

CITY OF HOBOKEN  
HOBOKEN HISTORIC PRESERVATION COMMISSION  
94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

AGENDA ITEMS:

- A. MEETING CALL TO ORDER
- B. OPEN PUBLIC MEETING STATEMENT
- C. ROLL CALL
- D. COMMUNICATIONS  
ANNUAL REPORT
- E. RESOLUTIONS (NONE)
- F. MATTERS SCHEDULED FOR PUBLIC HEARING

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T R A N S C R I P T of the stenographic notes  
of THERESA L. TIERNAN, a Certified Court Reporter,  
Registered Merit Reporter, and Notary Public of the State  
of New Jersey, taken at the HOBOKEN CITY HALL, 94  
WASHINGTON STREET, HOBOKEN, NEW JERSEY, on Monday, MAY 7,  
2018, commencing at 6:30 p.m.

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COMMISSIONER STEVE ZANE, VICE CHAIR  
COMMISSIONER MARTIN ANDERSON  
COMMISSIONER JONATHAN METSCH  
COMMISSIONER JAMES PERRY  
COMMISSIONER SUSAN PREGIBON  
COMMISSIONER ELLEN STEWART  
COMMISSIONER JON VESEY, 1ST ALTERNATE  
COMMISSIONER ALLEN KRATZ, 2ND ALTERNATE

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COMMISSIONER SANCHEZ: It's now 6:30. Today is May 7th, 2018. This is an open public meeting of the Hoboken Historic Preservation Commission. Public notice has been provided by means of a notice posted outside the City Clerk's office, advertisement in the Jersey Journal, and the Hoboken Reporter and the City of Hoboken's official web site. Our meetings are recorded and as of today, well, transcribed.

ADMINISTRATOR HOLTZMAN:  
Transcribed.

COMMISSIONER SANCHEZ: I ask anyone who wants -- needs to have any conversation, to please take it outside and be quiet during the hearing.

Joan, could we have a roll?

MS. ANASTASIO: Commissioner  
English.

COMMISSIONER SANCHEZ: Oh, there are two excused absences. Dennis English and Seth Abrams.

MS. ANASTASIO: Commissioner Perry.

COMMISSIONER PERRY: Here.

MS. ANASTASIO: Commissioner Abrams.  
Commissioner Pregibon.

COMMISSIONER PREGIBON: Here.

MS. ANASTASIO: Commissioner Metsch.

COMMISSIONER METSCH: Here.

MS. ANASTASIO: Commissioner Zane.

COMMISSIONER ZANE: Here.

MS. ANASTASIO: Commissioner  
Anderson.

COMMISSIONER ANDERSON: Here.

MS. ANASTASIO: Commissioner  
Stewart.

COMMISSIONER STEWART: Here.

MS. ANASTASIO: Commissioner  
Sanchez.

COMMISSIONER SANCHEZ: Here.

MS. ANASTASIO: Commissioner Vesey.

COMMISSIONER VESEY: Vesey. Here.

MS. ANASTASIO: And Commissioner  
Kratz.

COMMISSIONER KRATZ: Here.

MR. MILLER: And, Anna, since there  
are two excused absences, John Vesey the first  
alternate, and Allen Kratz the second alternate,  
would have authority to participate and vote on any  
applications this evening.

COMMISSIONER SANCHEZ: Okay.

I also would like a motion to, sort of,  
amend the agenda so we could take the discussion  
of the annual report to the end after the  
presentation of the applications.

COMMISSIONER ANDERSON: So moved.

COMMISSIONER KRATZ: Second.

COMMISSIONER SANCHEZ: All in favor?

(Voice vote taken at this time.)

COMMISSIONER SANCHEZ: Thank you.

There are no resolutions for this meeting, and the first application is Zero Otto Uno Pizzeria, 502 Washington Street.

COURT REPORTER: Do you want the witnesses sworn, or do you just want them to speak?

COMMISSIONER SANCHEZ: In the past we would only do that, sort of, for demolition and things like that, but John is suggesting that we actually proceed with swearing you in before you present.

APPLICATION #H18-4-2: 502 WASHINGTON STREET

JAMES MCNEIGHT, 169 Schuyler Avenue, Kearny, New Jersey, being first duly sworn or affirmed by the Notary, testifies as follows:

MR. MCNEIGHT: I'm the architect for this pizzeria. This was the previous home of Mamoun's Falafels before they moved two blocks downtown. Here is some photographs from three weeks ago, what it looks like. I believe the signage person was here two months ago, about the

sign up in this cornice and the little signage on the lip of the awning, but basically we want to repair the wooden cornice up here. I'll just go through my restoration of the storefront. The first thing is replace all the rotted fascia boards that are up here. If you want, you could take a closer look at these photos. Some of the -- some of the boards are rotten. So we're going to replace them with MDO sections and repaint the existing cornice brown to match the upper cornice on the building and to match the previous color, what was over here. The existing copper roof, which you can see in that middle photograph that's behind this lower cornice is going to stay unchanged. The storefront cornice is going to be repainted the existing brown again and the steel supports would be Cherokee red, there's just two steel supports that hold up that awning, ironwork. Four, we're going to scrape and sand the existing door and the surround and repaint it brown again; and five, replace the brass kick plate at the bottom; and six, install little angles on these corners of the existing knee wall down here and repaint this whole storefront in fill black.

