It is like a unibrow, you know, and if
20 you move it back a little, it gives a little bit of
21 a different spatial, and I think it's a good
22 suggestion.

23 COMMISSIONER GRANA: Thank you.
24 Thank you, Chairman.

25 CHAIRMAN AIBEL: And Mr. Weaver is not

1 going to charge for it.

2 THE WITNESS: I don't have a problem
3 with it.

4 (Laughter)

5 CHAIRMAN AIBEL: Any other questions
6 for either the architect or the applicant?

7 VICE CHAIR BRANCIFORTE: No.

8 CHAIRMAN AIBEL: Okay. Let me open it
9 up to the public.

10 Does anybody in the public wish to ask
11 questions of the architect or the applicant?

12 This is the question portion of the
13 session.

14 COMMISSIONER COHEN: Motion to close
15 public portion for this witness.

16 COMMISSIONER MC ANUFF: Second.

17 CHAIRMAN AIBEL: All in favor?

18 (All Board members answered in the
19 affirmative)

20 CHAIRMAN AIBEL: Great.

21 Thank you.

22 Thank you, sir.

23 THE WITNESS: Thank you.

24 CHAIRMAN AIBEL: Okay. Any more
25 witnesses?

1 MR. CHERAMI: That is all.

2 CHAIRMAN AIBEL: Do you care to do a
3 closing?

4 MR. CHERAMI: No. I think we have done
5 all we need to do.

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

8 Does anybody wish to make a comment
9 about the application?

10 Seeing none?

11 VICE CHAIR BRANCIFORTE: Motion to
12 close.

13 COMMISSIONER MC ANUFF: Second.

14 CHAIRMAN AIBEL: All in favor?

15 (All Board members answered in the
16 affirmative)

17 CHAIRMAN AIBEL: Great.

18 All right. I guess it is time for us
19 to deliberate, and I guess, Counsel --

20 COMMISSIONER GRANA: Just did we open
21 it up? I can't remember.

22 COMMISSIONER DE GRIM: Yes.

23 COMMISSIONER GRANA: We did. Okay. I
24 am here.

25 (Laughter)

1 CHAIRMAN AIBEL: Counsel, do we have
2 any conditions that we're looking to impose?

3 MR. LEIMBACH: Yes, there's two
4 conditions.

5 The first one is to replace the
6 existing windows to match the windows in the
7 proposed addition.

8 And the second one is that the railing
9 on the roof is to be set back one foot from the
10 facade.

11 COMMISSIONER COHEN: The railing on the
12 parapet.

13 MR. LEIMBACH: The railing on the
14 parapet.

15 CHAIRMAN AIBEL: Okay. Thank you.

16 Open it up for --

17 MS. BANYRA: Can I just --

18 CHAIRMAN AIBEL: Sure.

19 MS. BANYRA: -- there is a green roof
20 proposed, and there will be a deed restriction.

21 We have been putting in deed
22 restrictions for the green roof, so you will be
23 talking to Mr. Galvin about that, just so you are
24 aware that is kind of common now at this point.

25 MR. CHERAMI: Okay.

1 CHAIRMAN AIBEL: So that will appear in
2 the draft resolution.

3 MS. BANYRA: It's really for
4 maintenance of that, so --

5 VICE CHAIR BRANCIFORTE: Do we need to
6 discuss in the rear elevation, you have two windows,
7 should we talk about whether they should replace
8 those windows, too, to match, or does nobody care?

9 THE WITNESS: I'm sorry?

10 VICE CHAIR BRANCIFORTE: I'm sorry.

11 You have two windows on the back --
12 excuse me, my throat -- on the back wall, you have
13 two existing windows, and I am just curious if we
14 should discuss replacing those windows to match, you
15 know, what you have on top.

16 THE WITNESS: They actually do, so --

17 VICE CHAIR BRANCIFORTE: Oh, they're
18 all set?

19 THE WITNESS: -- they were retrofitted
20 after the initial renovation in '92 --

21 VICE CHAIR BRANCIFORTE: Okay. So
22 they're good.

23 THE WITNESS: -- and they are both
24 esthetically similar to the ones that are proposed.

25 VICE CHAIR BRANCIFORTE: Thank you.

1 CHAIRMAN AIBEL: Okay. Time for
2 deliberations.

3 Does anybody wish to kick it off?

4 Dan, no?

5 COMMISSIONER WEAVER: I am --

6 CHAIRMAN AIBEL: Speechless?

7 (Laughter)

8 COMMISSIONER WEAVER: -- I would view
9 the application favorably with the conditions
10 imposed.

11 CHAIRMAN AIBEL: Mr. Grana?

12 COMMISSIONER GRANA: You know, I recall
13 this application. We spent a lot of time discussing
14 it when it first came, and I think that my point of
15 view at the time was that from a C1 perspective, I
16 thought that the applicant had made a clear and
17 compelling case of why an additional story should be
18 added to the building, even though it was not
19 conforming.

20 I think I and some other Commissioners
21 got hung up on whether or not this building was a
22 better design solution for the block.

23 I think something has been proposed
24 that is an addition that is both new, but is much
25 more neutral in material and tone and to the

1 architecture on the block, and based on that, that
2 change that I see the applicant has made, I would be
3 in support of the application.

4 CHAIRMAN AIBEL: Thank you.
5 Anybody else?

6 COMMISSIONER COHEN: Okay.

7 CHAIRMAN AIBEL: Mr. McAnuff?

8 COMMISSIONER MC ANUFF: I have to
9 disagree with you on that.

10 I think the changes that I see here
11 were the material of the facade, and we still have
12 this big window that I believe everybody objected to
13 last time. It is just broken up into smaller
14 pieces. I don't see a significant amount of change.

15 I am for an addition on this, but as
16 far as esthetics, I would have to vote against the
17 application.

18 CHAIRMAN AIBEL: Anybody else wish to
19 comment?

20 Mr. Cohen?

21 COMMISSIONER COHEN: Yes.

22 Well, I kind of wanted to hear from the
23 Commissioners who heard it the last time because
24 they denied it, and I was interested.

25 So I kind of put a lot of weight on

1 what Commissioner McAnuff and Commissioner Grana
2 think about it, because they were concerned about
3 the esthetics, so I just wanted to hear their input
4 before I commented.

5 But I think that this is an attractive
6 addition to the block. I don't see -- I mean, if it
7 looked kind of like a dark shield at the top with a
8 big screen, I could see why it would be troubling to
9 Commissioner McAnuff, but I do think that it is
10 broken up symmetrically and does sort of echo the
11 lines of the windows on the front.

12 So I mean, they made the effort with
13 the scaled Mansard roof, which is one of the
14 classier kind of tops of buildings that we are going
15 to see in Hoboken on an addition, and you know, it
16 seems to fit the scale of the block, so I would be
17 in favor of this.

18 COMMISSIONER WEAVER: Let me say
19 something else. I will try to be quick.

20 I find the glazing and the addition
21 actually appropriate being that we are -- often I
22 speak out against these cartoon copies of historic
23 buildings that get put up in Hoboken with a lot of
24 money and very little thought.

25 I think this is a sensitive addition.

1 This is the kind of like what you might see in Paris
2 like a Garrett skylight, where you are letting a lot
3 of light into a studio.

4 I feel it is bridging the modern and
5 the old, and it's rare that I see something which I
6 can't actually say it is a complete copy of a
7 historic style, and it is also very sensitive,
8 and -- but I think it is an appropriate building for
9 Hoboken strangely, because I don't see many of them
10 coming before me that I could actually endorse, and
11 this one I think is great.

12 COMMISSIONER GRANA: I agree with
13 Commissioner Weaver on that.

14 MS. BANYRA: Mr. Chair, can I just make
15 one comment?

16 CHAIRMAN AIBEL: Go ahead.

17 MS. BANYRA: Just so the Board should
18 be advised, so this is a new application, brand new
19 application. It stands on its own, and you really
20 have to look at it through that lens.

21 So I think something came before us,
22 yes, they testified to it and everything, but you
23 have to see whether or not it meets this -- it's a C
24 variance. Commissioner Grana talked about C1 being
25 a hardship variance or C2 being the benefits

1 outweighing because of the design, so that's really
2 what is before you tonight is this application, and
3 not that application.

4 So I just wanted to remind you, you
5 know, in your discourse, that that is the language
6 that should be, you know, and the lens that it
7 should be looked at through.

8 Thank you.

9 CHAIRMAN AIBEL: So I will wrap up and
10 I will just add that I think there were substantial
11 changes made to address each and every one of the
12 issues that we raised earlier, the bulkhead, the
13 materials, the Hardie Board and the windows.

14 The applicant I think made a very good
15 offer to change the windows in the front and improve
16 the look of the building.

17 So the only other thing I could add is
18 after Mr. Weaver's endorsement, you are going to
19 have to pay the architect's bill.

20 (Laughter)

21 I am ready for a motion.

22 COMMISSIONER GRANA: Motion to approve
23 703 Bloomfield.

24 COMMISSIONER MURPHY: Second.

25 COMMISSIONER WEAVER: With conditions.

1 COMMISSIONER GRANA: With conditions.
2 COMMISSIONER MURPHY: Oh, with
3 conditions.
4 MS. CARCONE: Commissioner Branciforte?
5 VICE CHAIR BRANCIFORTE: Yes.
6 MS. CARCONE: Commissioner Cohen?
7 COMMISSIONER COHEN: Yes.
8 MS. CARCONE: Commissioner Grana?
9 COMMISSIONER GRANA: Yes.
10 MS. CARCONE: Commissioner Murphy?
11 COMMISSIONER MURPHY: Yes.
12 MS. CARCONE: Commissioner McAnuff?
13 COMMISSIONER MC ANUFF: No.
14 MS. CARCONE: Commissioner Weaver?
15 COMMISSIONER WEAVER: Yes.
16 MS. CARCONE: And Commissioner Aibel?
17 CHAIRMAN AIBEL: Yes.
18 Thank you very much.
19 MR. CHERAMI: Thank you.
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 proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 11/16/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 1200 Bloomfield Street :
APPLICANT: USM ASSET TRUST - SERIES 2: November 15, 2016
Variance Review : Tuesday 7:35 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver (Recused)
- Commissioner Frank DeGrim

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

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

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I N D E X

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| WITNESS | PAGE |
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| John Nastasi | 44 |
| Kenneth Ochab | 95 |

E X H I B I T S

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| A-2 | Rendering of Proposed Site | 46 |
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1 CHAIRMAN AIBEL: Okay. We are back on
2 the record. Okay. We are back on the record.

3 Mr. Burke, 1200 Bloomfield Street.

4 COMMISSIONER WEAVER: I have to recuse
5 myself, but I don't want to leave.

6 CHAIRMAN AIBEL: You can sit anywhere.

7 (Board members confer)

8 (Recess taken)

9 CHAIRMAN AIBEL: Okay. We are back on
10 the record.

11 Mr. Burke, 1200 Bloomfield Street.

12 MR. BURKE: Thank you, Mr. Chairman.

13 Good evening.

14 Jim Burke, representing the applicant.

15 Similar to the application that just appeared before
16 you, this property was the subject of another
17 application. And by way of a resolution of denial
18 on August 23rd, 2016, the application was denied.

19 Two points: One is that if there is
20 ever a silver lining when you hear comments from the
21 Board and from the public, sometimes you get a
22 chance to listen and incorporate those changes into
23 a revised plan, and we think we have done that, and
24 hopefully a number of people will be pleased by the
25 changes and the revisions.

1 Secondly, I just want to point out as
2 you are listening to the application, the bulk of
3 the building itself does not require any bulk
4 variance, if you approve this proposal.

5 It is 60 percent. The height is within
6 the limits. There is no side yard setbacks, so all
7 the preexisting conditions and so forth do not
8 affect the actual building.

9 So you say, okay, well, why do you have
10 to be here?

11 Well, because there is a garage, and
12 the garage occupies 20 percent of the lot, so
13 technically there is an 80 percent lot coverage, and
14 that is the reason we have to appear here because we
15 are doing something to that site.

16 We have two witnesses. The first is
17 Mr. Nastasi.

18 Do you want to take a moment to swear
19 him in?

20 CHAIRMAN AIBEL: Sure.

21 MR. LEIMBACH: Please raise your right
22 hand.

23 Do you swear or affirm to tell the
24 truth, the whole truth, and nothing but the truth?

25 MR. NASTASI: I do.

1 J O H N N A S T A S I, having been duly sworn,
2 testified as follows:

3 MR. LEIMBACH: Please state your name
4 and spell your last for the record.

5 THE WITNESS: John Nastasi,
6 N-a-s-t-a-s-i.

7 CHAIRMAN AIBEL: Mr. Nastasi has
8 appeared before us before, so we accept his
9 credentials.

10 MR. BURKE: Thank you.

11 Now, John, the first thing I would like
12 you to do is just briefly summarize the changes from
13 the last application to this application and then go
14 back into greater detail.

15 THE WITNESS: Okay.

16 The last time we were here, we proposed
17 an addition on top of the existing one-story
18 addition on the rear of this building.

19 The primary building plus the existing
20 addition is 65 feet nine inches, and we were going
21 to utilize the existing foundation and come straight
22 up coming back 65 feet nine inches.

23 We heard some comments from our
24 neighbor to the north. We heard some comments from
25 some members of the Board, and they had some

1 recommendations that we took into effect, so
2 essentially we are back here incorporating those
3 comments.

4 There are two basic comments that we
5 incorporated. We talked about - I think it might
6 have been your comment - that not to try to utilize
7 this existing foundation, but to actually comply
8 with the 60 foot building depth.

9 So what we are proposing is this
10 existing foundation goes away, and we construct an
11 addition that makes the building 60 feet deep, which
12 conforms with the zoning ordinance, so that was the
13 first change that we proposed.

14 The second change we proposed was the
15 building staggered in height, and there were some
16 comments by the Board that they thought the
17 staggering broke the cornice up and didn't give it a
18 consistent esthetic, which we incorporated.

19 And then one more comment that this
20 open space here, which is on the south of the
21 building only benefits the applicant, but nobody
22 else.

23 So what we are proposing is a building
24 that is actually less deep than what is here, and it
25 fills in the space and actually opens more space up

1 to the neighbor to the north to get more light into
2 the backyard and to the trellis that is there.

3 If I show you briefly before I get into
4 the details --

5 MR. BURKE: I am going to start marking
6 these.

7 I will mark this as Exhibit A-1, which
8 is the existing site.

9 (Exhibit A-1 marked)

10 THE WITNESS: Before I start from the
11 beginning, I will just tell you something very
12 basically.

13 The existing addition comes 65 feet 9
14 inches back here, which is existing. We are tearing
15 all of that out and pushing this back to 60 feet,
16 and the trellis is now exposed to the street for the
17 first time. It is actually hidden behind the
18 one-story white vinyl sided addition.

19 Now, when we push this guy back to 60,
20 you can see the south light will come in and get
21 more light into the neighbor's yard.

22 If I were to start from the
23 beginning --

24 MR. BURKE: So I will mark this. This
25 is proposed. It is a graphic, A-2.

1 (Exhibit A-2 marked)

2 THE WITNESS: When I start from the
3 beginning, on A-0.2 of your drawings, you can see a
4 lot coverage diagram, and in that lot coverage
5 diagram you can see that the building is actually 65
6 feet four inches deep, which is this diagram right
7 here. And what we are proposing is a 60 foot deep
8 building, so we are actually five feet four inches
9 less coverage than what is there now.

10 MR. BURKE: Hang on.

11 Why don't we hand this to the Board,
12 so they can review it?

13 THE WITNESS: Okay.

14 MR. BURKE: This is just a reduction of
15 each of the renderings that you will be seeing
16 tonight to make it a little easier.

17 I won't mark those in because we are
18 going to be marking in the large boards on each one.

19 CHAIRMAN AIBEL: That's fine.

20 COMMISSIONER MC ANUFF: Thank you.

21 THE WITNESS: The second thing I would
22 like to show is the Goggle Earth site plan, and I am
23 showing this for clarity where we are.

24 1200 Bloomfield, as you can see, is on
25 the south corner of this lot. This is our property

1 that is part of this application, and here you can
2 see the existing building that is 65 feet four
3 inches plus the garage.

4 I think it is important to note, and I
5 try to do this every time I am here, is in white is
6 what is referred to all of the time at the Zoning
7 Board as the hole in the donut.

8 In yellow is the allowable building
9 line that brings you up to the hole in the donut.

10 Our application is completely outside
11 the hole in the donut, if we use terms like "hole in
12 the donut" to mean something.

13 One thing to understand when you look
14 at an urban block in Hoboken, there are anomalies
15 around the edges. You have properties like the one
16 to the west, which almost occupy 100 percent.

17 You have properties like to the north,
18 where for some reason there are two buildings that
19 seem like they are occupying the corner because they
20 project into the 60 -- past the 60 percent line.

21 Then you have properties like on the
22 north, where they take up neighbor's backyards, and
23 then properties like on the south, like our neighbor
24 to the west and our applicant, where they both have
25 low garages.

1 So this is the condition of the block,
2 and I think it is important to note that what we are
3 proposing tonight brings it right to that yellow
4 line, which is the allowable building line.

5 So as you can see that all of these
6 houses had grown over time and will continue to
7 grow, we are only growing up to what is allowable,
8 which is 60 percent.

9 Hoboken has a weird thing, where you
10 have a 30 percent rear yard setback, but only 60
11 percent lot coverage, which leaves you ten feet of
12 sort of No Man's Land. That is the space between
13 the white and the yellow. We are not in there. We
14 are simply back at the yellow.

15 MR. BURKE: I will mark this A-3.

16 (Exhibit A-3 marked)

17 CHAIRMAN AIBEL: Mr. Nastasi, what is
18 the distance between the rear of the proposed
19 addition and the north -- the side of the garage?
20 What is your open space in the middle?

21 THE WITNESS: With a 60 foot addition,
22 it will be 19 feet, right?

23 MR. BURKE: 19 feet. That is what Ms.
24 Banyra put in her report, which increases it from
25 what it is presently, which is 13 feet eight inches.

1 THE WITNESS: So there is 13 feet eight
2 inches of open space, and now there will be 19 feet.

3 I do want to do some proposed --

4 MR. BURKE: Do you need one of these?

5 THE WITNESS: Okay.

6 So a couple of proposed and existing
7 and proposed.

8 This is the site taken from Google
9 Earth. It is important to note that this has all
10 been cleaned up since then as a result of the
11 neighbor's maintenance program.