COMMISSIONER SANCHEZ: Actually, can I just interject? I don't know if you're aware that most of the work on here has been completed.

We walked by there today and saw that, so the installation of the awning, the signage on the windows, the only thing that is undone is the signage above the awning.

MR. MCNEIGHT: Uh-huh. I have the -- I haven't been there in a while.

COMMISSIONER ZANE: I would also comment that they have not really the woodwork. I went by there today. I'm looking at the photograph and it's bubbling and, you know, basically rotted. They painted it, but they didn't fix it.

MR. MCNEIGHT: Well, if you pass this proposal tonight, then we'll fix it.

COMMISSIONER VESEY: Yes. I have another question. Joan, I'm just seeing a sign and awning application. Is there a Certificate of Appropriateness application that's been applied for?

MS. ANASTASIO: I believe so.

ADMINISTRATOR HOLTZMAN: Wasn't the storefront before the Commission a couple of months ago and we were just revisiting the sign at this point?

COMMISSIONER VESEY: I thought that one of the reasons we were sending them back was so Mr. McNeight could come here and that we could see the Certificate of Appropriateness, but part

of the problem was in April was that there was, sort of, discussion of what was going to happen to the storefront, but there was no Certificate of Appropriateness application, and there was no architect at the meeting, and that's why we told the sign person that unfortunately we are getting the cart in front of the horse and that we needed to speak with Mr. McNeight about the application.

MS. ANASTASIO: Sign application.

It was just a sign application.

COMMISSIONER KRATZ: Madame Chair.

COMMISSIONER SANCHEZ: Yes.

COMMISSIONER KRATZ: I'm confused by what you said. You said the work has been -- I didn't understand. Were you implying that or implying that work has been done without approval?

COMMISSIONER SANCHEZ: That's what it appears to the commissioners that walked by there today. I, unfortunately, was not hear at April's meeting, so I can't really speak to what had been decided or not decided. I do believe that it's not our intent to be a punitive board, but I guess it's my understanding that there were no approvals in some of the work, as Commissioner Zane just mentioned, has not been done according to even the recommendations that had been discussed, so...

COMMISSIONER KRATZ: So then what is

our recourse at this point? What is the appropriate action for us at this point?

COMMISSIONER VESEY: Well, I think procedurally, if there's no Certificate of Appropriateness filed with the zoning office, we deem the application incomplete.

COMMISSIONER KRATZ: Right. Just seems, you know --

COMMISSIONER VESEY: And then the issue of the work that was done without approval is -- is a zoning issue.

COMMISSIONER KRATZ: So then that gets done by means of a motion?

COMMISSIONER SANCHEZ: I guess if that is the motion.

Again, is there any discussion to -- the work that was completed, with the exception of the fascia board that was -- was it against any of the discussion that was had?

COMMISSIONER VESEY: Well, we didn't have it -- we didn't -- at the last meeting in April, the contractor for the sign company came before us, and there were a lot of concerns about the condition of the storefront. We asked who the architect was and whether an app -- whether they were doing any work on a storefront that was in disrepair. And that's, as I understand it, why it

was carried to this meeting.

COMMISSIONER KRATZ: Can I --

MR. MILLER: And what I would -- what I would recommend, I just looked back at the April agenda and also the original application, and it does appear to be just a sign and awning application. It does appear that a Certificate of Appropriateness and application for that was -- that was not filed, and, I mean, I think the -- I mean, Mr. McNeight is the applicant looking for a Certificate of Appropriateness, I take it? So that's --

MR. MCNEIGHT: Yeah, for the repair of the storefront and the painting and the signage.

MR. MILLER: What I would --

MR. MCNEIGHT: And the awning.

MR. MILLER: Okay. Thank you. What I would recommend for the Board's action to take is that there isn't an application for a Certificate of Appropriateness, so that application is actually incomplete. Yes, the sign and awning application appears to be complete, but since the applicant does seek a certificate, I think the matter would have to be -- would have to be carried, and that's subject to receipt of a Certificate of Completeness. A complete Certificate of Completeness.

COMMISSIONER METSCH: We can't hear it subject to that?

MR. MILLER: No, because the application wasn't filed. The application that's on file for is a sign and awning application only.

COMMISSIONER KRATZ: Madame Chair.

COMMISSIONER SANCHEZ: Yes.

COMMISSIONER KRATZ: I move that the sign and awning application be carried to the next monthly meeting, pending the applicants providing us an application for Certificate of Appropriateness.

COMMISSIONER VESEY: I would second that.

COMMISSIONER SANCHEZ: Joan, do you want to take a roll call.

MS. ANASTASIO: Uh-huh.

Sue.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Ellen.

COMMISSIONER STEWART: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

MS. ANASTASIO: And Jon Vesey.

COMMISSIONER VESEY: Yes.

COMMISSIONER ZANE: Just as a note, they shouldn't put their sign up before they fix this. They can, if they want, but they'll have to take it down.

MR. MCNEIGHT: They'll have to take it down.

COMMISSIONER ZANE: Yeah.

ADMINISTRATOR HOLTZMAN: Especially the sign hasn't been approved yet either.

COMMISSIONER ZANE: Well, that hasn't stopped them.

COMMISSIONER ANDERSON: Madame Chair, would it be out of order to suggest that we recommend they repair this, even though they painted it? You know, just to, sort of, avoid some process going forward?

COMMISSIONER SANCHEZ: Would that be in the form of a letter to them?

COMMISSIONER ANDERSON: I mean, I

guess there's no application, so we can't say anything if they've painted it.

MR. MILLER: No, I think, actually, the comments where it appears that the -- at least one Board member reviewed it and it appeared that it was painted and not repaired, I mean, that's -- that's record enough. That's record enough for the applicant's on notice that they still have to repair it, and Mr. McNeight stated that if approval was granted, I mean, they would complete that work.

So I think it's pretty clear on the record that they're required to do that.

COMMISSIONER ANDERSON: Very well.

MR. MILLER: So, but good point made.

(Concluded at 6:44 p.m.)

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Application #H18-4-3: 218 Washington Street.

COMMISSIONER SANCHEZ: Second application. 218 Washington Street, Drybar.

MR. WEINBERG: So last month --

COMMISSIONER SANCHEZ: I just have a quick question. So the application for this came in in April.

MS. ANASTASIO: Yeah.

COMMISSIONER SANCHEZ: This is just a

follow-up to what transpired at the meeting.

MR. WEINBERG: So we got approval last month from this Commission to paint the storefront our satin white from underneath the cornice lip all the way to the bottom to street level, and we would like to paint the cornice as well as the -- it's the pattern, our satin white as well. We saw that the Century 21 right next door to us did the same type of project, and they painted from the cornice lip and below their black, so we would like to do the same thing on our project, paint it our white.

COMMISSIONER ZANE: When you say "the cornice lip," what are you referring to?

MR. WEINBERG: Above the sketching. Right below the windowsill of the second floor.

COMMISSIONER ZANE: I see.

MR. WEINBERG: So our approval included everything below that pattern design. It's like wood squares, and we'd like to paint the wood squares as well as the cornice lip our satin white.

COMMISSIONER ZANE: Okay.

MR. WEINBERG: And I have a paint color, if it helps.

COMMISSIONER SANCHEZ: Yes, the paint sample?

MR. WEINBERG: Sure.

COMMISSIONER KRATZ: Thank you.

These are identical?

MR. WEINBERG: What?

COMMISSIONER KRATZ: These are identical?

MR. WEINBERG: Yeah, identical.

COMMISSIONER ZANE: Have you spoken to the owner of the building regarding the painting of the facade and repair?

MR. WEINBERG: Yes, we were not able to get an answer from the second floor tenant.

COMMISSIONER ZANE: Well, and the second floor tenant is not necessarily the owner. Is that person the owner?

MR. WEINBERG: It's a condo Board.

COMMISSIONER ZANE: I'm sorry?

MR. WEINBERG: So this building is a condo.

COMMISSIONER ZANE: Oh, it's a condo?

MR. WEINBERG: Yeah.

COMMISSIONER ZANE: Okay. Yes, I remember this, okay.

So it might be nice if, instead of making this one large white surface, if we could differentiate it somehow, and possibly edge the very top in like a cladding, like a bronze material or something to just -- because otherwise it's just

white.

MR. WEINBERG: That's what our goal is, that's what we're trying to approve today. We're trying to approve the whole thing to just be white. We have 95 locations and every single storefront looks exactly the same in the United States.

COMMISSIONER ZANE: T-Mobile has a magenta "M" everywhere else except Hoboken.

So I'm asking again: We would like to see -- because it's -- you'll see other storefronts around town that have certain things that you may like or you may not like, those things may have been approved years and years ago. So we're -- we're moving forward with certain design changes around town, and this is one of them.

MR. WEINBERG: All right. My client is -- is adamant that they want the whole white to be from the lip all the way down, the entire storefront to be white.

COMMISSIONER ZANE: Well, maybe your client needs to come in.

MR. WEINBERG: Could be.

COMMISSIONER ZANE: Could be.

That's up to the Board.

COMMISSIONER PREGIBON: I mean, I don't think we're asking for a huge chip. I think

we're asking for something that's going to bear that relief out a little bit.

COMMISSIONER VESEY: Yeah, we're not talking the -- it's still going to look the same, but there is -- that cornice has a -- has a drip edge and a thing on top of it. And so the very top lip would, construction-wise, typically be covered with copper, which is resistant to water and also just looks better and gives a separation from the second floor upper facade to the lower facade.

MR. WEINBERG: And what color would that have to be?

COMMISSIONER VESEY: It would be unpainted copper.

MR. WEINBERG: Unpainted copper.

COMMISSIONER VESEY: Metal copper. It's not a huge -- it's a very typical, sometimes called flashing, it's a fairly typical thing to put on that kind of a roof.

I had another question, which was that P-9, I think it's here in your Drawing 1, it says "GC to paint existing storefront system white. Now I understand that you were painting the wood portions, this is some of the other things here, but this arrow that says "GC to paint existing storefront system white," P-9 goes directly to the black metal frames on the windows? Are you

planning on painting those metal frames of the window white?