12 But this is what is here now: A red
13 brick building, a white vinyl sided cornice, a white
14 vinyl sided bay window, a white vinyl sided
15 addition, white vinyl garage doors, and these are
16 the garages. My client's and the neighbor's garages
17 are directly next door.

18 What we are proposing is a complete
19 sort of upgrade to the street presence, where our
20 addition allows us to continue and bring back the
21 original cornice to wrap the bay in a composite
22 siding that matches the tones of the cornice.

23 You can see the garage doors and the
24 trim and the facia are all upgraded. The addition
25 is built in a brick that will match the existing

1 building, and then in this image you can see the
2 neighbor's backyard and the trellis is now visible
3 from the street, where in the existing condition it
4 is behind the existing vinyl sided addition.

5 If I do one more, one more straight out
6 elevation, you have -- you can see a detail of the
7 vinyl on the bay, the vinyl on the addition, the
8 porch, the aluminum awning, and the vinyl doors, and
9 what we are proposing is a complete like
10 architectural cleaning up, a completely contextual
11 addition that will match the scale and character of
12 the existing building.

13 This is the 60 foot line.

14 This is the neighbor's veranda that's
15 now visible from the street, and here is the
16 upgraded doors.

17 So I think what this application is
18 doing, particularly this version, is that we have
19 completely sort of upgraded the curb appeal of this
20 building and its impact on the street to the
21 neighborhood.

22 So we have taken out all of the
23 anomalies of this existing condition and made it
24 completely consistent.

25 MR. BURKE: Anything else?

1 Questions from the Board?

2 VICE CHAIR BRANCIFORTE: Well, I just
3 have one question for you, John.

4 You are talking about doing these
5 upgrades to the vinyl white windows and doing away
6 with the shed. But if you wanted to do that, you
7 wouldn't need a variance. I mean, you wouldn't have
8 to come to us, if you wanted to do that, right?

9 So what I am saying is those
10 improvements, taking away the white vinyl bay
11 windows and doing away with the shed in the back, if
12 we say no to you tonight, I mean, you could still go
13 out and do that stuff without us, right?

14 MR. BURKE: Well --

15 VICE CHAIR BRANCIFORTE: Those
16 improvements could be made without --

17 MR. BURKE: -- sure, you could. You
18 could knock the whole building down, you know, but
19 the shed is actually livable. It is not a shed.
20 It's a livable space --

21 VICE CHAIR BRANCIFORTE: I just want to
22 make it clear to everybody that, you know, if we
23 turn you down tonight, we won't be stuck with these
24 white vinyl windows and all of this other stuff that
25 we are talking about.

1 MR. BURKE: Well, I can't testify
2 whether the applicant will continue to make
3 improvements to the building, if the applicant is
4 turned out.

5 VICE CHAIR BRANCIFORTE: Right.

6 MR. BURKE: This is just -- for
7 transparency sake, we are trying to present
8 everything that's going to be done to the site.

9 VICE CHAIR BRANCIFORTE: Okay.

10 And for transparency sake, I just
11 wanted everybody to realize that there is nothing
12 holding you back from doing these improvements right
13 now, okay?

14 Is it agreed?

15 MR. BURKE: Well, I agree as far as
16 there is nothing holding the applicant back. I
17 don't think the applicant is going to take down
18 livable space.

19 VICE CHAIR BRANCIFORTE: Well, no, I am
20 just saying he could make improvements without a
21 variance.

22 MR. BURKE: Sure, of course.

23 VICE CHAIR BRANCIFORTE: Okay, thanks.

24 THE WITNESS: I think if I wanted to
25 mention one more thing, it is that, again, existing

1 and proposed,

2 If you look at the southern light in
3 the winder, the existing additions block the sun on
4 the neighbor's veranda.

5 By pushing it back from 65 feet four
6 inches to 60 feet, the southern light now enters
7 into the neighbor's backyard. You can see it in the
8 elevation. You can see it in the isometric, and you
9 can also see it in the solar diagram that's taken
10 right from --

11 MR. BURKE: I am going to mark that A-5
12 and 6.

13 (Exhibits A-5 and A-6)

14 CHAIRMAN AIBEL: Is Mr. Nastasi
15 finished with his testimony?

16 THE WITNESS: Yes, I am.

17 CHAIRMAN AIBEL: Well, let me just ask
18 you to go through your improvements on the roof.

19 THE WITNESS: I have an isometric here
20 labeled A-2, which enables you to see the roof from
21 above, and what we are proposing is a roof bulkhead,
22 which conforms with the zoning ordinance for roof
23 coverage, a roof terrace, which conforms, a green
24 roof, which also conforms.

25 The setback from Bloomfield Street

1 conforms, and as part of this application we are
2 asking to consider 12th Street as a side yard and
3 consider Bloomfield Street as a front yard regarding
4 the setback of the proposed terrace.

5 CHAIRMAN AIBEL: How tall is the
6 bulkhead?

7 THE WITNESS: Excuse me?

8 CHAIRMAN AIBEL: How tall is the
9 bulkhead?

10 THE WITNESS: This bulkhead?

11 CHAIRMAN AIBEL: Yes.

12 THE WITNESS: Eight feet above the
13 roof.

14 I do want to add one more thing,
15 because I do remember some of the neighbors last
16 time were asking me, I think some of the neighbors
17 on the east side of the street were asking about
18 looking at that roof appurtenance, and I also think
19 that Commissioner Cohen was asking me about, can you
20 see it from the street.

21 We set the camera diagonally across the
22 street at eye level, because the cornice is the
23 parapet on these roofs, this model with these, or in
24 this model, and from eye level across the street,
25 you cannot see that. You cannot see the roof

1 bulkhead, so this is a very accurate model with the
2 view from across the street showing you that unlike
3 some things we have seen in Hoboken recently, this
4 thing will not be seen from the street.

5 CHAIRMAN AIBEL: What is the view from
6 Garden Street looking from the west?

7 What is it going to look like?

8 THE WITNESS: It would be similar
9 because this cornice, we are bringing the cornice
10 all the way around the three facades of the
11 building, so you have the same sort of optical angle
12 where you actually would see less of it because it
13 is further back.

14 So that this cornice at 42 inches,
15 which is code, aids in blocking the view of the roof
16 appurtenances.

17 VICE CHAIR BRANCIFORTE: Can I ask
18 something?

19 CHAIRMAN AIBEL: Sure.

20 VICE CHAIR BRANCIFORTE: Tonight you
21 had the unfortunate circumstance of me sitting at
22 the corner -- standing at the corner of 12th and
23 Washington waiting for the bus tonight, and I looked
24 down, and I thought, oh, that is that building we
25 are going to look at tonight.

1 And I was looking at the building, and
2 there is no way you can tell me that when I am
3 standing at corner of 12th and Washington, that I am
4 not going to see that bulkhead as I walk down 12th
5 Street from Washington.

6 THE WITNESS: I don't know if there's a
7 grade change. I don't know if the grade changes
8 there --

9 VICE CHAIR BRANCIFORTE: No, there's no
10 grade change.

11 THE WITNESS: -- all I am presenting
12 tonight is we set the camera up here.

13 I don't know what the grade change is.
14 If the grade change is severe where you're coming up
15 an elevation, you might see it, but I don't know
16 what that grade change is.

17 VICE CHAIR BRANCIFORTE: Well, I can
18 see your point if you are standing on Garden Street,
19 you won't see that penthouse because it is set back
20 far enough from the rear of the building, but that
21 is pretty close to the front of the building, and I
22 am not convinced that I won't see that when I am
23 standing on Washington Street.

24 Somebody walking down will see this
25 building renovated and then see this thing on top.

1 MR. BURKE: Just so, you know, for the
2 record, but for the record it is permitted.

3 So, again, they could do that without a
4 variance. It is a permitted addition.

5 CHAIRMAN AIBEL: Yeah, but this whole
6 package requires a variance.

7 MR. BURKE: No. Before Commissioner
8 Branciforte said, well, couldn't they do certain
9 things without a variance, and so I think it is fair
10 to say that they could do this without a variance,
11 so --

12 VICE CHAIR BRANCIFORTE: Okay.

13 CHAIRMAN AIBEL: I'm sorry. Go ahead,
14 John.

15 VICE CHAIR BRANCIFORTE: Go ahead, Jim.
16 I'm sorry, Jim.

17 Another question: On Sheet A-2.2 --

18 THE WITNESS: Yes.

19 VICE CHAIR BRANCIFORTE: -- it's the
20 top drawing. You have a solarium -- they have the
21 master bedroom, third floor.

22 So my calculation is the master bedroom
23 itself is 800 square feet, like 798 maybe, and then
24 you add on the solarium of 248 square feet.

25 There is -- you are going to have to

1 convince me that this solarium attached to an 800
2 square foot master bedroom is really necessary,
3 because as I see it now, that third floor addition,
4 that top -- the addition of the solarium on the top
5 is going to do more harm to the neighbors than good,
6 so convince me that I am wrong.

7 THE WITNESS: I don't know if I could
8 convince you of anything, but --

9 (Laughter)

10 -- when I was here last time, just for
11 the record, when I was here last time, we stepped
12 here. We stepped. We came out 65 from the top of
13 the existing, but we stepped down, and there were
14 some very clear comments made by the Board that they
15 thought that broke up the kind of uniformity of this
16 brick row house, and by continuing the cornice it
17 brought more uniformity, so I don't think it does.

18 I actually think it brings more
19 cohesiveness and uniformity to the curb appeal of
20 the block as opposed to having kind of a jagged
21 cornice line, so that would be my kind of
22 thinking --

23 VICE CHAIR BRANCIFORTE: Okay.

24 So on a sunny day when the neighbor
25 next door is sitting in the shade, his house is in

1 the shade, and his windows aren't getting any light
2 because of that solarium, and this person is up
3 there enjoying his solarium, the neighbor next door
4 should say, hey, look, I am not getting any light
5 into my apartment, but at least the cornice is
6 uniform next door.

7 I mean, you take solace in the fact
8 that the building is uniform?

9 That the roof line is --

10 THE WITNESS: I understand -- I
11 understand what you are saying, but I think for the
12 record, we are as of right with height, and as of
13 right with depth. So this building is within the
14 allowable building envelope of the Hoboken zoning
15 code.

16 So if we are going to get into the
17 hypothetical, and I don't like to get into the
18 hypothetical, every single person on this block as
19 of right without coming to the Board can build that.
20 It is allowable height, allowable depth, allowable
21 width, allowable bulk. This is an allowable bulk.

22 We are not building an inch bigger or
23 an inch taller than what is technically allowable by
24 the Hoboken zoning code, so there is nothing
25 egregious about what we are asking for, because it

1 is within the guidelines for that building.

2 CHAIRMAN AIBEL: Well, I guess that is
3 obviously correct, but you have a garage here that
4 is making the building --

5 THE WITNESS: Of course.

6 CHAIRMAN AIBEL: -- an 80 percent
7 building, not a 60 percent building --

8 THE WITNESS: Of course --

9 CHAIRMAN AIBEL: -- so that is why we
10 are here.

11 THE WITNESS: -- we are here -- we are
12 here because of the presence of this existing
13 structure, just like the neighbor has their
14 structure. This renders the site nonconforming, so
15 even though what we are proposing is conforming
16 because it is a nonconforming lot, we're here, so we
17 are technically expanding a nonconforming lot.

18 CHAIRMAN AIBEL: So we are looking at
19 the entire package.

20 THE WITNESS: Of course, and I am well
21 aware of that, and Mr. Galvin has told me that many
22 times.

23 (Laughter)

24 MR. ZELTZER: Excuse me. This is my
25 first time I've been at --

1 CHAIRMAN AIBEL: Not yet.

2 MR. LEIMBACH: It's not time for public
3 comment yet.

4 CHAIRMAN AIBEL: You will have a chance
5 to ask questions, and you will have a chance to
6 comment.

7 Diane?

8 COMMISSIONER MURPHY: So the garage, I
9 mean, has any thought been given to making a smaller
10 garage?

11 And maybe either smaller or staying a
12 green roof on the garage?

13 CHAIRMAN AIBEL: One big garage with a
14 larger open space between the garage and the house?

15 COMMISSIONER MURPHY: Well, I mean, it
16 would change the percentage of what we are talking
17 about.

18 The garage is forcing it to be 80
19 percent, so if the garage was smaller, the
20 percentage would change.

21 CHAIRMAN AIBEL: We could get 30
22 percent.

23 COMMISSIONER MURPHY: But also, you
24 know, that is one thought.

25 The other thought is if there is a

1 green roof there, then it is not, you know, the
2 garage is an impervious thing. I know you are
3 putting the pavers for the other part, but, you
4 know, if there is a green roof there, then maybe
5 that's a little bit palatable in terms of the
6 environmental part of this.

7 THE WITNESS: I think to your point, we
8 are already by the roof terrace guidelines, we
9 already have 50 percent of that roof covered in
10 green on the main roof.

11 I don't see any reason why we couldn't
12 cover 100 percent of the garage with green, because
13 there is nothing else up there, so we could convert
14 the whole footprint of that garage to green trays
15 and absorbing stormwater.

16 COMMISSIONER COHEN: Just to comment, I
17 want to thank the applicant for the drawings.

18 I mean, I think that one of the
19 frustrations the Board had the last time around was
20 that it was difficult to visualize changes. I mean,
21 I don't remember there being color before and after,
22 I don't remember any shadow studies, and I don't
23 remember all of these different angles reflecting
24 how this was going to look.

25 I think some of the frustration that we

1 had in the last presentation was that it was
2 difficult to visualize what was happening.

3 I think these are very helpful
4 drawings. I live around the corner from this area,
5 and I think the pictures are very accurately
6 describing the current state of this property, which
7 is, you know, less than a plus for the neighborhood.

8 I mean, this isn't deliberations, but I
9 just wanted to thank you --

10 CHAIRMAN AIBEL: Do you agree, Mr.
11 Nastasi?

12 COMMISSIONER COHEN: That wasn't a
13 question actually.

14 I was just going to say that I
15 appreciate the fact that we have these renderings,
16 which we didn't have the last time, and that was it.

17 THE WITNESS: Thank you.

18 CHAIRMAN AIBEL: Any other questions
19 for Mr. Nastasi?

20 MS. BANYRA: Yes, I have a question, if
21 that's okay.

22 CHAIRMAN AIBEL: Go ahead.

23 MS. BANYRA: John, can you go back on
24 to the roof plan and talk about what is in your --
25 the override, I guess it is an elevator or is it

1 just stairs?

2 THE WITNESS: It is a stair. It's a
3 stair and an elevator to the roof, and that that
4 combined meets the lot coverage.

5 MS. BANYRA: Okay.

6 And there is a space in between the
7 stair and the elevator -- okay, I got it.

8 THE WITNESS: To get out of the
9 elevator before you go outside.

10 MS. BANYRA: Okay. And it is
11 enclosed --

12 THE WITNESS: Yes.

13 MS. BANYRA: -- the elevator could open
14 right outside, could it not?

15 THE WITNESS: It could.

16 MS. BANYRA: Thank you.

17 CHAIRMAN AIBEL: Is there any way to
18 shorten the bulkhead at the east side, so that it's
19 more centered in the middle of the building, and
20 presumably less visible from Washington Street?

21 I am trying to help you out, John.

22 VICE CHAIR BRANCIFORTE: Thanks, Jim.

23 THE WITNESS: I am looking at the
24 second and third floor plans, and the elevator is
25 pressed up against the stair, so that we cannot push

1 that elevator any further west.

2 CHAIRMAN AIBEL: Board members,
3 anything else?

4 COMMISSIONER GRANA: Yes, I just have
5 one thing.

6 I am not speaking for the Board, but I
7 am going to ask a question.

8 Based on Ms. Murphy's, Commissioner
9 Murphy's comments, is the change to the garage being
10 proposed, is that --

11 THE WITNESS: What we are proposing
12 tonight?

13 COMMISSIONER GRANA: Yes.

14 THE WITNESS: What we were proposing is
15 a complete upgrade of the facade and the cornice of
16 the garage.

17 COMMISSIONER GRANA: And is the change
18 being proposed to the roof?

19 THE WITNESS: I would take Ms. Murphy's
20 recommendations and that we propose a green roof for
21 100 percent of the garage.

22 MR. BURKE: The applicant would agree
23 to that.

24 CHAIRMAN AIBEL: Okay.

25 COMMISSIONER GRANA: Just for the

1 record, thank you, John.

2 VICE CHAIR BRANCIFORTE: John, you
3 know, this one drawing isn't marked, but it is here.
4 I don't know if you have it up there.

5 THE WITNESS: It is in the set.

6 VICE CHAIR BRANCIFORTE: It is not
7 marked by page number, so I can't refer to it by
8 page.

9 THE WITNESS: That is the proposed rear
10 elevation of the property.

11 CHAIRMAN AIBEL: Do you have the same
12 one up there?

13 THE WITNESS: I don't have it in an
14 enlarged format.

15 MR. LEIMBACH: So it would have to be
16 marked as an exhibit, as a separate exhibit.

17 What was what the last number?

18 THE WITNESS: 6, so it should be 7.

19 MR. BURKE: That should be A-7.

20 (Exhibit A-7 marked)

21 THE WITNESS: But we don't have it
22 marked. It's only in the small set.

23 MR. BURKE: Okay. So that will be A-7.

24 VICE CHAIR BRANCIFORTE: So I am
25 looking at the shadow that's cast by this and comes

1 down and cuts off this window here, and it also hits
2 I guess a skylight on this adjoining roof.

3 I go back to the same thing about the
4 solarium. If we cut that out and made it flush on
5 the top floor, how would that affect the shadow that
6 comes down and hits these windows here and the
7 skylight two doors down -- or even actually it hits
8 this window here, this window, and then the skylight
9 here.

10 THE WITNESS: If you were to cut a
11 floor off that addition, it would cast less of a
12 shadow.

13 VICE CHAIR BRANCIFORTE: All right.
14 Thanks.

15 THE WITNESS: I just maintain that the
16 building is within the allowable building envelope
17 of the zoning ordinance.

18 VICE CHAIR BRANCIFORTE: All right.
19 Thanks.

20 CHAIRMAN AIBEL: I know two-car garages
21 are terrific in Hoboken, but I think you really
22 could make a much better application if it were a
23 single-car garage, and you had more open space in
24 the middle, and I think it would take a little sting
25 out of the way the property is being developed.

1 COMMISSIONER MURPHY: Jim, the open
2 space is also parking --

3 CHAIRMAN AIBEL: Well, I think --

4 COMMISSIONER MURPHY: -- so it is even
5 more so --

6 CHAIRMAN AIBEL: No. My understanding
7 is that the space in the middle is not intended to
8 be parking any more.

9 Is that correct?

10 THE WITNESS: No. I think as part of
11 the application, the parking, that third space is
12 staying. It is not being proposed to move.