MR. WEINBERG: I believe we're leaving that black. I don't remember what we had at the last month, I don't have those plans with me.

COMMISSIONER VESEY: Okay. I bring it up, I bring it up because your rendering has them white and the architectural drawing says they're going to be white. Just from a construction point of view, not an aesthetic point of view, painting what is probably a 20-year-old metal window, aluminum window frame white when it was black, it's not going to stay white for very long.

MR. WEINBERG: They're aware of that, and they're going to have to repaint every couple of months, if need be, but we want it to be our signature --

COMMISSIONER VESEY: But they are going to paint it white?

MR. WEINBERG: Yes, 100 percent.

COMMISSIONER VESEY: Including the front doors.

MR. WEINBERG: Yes.

COMMISSIONER ZANE: But excluding the residential door?

COMMISSIONER VESEY: Excluding

residential.

So the problem is that it's not going to stay -- I don't think the white is going to stick to it. And it's not going to stay white, it's going to chip.

COMMISSIONER PREGIBON: Depends on what maintenance they use, the way that they do it, they could sand it down or, you know, and then -- and then do like an under body, and then put, you know, the white paint on top, but they would have to do something specific in order for it to, number one, adhere and, number two, for it to last longer through one winter, really.

MR. WEINBERG: I'm not sure how they do it on other stores, but however they've preserved it on the rest of the stores, they're going to do that in this location as well.

COMMISSIONER ANDERSON: Well, procedurally, there are processes out there that will put white on it that's not necessarily going to peel or scratch through and show black, I agree that's a concern, and most of those processes are somewhat costly and labor intensive.

With that having been said, I don't know that we're necessarily opining on that, but we're creating a storefront, as he has witnessed, is going to need to be repainted every several

months and to approve an application that's contingent upon that level of maintenance gives me cause for concern.

MR. WEINBERG: We have that approval from last month's agenda, when we -- I appeared last month, and the only thing in question is from that pattern, the squares right below the cornice lip. So everything else, we already is approval to do our -- our color white.

COMMISSIONER VESEY: Joan, is this carried or was there -- do we have?

MS. ANASTASIO: It really wasn't carried, he just was -- he didn't want -- he wanted to change the color to what was approved.

COMMISSIONER KRATZ: Madame Chair, I'm at a disadvantage because I have short-term memory loss. I thought it was just the beginning of April that we discussed this, but I thought this was an application where we got into a discussion of the common area, this building is condo, and I think there was some concern, was it not, that the embellishment around the windows on the second floor are in fairly poor condition.

(Simultaneous crosstalk.)

COMMISSIONER KRATZ: We were seeking to have the applicant come back and opine as to whether the common area could be included. Am I

recalling correctly?

COMMISSIONER ZANE: Yes, because I asked the question, I asked him the question. So his answer was that they could not get in touch with the condo board to give him any information as to whether or not they would, you know, repair any portion of the facade.

COMMISSIONER KRATZ: So what were the approvals given? I don't recall what approvals were given. Does someone recall?

MR. WEINBERG: Out approval was from underneath the square -- those squares, the entire -- to build -- build an awning, leave the bulkheads on the bottom, the two bulkheads on top, have a sign and painting, repainting the whole entire facade in our color white.

COMMISSIONER KRATZ: And what is the recommendation?

COMMISSIONER PREGIBON: Well, I --

COMMISSIONER KRATZ: I'd like to hear the staff.

COMMISSIONER ZANE: It was an approval for color.

COMMISSIONER KRATZ: On what elements? I mean, that's --

COMMISSIONER ZANE: Just the facade. Just the portion, they're going to leave the

residential door black.

COMMISSIONER SANCHEZ: So basically you're just returning today for the sign.

MR. WEINBERG: No, we're returning today for the cornice lip and the patterns. The square.

COMMISSIONER ZANE: The dentil.

COMMISSIONER PREGIBON: The dentilation.

COMMISSIONER SANCHEZ: The dentil.

COMMISSIONER ZANE: So are we -- I mean, it's their problem if they paint it white and it every year needs to be painted, correct?

COMMISSIONER KRATZ: I think Commissioner Anderson is saying it becomes a public -- the public's problem if the paint peels every year. Wasn't that your point, commissioner?

COMMISSIONER ANDERSON: That's -- well, I suppose by extension my point being it's maintenance heavy. I guess, I'm posing the question: Are there regulations in place that force him to back up his statement that it's going to be painted every few months. I mean, that's -- I'm not questioning his credibility, I'm just saying how -- how are -- what assurances do we have that something of that high maintenance is going to receive that high level of maintenance?

It may be a theoretical point, but I thought it --

COMMISSIONER SANCHEZ: I actually think it might be outside of our purview. We have gone down that road when the material is copper or something like that, and there are methods to apply paint for this to secure that, that you will have it for a certain amount of time. The worst areas being were the doors, where they're going to get a lot of use, but that's not -- that -- that's not -- that different from almost any other material that might be implied. So I don't know whether we could really set the precedent here to say there are sanding and primers and paint that are used for this, other than to tell you that it's the intent to have it look well kept, and the potential for it to be scratched is there.

COMMISSIONER METSCH: Isn't that a compliance issue? We make a motion, we approve it. We put that in the motion that we expect them to maintain it, and then it becomes a compliance issue. I don't think -- I don't see it as a Historic Preservation issue, because there are plenty of white buildings. So I think we ought to, if we proceed and make it clear that we understand it needs to be maintained and we expect that and then Ana and the -- her staff are responsible for watching that through.

COMMISSIONER KRATZ: Do we have any purview of our operations and maintenance? We don't really have --

COMMISSIONER PREGIBON: No, no --

COMMISSIONER KRATZ: -- anybody in the city code to enforce that, do we?

COMMISSIONER VESEY: No.

COMMISSIONER SANCHEZ: No, but like I said without having the specification on how they're going to proceed to paint it, it's very hard for us to --

COMMISSIONER VESEY: Well, we --

COMMISSIONER SANCHEZ: -- really have an opinion on it.

COMMISSIONER VESEY: Ana, I believe we can make a recommendation -- a requirement of a how we want that applied. Maybe Marty knows whether it's a sanding and painting -- I don't know the construction --

COMMISSIONER PREGIBON: You'd have to get somebody specifically --

COMMISSIONER VESEY: It seems like it needs to be powder coated.

COMMISSIONER ANDERSON: Well, I agree, given this commentary, that we have gone outside the purview of the historic ward. It just was of concern to me that a statement was made that

it was going to be painted every few months, and I was wondering what breadth that statement had, and I think we've underscored our intention here to the extent that it's all on the record now and it is a compliance issue, as the Commissioner has stated.

COMMISSIONER SANCHEZ: And my understanding is that, with the exception of the cornice, it was approved already.

ADMINISTRATOR HOLTZMAN: Uh-huh.

COMMISSIONER SANCHEZ: So.

ADMINISTRATOR HOLTZMAN: So if you want, if you are interested in doing so, you can certainly make it a condition of the approval or the amended approval in this case, that it be maintained, and we'll put it on a three-month cycle of review just to make sure that it's, you know...

COMMISSIONER METSCH: The only thing that -- be maintained as represented it would be by the applicant.

ADMINISTRATOR HOLTZMAN: Uh-huh.

COMMISSIONER METSCH: I think that ought to be on the record that that's what the applicant said, and we just want to make sure they do it.

COMMISSIONER SANCHEZ: Okay. So are we ready to a motion with the two conditions?

COMMISSIONER PERRY: I just want to make a comment before we go on.

COMMISSIONER SANCHEZ: Yes.

COMMISSIONER PERRY: That I'm personally disappointed that the condo board president was non-responsive to the request. We asked you to extend to him about the condition of the rest of the building, because it is in a sad state of repair, and it's unfortunate because you're putting in a brand new storefront beneath a building that's peeling paint like crazy and nobody is addressing that, and I just feel like that should be on the record.

COMMISSIONER KRATZ: I agree with Commissioner Perry, and I think the fact that the question was asked and just the second floor condo owner didn't respond, I don't think the inquiry ends there. I think there needs to be more assertiveness in really making sure that this building is properly maintained throughout its entire storefront, and for that reason I'll vote no.

COMMISSIONER ZANE: And that applies to virtually every building on Washington Street. I would say 78 percent, 80 percent of the buildings are in poor repair from the neck up. So, I mean, you look at this one right here. The next one to

it.

So it's something we have to look into, it's something that we should be able to enforce as we try and bring up the standards of the retail level in Hoboken.

COMMISSIONER PERRY: I'd just like to ask a question: If the application is denied or voted against, pending appearance by the condo board's president to make a statement or make some sort of commitment on the windows, is that an appropriate action for this Board to take?

COMMISSIONER KRATZ: I didn't understand.

COMMISSIONER PERRY: Well, if we deny this application, and he's got to go back now to the condo board and say, "My storefront has been denied because you failed to appear and explain how you're going to address the rest of the conditions," is that a legal position for this Commission to take? Can we do that?

MR. MILLER: If the application is denied, the applicant has the choice of appealing that or the applicant has the choice of submitting a new application. If the applicant submits a new application, then that application would certainly be subject to the scrutiny of the Commission again. And as far as the owner complying with what the

Commission has recommended that the owner do with this building, then yes, those terms could be set again. If they -- if and when they -- if and when they come back. I mean, I would presume if they were denied that they would come back. But, yes, that's certainly within the Commission's purview to make those points again, uh-huh.

ADMINISTRATOR HOLTZMAN: Do keep in mind that they have a standing approval.

COMMISSIONER PREGIBON: They have a standing approval.

MR. MILLER: Right.

COMMISSIONER PREGIBON: All but for that.

COMMISSIONER PERRY: All but for the change they're coming back for us now.

ADMINISTRATOR HOLTZMAN: No. The only addition or change on this application is to include the cornice, the storefront cornice, which was excluded the last time.

COMMISSIONER PERRY: And that's the only element that's being painted this color that he's proposing.

ADMINISTRATOR HOLTZMAN: No. The whole storefront was approved to be painted white, except for the cornice, because the cornice, we felt, tied into the trims above it.

They're asking to include the cornice with the storefront for this amendment.

COMMISSIONER KRATZ: And was our approval contingent upon getting a satisfactory answer regarding the upper levels? I don't recall.