13 CHAIRMAN AIBEL: Oh, so you are
14 proposing two enclosed and one open parking spot?

15 THE WITNESS: I am not proposing those.
16 I am saying that these are what is existing.

17 CHAIRMAN AIBEL: Oh, well, thank you
18 for informing me, because I looked at your gate and
19 it looked --

20 COMMISSIONER MURPHY: You know, it's a
21 retractable gate.

22 CHAIRMAN AIBEL: -- like the gate was
23 contiguous --

24 COMMISSIONER MC ANUFF: You can see it
25 on the --

1 MS. BANYRA: No. The gate currently
2 opens out. I am going to say it swings south, and
3 what was proposed now is that the gate is going to
4 roll --

5 COMMISSIONER MC ANUFF: A sliding gate.

6 MS. BANYRA: -- Yes. So it will roll
7 down parallel to the street as opposed to open
8 perpendicular to the street and block the sidewalk

9 VICE CHAIR BRANCIFORTE: I brought this
10 up last time --

11 CHAIRMAN AIBEL: That is ridiculous --

12 VICE CHAIR BRANCIFORTE: -- I brought
13 this up last time, but I want to bring it up to
14 refresh my memory.

15 As I remember, as I walked down 12th
16 Street, the garages -- you have the two garages on
17 your property. The garage is just to the left to
18 the west. If I remember correctly, do cars even fit
19 into those garages?

20 I mean, can you close the garage door
21 behind the car once it's pulled in?

22 THE WITNESS: In the neighbor's garage?

23 VICE CHAIR BRANCIFORTE: Yeah, and I'm
24 wondering if it's the same with you guys.

25 THE WITNESS: I don't know anything

1 about the neighbor's two garages. I do know that
2 cars park there.

3 VICE CHAIR BRANCIFORTE: That cars park
4 in that garage and the garage doors close behind
5 them?

6 THE WITNESS: Yes.

7 VICE CHAIR BRANCIFORTE: Okay.

8 CHAIRMAN AIBEL: Mr. Grana, do you have
9 anything?

10 COMMISSIONER GRANA: Yes.

11 I just wanted to follow up on the
12 question of the current -- I will call it -- I don't
13 know what they call it, John, but the proposed third
14 parking space. Is there currently a curb cut in
15 that location that would allow for somebody to park
16 in that space?

17 THE WITNESS: Yes.

18 My clients after the last meeting, they
19 went back at the Board's recommendation.

20 And will they testify to this?

21 MR. BURKE: Yes.

22 THE WITNESS: Yes.

23 They went and did a bunch of homework
24 to find tax records, and speaking to the previous
25 owner, and they will testify that that is a curb

1 cut, the lines are painted, and that space has
2 existed. I won't plagiarize what they are going to
3 say, but they will present a --

4 COMMISSIONER GRANA: So there are in
5 effect curb cuts in place for parking for three
6 vehicles?

7 THE WITNESS: Yes.

8 COMMISSIONER GRANA: Thank you.

9 MR. BURKE: And I was told, I called
10 city hall, if it was striped out, it means it has
11 been recognized as a parking spot, and these are
12 striped out.

13 COMMISSIONER GRANA: Quick question:
14 Do we know if the city performed that striping?

15 (Laughter)

16 MR. BURKE: I will tell you, we did a
17 lot of homework, and the former zoning officer, Joe
18 Mestre, supposedly did a complete study, and I made
19 an OPRA request for that study. I went to Ann
20 Holtzman. I went to the Building Department, and no
21 one could find the study. So I don't know, but I
22 can tell you we tried. We tried to find out the
23 answer to the questions.

24 COMMISSIONER GRANA: Thank you.

25 COMMISSIONER MC ANUFF: I just have a

1 question.

2 If you were to say you were going to
3 eliminate the outdoor parking spot and one bay of
4 the garage, that puts two more cars on the street,
5 but yet that triple wide curb cut is still going to
6 be there, correct?

7 That doesn't go away.

8 MR. BURKE: Correct. I mean, because
9 that is the municipal property. The applicant could
10 not change that.

11 COMMISSIONER MC ANUFF: So really all
12 we would be doing is if we eliminated the parking
13 spot and one bay of the garage is adding two more
14 cars to the street?

15 MR. BURKE: Correct.

16 COMMISSIONER MC ANUFF: Okay. Thank
17 you.

18 MS. BANYRA: If I could just, you know,
19 I think it is probably correct to say that the curb
20 could be replaced, you know --

21 MR. BURKE: I am just saying it
22 wouldn't be in the control of the applicant, but in
23 the control of the city.

24 MS. BANYRA: Right. But it is not
25 unusual for someone to come in and propose a

1 building and/or changes and then run the curb line
2 down.

3 Anyway, it's not what you are
4 proposing. I am only just correcting the record.

5 COMMISSIONER GRANA: One last question:
6 Did I read that this is a proposed multi-family
7 residence or a single-family residence?

8 THE WITNESS: It's a proposed
9 single-family residence.

10 MR. BURKE: It is presently a two, but
11 it would become a one.

12 COMMISSIONER GRANA: Thank you, John.
13 Okay. No further questions.

14 CHAIRMAN AIBEL: Okay. Anybody else?

15 Okay. I am going to open it up to the
16 public. This is the question session, so you can
17 ask questions of the architect. We are not making
18 comments. That is for the end.

19 Anybody in the public have questions
20 for the architect?

21 Please come forward.

22 State your name and address for the
23 record. Please come up.

24 MR. LEIMBACH: We have to swear you in.

25 CHAIRMAN AIBEL: Not for the questions.

1 MR. LEIMBACH: Oh, okay.

2 MS. CARCONE: Go stand over there.

3 MR. ZELTZER: I am Amihai Zeltzer, and
4 I live at 1207 Garden Street.

5 THE REPORTER: How do you spell that?

6 MR. ZELTZER: A-m-i-h-a-i.

7 CHAIRMAN AIBEL: Sir, questions for the
8 architect.

9 MR. ZELTZER: So I don't know if it's a
10 question, but it is a concern.

11 CHAIRMAN AIBEL: Concerns are later.

12 MR. ZELTZER: Later. Okay.

13 VICE CHAIR BRANCIFORTE: Change it into
14 a question.

15 CHAIRMAN AIBEL: That is all right.
16 You will have an opportunity.

17 Anybody else have questions for the
18 architect?

19 Thank you. Please come forward.

20 MR. KRATZ: My name is Allen Kratz,
21 K-r-a-t-z, A-l-l-e-n. I live at 1245 Bloomfield
22 Street.

23 And I have several questions about the
24 comments, Mr. Nastasi, about curb appeal related to
25 the brick, the alignment of the windows, the fence

1 and the stucco on the bump-out on the roof and also
2 the cladding.

3 So on A-2.5, you specified red face
4 brick, and my question is: Is that field laid brick
5 or is that brick panel or is that brickface?

6 I wasn't familiar with the term.

7 (Laughter)

8 THE WITNESS: It is red facade brick.

9 MR. KRATZ: So it goes up in a panel?

10 THE WITNESS: No.

11 MR. KRATZ: You lay it in the field of
12 mortar --

13 THE WITNESS: But it's red facade
14 brick, which is different from Klinker brick or
15 common brick, so it will match the existing
16 building, and on other projects we have sourced
17 those things and --

18 COMMISSIONER MC ANUFF: It's going to
19 be laid brick by brick, correct?

20 THE WITNESS: Yes.

21 MR. KRATZ: The second question is the
22 alignment of the windows. I think if I saw on A-5,
23 it appeared -- do you have A-5 in front of you?

24 THE WITNESS: Yes, we have a set of
25 drawings.

1 MR. KRATZ: A-2.5 actually.

2 It appeared to me that the windows on
3 the extension were slightly out of alignment with
4 the windows at the front of the building to our
5 right that are on the east side of the original
6 structure.

7 Are they -- is the floor plate the
8 same?

9 Is there a reason that the windows show
10 as shorter?

11 THE WITNESS: The windows in the
12 addition are aligned vertically. There are kitchens
13 there. So when you have kitchens, the sill height
14 of those windows typically change to accommodate the
15 kitchen cabinets.

16 MR. KRATZ: You mentioned the fence and
17 that is also shown on A-2.5, and you testified or I
18 guess the planner asserted and corrected that it is
19 a rolling fence rather than one that swings into a
20 public right-of-way?

21 THE WITNESS: Yes. It currently swings
22 into the right-of-way, and based on the comments
23 from the last time, we are proposing a rolling
24 fence, so that it doesn't block the sidewalk when
25 people are walking.

1 MR. KRATZ: So my question is not the
2 way it swings, but the height. I think it is called
3 out as 65.

4 THE WITNESS: No, Allen. I think you
5 are looking at the fence, the demising fence between
6 the neighbors.

7 Let's find that --

8 MR. KRATZ: So how high is the rolling
9 gate fence?

10 THE WITNESS: It would match the
11 height of the existing fence on the house.

12 So the existing fence will stay and get
13 refurbished, and we'll match that height, and it is
14 not six feet high. If you look at A-1, I don't have
15 a dimension on here, but, Allen, it will match here.

16 MR. KRATZ: Okay.

17 And it will be -- that seems to be a
18 historic fence, so you are going to retain that
19 appearance that has the spikes on the top?

20 THE WITNESS: I think it is a beautiful
21 historic fence.

22 MR. KRATZ: And you can convert that to
23 a rolling fence?

24 THE WITNESS: I can't, but the fence
25 guy will, yes.

1 (Laughter)

2 MR. KRATZ: On the rooftop
3 appurtenance, which is the housing for the
4 elevator --

5 THE WITNESS: Yes.

6 MR. KRATZ: -- could you describe what
7 the color of that is going to be?

8 Is that going to be stucco in what
9 color?

10 THE WITNESS: It's going to be a sand
11 color. It will be sort of a typical Hoboken sand
12 color stucco that you see everywhere.

13 MR. KRATZ: And then my final question
14 has to do with the cladding on page A-2.5. Back to
15 A-2.5.

16 On the aureole, there is three or four
17 aureole -- if I could just refresh my memory, I was
18 looking at it on my phone.

19 You are calling this left composite
20 plan clapboard siding on existing -- you call it a
21 bay -- to replace the scalloped wood siding. What
22 is that composite plank? Is that a composite of
23 wood or --

24 THE WITNESS: It is a cementitious
25 composite.

1 MR. KRATZ: And it will appear in brick
2 and horizontal bands?

3 THE WITNESS: Yes, and lapped.

4 MR. KRATZ: And lapped.

5 Very good.

6 Thank you.

7 Mr. Chairman, I have no further
8 questions.

9 CHAIRMAN AIBEL: Thank you, sir.

10 Please come forward.

11 MS. NADDEO: I have a couple of
12 questions.

13 CHAIRMAN AIBEL: Your name and address
14 for the record.

15 MS. NADDEO: My name is Merry Naddeo,
16 N-a-d-d-e-o. My first name is M-e-r-r-y.

17 MR. LEIMBACH: What's your address?

18 MS. NADDEO: 1202 Bloomfield. I am the
19 neighbor to the north.

20 The gentleman over here with the green
21 shirt had mentioned the loss of light to my windows,
22 and I am wondering, is there anything that can be
23 done about that?

24 Now, that sort of scares me, so I guess
25 that is a question.

1 I guess they said is the solarium that
2 important that, you know, all of this light is going
3 to be lost to me on my windows.

4 Another question I have is the
5 elevator. Is there going to be a drain?

6 I mean, water can just accumulate over
7 there on the very heavy rain. Is there a drain?

8 Will there be a drain in between the
9 two houses in case water gets stuck over here, you
10 know, my drain is over -- I have a drain -- I don't
11 know where my drain is now on the roof.

12 But is there going to be a drain or can
13 water accumulate there?

14 And another question is the noise level
15 of this. My son is with me on the top floor, and is
16 that going to be a noise factor?

17 THE WITNESS: There was some testimony
18 last time, but I will reiterate. It was a couple
19 questions you asked.

20 The elevator is built, the shaft of the
21 elevator is built inside of our brick wall, so if
22 there is any sound, it will be in the 1200 property,
23 not your property.

24 MS. NADDEO: Are you a hundred percent
25 sure of that?

1 THE WITNESS: I am a hundred percent
2 sure of that.

3 MS. NADDEO: Okay.

4 THE WITNESS: The drain, there will be
5 multiple drains on our roof. It will be flashed.
6 It will have a brand new roof. It will exceed all
7 of the building codes. Nothing will be built to
8 exacerbate any sort of water issue.

9 MS. NADDEO: Okay.

10 Another issue: You are going to need,
11 you know, construction supplies.

12 How are you going to go about
13 protecting my roof and my property, because when I,
14 you know, I have a Washington Street property, and
15 just to do the roof I had to build the whole thing
16 out, protect the restaurant, protect the passers-by.
17 I am hoping that you have some way of protecting me.
18 That is one concern, and I hope I brought that as a
19 question.

20 Another thing that you had said about
21 that curb cut, I know all about that curb cut.

22 Did you know that the former neighbor's
23 husband went out with a chisel and chiseled it and
24 then she painted it?

25 CHAIRMAN AIBEL: So the question is:

1 Did you know that?

2 THE WITNESS: I did not know.

3 MS. NADDEO: And so how about in good
4 faith since you are taking all of this, the
5 neighborhood would love to have an extra parking
6 space.

7 MR. LEIMBACH: Let's keep it to
8 questions.

9 MS. NADDEO: That would be a lovely
10 thing for you to do, wouldn't it?

11 (Laughter)

12 CHAIRMAN AIBEL: Anybody else have
13 questions for the architect?

14 VICE CHAIR BRANCIFORTE: Well, I didn't
15 hear Ms. Naddeo's first question answered, though,
16 which was about the shadow, correct?

17 MS. NADDEO: Uh-huh.

18 VICE CHAIR BRANCIFORTE: So I need to
19 hear, and maybe you need to hear that answer also.

20 THE WITNESS: I will answer it the best
21 way that I possibly can.

22 VICE CHAIR BRANCIFORTE: What was the
23 question again? What can be done about it?

24 THE WITNESS: Our building is casting a
25 shadow on the neighbor's building. Buildings cast

1 shadows on other buildings. That is why we are only
2 proposing to build within the allowable limits of
3 the zoning code.

4 When you start to do a solar analysis,
5 especially when it's asked of us, you start to see
6 things. We are completely in the shade here by a
7 building that is across the street, so buildings
8 that are across the street are casting shadows on
9 our building, blocking windows and light, but it is
10 a city.

11 Our building casts a shadow. The
12 neighbor's building casts a shadow. That building
13 casts a shadow. The fences cast shadows, so I just
14 want to be careful that we don't misread shadows,
15 because buildings cast shadows especially in cities,
16 especially in densities like Hoboken, a mile square
17 with 50,000 people, buildings cast shadows.

18 So I don't want to go on the record as
19 an architect and a professor that our building is
20 not going to cast a shadow on a neighbor's building
21 because then I sound like I don't know what I am
22 doing.

23 Our building will cast a shadow on the
24 neighbor's building. Our neighbor across the street
25 is casting a shadow on our building.

1 So that is why we are proposing to
2 build a building that's within the allowable limits
3 of height, density, and depth for all of those
4 reasons.

5 Yes?

6 COMMISSIONER MURPHY: How much -- what
7 is the distance between the end of your proposed
8 building and her -- not her butt out on the bottom,
9 but her top two floors, how many feet is that about?

10 THE WITNESS: Okay. Here is the survey
11 on our drawing on A-0.2, and this line appears -- it
12 is hard to say because in the survey, the line of
13 the deck is here. I don't know what that dimension
14 is.

15 The only thing I do know is that the
16 neighbor has an addition that projects almost to the
17 60 foot line that looks like it is slightly shorter,
18 the 60 foot line, and it is a one-story addition,
19 and without beating a dead horse we are proposing
20 only what is in that white dotted envelope, which is
21 the allowable zoning, and it is the way your
22 ordinance is written.

23 CHAIRMAN AIBEL: So the neighbor
24 doesn't have a 20 foot garage in the rear of the
25 property.

1 THE WITNESS: True.

2 COMMISSIONER DE GRIM: Can I ask a
3 question?

4 CHAIRMAN AIBEL: Sure.

5 COMMISSIONER DE GRIM: How far does the
6 existing building extend beyond Ms. Naddeo's
7 building?

8 THE WITNESS: The existing building is
9 65 foot four inches, and we are going to be 60 feet,
10 so we are subtracting our building by five feet four
11 inches. And if you look at the existing --

12 COMMISSIONER DE GRIM: I am not
13 asking -- the dimension now you are talking about
14 includes the white vinyl. I'm not talking about the
15 white vinyl portion. I am talking about the
16 three-story building. The three-story building
17 already extends past the neighbor, correct?

18 THE WITNESS: Yes.

19 COMMISSIONER DE GRIM: And by how much?

20 THE WITNESS: I don't have that exact
21 dimension.

22 COMMISSIONER MC ANUFF: If you go to
23 Google Earth Map and show it.

24 THE WITNESS: What's that?

25 COMMISSIONER MC ANUFF: If you go to

1 Google Earth Map and show it.

2 THE WITNESS: So if you look at Google
3 Earth, the neighbor's building is here, and there is
4 a one-story addition that comes to the yellow line,
5 and our building, the main building, this thing
6 looks like it is several feet past it as it is right
7 now.

8 I don't know the exact number, but just
9 from Google Earth, it is several feet past the
10 neighbor's building.

11 VICE CHAIR BRANCIFORTE: Maybe A-0.3
12 shows it.

13 THE WITNESS: So if you look at the
14 proposed site plan, it looks like a dimension of
15 about three or four feet past the hatch of the
16 neighbor's building. That is the proposed site plan
17 on A-0.3.

18 MS. NADDEO: Can I ask another thing?

19 I asked a question, and I didn't get a
20 response about the construction supplies. How are
21 you going to protect my building?

22 Last time I was here, and I said about
23 the, you know, being on the roof, I was concerned
24 about the roof. Do you remember you said to me:
25 Well, then you call the police, if somebody is on

1 your roof.

2 CHAIRMAN AIBEL: Let's let Mr. Nastasi
3 answer your question.

4 MR. BURKE: First of all, it is now
5 getting into building code issues, and there are
6 building code issues, which would protect you.

7 The applicant would have to send you a
8 certified letter telling you when the construction
9 would commence. Then you take that letter, and you
10 call up your insurance carrier and say, this is
11 going to happen on this date.