ADMINISTRATOR HOLTZMAN: No.

COMMISSIONER SANCHEZ: I actually feel that it's unfair to the applicant. I do think that as a commission we should move forward and try -- and establish maintenance guidelines in the way of enforcing them or even notifying the owners on Washington Street that this is what we're going for, but I think to pick this out and draw this line here is almost unfair to this applicant.

My experience with small condo associations of four owners is that they're notorious for not having a budget to do anything. So, again, I think it does touch upon a very important topic. You mentioned that most of Washington Street is decaying from storefront up, which is not unusual, but I think we have to take a different approach.

COMMISSIONER VESEY: Can I, Commissioner Anderson, would the proper -- would you think that the proper application, bear minimum, be sanding, priming, and then the using

of a paint rated for metal, whether it's Rustoleum or --

COMMISSIONER ANDERSON: That certainly would be -- if you want the procedural path, certainly you want to remove anything that's loose or in danger of being -- coming off in the next couple of years. You want to create a surface then that has tooth, and you want to use a paint that's appropriate for metal.

COMMISSIONER PREGIBON: He already has that approval.

COMMISSIONER ANDERSON: Just to, sort of, narrow us and, kind of, get us back in, should that be my role, but I believe what Ms. Holtzman has said is we're exposing him to double jeopardy on these points. They've already been approved, everything except the cornice, so that certainly what be what I would put into the ratter, but I don't know that it's part of our resolution.

COMMISSIONER ZANE: Just one question to the applicant. Is the store a condo unit?

MR. WEINBERG: Yes.

COMMISSIONER ZANE: Is it owned by who?

MR. WEINBERG: I'm not sure.

COMMISSIONER ZANE: Not you.

MR. WEINBERG: I don't believe so.

COMMISSIONER ZANE: Okay. Do we know if it's owned by the condo association?

MR. WEINBERG: I'm not sure.

COMMISSIONER PREGIBON: Or somebody probably bought it.

COMMISSIONER ZANE: It could be either way. Okay.

COMMISSIONER METSCH: I would like to repeat that I see this as a compliance issue, they've made -- the applicant has made a representation that they're going to maintain it at whatever the technical term is, and I think we ought to incorporate their representation in the motion and move on, not start developing standards on a case-by-case basis.

COMMISSIONER ZANE: I'm ready to make a motion.

COMMISSIONER SANCHEZ: Do we have a motion?

COMMISSIONER ZANE: I move that we accept the application as it is with the addition of a copper drip cap along the top of the cornice, the storefront cornice, and it should be made of copper.

Do you have a preference green or copper?

COMMISSIONER PREGIBON: Well, it

would be brown, and then will change it and then it will be --

COMMISSIONER ZANE: It will just oxidize. So the copper flashing along that top.

And that this storefront will be maintained as represented by your testimony in the record.

COMMISSIONER VESEY: I second it.

COMMISSIONER SANCHEZ: Joan, could we have a roll call?

MS. ANASTASIO: Sue.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: No.

MS. ANASTASIO: Ellen.

COMMISSIONER STEWART: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: No.

COMMISSIONER ZANE: I would just like to add at the end here that we should be careful with partial approvals.

COMMISSIONER SANCHEZ: Thank you.

(Concluded at 7:06 p.m.)

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Application #H18-5-1: 936 Washington Street

COMMISSIONER SANCHEZ: 936

Washington Street.

E V A N R Y A N, 65 TENTH STREET, HOBOKEN, NEW JERSEY, being first duly sworn or affirmed by the Notary, testifies as follows:

M A R Y A N N E F I K E, 1028 GARDEN STREET, HOBOKEN, NEW JERSEY, being first duly sworn by the Notary, testifies as follows:

COMMISSIONER SANCHEZ: Okay. Please tell us about your project.

MS. FIKE: We are excited to bring another business to Hoboken. We have Bwè Kafe two doors down and we are planning to do this, a Persian restaurant in the -- we have the application here.

The storefront is in need of repair, as you can see from the original photos, but we would like to propose a window starting at the steel lintel, the steel lintel that's already there and going down to level with the platform. The architect's been out there, an architect has been out there, and also the same company did a window on Willow Street for us, I think it's 1028 Willow, the barbershop. And as far as the sign goes, we'd actually do the same sign at Bwè Kafe, the same stainless letters, raised with the LED lighting behind, and also the other coffee shop that we have in Jersey City, the same plexiglass with the letters, the same letters.

These are additional photos, if you want to see the coffee shop letters in Hoboken. It's pretty poor. My printer ran out of ink, I'm sorry.

COMMISSIONER SANCHEZ: You want to pass them around?

MS. FIKE: If you'd like to. I'm really sorry, it's rather poor, but I'll give you that one as well.

COMMISSIONER KRATZ: Thank you. So new window and a new door, 9-foot door.

COMMISSIONER SANCHEZ: How will you treat the masonry?

MS. FIKE: We were -- we think we would like to just remove the paint, you know, but we could also leave it like that, it just depends on when you put the black there what it looks like, but if you need to know now then, then we can make a decision now.

COMMISSIONER SANCHEZ: I'm curious, because right now it's masonry and it's painted, sort, of a darker red on the bottom and an orangey red up above.

MS. FIKE: Yeah, we'd like to restore it to the natural brick.

COMMISSIONER SANCHEZ: And are you talking about the whole building or just the storefront?

MS. FIKE: Well, we -- yeah -- no, not whole building, just the storefront, yeah.

COMMISSIONER SANCHEZ: Just the storefront.

Okay, questions?

Hi, we met.

COMMISSIONER PERRY: Yes, we did.

I have a couple of questions. Is that a new brick or are you just cleaning the brick?

MS. FIKE: Cleaning.

COMMISSIONER PERRY: Just cleaning the brick.

What are you doing about the steps that are there now in front of the residential entrance? I don't think there's a step in front of yours, but there's no steps being shown at all.

Are you removing the step in the residential entrance?

MS. FIKE: No.

COMMISSIONER PERRY: You're just leaving it the way it is?

MS. FIKE: The residential, yeah, yes.

COMMISSIONER PERRY: Okay. And also when I was there today, I noticed that there are two different side doors. The residential door is larger than the retail door, but you have it the other way around.

MS. FIKE: Oh, you mean on the drawing, the architect --

COMMISSIONER PERRY: On your elevation drawing here. On I'm not sure that reflects it correctly.

MS. FIKE: Oh, I think what he did on this one he proposed a new, it's going to be a 9-foot door from top to bottom. The window's 9 feet and the door is 9 feet.

COMMISSIONER PERRY: Okay. So the door that's -- the residential door will remain the

same sides?

MS. FIKE: Yes, not touching that.

COMMISSIONER PERRY: There's an arch I thought I noticed above the residential door that's not shown here on this drawing.

MS. FIKE: Under the awning, you mean?

COMMISSIONER PERRY: Yeah, under the awning. There's an archway above the door, above the residential entrance.

MS. FIKE: We didn't have plans to do anything to do to that.

COMMISSIONER PERRY: Okay. But it's not reflected on your elevation plans is what I'm saying. It's not shown correctly.

MS. FIKE: Oh, I see. The curb isn't there.

COMMISSIONER PERRY: And on your elevation drawing, you show that there was going to be a bulkhead at the bottom of the glass, but I think you just testified that the glass is coming right down to the sidewalk?

MS. FIKE: No, no, no. I'm sorry if I said that, I did not mean that. It's going --

COMMISSIONER PERRY: Maybe I --

MS. FIKE: Yeah, it's going right in Level 2, you know, there's like a foot or I don't know the exact measurement that is going down.

It's not going down to the ground.

COMMISSIONER PERRY: Okay. That's what I was going to ask you, what that dimension was between the bottom of the glass and the sidewalk.

MS. FIKE: It's exactly where that door ends now, the door, so...

COMMISSIONER VESEY: The store entrance door.

MS. FIKE: Yes, that's correct. Yeah.

COMMISSIONER ZANE: So you're removing brick. You'll be opening -- you'll be taking this window down.

MS. FIKE: Yeah.

COMMISSIONER VESEY: Is the question?

COMMISSIONER STEWART: So three courses of brick, it looks like?

COMMISSIONER VESEY: It's quite a bit more.

COMMISSIONER PREGIBON: I don't mind that it's being taken down, because that's not a traditional window anyway, but I'd like to see a bulkhead there.

COMMISSIONER PERRY: I just want to go back to my question again on the residential door. There is a transom there that's not reflected on

your -- I point this out because this is part of our record, and if it's not correct, it doesn't help us.

MS. FIKE: Even though we're not touching that.

COMMISSIONER PERRY: What the end product is going to be should be what's -- should be what we're going to see when you're open for business. And there's a transom over the residential door that's not shown here.

MS. FIKE: Uh-huh.

COMMISSIONER VESEY: Were you able to find any documentation of what this building looked like originally?

MS. FIKE: No, I found, like, the block, but not that building. Yeah, I did go to historic, I went to the museum as well.

COMMISSIONER VESEY: And they didn't have anything?

MS. FIKE: No. And they've even helped me for hours, and no, but I did take a picture inside and at one point the window was lower. You could see where they added bricks from under -- above cinder block.

COMMISSIONER PREGIBON: Yeah, that's -- so once you take down this entire awning here, that's what I think Commissioner Perry is

asking, what's the facade going to look like? Are the doors really exactly the same? You're saying that there's the transom?

COMMISSIONER PERRY: There is a differential in the doors and there are elements that are existing that are not reflected here on this rendering. There's an transom at the residential entrance door. It shows much higher than what you see on this -- on this application presently.

COMMISSIONER PREGIBON: Right. I think that you would not be responsible for the residential entrance anyway, we would want to see something that's cohesive with it, but --

MS. FIKE: Right okay.

COMMISSIONER PREGIBON: -- I certainly don't think it's the owner of the building that has to do that.

MS. FIKE: Right.

COMMISSIONER PREGIBON: To me, I don't think that three courses of brick beyond that window is enough to -- I would like to see that bulkhead higher, because it was probably originally higher.

COMMISSIONER ZANE: They're going to --

COMMISSIONER METSCH: I didn't get

that. What was your point?