12 At that point if anything does happen,
13 you call the Building Department, and you say we
14 have a problem, right?

15 If there is damage done to your
16 building, then the insurer representing the
17 applicant would have to contact your insurer and
18 compensate you for that.

19 MS. NADDEO: At my age I am not going
20 up on the roof. Do you understand me?

21 I am not going to be climbing up a
22 thing doing the ladder.

23 No, it is not funny.

24 MR. BURKE: No. I am not laughing.

25 MS. NADDEO: How do I know that?

1 MR. BURKE: I would not answer that. I
2 am sorry. I don't know the answer to that.

3 You are saying if something was damaged
4 and nobody knows it, I don't know how to answer
5 that.

6 THE WITNESS: The only thing I would
7 say under my responsibilities as the architect, I
8 have to, to protect my license, administer the
9 construction.

10 MS. NADDEO: Okay.

11 But where are the construction supplies
12 going to be?

13 You are going to need a lot of bricks.
14 Where are you going to put them?

15 Are you going to build something on the
16 sidewalk to get it up there?

17 How are you going to get it up there?

18 MR. BURKE: I don't know that. That is
19 a building issue.

20 MS. NADDEO: And then when you are
21 building, how do I know that three-quarters of it
22 isn't on my roof?

23 MR. BURKE: Well, I can only say --

24 THE WITNESS: I would respond as the
25 architect, nothing will be stored on your roof ever.

1 They are not allowed to. It doesn't meet building
2 code --

3 MS. NADDEO: Well, I had it happen on
4 Washington Street.

5 THE WITNESS: -- there are building
6 codes to protect neighbors, and my drawings will
7 have notes on there to protect neighbors.

8 They will be required to repair any
9 damage to any existing condition that is next to the
10 project, if something were to be damaged.

11 You are not allowed to store materials
12 on your property.

13 MR. BURKE: And there are regular
14 building inspections by the City of Hoboken.

15 THE WITNESS: A lot them.

16 MR. BURKE: As the building is being
17 constructed, there are officers from the Building
18 Department that will come out, and hopefully that is
19 the kind of thing they would pick up. I believe
20 they would --

21 THE WITNESS: And the zoning office as
22 well.

23 CHAIRMAN AIBEL: Thank you, Mrs.
24 Naddeo.

25 Anybody else have questions for Mr.

1 Nastasi?

2 MR. WEAVER: I do.

3 (Board members confer)

4 CHAIRMAN AIBEL: Probably not.

5 COMMISSIONER COHEN: He is recused. He
6 can't participate.

7 COMMISSIONER WEAVER: Well, I want the
8 record to show that as a member of the public, not a
9 member of the Board, I asked to speak, and I was
10 denied.

11 COMMISSIONER COHEN: Okay, fine.

12 CHAIRMAN AIBEL: Okay. That is good.

13 MR. WEAVER: Thank you.

14 CHAIRMAN AIBEL: Let's continue.

15 Anybody else have questions?

16 Okay. Seeing none, can I have a
17 motion?

18 COMMISSIONER COHEN: Motion to close
19 public portion.

20 CHAIRMAN AIBEL: Do I have a second?

21 COMMISSIONER MC ANUFF: Second.

22 CHAIRMAN AIBEL: All in favor?

23 (All Board members voted in the
24 affirmative.)

25 MR. BURKE: I have one more witness.

1 CHAIRMAN AIBEL: Sure.

2 MR. BURKE: You all know Mr. Ochab.

3 CHAIRMAN AIBEL: Do you need five
4 minutes?

5 Okay. We are going to take a
6 ten-minute break, okay?

7 No later than 20 of nine because we are
8 doing very well, and we will get out of here.

9 MS. BANYRA: 25 to 9.

10 COMMISSIONER MURPHY: 15 minutes. All
11 right.

12 CHAIRMAN AIBEL: Yes.

13 (Recess taken)

14 CHAIRMAN AIBEL: All right. We are
15 back on the record.

16 Mr. Burke?

17 MR. BURKE: Yes, Mr. Chairman.

18 CHAIRMAN AIBEL: Okay. Everybody, we
19 are back on the record.

20 Thank you.

21 Pat, we are back on the record.

22 Thank you, everybody. We are back on
23 the record.

24 Thank you.

25 MR. BURKE: All right.

1 Mr. Chairman, I wanted to bring back --
2 before I bring up Mr. Ochab, I wanted to bring back
3 John to answer one question because there was some
4 concern about an additional shadow being cast by the
5 height of the building, despite the fact that the
6 building -- there was a question about what kind of
7 shadow that would cast.

8 J O H N N A S T A S I, having been previously
9 sworn, testified further as follows:

10 THE WITNESS: So the board that was
11 marked A-6 actually shows the shadow cast by the
12 existing building. That is the existing building,
13 and it is casting a shadow across the west facade of
14 the neighbor's, in the winter solstice mid day with
15 the worst shadow of the year, winter solstice.

16 The existing building already casts a
17 shadow across the window.

18 The orange tone is the shadow that is
19 increased by the proposed addition.

20 So this -- the windows here, our
21 neighbor's windows here by right of the existing
22 buildings already is in the shadow, and I just
23 wanted to go on the record as saying that based on
24 the existing conditions.

25 VICE CHAIR BRANCIFORTE: But that is at

1 one point of the day at one point of the year.

2 THE WITNESS: The worst part of the
3 day, the worst part of the year.

4 VICE CHAIR BRANCIFORTE: So the worst
5 case scenario, that's what is going to happen for
6 them.

7 COMMISSIONER MURPHY: And it already
8 happens he's saying.

9 VICE CHAIR BRANCIFORTE: And it already
10 happens.

11 THE WITNESS: In the winter solstice
12 when the sun is low in the south of the sky --

13 VICE CHAIR BRANCIFORTE: Right. I get
14 that, John, but --

15 THE WITNESS: -- that the shadow, it's
16 already there.

17 VICE CHAIR BRANCIFORTE: But on the
18 worst day, where the biggest shadow is going to be
19 cast, that is what it is going to look like.

20 THE WITNESS: Right.

21 And in the summer solstice, the windows
22 are in the sun because the sun is up here, so I am
23 showing the worst condition.

24 VICE CHAIR BRANCIFORTE: Right.

25 THE WITNESS: Okay.

1 MR. BURKE: That was it.

2 Any questions for clarity?

3 CHAIRMAN AIBEL: Any questions?

4 THE WITNESS: Thank you.

5 CHAIRMAN AIBEL: Public, any questions
6 for Mr. Nastasi on that point?

7 Okay. So we are ready for your next
8 witness.

9 MR. LEIMBACH: Please raise your right
10 hand.

11 Do you swear or affirm to tell the
12 truth, the whole truth, and nothing but the truth?

13 MR. OCHAB: I do.

14 K E N N E T H O C H A B, having been duly sworn,
15 testified as follows:

16 MR. LEIMBACH: Please state your name
17 and spell your last for the record.

18 THE WITNESS: Ken Ochab. That's
19 O-c-h-a-b.

20 MR. BURKE: Mr. Chairman?

21 CHAIRMAN AIBEL: We accept Mr. Ochab's
22 qualifications.

23 MR. BURKE: Ken, so there are several
24 variances. You visited the site. Let's walk
25 through the variances and apply the criteria.

1 THE WITNESS: Okay.

2 First of all, I want to say that I did
3 submit a report, and the report was dated September
4 19th of this year to the Board. It went through the
5 analysis of the variances and the application
6 itself.

7 In terms of what this application is
8 doing, I think it is fair to say that we have two
9 minor variances with respect to this application,
10 but there are some absolute positives with this
11 application that should be borne out from a zoning
12 perspective.

13 In the first instance we do see the
14 density on this site from the two-unit project to a
15 one-unit project, so it is going to be a
16 single-family home, a large single-family home, but
17 the density will be decreased on this project to be
18 sure.

19 The rear yard setback of the principal
20 building will be increased from 34 to 40 feet, so we
21 have a rear yard that is going to be increased as a
22 result of this project.

23 And the corollary to that is the
24 distance, as we measured the distance from the
25 street, which would be Bloomfield, to the depth of

1 the building. Typically we have a 70 foot
2 limitation, but in this case we have an existing 65
3 foot building, and we're going to reduce that to 60
4 feet.

5 So in terms of the intensity as
6 measured by the depth of the building, it is also
7 going to be reduced as well.

8 The amount of impervious coverage is
9 being reduced. The rear yard area is going to be
10 pervious materials, so in terms of, again, the
11 requirement for impervious coverage, that is also
12 being reduced, and it is clearly a benefit to the
13 project as well as the neighborhood.

14 Then the distance between the principal
15 building as proposed and the accessory building will
16 be increased to 19 feet. Currently it is 13 and a
17 half feet, so we are having a wider yard area.

18 So these are all positive aspects of
19 the proposed application, notwithstanding the fact
20 that we are on an undersized lot, and so we have a
21 preexisting nonconforming condition here as well.

22 If you read my report, you know that
23 the entire Block 250 is composed of undersized lots.
24 That is to say that almost 80 percent of the lots
25 within Block 250 are undersized. And so in terms of

1 looking at this lot in terms of how it may be
2 consistent with the neighborhood character and the
3 neighborhood lot sizes, it is consistent. It's
4 exactly consistent with, again, 80 percent of the
5 lots within the neighborhood.

6 There are a few things here in terms of
7 the conditions going from the existing to proposed
8 conditions, which will remain the same, and that
9 most particularly is the lot coverage. We are at 80
10 percent now. We are going to be at 80 percent if
11 the project is approved, and we are proposing 80
12 percent.

13 Now, 80 percent is an interesting
14 number because typically in Hoboken both accessory
15 buildings and principal buildings are joined
16 together in terms of one lot coverage, a figure,
17 where as I want to say that in other municipalities
18 and in planning in general, that is typically how
19 you would not do it.

20 You would typically have a coverage
21 requirement for your principal building and then a
22 separate coverage requirement for the accessory
23 building. It is a more accurate way of measuring
24 the intensity of use on the site from a lot coverage
25 perspective. So typically you would have, let's

1 say, 60 percent coverage for the principal, and 20
2 percent, or whatever it might be, for the accessory
3 building.

4 It is actually that way in the Court
5 Street zone, where you have, again, it is a
6 different zone because you are encouraging Court
7 Street development, and there the building for the
8 Court Street accessory apartments is 20 percent or
9 400 square feet, as you know, so there we have a
10 disaggregation of the lot coverage requirement.

11 Here it is all put together, and so we
12 have 80 percent, which again, is sort of an
13 interesting way of looking at it, but maybe not
14 entirely correct with respect to the definitions of
15 how we do it. Nevertheless, we are not increasing
16 the lot coverage. The lot coverage is what it is
17 today. We are keeping the same lot coverage as
18 well.

19 The facade masonry is the same at 88
20 percent, and so those are important things with
21 respect to this application.

22 The two variances that are created by
23 the application are -- actually one is the result of
24 changing the type of coverage in the rear yard.
25 Currently today the rear yard is completely

1 impervious. 100 percent impervious coverage, so the
2 proposal here is to change all of that to 95 percent
3 using pervious materials, and that is a benefit,
4 right, so that would certainly be a C-2 variance,
5 where the benefit of having pervious coverage, which
6 would allow water to seep into the ground and
7 infiltrate into the ground would be a positive
8 aspect of the application.

9 However, it is still a variance because
10 the ordinance only allows 50 percent of the rear
11 yard to be at pervious coverage.

12 So if we had a clean slate, we had a
13 vacant piece of property, you would basically be
14 saying, well, only 50 percent of the rear yard could
15 be covered by pervious coverage. But here we have a
16 hundred percent already, so we are actually
17 improving the condition by moving from a hundred
18 percent pavement to 95 percent pervious coverage, so
19 clearly that is a benefit even though it doesn't
20 meet the absolute writing of the ordinance
21 provisions for rear yard areas.

22 Then the second variance that is caused
23 by the proposal is for the setback on the roof deck.
24 The front yard setback is ten feet on the roof deck,
25 five feet from the side yard and rear yard.

1 Of course, here we have a corner lot,
2 so we have ten foot coverage on the front yard, a
3 ten foot setback on the front yard on Bloomfield,
4 but we only have five feet on 12th Street.

5 Here, again, it is a quick in how the
6 ordinance is interpreted. In my view, the writers
7 of the ordinance may not have considered what
8 happens on corner lots.

9 In other urban areas that I work in, it
10 is typical to be allowed to use one of those
11 frontage requirements as a side yard, so you would
12 typically then have ten feet on the main, what is
13 called the main front yard area, which in this case
14 would be Bloomfield, and the secondary street as it
15 is typically called, which would be 12th, which
16 would be five feet.

17 Here we don't have that provision, and
18 yet as the architect testified, the deck is out of
19 sight. It won't be having any impact on the
20 adjacent properties or on the neighborhood in
21 general, so I think the five feet in this case is
22 appropriate, but it just doesn't fit within the
23 strict reading of the ordinance provisions.

24 So these are the two -- these are the
25 only two variances that are caused by the proposal

1 that is before you this evening.

2 As the architect indicated, the
3 proposed principal building is being built within
4 the envelope, the building envelope of the principal
5 building that's created from the zoning ordinance,
6 and the rest of the provisions are preexisting
7 nonconforming conditions, which are not being
8 altered by the proposed application.

9 I will say one more thing: I did take
10 a look at 12th Street and 13th Street and 10th
11 Street, so I walked down each of the streets to look
12 at what the corner lots are like and what happens on
13 the east and west streets with respect to garages,
14 and it seems to me that garages are part of the --
15 part of the general development fabric of each of
16 those east-west streets, and it is particularly true
17 at the corner lots, where the principal buildings
18 are facing either Bloomfield or Garden or Park and
19 the side street is 12th or 13th or 10th.

20 I didn't do 11th Street, because 11th
21 Street has a boulevard down the center of it, and
22 the character of it is completely different, and I
23 didn't do 14th Street, because 14th Street is,
24 again, sort of a major commercial area. It doesn't
25 fit to what we are talking about here.

1 So it's not a discussion about the
2 garage, but if you walk down these three streets,
3 you will find that there are numerous garages on the
4 side street associated with corner lots, and it is
5 just the way that they have developed.

6 In this case we have -- we are keeping
7 that condition. I don't believe it is as of impact
8 to any particular neighbor. We have a neighbor
9 directly to the west with a two-car garage as well.

10 As you know, two-car garages,
11 period, are of great importance to Hoboken as they
12 are scarce commodities, to be completely frank. And
13 in this case we are having a one-family home, a
14 large one-family home, but it will be a large
15 family. It may be staffed. I don't know. So there
16 may be a demand for parking that this existing
17 parking space and garage can accommodate.

18 So there is a lot of discussion about,
19 well, what can we eliminate and why can't we cut it
20 back. But if you look at the streets, the east-west
21 streets, there is a continual pattern here of
22 parking and garages off the east-west streets, and I
23 don't think that that should be a consideration for
24 the Board to enter into a discussion about
25 eliminating it when, in my view, we are already

1 contributing many positive aspects with respect to
2 zoning on this lot, and the variances that are
3 caused by the proposed action here are minor to be
4 sure, in my view.

5 So I will stop there now and answer any
6 questions.

7 MR. BURKE: In your opinion, is the
8 existing extension a visual enhancement to the
9 neighbor, the existing?

10 THE WITNESS: The proposed addition is
11 clearly an enhancement to the neighborhood, because
12 we are, as the architect indicated, we are removing
13 an old structure that has no architectural character
14 whatsoever, and in my view, we are opening up the
15 rear yard area, and again, conforming as much as
16 possible, notwithstanding the preexisting conditions
17 to the zoning provisions of the R-1 Zone.

18 MR. BURKE: Do you see any substantial
19 detriment, if the Board granted this application?

20 THE WITNESS: As I said, we only have
21 two variances. I don't see any substantial
22 detriment with respect to the variance for the roof
23 deck or the variance for pervious coverage.

24 MR. BURKE: There was also a glazing
25 issue, correct?

1 THE WITNESS: I thought the glazing
2 issue was resolved.

3 MR. BURKE: Okay. At one point I
4 thought there was a glazing concern about the
5 percentage, but no.

6 THE WITNESS: I don't talk about
7 glazing anyway, so --

8 (Laughter)

9 So, Mr. Chairman, thank you, and I will
10 be happy to answer questions.

11 CHAIRMAN AIBEL: Mr. Cohen?

12 COMMISSIONER COHEN: I had a question
13 for you about the backyard.

14 I mean, it is clear from the pictures
15 that by having more open view by widening the
16 backyard by using pervious pavers, that that is an
17 improvement, right, but is that obviated if there
18 are cars on those pervious pavers?

19 I mean, does the community get the full
20 benefit of having that sight line and having those
21 pervious pavers, if there are cars on it?

22 I know we have talked a lot about the
23 cars in the garage, and I understand that the garage
24 is an existing asset, and it's a two-car garage, but
25 this is adding a third car to the backyard.

1 If I understand the application
2 correctly, because frankly, I didn't understand that
3 before tonight, but wouldn't that mitigate the
4 benefits of having that open space and the widening
5 of the yard, if you have a car -- and I see the
6 pictures don't have vehicles sitting on that. It is
7 just open.

8 THE WITNESS: Right.

9 COMMISSIONER COHEN: But I mean, if
10 there was a car back there regularly, wouldn't that
11 be a detriment to the neighborhood or to the
12 positive impact of having that open space?

13 THE WITNESS: From a planning
14 perspective -- first of all, from my knowledge of
15 the site, there are three spaces there today. There
16 is one outside and two inside --

17 COMMISSIONER COHEN: I understand that.

18 THE WITNESS: -- so converting the
19 pavement to porous pavers is a stormwater issue. It
20 is not necessarily an esthetic issue or the ability
21 to park or not park. So the benefit here is for
22 stormwater purposes. It's not for any other
23 purpose, so there is sort of a disconnect for me
24 between having the parking space there on the
25 pervious coverage or having it on impervious. For

1 me, it is same except from a stormwater standpoint,
2 there is a benefit there.

3 COMMISSIONER COHEN: Okay. I mean, I
4 understand that having pervious pavers is a benefit,
5 but you also talked about the widening of the open
6 space, right? I mean, that was one of the benefits.

7 THE WITNESS: Right, because the yard
8 will be wider.

9 COMMISSIONER COHEN: Because it will be
10 a wider yard.

11 And I guess my question is: Isn't the
12 benefit of having a wider yard mitigated by having a
13 Chevrolet in the middle of that open space?

14 THE WITNESS: Well, it is at the west
15 end actually --

16 COMMISSIONER COHEN: But you understand
17 my question?

18 THE WITNESS: I get your point.

19 VICE CHAIR BRANCIFORTE: Well, we
20 didn't get an answer to the question, though.

21 THE WITNESS: Well, I think the amount
22 of open space is a function of the user of the
23 property.

24 You know, I talk to many people about
25 parking. They would like an additional parking

1 space, and we have had applications, where, quite
2 frankly, we are fighting with applicants because
3 they want to keep parking spaces for their car to be
4 off the street as opposed to -- and they are willing
5 to give up that 9-by-20 area of open yard area, so
6 they can park their cars --

7 COMMISSIONER COHEN: Right.

8 THE WITNESS: -- so it is more or less
9 a quality of living for them.

10 COMMISSIONER COHEN: But we also have
11 many applicants -- I know you are talking about a
12 roof deck, but you're also talking about -- I mean,
13 we have many applicants who would very much like to
14 have a table and chairs and a barbecue on pervious
15 pavers, and that is a use of the owner as well, but
16 it's not the kind of use that would have as negative
17 an impact as a vehicle there next to a two-car
18 garage. I mean --

19 THE WITNESS: Again, I think it is more
20 of a personal decision here, that the owner or the
21 user of the property could say, well, I am not going
22 to park my car there, but that would be a choice he
23 makes, but it is --

24 CHAIRMAN AIBEL: Is parking --

25 COMMISSIONER COHEN: I understand that,

1 but I mean, obviously there are choices for the
2 Zoning Board as well when it comes to options for
3 using space and the impact on the community. So I
4 mean, I guess, the thought that I would share is to
5 think that having two parking spots and a garage
6 with a beautiful green roof on top is already a
7 significant parking -- and I realize it is
8 preexisting --

9 THE WITNESS: I hear it.

10 CHAIRMAN AIBEL: But parking is not
11 permitted in the R-1, is that correct?

12 THE WITNESS: That is correct. It is
13 not, but it is there.

14 CHAIRMAN AIBEL: You know, but you are
15 asking for variances on a nonconforming building and
16 lot, so as Mr. Galvin would say, if he were here,
17 everything is new. It is all up for grabs. We are
18 not allowing curb cuts in the R-1.

19 We knocked down numerous applications
20 to do just that. The fact that it was preexisting,
21 you know, it is great, but I don't think that means
22 this Board has to accept every condition that was
23 preexisting, plus allow the variances that you are
24 asking for.

25 So, you know, I am having some

1 difficulty understanding sort of picking and
2 choosing between what was good and preexisting, and
3 what would be desirable to get out of a Zoning Board
4 application, so that was not a question, Mr. Ochab,
5 and I apologize.

6 (Laughter)

7 Let me ask --

8 THE WITNESS: It is okay. I don't know
9 how to answer that anyway.

10 (Laughter)

11 COMMISSIONER COHEN: Just to wrap up my
12 point, I mean, if you look at the drawings on the
13 application, what you see is pervious pavers and a
14 nice fence and lots of light, and that is shown to
15 us as an attractive use, and I agree. I think that
16 is an attractive use, but the pictures don't show a
17 vehicle in the middle of that yard --

18 COMMISSIONER MC ANUFF: Right.

19 COMMISSIONER COHEN: -- so I guess what
20 I'm saying is if the concept that you are presenting
21 is an upgrade of the neighborhood, a more beautiful
22 neighborhood, more air, more light, enlivening of
23 the donut -- the area behind the property of
24 pervious pavers seems to me that a logical part of
25 that application would not be to have a vehicle in

1 the middle of that open space. That's just my view.

2 THE WITNESS: I will only say that -- I
3 will point out in my report, photo number six, which
4 is directly across from the garage, it is the --
5 this would be the south side of 12th Street.

6 Photo number six shows a gate, a fence,
7 and it shows half of a car, you know, parked on the
8 site, so --

9 COMMISSIONER COHEN: Right. But that
10 property also does not have a separate garage. That
11 is the only parking on that property. I am familiar
12 with it.

13 THE WITNESS: Right.

14 But the point is that if people want to
15 use their yard for parking, they should be allowed
16 to use it for parking, if it had been there already
17 under a preexisting condition.

18 I totally agree if we had a blank
19 slate, and we were doing a whole new building, I
20 wouldn't be standing here talking about that.

21 COMMISSIONER COHEN: I agree.

22 But the reason I am asking the
23 question, I am not asking the question to deprive
24 this property of parking. I am just saying as a
25 two-car garage that exists, the thought of having a

1 third spot in what is open space in the pictures
2 that we are looking at seems to be a lot.

3 That is it.

4 CHAIRMAN AIBEL: I also have a
5 fundamental question whether that third spot is in
6 any way a legal spot. I have not heard any proof
7 tonight that it is, so --

8 MR. BURKE: Well, Mr. Chairman, we
9 searched thoroughly, and there is no proof in City
10 Hall. I do understand that this spot was created on
11 or about 1969, so it's been there close to 50
12 years --

13 MS. NADDEO: At least 1972.

14 MR. BURKE: -- all right. I may be off
15 a year, but let's say 1970 for the sake of argument,
16 I understand that is when it was created and it's
17 been there ever since. There are no violations
18 against the building, and so I am afraid what you
19 are asking is something that we can't prove, but we
20 absolutely tried.

21 COMMISSIONER COHEN: But, Mr. Chairman,
22 there is also no proof that it is illegal either.
23 There is no proof either way. It exists.

24 MR. BURKE: Let me tell you something,
25 Mr. Chairman --

1 CHAIRMAN AIBEL: The only proof in the
2 record so far I think is from Mrs. Naddeo who says
3 she saw the prior neighbor chip out the curb, so
4 whether it's still legal --

5 COMMISSIONER COHEN: I don't believe
6 that is proof. You can ask counsel, but I don't
7 think --

8 MR. BURKE: Let me say this --

9 COMMISSIONER COHEN: -- that is
10 hearsay.

11 MR. BURKE: -- I think you know Ms.
12 Holtzman, our zoning officer, and Ms. Holtzman --

13 CHAIRMAN AIBEL: She testified to that
14 personally. She came in and got sworn, and said she
15 saw the prior owner chipping out the curb.

16 COMMISSIONER COHEN: No. She said she
17 heard that that happened.

18 MS. NADDEO: No. I said I saw it.

19 VICE CHAIR BRANCFORTE: You know --

20 CHAIRMAN AIBEL: Well, we are getting
21 into deliberations, so let's keep going with
22 questions for Mr. Ochab.

23 MR. BURKE: Ms. Holtzman is doing a
24 very thorough job as the zoning officer, and I know
25 from clients that come to me, she is picking up on

1 different things, and she did not make this an issue
2 at all.

3 So, you know, I think we're trying to
4 prove a negative, but, you know, I can tell you,
5 clients have come to me and said Ms. Holtzman just
6 cited this on me, and cited that on me. She has
7 been through this town, and this is ultimate
8 centurious. It is not something that is in a
9 basement or hidden in a backyard. So I would
10 suspect at this point, if there was an issue, it
11 would have been brought to light.

12 CHAIRMAN AIBEL: Okay. Then I think
13 Mr. Cohen's points are well taken.

14 Anybody else have questions for Mr.
15 Ochab?

16 COMMISSIONER MC ANUFF: No.

17 VICE CHAIR BRANCIFORTE: Mr. Ochab,
18 this is the same question I asked Mr. Nastasi, but I
19 will ask you the same.

20 You talk about, you know, you are going
21 to do away with this extension that's covered and
22 clad in vinyl, and you're going to do away with the
23 clad vinyl bay windows, and it is going to be an
24 improvement, and it's going to be a positive for the
25 neighborhood.

1 Again, can't that be done without
2 coming to the Zoning Board?

3 THE WITNESS: Well, the addition
4 cannot.

5 VICE CHAIR BRANCIFORTE: No, the
6 improvements, the so-called improvements of removing
7 that vinyl siding from the building, can't you do
8 that without coming to us?

9 THE WITNESS: I will answer it with a
10 condition.

11 MR. BURKE: That was answered. Mr.
12 Nastasi said --

13 VICE CHAIR BRANCIFORTE: Well, no.
14 Now, I want to hear it from the planner, though.

15 MR. BURKE: He is a planner. He's not
16 an architect.

17 VICE CHAIR BRANCIFORTE: Well, I'm
18 asking: Can it be done without a variance?

19 THE WITNESS: From a zoning
20 perspective, yes, it can.

21 VICE CHAIR BRANCIFORTE: Okay.

22 And, again, you don't feel as though --
23 we have this roof deck, okay, and you say there is
24 no detriment to the neighborhood. But if we are
25 encouraging this family, whoever moves in there, to

1 use the roof deck rather than the backyard, aren't
2 we kind of separating them from the rest of the
3 neighborhood rather than being out in the backyard
4 talking to their neighbors, they are going to be on
5 their private little deck up top, where they don't
6 have to deal with people?

7 I mean, isn't that a detriment to the
8 neighborhood?

9 THE WITNESS: The rear yard area here
10 is 19 feet, so parking a car is seven feet, so it's
11 still another 12 feet of area, if they want to park
12 the car there, or if they don't want to move it out
13 onto the street, so they can do something else in
14 the rear yard. There are a number of options here.
15 I don't think that car precludes enjoyment of the
16 rear yard.

17 MR. BURKE: So is the deck a detriment?

18 THE WITNESS: No. I don't think that
19 was the question, though.

20 MS. BANYRA: It was.

21 MR. BURKE: It was.

22 COMMISSIONER MC ANUFF: I think it was.

23 VICE CHAIR BRANCIFORTE: Well, it was.

24 I mean, I wanted to know if encouraging these people
25 to go on the roof, rather than going onto the stoops

1 or going into the backyard would be a detriment to
2 the community.

3 THE WITNESS: But the question
4 shouldn't be whether the deck is a detriment,
5 because it is permitted under the ordinance. It's
6 more a question of --

7 VICE CHAIR BRANCIFORTE: Then why are
8 you here asking for a variance?

9 Because you need --

10 THE WITNESS: -- how big it can be --

11 VICE CHAIR BRANCIFORTE: Right. So you
12 are here asking for a bigger deck.

13 THE WITNESS: We're asking for relief
14 from the setback --

15 VICE CHAIR BRANCIFORTE: So it's up for
16 discussion then. You can't just say, well, we're
17 allowed to do it, so we can --

18 THE WITNESS: No. But you are asking
19 me a question, is the deck itself a detriment.

20 I am saying how could it be a detriment
21 when it's permitted by the ordinance. The only
22 question is the size of the deck.

23 VICE CHAIR BRANCIFORTE: So if the size
24 was smaller, maybe it would encourage people to hang
25 out in the backyard rather than sending their kids

1 to the roof.

2 THE WITNESS: I don't know how you can
3 come to that conclusion.

4 VICE CHAIR BRANCIFORTE: All right.
5 Thanks.

6 CHAIRMAN AIBEL: Are accessory
7 buildings permitted in the R-1?

8 THE WITNESS: Yes.

9 CHAIRMAN AIBEL: They are permitted if
10 they can conform with the 60 percent lot coverage
11 requirement, is that correct?

12 THE WITNESS: Yes.

13 CHAIRMAN AIBEL: So if I had a 40 foot
14 house, as I happen to have, I could go build a 17
15 foot accessory building in the back of my yard, is
16 that correct?

17 THE WITNESS: Yes, you could.

18 CHAIRMAN AIBEL: On a conforming lot?

19 THE WITNESS: Yes, you could.

20 CHAIRMAN AIBEL: On the Court Street
21 zone, the rules are different. It allows a 60
22 percent principal building and a 20 percent -- well,
23 it allows 80 percent lot coverage, split 60 percent
24 and 20 percent, correct?

25 THE WITNESS: Right. That was my point

1 earlier, yes.

2 CHAIRMAN AIBEL: So, you know, I think
3 as I am viewing this, Mr. Ochab, the rules are
4 different. They were intended to be different.
5 Otherwise, the rules would be the same, and I am
6 having trouble understanding how we can just accept
7 the argument that this property can be developed as
8 completely as this applicant wants it to, when in
9 effect if you came in today with a piece of
10 property, you could never replicate this.

11 You couldn't get the curb cut. The
12 parking is not permitted at all.

13 So, again, I am having difficulty with
14 the intensity that this applicant is trying to use
15 on a corner property, and parenthetically in that
16 donut, a lot of those building are 40 percent. So I
17 think, you know, if you want to go back to history,
18 I think probably it was -- we originally had 40
19 percent principal buildings with accessory buildings
20 at 20 percent, which I understand was the rule at
21 some point long ago, and it was changed to create a
22 60 percent principal building.

23 MR. BURKE: And, Mr. Chairman, I will
24 have to add then, I am sure the garage has been
25 there for a hundred years, and that was allowed, and

1 rules change --

2 CHAIRMAN AIBEL: Well --

3 MR. BURKE: -- you know, it is apples
4 to oranges --

5 CHAIRMAN AIBEL: -- it doesn't mean
6 that we have to permit everything that this
7 applicant is asking for.

8 MR. BURKE: No, I am not saying that.

9 I'm just saying you made a point about
10 the distance of the building, and I am saying that
11 the garage has been there probably about a hundred
12 years. It was probably for horses a hundred years
13 ago, and I am sure it was permitted then.

14 THE WITNESS: I will say this also from
15 again a planning perspective.

16 We have an unusual set of circumstances
17 here because we have preexisting nonconforming
18 conditions.

19 So the objective is to -- is to try to
20 bring as to a certain extent based on the action
21 that is being proposed to try to remedy some of the
22 preexisting nonconforming conditions and improve the
23 site to make it more conforming to the ordinance,
24 and I think we have done that.

25 CHAIRMAN AIBEL: Well, I am not sure

1 you are doing that with that car in the middle of
2 your backyard.

3 But does anybody else have questions
4 for Mr. Ochab?

5 COMMISSIONER GRANA: No.

6 CHAIRMAN AIBEL: Let me open it up to
7 the public.

8 Questions for the planner.

9 Please come forward.

10 MS. NADDEO: Yes. I'll try to phrase
11 it correctly.

12 CHAIRMAN AIBEL: This is questions, not
13 comments.

14 MS. NADDEO: Merry Naddeo, M-e-r-r-y.

15 You're -- hum, have any of you looked
16 at that curb cut? It is --

17 COMMISSIONER COHEN: Questions for him.

18 THE WITNESS: That is only for me.

19 MS. NADDEO: Have you looked at the
20 curb cut?

21 THE WITNESS: No.

22 MS. NADDEO: Okay. The curb cut is not
23 a legitimate curb cut.

24 MR. LEIMBACH: This is questions only.
25 You will have a chance at the end to make your

1 statement.

2 MS. NADDEO: Well, go look at it, okay?

3 He hasn't looked at the curb cut.

4 THE WITNESS: No. I am not an
5 engineer, so I wouldn't be able to tell you one way
6 or the other, so I will be happy to look at it,
7 though.

8 (Laughter)

9 MS. NADDEO: Anybody can look at it and
10 see it isn't legit.

11 CHAIRMAN AIBEL: Any questions for Mr.
12 Ochab?

13 MR. ZELTZER: Yes.

14 CHAIRMAN AIBEL: Please come forward.

15 State your name and address.

16 MR. ZELTZER: Amihai Zeltzer, 1207
17 Garden Street.

18 What is the size of the plan -- parking
19 garage that is outdoor, you know, on the back of the
20 building?

21 THE WITNESS: The current garage?

22 MR. ZELTZER: Here.

23 THE WITNESS: Oh, this space here,
24 that's 19 feet.

25 MR. ZELTZER: How many cars can you

1 park in 19 feet?

2 THE WITNESS: All we are doing is
3 saying we have two garage spaces, and we have one
4 parking space next to the garage, and that is what
5 we want to keep.

6 MR. ZELTZER: Just answer my question.
7 How many cars you can park legally next
8 to each other in 19 feet?

9 THE WITNESS: In 19 feet, two.

10 MR. ZELTZER: Thank you.

11 CHAIRMAN AIBEL: Any other questions
12 for Mr. Ochab?

13 Ms. Naddeo?

14 MS. NADDEO: Do you know that the lady
15 that used to own this house would not all of the
16 time park in there?

17 She would park here, so she had her own
18 space. You know, she would not park in there, very
19 seldom. She would park out here, which in my
20 opinion is a little piggy.

21 CHAIRMAN AIBEL: That's for in a
22 minute. That wasn't a question.

23 So does anybody else have questions for
24 Mr. Ochab?

25 COMMISSIONER COHEN: Motion to close

1 public portion.

2 COMMISSIONER MC ANUFF: Second.

3 CHAIRMAN AIBEL: All in favor?

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

6 CHAIRMAN AIBEL: Okay. I guess it is
7 time to open it up for public comments.

8 Now is the time for comment. If you
9 would like to support the application, now is the
10 time to come forward.

11 If you would like to say something
12 against the application, now is the time to come
13 forward.

14 Does anybody wish to be heard?

15 MR. ZELTZER: Yes.

16 CHAIRMAN AIBEL: Sir, come forward, and
17 now you get sworn in, because you are testifying
18 now.

19 MR. LEIMBACH: Please raise your right
20 hand.

21 Do you swear or affirm to tell the
22 truth, the whole truth, and nothing but the truth?

23 MR. ZELTZER: Absolutely.

24 MR. LEIMBACH: Thank you.

25 State your name again for the record.

1 MR. ZELTZER: Amihai Zeltzer, 1207
2 Garden Street.

3 MR. LEIMBACH: Thank you.

4 MR. ZELTZER: So I took some comments,
5 and I have some concerns as the residents on this
6 block.

7 And to begin with, the most painful
8 area on this building is sunlight. This is what you
9 are going to hear from any neighbor because there is
10 only two directions that we can get sun.

11 So when I heard that they are going to
12 build another structure on top of this roof, I took
13 pictures of what is happening in the morning when
14 the sun rise.

15 So what is happening on this block, and
16 there is no good picture here to look from, but you
17 can imagine that if we look at this picture, for
18 example, you know, I'll take this one --

19 CHAIRMAN AIBEL: Is there a number on
20 it or a letter?

21 MR. ZELTZER: There is, so let's take
22 this one for a moment.

23 CHAIRMAN AIBEL: Tell us what number it
24 is, please.

25 COMMISSIONER DE GRIM: On the orange

1 sticker.

2 COMMISSIONER MURPHY: A-2 or A-3?

3 MR. ZELTZER: On A-3, so with the
4 season, starting from the summer coming from the
5 winter, the sunlight comes from here to what is
6 Garden Street, and the sun travels this way.

7 So at some point this building has a
8 significant in part of -- in case you are going to
9 rise it -- significant part on blocking the sun that
10 is coming to these buildings.

11 So I live here, and I took pictures of
12 the morning sunlight that is coming now as the sun
13 comes on top of this building --

14 MR. LEIMBACH: Hold on a second.

15 It is a little bit of a tricky
16 situation, because you need to have something
17 printed out to be marked as an exhibit.

18 MR. ZELTZER: I can send you an email.

19 MR. LEIMBACH: You can do that, okay.

20 And can you just show counsel first the
21 photo that you are going to be showing?

22 MR. ZELTZER: So this is our middle
23 floor. The second floor sun coming in, right now as
24 it is. If you are going to build on top of it, it's
25 going to go away.

1 MR. BURKE: I don't know if I agree
2 with that, but I hear what you are saying.

3 He is showing me a picture of sunlight
4 in the room. I have no understanding of it, that
5 this addition could cause a reduction in sunlight.

6 CHAIRMAN AIBEL: Can we identify that
7 and either number it or letter it?

8 MR. LEIMBACH: Is this a picture you
9 took?

10 MR. ZELTZER: Yes.

11 MR. LEIMBACH: All right. So I'm
12 going to ask you some questions first before.

13 When did you take this photo?

14 MR. ZELTZER: The moment the sun came
15 on top of this roof.

16 MR. LEIMBACH: When?

17 What day?

18 What time?

19 MR. ZELTZER: Like 6:45 a.m., 7 a.m.,
20 8:10 a.m.

21 MR. LEIMBACH: What day?

22 CHAIRMAN AIBEL: What day?

23 COMMISSIONER MURPHY: What day?

24 CHAIRMAN AIBEL: Yesterday?

25 MR. ZELTZER: Several pictures. Just

1 recently, in the last week.

2 MR. LEIMBACH: You took them?

3 MR. ZELTZER: Yes.

4 MR. LEIMBACH: So it accurately
5 reflects --

6 MR. ZELTZER: Yes.

7 MR. LEIMBACH: -- what is this a
8 picture of?

9 MR. ZELTZER: This is as accurate as it
10 can be.

11 MR. LEIMBACH: What is this a picture
12 of? You're inside of your room?

13 MR. ZELTZER: This is the second floor
14 room.

15 So the top room would get the first
16 sunlight. I have a picture of that, too. That's
17 going to be the second one that's going to get
18 sunlight, and then the kitchen is going to get
19 sunlight.

20 MR. LEIMBACH: So I'm going to mark --

21 MR. ZELTZER: All of them are going to
22 lose sun --

23 MR. LEIMBACH: -- hold on one second.

24 MR. BURKE: I am sorry, but I have to
25 object. I mean, it is not fair to have a computer

1 rendering of something. We should see photographs.
2 We have done that, and I know the gentlemen has
3 every right to come here, but I just object to that
4 as an admission --

5 MR. NASTASI: If I could just add one
6 more thing in the effort of clarity.

7 Here is the neighbor's garage. He is
8 here or he was here. He has a second garage. He
9 has a building.

10 This gentleman's back facade for
11 clarity is over here four houses away.

12 MR. ZELTZER: Are you talking about me?

13 MR. NASTASI: 1207, right?

14 I am not working on this. You're on
15 Garden --

16 MR. ZELTZER: No, look here. Look
17 here. This is a better view. This is the building,
18 and this is my house.

19 MR. NASTASI: Okay.

20 So this facade, this facade, for
21 clarity, if you look at this image, is over here.
22 It is over here, so the light coming in the window
23 in that photograph is fantastic. I think it looks
24 beautiful.

25 I don't think this box here is going to

1 impact the sun way over here. And if there were
2 more of a more accurate diagram, I think it would be
3 easier to understand. But sometimes it just
4 becomes --

5 MR. ZELTZER: But that --

6 MR. NASTASI: -- that is a long way
7 away, and I am going on the record, that is a long
8 way away for a house to cast a shadow that far away.

9 CHAIRMAN AIBEL: We understand and it
10 may go --

11 MR. ZELTZER: Well, that's irrelevant,
12 so I'm not -- these are pictures that were taken at
13 the time of day and stamped, time stamped, so you
14 are welcome to come to my house any time.

15 CHAIRMAN AIBEL: Well, I think what we
16 will do is we are going to mark the photo. He will
17 send in photocopies for what they are worth.

18 Your objection is noted on the record,
19 and we will take it, you know, for what it is worth
20 as a matter of weight, so --

21 MR. LEIMBACH: Can you email any of the
22 photos that you are going to be discussing to that
23 email address?

24 MR. ZELTZER: Sure.

25 MR. LEIMBACH: So that first photo we

1 will mark as --

2 MS. CARCONE: N-1, Neighbor 1.

3 MR. LEIMBACH: Yes.

4 (Exhibit N-1 marked)

5 CHAIRMAN AIBEL: Can we describe that

6 as a photo of your second floor parlor room?

7 How would you describe it, sir?

8 MR. ZELTZER: Second floor office.

9 CHAIRMAN AIBEL: Thank you.

10 Would you write that down?

11 Thank you.

12 MR. BURKE: The question is: When he

13 sends these in, how do I know that they are the same

14 thing he showed tonight?

15 CHAIRMAN AIBEL: That's a fair

16 question.

17 MR. ZELTZER: I am showing them to the

18 people, so we're all --

19 MR. BURKE: Yeah, I know, but memories

20 fade. I don't know how we can prove that.

21 MR. ZELTZER: It's the same thing like,

22 you know, like presenting this, how are we going to

23 remember this.

24 MR. BURKE: Because we brought the

25 photograph, and it is going to be in the zoning

1 office upstairs, and you can go look at it.

2 CHAIRMAN AIBEL: I think your objection
3 is noted.

4 MR. ZELTZER: I can send you an email,
5 if you want, if that helps.

6 CHAIRMAN AIBEL: Let's just continue.
7 How many do you have?

8 MR. ZELTZER: I can show another couple
9 and that's it.

10 CHAIRMAN AIBEL: Yes. One or two more.
11 I think we have the idea.

12 MR. ZELTZER: Yeah.

13 So this is the first floor, kitchen.
14 We see how much sun we get, and this is right when
15 the sun is right on top of this building. All of
16 this is going to go away as soon as we have another
17 floor on top of this.

18 CHAIRMAN AIBEL: Pat, that is N-2,
19 What do we have?

20 MS. CARCONE: That's a separate one,
21 N-2.

22 VICE CHAIR BRANCIFORTE: It's a picture
23 of the kitchen.

24 MS. CARCONE: Kitchen.

25 (Exhibit N-2 marked)

1 MR. ZELTZER: And this is a great
2 picture of the office windows, where you can
3 actually see the building and the sun on top of it.

4 This is the building we are talking
5 about, and the sun is shining right on top of this
6 roof.

7 CHAIRMAN AIBEL: So is it possible that
8 it would come over the building, over the extension?

9 MR. ZELTZER: Right now it comes right
10 on top of the cornice.

11 CHAIRMAN AIBEL: So if the building
12 were built towards Garden Street --

13 MR. ZELTZER: And high --

14 CHAIRMAN AIBEL: -- well, it's going to
15 go to the height of the current building.

16 COMMISSIONER MC ANUFF: The height is
17 not changing.

18 COMMISSIONER MURPHY: Except for the
19 bulkhead.

20 MR. ZELTZER: The terrace on top and
21 the eight foot building structure on top, and we are
22 extending it even more, so --

23 CHAIRMAN AIBEL: Okay.

24 MR. ZELTZER: -- you are going to lose
25 sun. You're going to lose at least an hour, if not

1 two hours of sunlight.

2 CHAIRMAN AIBEL: So would you describe
3 that photo, please?

4 MR. ZELTZER: This is two windows
5 looking out from the office.

6 CHAIRMAN AIBEL: Okay. N-3.

7 (Exhibit N-3 marked)

8 So I think that is adequate for us.

9 MR. ZELTZER: So, again, that was my
10 first concern coming in here to show you guys, you
11 know, and get a good visual of what it means to not
12 have the sun on those buildings, because we really
13 depend on this sunlight to get light into the house.
14 This is really something we need to think of.

15 My first question to the architect was,
16 you know, I was thinking in the beginning that the
17 structure on top of the building is for the elevator
18 machine. But if all of the machinery for the
19 elevator is from inside of the building, then I
20 don't understand why we need the infrastructure on
21 top of the building.

22 Then I was told there would be a
23 terrace on the top of the building.

24 And if it is a balcony on top of the
25 building, it's a major concern because what I hear

1 here, a single-family doesn't make me feel better
2 with a four-car garage because I don't know any
3 single-family in Hoboken with four cars.

4 MR. BURKE: Three.

5 MR. ZELTZER: It would be possible to
6 park four cars in this two-car garage and another
7 car --

8 MR. BURKE: One.

9 MR. ZELTZER: -- no, parking lot, which
10 you could fit two cars side by side --

11 (Everyone talking at once)

12 MR. BURKE: It could never be -- there
13 is three legal spots --

14 MR. ZELTZER: I can see -- I can see
15 how it's going to happen.

16 So I can clearly see, and my concern is
17 that one single-family is going to turn into four
18 families, which one of them is going to have three
19 bedrooms. I can see the potential of rental for
20 this building --

21 MR. BURKE: Hang on, hang on. We have
22 to bring it back --

23 MR. ZELTZER: That's my concern --

24 CHAIRMAN AIBEL: He is making his
25 closing statement.

1 MR. BURKE: I understand that, but it
2 is not relevant to the application before you.

3 MR. ZELTZER: So he is going to have
4 four families or four students --

5 MR. LEIMBACH: Hold on.

6 MR. ZELTZER: -- or four couples with
7 kids living in a building that is meant to be for
8 one family with four cars on that two-car parking
9 garage and this parking lot next to it, so that is
10 another major concern that I have.

11 And to your point, a roof deck, if I
12 need now to -- so that is just assuming we have
13 neighbors there, they are going to have parties on
14 that roof deck, and that's noise, so that is another
15 concern that I have.

16 So all of this together, I am just
17 looking here at my notes, that's pretty much it.

18 CHAIRMAN AIBEL: Thank you, sir.

19 Anybody else have comments, now is the
20 time.

21 Ms. Naddeo?

22 MS. NADDEO: I'm also --

23 MR. LEIMBACH: Please, I have to swear
24 you in first.

25 MS. NADDEO: What did you say?

1 MS. NADDEO: I have to swear you in
2 first.

3 MS. NADDEO: Oh, okay.

4 MR. LEIMBACH: Please raise your right
5 hand.

6 Do you swear or affirm to tell the
7 truth, the whole truth, and nothing but the truth?

8 MS. NADDEO: Absolutely.

9 MR. LEIMBACH: State your name again.

10 MS. NADDEO: Merry Naddeo.

11 MR. LEIMBACH: Thank you.

12 MS. NADDEO: Now, that cut was not
13 made -- the cut to the sidewalk was not made in
14 1969.

15 I moved there as a kid. I wasn't even
16 out of college. My father bought me that house
17 because I am a piano player, and I played
18 incessantly, and my mother had MS, so she couldn't
19 stand the music all of the time. So my father -- a
20 client came to my father, and my father was a
21 lawyer, and said "I am selling my house."

22 He said, "Well, how much do you want
23 for it?"

24 She said what she wanted, and he bought
25 it, and I went in there. I wasn't even out of

1 school, so I could practice.

2 I came there two months --

3 MR. LEIMBACH: So you bought the house
4 and --

5 MS. NADDEO: -- I came two months after
6 Marion, and that was in 1970.

7 VICE CHAIR BRANCIFORTE: Marion is the
8 woman that lived on the corner?

9 MS. NADDEO: Marion lived there before.
10 I came two months after her. That cut was not made.

11 I did not hear they did it. I saw it.
12 If you look at that cut, you can see the chisel
13 marks, and then Marion painted it.

14 Now, she hardly ever pulled her car in
15 there, because now she has her own space on the
16 street, and the fights between her and the Cormans
17 are incredible. They are notorious. You know that.
18 They wouldn't speak to each other, because she said,
19 gee, at least, you know, you have these two. At
20 least let us have, you know, a place to park.

21 Anyway, I am also concerned about the
22 noise on the roof.

23 And I remember Carol Marsh when she was
24 here at the last meeting said: How do you define
25 family?

1 Do you remember her comment saying
2 that?

3 MR. LEIMBACH: This is a new
4 application --

5 MS. NADDEO: How do you define a
6 family --

7 MR. LEIMBACH: -- we can't really go
8 back to testimony. You can only testify about your
9 own --

10 MS. NADDEO: Okay. Well, I am telling
11 you that, you know, one family could be five guys
12 from a corporation, and that is what I am worried
13 about, because there are a couple houses on the
14 other side that are into corporations, and a few of
15 the neighbors on that side have complained.

16 They said to me, Oh, my God, I hope it
17 is not the same people that are renting these houses
18 out, because it is a disaster. So that is what I am
19 concerned about.

20 And I think it would be a nice gesture
21 to give that parking space back to everybody. I am
22 not asking for it for me, but it's one more parking
23 space, and it was done surreptitiously at the
24 beginning, and maybe, you know, people had
25 connections, and that is -- and then when they did

1 it, the people across the street did it, and it got
2 to be done all over the place.

3 And now we have a mayor that puts
4 yellow lines, red lines, you can't park here, you
5 can't there. It is getting ridiculous. It's
6 absurd --

7 CHAIRMAN AIBEL: Thanks --

8 MS. NADDEO: -- so I think that would
9 be a nice gesture to the community.

10 CHAIRMAN AIBEL: -- thanks, Ms. Naddeo.

11 Anybody else have comments?

12 Sir, come forward.

13 We'll swear you in.

14 MR. KRATZ: Allen Kratz.

15 MR. LEIMBACH: Do you swear or affirm
16 to tell the truth, the whole truth, and nothing but
17 the truth?

18 MR. KRATZ: I do so affirm.

19 MR. LEIMBACH: Thank you.

20 MR. KRATZ: Allen Kratz, A-l-l-e-n,
21 K-r-a-t-z. 1245 Bloomfield Street.

22 I came here tonight not knowing -- not
23 having full knowledge of the application. I came
24 with an open mind, and I had some questions about
25 the application which, Commissioners, I think you

1 heard.

2 I have great concerns about the hole in
3 the donut and making sure that we have light and
4 air.

5 As I look at A-3 here, which Mr.
6 Nastasi introduced, my concerns were allayed by
7 looking at the depiction that he has here on A-3.

8 I think that this Lot 250 has a number
9 of anomalies to it, and approval of this application
10 would not exacerbate those anomalies.

11 I had some concerns and I still do have
12 a few concerns about the design of the facade. I
13 referred you to A-2.5. We don't have a large
14 picture here.

15 I still have a concern about the
16 fenestration. I think it needs to be aligned.

17 It is true that the first floor window
18 is a kitchen window. The second floor is a walk-in
19 closet. The third floor is a solarium, so I think
20 that all of these windows need to be rectified in
21 that line, horizontally -- vertically, and they also
22 need to be rectified horizontally, headers and sills
23 and dimensions that match the existing windows on
24 the east side of the building.

25 I think that is an architectural change

1 appropriate to have these windows match the windows
2 on the east side of the facade, both in terms of the
3 header material and in terms of the height, and I
4 know that that certainly could be done by Mr.
5 Nastasi. I think that would be an easy change to
6 make and would make a much better fenestration
7 pattern, and it doesn't look like an add-on in that
8 case, so that is the recommendation that I would
9 have for the conditions of approval.

10 The third comment that I made or the
11 third concern that I had coming in tonight was about
12 building materials, and Mr. Nastasi satisfied my
13 concern about the fact, and I think one of the
14 Commissioners also asked a question to validate --
15 to verify that this would be brick. That would be
16 laid in place, field laid brick, brick by brick,
17 with material that was sourced, so that it matches
18 the existing historic brick.

19 I had a concern about the gate that I
20 misinterpreted. I assume the height of the rolling
21 gate, but Mr. Nastasi's testimony, that the historic
22 gate could be converted into a rolling gate and not
23 swing into the public right-of-way satisfies that
24 concern that I had.

25 And the light colored stucco is an

1 appropriate way of making the rooftop appurtenance
2 as much as possible disappear into -- it would be
3 visible, but it wouldn't be noticed, if it's done in
4 light stucco.

5 The other concern that we heard here
6 tonight is the question of pervious pavers, and I
7 think the hydrodynamics of pervious pavers are
8 interesting. They are intended to really capture
9 rain in a heavy rainfall.

10 So to the question of: Does the effect
11 of pervious pavers, is that undercut by having an
12 automobile parked on it?

13 In a light rain or a light drizzle, the
14 pervious pavers are really not that necessary. The
15 water will find its own way. And everybody and
16 obviously, the water will flow under the automobile,
17 down into the pervious pavers, so there is the
18 hydrodynamics of the pervious pavers, and I think
19 that they are an appropriate well-intentioned,
20 well-designed aspect of the this application.

21 In terms of automobiles, I have not
22 owned one in six years. I really don't care for
23 them. I am happy to see them off the street.

24 To the extent that they are necessary,
25 I think that having them off the public street is a

1 benefit to the community. I wish we didn't have
2 them at all, but we do.

3 Finally, I would say that, again, the
4 overriding concern for me, the overriding benefit of
5 this application, this proposal, is that it really
6 does, the addition in terms of its mass, its volume,
7 and its scale, its appearance, its building
8 material, it really is a significant improvement to
9 the street scape on a very important corner for
10 Washington Street.

11 You know, Bloomfield Street, I say it
12 with some pride living on that block, it is one of
13 the blocks that people enjoy visiting and
14 purchasing. I think this is a significant
15 improvement to the look of Washington Street and
16 also to 12th Street, which is a major view corridor
17 from Washington Street.

18 So for those reasons, I would encourage
19 you to approve this application and vote in favor of
20 the applicant's variance requests this evening.

21 Thank you very much, Commissioners.

22 CHAIRMAN AIBEL: Does anybody else have
23 comments?

24 Seeing none?

25 COMMISSIONER GRANA: Motion to close

1 public portion.

2 COMMISSIONER MC ANUFF: Second.

3 CHAIRMAN AIBEL: All in favor?

4 (All Board members voted in the
5 affirmative)

6 CHAIRMAN AIBEL: Okay, Mr. Burke?

7 MR. BURKE: I think Allen summed it up
8 very nicely. I hope the Board doesn't lose sight of
9 the forest for the trees.

10 Some of the comments that were brought
11 up, the deck is permitted. It's just because of the
12 setback of the deck. The size of the deck, we are
13 not asking for a variance. It is because it is a
14 corner lot, and you can't fit a 200 foot deck
15 without some setback on a corner lot.

16 So my point is this when I say, I hope
17 you don't lose sight of the forest with the trees,
18 This is what the neighborhood could have, which is
19 undoubtedly a visual enhancement, and this is what
20 currently exists.

21 So the applicant is not going to take
22 this down, because it is livable space, and I know
23 we were horse trading, you know, with the parking
24 spots, not a desirable thing, but if you decide to
25 turn the application down, the parking spot is

1 staying and so is the garage, and so is this ugly
2 extension.

3 So I am citing Breston v. Gash. This
4 is a case. This is a visual enhancement to the
5 neighborhood. There has been no substantial
6 detriment brought out tonight, none. I mean, there
7 are concerns about -- we had testimony about
8 shadows, and there is no substantial detriment or
9 negative to this application.

10 There is a benefit that goes beyond the
11 private owner's benefit, which is the visual
12 enhancement to the neighborhood and the fact that
13 this comports with the surrounding buildings. So if
14 the Board says, great, we are going to approve it,
15 this is what the neighborhood gets.

16 If you say no, that is what stays.

17 But the parking stays, and this piece
18 of garbage stays, I mean, unless they decide to do
19 something to spruce it up, as Commissioner
20 Branciforte has alluded to. So while we are trading
21 horses or horse trading, that's the --

22 CHAIRMAN AIBEL: Mr. Burke, I don't
23 think anybody is horse trading, and I don't for a
24 moment think that this building is going to sit
25 there undeveloped, so I don't think we need to be

1 encouraged by fear that it is going to remain
2 undeveloped.

3 MR. BURKE: Well, no, it is not a fear,
4 Mr. Chairman.

5 I am just saying, I don't know what the
6 future will be for this, but I can tell you, this
7 will not come down because it is existing. That's
8 all I'm saying.

9 What they will do to the site, how they
10 will improve it, you know, I mean, they have been
11 good neighbors. We submitted a letter and a
12 maintenance agreement because I know the neighbor
13 had complained. She brought in a bag of leaves.
14 From that time on, at least once a week someone has
15 gone to that site and collected the debris and made
16 sure everything was set.

17 So they tried to be a good neighbor,
18 and I think this is a hell of a nice proposal. It
19 fits within the 60 percent envelope. There are no
20 bulk variances associated with this. The only issue
21 is the parking here and the parking there, and if
22 you say no, that's going to stay either way.

23 A VOICE: Where is the owner?

24 CHAIRMAN AIBEL: No.

25 Is that it, Mr. Burke?

1 MR. BURKE: Yes, Mr. Chairman.

2 CHAIRMAN AIBEL: Okay. Great,
3 terrific.

4 I open it up for deliberations.

5 MR. LEIMBACH: I had some conditions.

6 CHAIRMAN AIBEL: Oh, thank you.

7 MR. LEIMBACH: One that I knew for sure
8 that you guys seemed to want was the garage roof
9 would be converted to a green roof --

10 COMMISSIONER COHEN: A hundred percent
11 green roof.

12 MR. LEIMBACH: -- a hundred percent
13 green roof.

14 The second one that I got the sense was
15 that there would be no parking permitted on the
16 pavers on the side of the garage, and possibly the
17 windows to match on the side, so they would all be
18 architecturally assembled --

19 COMMISSIONER MC ANUFF: To the second
20 point, if we are talking about, which I was going to
21 speak about, if we are talking about putting no
22 parking on the pavers, let's amend that to having
23 that sliding gate removed and to fix the fence --

24 CHAIRMAN AIBEL: That is not an
25 application that we have here.

1 COMMISSIONER GRANA: Is that in the
2 application --

3 MS. BANYRA: No.

4 CHAIRMAN AIBEL: So --

5 COMMISSIONER GRANA: There are three
6 parking spaces in the application.

7 CHAIRMAN AIBEL: Is that correct?

8 VICE CHAIR BRANCIFORTE: That is what
9 we are voting on.

10 MS. BANYRA: There is a paved area.
11 It's represented as nine feet. The testimony was
12 how many cars could fit.

13 They could fit two cars. You know, I
14 think typically we all assumed it's three cars. But
15 could another car be fit there?

16 Possibly.

17 So I'm going to say it's three cars, a
18 two-car garage, and a space for another car.

19 COMMISSIONER GRANA: May I just
20 comment?

21 CHAIRMAN AIBEL: Sure.

22 COMMISSIONER GRANA: Just referring to
23 Mr. Ochab's report of September 19th, existing
24 condition, three spaces; proposed project, three
25 spaces.

1 MS. BANYRA: Uh-huh.

2 CHAIRMAN AIBEL: So that is the
3 application, so it's voted up or down unless there
4 is an offer by the applicant, which I have not
5 heard.

6 MS. BANYRA: Could I just add the
7 conditions that --

8 CHAIRMAN AIBEL: Yes.

9 MS. BANYRA: So I believe I saw the
10 architect nod in the affirmative to -- on my report,
11 number one, was the south elevation windows appear
12 to -- didn't appear to match, which Mr. Kratz
13 brought up. I think the architect, you nodded to
14 that you could match them up?

15 MR. NASTASI: I think aligning the
16 window sills based on Allen Kratz' recommendations
17 is perfectly acceptable.

18 MS. BANYRA: Okay.

19 And that the brick -- also you are
20 going to be matching the brick, and it's going to be
21 hand laid brick.

22 And I had a couple of other
23 corrections, which I didn't hear testimony that you
24 would or would not, John, but I am assuming some of
25 them were typos and corrections relative to some

1 notes on the rooftop. One is about the HVAC unit
2 sound barrier. It says it could be up to 12 feet
3 high, and that had to be -- that note has to be
4 corrected.

5 I think those were the only ones that I
6 had.

7 Thank you.

8 COMMISSIONER MURPHY: How high can --
9 how high do you need to have it?

10 MS. BANYRA: Well, sound barriers are
11 around the air conditioning unit, so it is typically
12 three feet high I think, two or three feet high, or
13 we have a standard in the ordinance.

14 COMMISSIONER MURPHY: Okay.

15 COMMISSIONER COHEN: Did you get an
16 agreement on the window matching that?

17 MS. BANYRA: Yes. That's what I just
18 said, and also there would be a maintenance
19 agreement required for any green roof any place.

20 COMMISSIONER MC ANUFF: As far as the
21 windows matching, are we talking about the three to
22 the left of the bay window on the elevation --

23 MR. NASTASI: Yes.

24 COMMISSIONER MC ANUFF: -- or are we
25 also incorporating that double window to the right

1 of it?

2 MS. BANYRA: No. It's the smaller
3 windows. I am going to say the front doesn't match
4 the back, so in height and width.

5 COMMISSIONER MC ANUFF: Right.

6 But you also have to look at that and
7 this point there, that is a little different.

8 COMMISSIONER MURPHY: Those are
9 existing.

10 COMMISSIONER MC ANUFF: It doesn't
11 matter.

12 MS. BANYRA: It is these, right?

13 COMMISSIONER MC ANUFF: Okay.

14 MS. BANYRA: Is that correct, Mr.
15 Nastasi?

16 MR. NASTASI: Yes.

17 I just wanted to clarify, the sound
18 barrier was not intended to be 12 feet high. It's a
19 typo.

20 MS. BANYRA: I know that. That's what
21 I'm saying, but I just want that corrected.

22 MR. NASTASI: Yes.

23 CHAIRMAN AIBEL: So I think we are at
24 the point of deliberations.

25 Anybody want to kick off?

1 Mr. Grana, why not?

2 COMMISSIONER GRANA: Well, there is
3 much to like about this application, and I just want
4 to be pretty detailed in my response, so if it's
5 too -- if it's not timely enough.

6 So I actually agree with just about all
7 of the testimony that I heard from the architect,
8 much of which was supported by Mr. Kratz.

9 I do think with respect to bulk and
10 coverage and height, I think that the proof was made
11 that the conforming structure -- that this would
12 conform, and that it does not, in fact, have a
13 significant negative impact on the neighborhood, and
14 that much of the issue that you will see with
15 shadows, that there was also testimony, but more
16 importantly, there is other structures that are in
17 the vicinity that are casting shadows. So in terms
18 of that, I don't see the negative.

19 I also agree with the architect that
20 this is a tremendous visual improvement for the
21 neighborhood. I thought it was -- I think it is a
22 great design, and standing on its own, it is a great
23 design, and I am not here to praise the architect,
24 but I think that that is part of the case that he
25 made, and I will support it with the addition of the

1 green roof.

2 The deck to me is also not, you know,
3 an issue because we are permitting this now by
4 ordinance, which means we intend to allow people to
5 have the pleasure of sitting on the roofs, and I
6 don't have a concern.

7 I must admit that also with respect to
8 now the planner, yes, we are reducing density. Yes,
9 we are increasing the rear yard.

10 I am struggling with the proofs around
11 parking. We have an existing nonconforming
12 condition. I understand that people would like to
13 have the benefit of enjoying their use the way they
14 wish.

15 I think -- the case sounded, though, to
16 me, we are reducing density, but we're going to
17 maintain the intensity of this use, and I do not and
18 I don't want to pass judgment on, you know, allowing
19 somebody to continue to park somewhere that they've
20 always parked and when it becomes a parking lot, I
21 don't know what the difference is.

22 But it is three lots, and I think we
23 made the comparison with Photo 6, which is across
24 the street. That is a hidden space, where you do
25 not see an automobile parked on the property through

1 Mr. Cohen's comments, which could be considered
2 unsightly, and it is one car. It is not three cars.
3 I would just point out, so, you know, I am not sure
4 how this is a non impact.

5 I would also add that now we have three
6 curb cuts on the street, which I believe would
7 effectively remove three parking spaces for the
8 public at large. I believe that would be true, so
9 this is why I struggle with the application, because
10 I am not sure the intensity of that use is warranted
11 here. But I absolutely agree with Mr. Kratz that
12 Nastasi has a great design issued.

13 Thank you.

14 MS. BANYRA: Let me just make a point
15 of clarification.

16 So I didn't measure the parking spaces.
17 A typical parking curb cut could be ten to twelve
18 feet wide. A typical space, parallel parking, is
19 about 22 feet, so it wouldn't remove three --

20 COMMISSIONER GRANA: So it shouldn't be
21 three --

22 MS. BANYRA: -- right. That's the only
23 point I wanted to make --

24 COMMISSIONER GRANA: Thank you.

25 CHAIRMAN AIBEL: Anybody else?

1 Mr. Cohen?

2 Sorry, John.

3 COMMISSIONER COHEN: Hum --

4 VICE CHAIR BRANCIFORTE: Hum --

5 COMMISSIONER COHEN: -- I think this is
6 a much more clear presentation than the one we
7 received the last time, and I made that comment
8 during Mr. Nastasi's presentation.

9 I really didn't understand what the
10 impact of a backyard would be. I really didn't
11 understand the light shadows. I was concerned about
12 the bulkhead at the top.

13 I am not concerned about those issues
14 at this point, despite the testimony from concerned
15 neighbors, and I don't want to minimize that. I
16 understand those concerns, but I think this
17 structure is immeasurably better than what is there
18 right now.

19 I think this is a beautiful design. I
20 think that it will enhance the neighborhood
21 significantly in many significant ways. So I mean,
22 I think it is taking a historic structure and really
23 improving upon it and taking some of the vinyl
24 Jerry-rigged aspects of the garages and the
25 unsightly addition on the back and turning into

1 something that is really uniform and beautiful and
2 with brick and with beautiful sidings on the bay
3 windows, and I think it is a really great effort.

4 The one concern that I had, which I
5 expressed, is with respect to the open space in the
6 backyard. I appreciate Mr. Kratz' comments, that
7 having the pervious pavers will still get the
8 benefit of having that from an impervious surface,
9 having a pervious surface even if there are vehicles
10 back there.

11 I would like this application better if
12 there were no cars back there. I recognize it is a
13 major give-back to give back a parking spot in
14 Hoboken, New Jersey, and that is a viable aspect for
15 any application.

16 That being said, I agree with
17 Commissioner Grana. I like this application. I
18 think it is a good application for the neighborhood.

19 I also appreciate the fact that Ms.
20 Naddo complained at the last hearing about how there
21 were debris in front of the building, and it was
22 upsetting to her, and she was having to clean up
23 this property next door, and that they have made an
24 effort in the interim to maintain that property. We
25 have a lot of people in the city who have come back

1 to us and had protracted battles about getting
2 approvals and have left their properties in bad
3 states. We have heard complaints. I don't want to
4 mention any addresses, but I think we know what I'm
5 talking about, where they just let it go to seed,
6 because it's already got their approvals. They
7 don't care, and it has adverse effects on the
8 neighborhood. It makes neighbors less safe, and
9 it's a nuisance, and it attracts problems, and this
10 applicant has heard the criticism at the last
11 hearing and responded positively to that. So with
12 that being said, that is how I feel.

13 I am interested to hear what the other
14 Commissioners say.

15 CHAIRMAN AIBEL: Okay.

16 Diane?

17 COMMISSIONER MURPHY: I would say I am
18 pretty much in agreement with you, too.

19 I think the building is, you know, a
20 much needed improvement.

21 I am a bit concerned, although I know
22 the building, if it didn't have the garage on it
23 would fit the 60 feet. But, you know, I live next
24 to a building that did an extension up 14 feet out
25 from my house, and it did make my house a lot

1 darker, and I can't say that I am happy about it.
2 But there was nothing, you know, they did it within
3 right, and it is kind of -- it is a shame.

4 And I also feel like I would feel a lot
5 better if this applicant would consider giving up
6 that open parking spot and just having the two-car
7 garage, because not only, you know, are they able
8 to, you know, park three or possibly four cars, but
9 they can also get permits to be able to park on the
10 street in front of their garage spaces, so
11 technically they could end up with six cars being
12 parked. So, you know, is that good for the
13 neighborhood?

14 I don't really think so, so I am kind
15 of in a quandary as to how to deal with it.

16 I do appreciate the fact that you would
17 put a green roof on the garage, which helps
18 environmentally, but I am a little torn, so -- and I
19 think it is a shame that the city is allowing
20 rooftop decks because it is going to change a lot of
21 things, but that is the way it goes.

22 CHAIRMAN AIBEL: Owen?

23 COMMISSIONER MC ANUFF: John?

24 VICE CHAIR BRANCIFORTE: No. I want to
25 hear from everybody else before. So if everyone

1 else wants to speak before --

2 COMMISSIONER DE GRIM: I concur with
3 the three Commissioners who have spoken already. I
4 especially like Mr. Cohen's comment about the
5 Jerry-rigged vinyl structure on the back being an
6 eyesore. And, again, I, too, would be happy if that
7 open area in the back wasn't also a parking lot, but
8 that is the application.

9 The building itself is beautiful. You
10 know, to some extent it is already casting a shadow,
11 so it is not as if we have gone from no shadow to
12 shadow. It already is casting a shadow.

13 So overall, it is a tremendous
14 improvement over what is there now.

15 CHAIRMAN AIBEL: Owen?

16 COMMISSIONER MC ANUFF: My fellow
17 Commissioners, I also like the design. I think it
18 is very well thought out, and I don't think it is a
19 detriment to the neighborhood despite hearing
20 contrary testimony from some of the neighbors.
21 I think Mr. Nastasi answered the question of shadows
22 very well and satisfactorily.

23 I got to say I don't know if I find the
24 outdoor parking spot as much of an issue as other
25 Commissioners. Parking is at a premium in Hoboken.

1 Whether it's on the site or on the street, you know,
2 it is an additional car in the town.

3 Ideally, I would like to see open
4 space, but I do understand the need to have a third
5 spot, so I don't think I am going to be as critical
6 of it as other Commissioners might be.

7 CHAIRMAN AIBEL: John is going to get
8 the last word.

9 VICE CHAIR BRANCIFORTE: Yeah. You go
10 ahead. I just wanted to listen to what everybody
11 had to say.

12 CHAIRMAN AIBEL: Well, I already
13 expressed some of my concerns and comments, but
14 putting it in terms of how we should be looking at
15 this, I do see this -- first of all, let me get it
16 out of the way. Everybody else said great building,
17 it is a handsome building. It would be a great
18 improvement to the block. I don't think anybody
19 obviously feels differently, but there are two
20 things.

21 It's a detriment. This application has
22 a detriment. It is proposing features that are
23 inconsistent with our ordinance. We don't allow
24 parking in the R-1, so this in effect is
25 inconsistent with what we are living with in the R-1

1 for better or worse. Our Council could change it, I
2 suppose, and allow more curb cuts, allow outdoor
3 parking.

4 It is inconsistent with I think what we
5 do allow in the R-2 and some of the other zones,
6 where parking is permitted, but it is covered
7 parking. It's not outdoor parking. So to me, that
8 is yet another indication that our City Council has,
9 you know, chosen how to allow development to occur
10 in Hoboken.

11 And then finally, this is not the Court
12 Street zone, so I see it -- the application as
13 inconsistent with the rules around accessory
14 buildings.

15 Yes, accessory buildings are permitted
16 in the R-1 provided the lot coverage is maintained
17 at 60 percent. We are not in the R-1 CS, in which
18 80 percent is permitted between the principal and
19 accessory buildings.

20 So I think I agree with Mr. Cohen, that
21 one of the major benefits was the attractiveness of
22 this property. It's beautiful, and it is going to
23 be fabulous, if, in effect, we have that open space
24 in the middle without the eyesore of an outdoor
25 parking spot.

1 So I do think the attractiveness of the
2 project to the neighborhood is diminished by that
3 one feature, and I would encourage, and I am not
4 sure, Mr. Burke, if you're in the position to, you
5 know, consult with your client and see if it is
6 willing to make that change, which seems to be a
7 pretty consistent concern across the Commissioners.

8 But that having been said, let's hear
9 from John and then we can go to a vote.

10 VICE CHAIR BRANCIFORTE: Well, I think
11 at this point it is too late to talk about removing
12 that parking space anyway. I mean, we have been
13 talking about this for three hours. I think it is
14 just too late to start talking about removing stuff
15 and changing stuff at this point.

16 I'm sorry, Jim, but that is the way I
17 feel.

18 Look, the decrease in density doesn't
19 necessarily mean there's going to be a decrease in
20 parking. Just because we're decreasing the density,
21 it doesn't mean it is a benefit to the neighborhood,
22 because if we are giving them three parking spaces,
23 they are going to use three parking spaces, and this
24 has always been my thing.

25 I say, well, it's a car.

1 And people say, well, the car will be
2 parked.

3 No. It will be out on the street
4 driving around at times, and it's one extra car in
5 the neighborhood that we don't need, and it's also
6 one parking space we are taking away from the people
7 in the neighborhood.

8 As far as the enhancements to the
9 building, Mr. Matule -- I'm sorry -- Mr. Nastasi
10 testified to it. The planner testified to it.
11 There is no reason why they can't make the
12 improvements to this ugly extension people are
13 talking about and the ugly bay windows without our
14 permission. They could do it tomorrow morning, if
15 they wanted to start construction on it. They could
16 start recladding everything with nice brick if they
17 wanted to. They don't have to ask us to do it.

18 So this idea of they need this variance
19 to improve this building is just bull. It's a non
20 starter.

21 The other thing, too, is we are talking
22 about this parking space. We heard from the
23 applicant that he went back and he looked around.

24 I think the testimony was, well, the
25 tax records show that it is three, that that curb

1 cut was always there. But he didn't present
2 anything from the tax records that showed us that.
3 He just said it was that way, and that was it, but I
4 don't see anything in writing that we can put into
5 the file to say, okay, we saw it, and we are
6 convinced now that this is true.

7 It is kind of, I don't want to say
8 hearsay, but it is towards that direction. And this
9 parking study that is out there, who knows what
10 happened to it, but it must be somewhere in City
11 Hall. It exists.

12 And as far as this 200 square foot roof
13 deck, I can't shed a tear for somebody that is going
14 to lose a roof deck that is going to have a house
15 like this, with a solarium no less. They need a
16 solarium and a roof deck. But it's their right to
17 do it, God bless them, if they have the money to do
18 it.

19 That is how I feel about it.

20 CHAIRMAN AIBEL: Okay. Thanks. I
21 think we have gotten everybody's opinions.

22 Mr. Burke, your right. Do you want to
23 go to a vote?

24 MR. BURKE: Take a vote, please.

25 COMMISSIONER GRANA: Motion to deny

1 1200 Bloomfield Street.

2 VICE CHAIR BRANCIFORTE: Second.

3 So a yes vote is to deny.

4 MS. CARCONE: Commissioner Branciforte?

5 VICE CHAIR BRANCIFORTE: Yes.

6 MS. CARCONE: Commissioner Cohen?

7 COMMISSIONER COHEN: No.

8 MS. CARCONE: Commissioner Grana?

9 COMMISSIONER GRANA: Yes.

10 MS. CARCONE: Commissioner Murphy?

11 COMMISSIONER MURPHY: Yes.

12 MS. CARCONE: Commissioner McAnuff?

13 COMMISSIONER MC ANUFF: No.

14 MS. CARCONE: Commissioner DeGrim?

15 COMMISSIONER DE GRIM: No.

16 MS. CARCONE: And Commissioner Aibel?

17 CHAIRMAN AIBEL: Yes.

18 MS. CARCONE: So it is denied.

19 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 11/16/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE ZONING : November 15, 2016
BOARD OF THE CITY OF HOBOKEN : Tuesday, 10 pm
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS
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CERTIFIED REALTIME COURT REPORTER
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4 Jackson, New Jersey 08527
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6 BY: ANDREW T. LEIMBACH, ESQUIRE
7 Attorney for the Board.

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1 CHAIRMAN AIBEL: Before we break up, we
2 have another piece of administrative business.

3 We are going to do an administrative
4 review of some design changes proposed for 610
5 Hudson Street, and then there were a number of us
6 who sat, either sat or actually were recused from
7 the original application. I am assuming we should
8 not participate.

9 MS. BANYRA: I think that is probably
10 true.

11 CHAIRMAN AIBEL: Okay. So I know I
12 recused myself. I think John --

13 MS. BANYRA: Andrew, correct?

14 MR. LEIMBACH: Yes.

15 CHAIRMAN AIBEL: -- and who? Diane?

16 COMMISSIONER MURPHY: I wasn't here.

17 CHAIRMAN AIBEL: Okay, then you're --

18 COMMISSIONER MC ANUFF: I think I was
19 here for this one.

20 MR. LEIMBACH: Who were the members who
21 approved it?

22 COMMISSIONER COHEN: Do we have a list
23 of who approved it?

24 COMMISSIONER MC ANUFF: Is this the one
25 with the indoor pool?

1 MS. CARCONE: I didn't bring down the
2 resolution.

3 COMMISSIONER MURPHY: Yes.

4 VICE CHAIR BRANCIFORTE: Phyllis, I am
5 going to recuse myself at this point.

6 (Vice Chair Branciforte recused)

7 MS. CARCONE: Are we going to be voting
8 on this anyway or --

9 MS. BANYRA: It is an informal. I told
10 them I would bring them, because I don't know if we
11 are going anywhere with this, so --

12 COMMISSIONER GRANA: A pool --

13 (All Board members talking at once.)

14 CHAIRMAN AIBEL: It was something else.
15 It is more than just a pool.

16 COMMISSIONER MC ANUFF: It was a --

17 CHAIRMAN AIBEL: Exercise pool.

18 COMMISSIONER MC ANUFF: Like a tethered
19 swimming pool with the current coming at you.

20 COMMISSIONER DE GRIM: So who voted in
21 favor of the project?

22 MS. CARCONE: I didn't bring the
23 resolution down with me. I should have brought it
24 down. I don't have --

25 COMMISSIONER MC ANUFF: An endless

1 pool.

2 CHAIRMAN AIBEL: Phil, were you here?

3 MS. BANYRA: If you don't know, if you
4 don't want to vote, no problem. Let's just go
5 through this.

6 CHAIRMAN AIBEL: Okay. Let me suggest
7 this.

8 (Everyone talking at once)

9 CHAIRMAN AIBEL: Sorry, Phyllis.

10 Hey, guys, we are just going to finish
11 up quickly, please.

12 MS. BANYRA: Yeah.

13 CHAIRMAN AIBEL: This is my suggestion:
14 The people who are sitting here, who know they were
15 not recused, and I will be outside of this, should
16 sit here and listen to Eileen, make the decision,
17 and then when we memorialize the vote, it will be
18 those people who approved originally who will carry
19 the day.

20 And if it is two, I think our practice
21 in the past has been two members are okay to approve
22 a design change, so --

23 MS. BANYRA: So if you look, you have
24 two sheets that Pat handed out for 610 --

25 (Chairman Aibel, Commissioner Murphy

1 and Commissioner De Grim excused.)

2 MS. CARCONE: Good bye. Good night.
3 See you next week.

4 MS. BANYRA: -- you see along the top,
5 it says approved, and another one says revised, and
6 in particular what we are looking is right in the
7 center is a green roof slash patio now.

8 So the top one is approved.

9 COMMISSIONER GRANA: This is not in the
10 rear. This is on the top of the building?

11 MS. BANYRA: It's on the top of the
12 building.

13 COMMISSIONER GRANA: In front of the
14 penthouse --

15 MS. BANYRA: In front of the -- yes.

16 So what was approved was the top one
17 with the green one and a perimeter walk-around.

18 What they came back for when I was
19 reviewing it, it was her version of what she thought
20 a green roof was, and they did the design. She
21 said, oh, it just seemed to make sense. I widened
22 the perimeter plantings to make an extensive I guess
23 green roof. I have really deep plants, but the
24 owner asked if they could have a patio there.

25 I said, well, it just doesn't work like

1 that.

2 And she didn't really understand the
3 difference between a green roof and a landscaped
4 roof.

5 They do have a green roof on the front
6 of the building, on other side of this, and they do
7 maintain that, and they have kept that.

8 Her question was: Well, can we do this
9 or not basically, have a patio?

10 It is not something that I think if it
11 was possibly presented, you may said yes. So I
12 said, let me bring it to the Board. I have an
13 idea --

14 COMMISSIONER MC ANUFF: Do you know how
15 much the area on the green roof of walkable space
16 there was?

17 MS. BANYRA: It was three feet all the
18 way around by 17 -- hold on --

19 COMMISSIONER WEAVER: 16-9.

20 MS. BANYRA: -- you can read that?

21 COMMISSIONER WEAVER: Barely.

22 MS. BANYRA: There you go

23 COMMISSIONER WEAVER: Then you have to
24 subtract the -- well, no, I guess it's -- well, the
25 guardrail is in there, right, so --

1 MS. BANYRA: Right.

2 So it was a three feet walkway around.

3 They doubled that now, and made it a six foot
4 walkway with the landscaped little patio.

5 You know, it is a hundred square foot I
6 think patio.

7 COMMISSIONER MC ANUFF: I don't think
8 you get any more patio or non green space than you
9 already have, so I personally don't see a problem
10 with it, unless anybody else does.

11 MS. BANYRA: I will tell you when I
12 looked at the planting width with being six foot and
13 being able to plant, you know, deep, big plants, I
14 told them that if the Board approved it, they would
15 also likely be deed restricted along with the green
16 roof, which, you know -- but I said to them, if it
17 has to come back to the Board, it comes back to the
18 Board, and they said we are not interested then.

19 So it is either they go back, we either
20 accept what was -- either they accept what was
21 approved, and when I reviewed the revised, I said I
22 am just not sure, so --

23 COMMISSIONER GRANA: So I have a couple
24 questions. Educate me.

25 So I am just trying to think what we

1 would have deliberated on at the time, you know, how
2 close people come to the front of the building, and
3 is it being active use and all of this stuff.

4 It is a bedroom. I get it. But maybe
5 more of my question would be, what is the difference
6 and the benefits between this plan and this plan?

7 I mean, the benefits of this plan is a
8 certain amount of green roof --

9 MS. BANYRA: Water retention.

10 COMMISSIONER GRANA: -- it creates
11 water retention, and is it comparable benefits in
12 the landscape plan to this?

13 Because I am sure people would look at
14 the green roof and say, that is a reason to vote in
15 favor.

16 MS. BANYRA: And she interpreted the
17 revised plan as being a green roof, and I indicated
18 that that is not quite the same.

19 That being said, I didn't quantify it,
20 and I am not sure that I am capable of quantifying
21 the difference between an intensive versus an
22 extensive green roof.

23 One is intensive, and one is extensive
24 in terms of --

25 COMMISSIONER WEAVER: Intensive --

1 intensive is -- it's an intensive use of resources.
2 You know, think about it that way. It needs a lot
3 of water, maybe watered and fertilized on a regular
4 basis means they have a deep planting deck, so you
5 can get some decent plants in there --

6 COMMISSIONER GRANA: And that's in the
7 landscape --

8 MS. BANYRA: Well, it's also
9 intensive --

10 COMMISSIONER WEAVER: That's usually
11 landscaping.

12 MS. BANYRA: -- is two to four inches
13 of depth, of medium. And extensive could be
14 anywhere from four to 18 --

15 COMMISSIONER WEAVER: It's the
16 opposite.

17 MS. BANYRA: -- it's the opposite.

18 COMMISSIONER MC ANUFF: Well, what I am
19 seeing on here is the difference --

20 MS. BANYRA: So, that's the --

21 COMMISSIONER MC ANUFF: -- in the
22 detail is that on the approved, the green roof is in
23 the center, and on the revised the green roof is
24 around the perimeter --

25 (Everyone talking at once.)

1 MS. BANYRA: Well, right. She doesn't
2 know what she is doing in terms of the green roof,
3 so let's just put it --

4 COMMISSIONER MC ANUFF: Well, according
5 to the detail that it has on here --

6 MS. BANYRA: Right. I understood --

7 COMMISSIONER MC ANUFF: -- it is just
8 the location that's changed --

9 MS. BANYRA: -- yeah. They do have a
10 green roof on the front of the building, so there is
11 one on there.

12 COMMISSIONER GRANA: See, the thing is,
13 I am not particularly opposed to this, so I am just
14 trying to gauge. What is the relative benefit, so I
15 have a green roof. There is a perimeter that goes
16 around the green roof, if I look at A-1.2.

17 If I look at the revised, now one could
18 say, well, I just shifted where the benefits happen.
19 The benefits happen on the perimeter instead in the
20 center, no harm, no foul --

21 (Commissioners all talking at once)

22 COMMISSIONER WEAVER: But if you
23 notice, the way she has even rendered it, I mean,
24 her details are the same because she doesn't --
25 she's -- her technical details need a lot of work

1 for extensive versus intensive, right?

2 But the way she rendered it, it appears
3 that this is -- I would interpret this as some
4 scrubby little seedum, which is perfect for green
5 roofs. They absorb a lot of water, and when we go
6 into a drought scenario, they just go dormant. That
7 is what happens on top of New York Sports Club over
8 on 14th Street. That is what she wants for an
9 extensive green roof, and that is where it helps the
10 environment.

11 Where it doesn't help the environment
12 and we don't get the payback is when it is an
13 extensive green roof, because you are often watering
14 that stuff, and it requires a deeper planting deck.

15 So then I would say to her, I would go
16 back to her and say, although, you know, we are
17 looking at it as if it's just an exchange, it is a
18 hundred square feet in this layout, a hundred square
19 feet in this layout, but what does it really mean
20 technically to how is that going to affect your
21 plan.

22 Do you need to have planters and build
23 up the sides because of the kind of plants you are
24 going to have?

25 Because I can tell you right now, if

1 your trays with seedum are four inches --

2 MS. BANYRA: No, no, no, understood.

3 COMMISSIONER WEAVER: -- what she is
4 showing here, these plans are --

5 MS. BANYRA: No. This is not the final
6 deal. Before she went and before I told her to
7 revise them yet again, and Dan, I agree with you in
8 terms of the benefits in terms of the seedum, and
9 watering versus non watering issue.

10 The benefits of something where it has
11 a deeper planting is that you actually can get air
12 quality benefits. You actually can get --

13 COMMISSIONER WEAVER: So it's not just
14 stormwater --

15 MS. BANYRA: -- it's not just
16 stormwater.

17 You also can get a substantial plant.
18 That being said, I looked at this and I said, okay,
19 I will get the details later. If you guys say, hey,
20 it is trade-off here, and we can do that --

21 COMMISSIONER GRANA: All right.

22 This is just one opinion. I would
23 actually say that for me personally, I don't have
24 any concern about the trading off of the perimeter
25 use versus the patio use.

1 You know, what I am concerned about and
2 kind of going back to Dennis' comment here, which
3 is, you know, are we actually extracting the same
4 benefits.

5 MR. LEIMBACH: What does the ordinance
6 define green roof as?

7 MS. BANYRA: It's like sedums.
8 It's --

9 MR. LEIMBACH: What she has proposed
10 now in the second one with the plantings on the
11 outside, is that still defined --

12 MS. BANYRA: It is not a green roof.
13 It's not what we consider a green roof.

14 MR. LEIMBACH: Well, so that may be
15 the --

16 MS. BANYRA: Well, that was not what
17 was approved, which is why I am standing here.

18 COMMISSIONER MC ANUFF: But we also
19 said, you don't have the details of it.

20 MS. BANYRA: We don't have the
21 details --

22 MR. LEIMBACH: Was it an issue of
23 approval that it include a green roof?

24 MS. BANYRA: Yes.

25 COMMISSIONER MC ANUFF: It is really

1 just --

2 MS. BANYRA: As per plant -- there is a
3 green roof --

4 (Commissioners all talking at once)

5 THE REPORTER: Wait a second. You
6 can't all talk at the same time.

7 MS. BANYRA: -- there is a green roof
8 on the front part of the building, on the front,
9 which is about, I am going to say, almost the exact
10 same size as this.

11 And what was shown was one on the
12 front, and where it says "approved," one on the
13 back.

14 Now, the one on the back, they said,
15 oh, why don't we just put a little patio there?

16 I mean, we don't have to go through
17 this much. You can just -- and I'm good with that,
18 because it wasn't part of the plan --

19 COMMISSIONER MC ANUFF: Why don't we
20 just say to her, she could have the patio in the
21 center, rather than around the perimeter, and she
22 has a green roof around --

23 (All Commissioners talking at once)

24 COMMISSIONER GRANA: But she has the
25 trays --

1 MS. BANYRA: You don't want the trays
2 on that small little --

3 COMMISSIONER GRANA: Oh, you don't?

4 MS. BANYRA: No, I don't think so.

5 COMMISSIONER MC ANUFF: But I thought
6 it was the same square footage essentially.

7 MS. BANYRA: It's about the same square
8 footage, but I think there's different -- as Dan and
9 I, and I will go through and find out what, you
10 know, I think there are different benefits afforded
11 there when you have a deeper planter.

12 COMMISSIONER MC ANUFF: I'm not asking
13 for a deeper planter. I am asking for the same
14 thing that was on the approved application --

15 MS. BANYRA: I see what you're saying.

16 COMMISSIONER MC ANUFF: -- just around
17 the perimeter instead of in the center.

18 MS. BANYRA: I got you. We can do
19 that, and then we have a green roof --

20 COMMISSIONER WEAVER: What she is
21 inferring is maybe that's really not what's on the
22 table, and she needs to --

23 (All Commissioners talking at once)

24 MS. BANYRA: No, they could do that.
25 They could do that, yes.

1 COMMISSIONER GRANA: Can I ask you a
2 question, Dan?

3 Do you have a point of view on whether
4 the similar benefits could be achieved, if the
5 layout has changed the way it is proposed here, but
6 we still use the green technology?

7 COMMISSIONER WEAVER: Same thing.

8 COMMISSIONER GRANA: Do you believe it
9 is one for one?

10 COMMISSIONER WEAVER: I actually like
11 it where it pulls back the people from the edge
12 because then you are not -- you are affording more
13 privacy potentially to the backyards of the adjacent
14 people.

15 (All Commissioners talking at once)

16 MS. BANYRA: No, I didn't -- I never
17 thought of it that way.

18 So that's fine. Then we have a green
19 roof on the outside. They have a little patio, and
20 then it covers both.

21 COMMISSIONER GRANA: I agree.

22 COMMISSIONER WEAVER: They can still
23 service the green roof area --

24 MS. BANYRA: And they can service it,
25 which is a problem with almost all -- a lot of the

1 ones that we had. Okay, great.

2 COMMISSIONER COHEN: Do you have what
3 we need?

4 MS. BANYRA: I do have what we need.
5 Thank you. That's a good solution. I didn't think
6 about the tray in that deep bed, so --

7 COMMISSIONER COHEN: Motion to adjourn.

8 COMMISSIONER WEAVER: Second.

9 COMMISSIONER MC ANUFF: Second.

10 Aye?

11 (All Board members answered in the
12 affirmative)

13 MS. CARCONE: See you next week, same
14 time, same place.

15 (The meeting concluded at 10:15 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
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