COMMISSIONER PREGIBON: The bulkhead being the layers of brick underneath the window, the window is just -- I mean, some of these elevations are showing it right down to the ground, and others are showing -- I mean, I've got a number of elevations here, and one's showing the thing, and I don't know whether it was just that you picked, like, this one here, this is showing like right flat down against the sidewalk. What's it actually going to be?

MS. FIKE: No, no, he was just showing that was his work. He didn't -- he wasn't -- you know, that was the company that's doing the window, so it's definitely, it's not going below, you know, the architectural where it will --

COMMISSIONER VESEY: So this is an actual installation at another place?

MS. FIKE: Yes, yes.

COMMISSIONER PREGIBON: And this is --

MS. FIKE: Like --

COMMISSIONER PREGIBON: -- it's a diagram of that?

MS. FIKE: Yes, yes. Not a reflection of where it's going to be placed in the building.

COMMISSIONER METSCH: Let's better understand. My question is: When you look at the block, the stores have a certain character of a door and a window size, and the bigger the window, the more the change to the character of that block. Why is it -- because I'm trying to understand, is how much bigger will the window be than the neighboring windows? It's how far up or down or whatever the right word is?

MS. FIKE: If you look at next door, Peper and Parlor, they did a little bit of work. I'm not sure how far that goes down, certainly goes lower than where we are now, but she has a -- I don't know, can you tell? And then the other -- yeah, the next door, they've looked like they did, kind of, way back whenever they did the renovations they made their window smaller, too. That was the trend, I think, make small windows.

COMMISSIONER PREGIBON: Yeah, they bricked it up.

COMMISSIONER METSCH: So how was your window going to compare for the others in terms of--

MS. FIKE: It will be lower. It will be lower.

COMMISSIONER METSCH: How much lower?

MS. FIKE: I guess it will be about -- let me see.

COMMISSIONER PREGIBON: How many courses of brick are you going to have below the window? I think that's what we want to know.

MS. FIKE: It looks like it's about a foot. A foot from the ground.

COMMISSIONER SANCHEZ: Actually, can I ask? I think the drawings are a disadvantage because they change from one to the other. What I'm gathering is that you're leaving -- you're removing the transom from the door to the store, and you're expanding the door up.

MS. FIKE: Yes.

COMMISSIONER SANCHEZ: So you're not doing any steel work to provide any new bearing there.

MS. FIKE: Right, because it already has that.

COMMISSIONER SANCHEZ: And the window, the new storefront window is to match those all the way down to the floor of the store, which happens to be 8 inches or 9 inches from --

COMMISSIONER PREGIBON: Above the sidewalk.

COMMISSIONER SANCHEZ: Above the sidewalk, but essentially when you're inside the store it goes all the way down to the floor.

MS. FIKE: Yes.

COMMISSIONER SANCHEZ: The existing floor.

MS. FIKE: Uh-huh.

COMMISSIONER SANCHEZ: The other door also has a transom here, it's just not shown here, the residential.

COMMISSIONER PREGIBON: This is underneath the awning.

COMMISSIONER SANCHEZ: No, I think this one which --

COMMISSIONER METSCH: What's the difference between the -- the brick -- the height of the brick work on this proposal as compared to the neighboring stores?

COMMISSIONER SANCHEZ: I think --

COMMISSIONER PREGIBON: It will be lower.

COMMISSIONER METSCH: I know it's lower, I'm trying to figure out by how much.

COMMISSIONER SANCHEZ: Well, it's lower by quite a bit. The other one has a sill, I don't know, 24, maybe 30 inches, or a bulkhead or a knee wall under the window. This would not -- would just be a sheer window all the way down to the floor within the store with frame.

COMMISSIONER ZANE: So typically we've denied this, and I find it hard to approve

it, since we take great pains to, you know, keep the knee wall, the bulkhead, so, if -- I think at this point we should give them a height.

COMMISSIONER METSCH: We said what?

COMMISSIONER ZANE: Give them a height for the knee wall, since that's -- that's the sort of feature that we've consistently tried to promote.

COMMISSIONER PREGIBON: That's correct, that's correct.

COMMISSIONER ZANE: Okay. So --

COMMISSIONER PREGIBON: So --

COMMISSIONER SANCHEZ: Part of what we try to do here is bring cohesiveness to Washington Street. Many things have been done over the years, but at this juncture it's sort of to -- not a sameness, but bring, sort of, again, cohesiveness that you're aware of your neighboring properties and what's happening, and that it's appropriate in a historic district.

COMMISSIONER KRATZ: I was going to say, I think you maybe answered the question, Madame Chair, but was the intent to have the -- this window that goes all the way to the floor be one of those windows that opens up in summertime?

COMMISSIONER SANCHEZ: No, no. I had that same question because it almost feels as like

a garage door.

MS. FIKE: I know. We thought about that, but no, it is not, no.

COMMISSIONER KRATZ: Thank you. But I do there, in that vein then I do second your comment and Commissioner Zane's and I think Commissioner Pregibon's concern about respecting a knee wall, I mean, that really respects the look and feel of the street.

COMMISSIONER SANCHEZ: Yes.

MR. EVAN: I just want to point out that the neighbor, Peper and Parlor does go practically to the very bottom of the window.

COMMISSIONER VESEY: We really are not bound by any previous.

MR. EVAN: Just the cohesiveness.

COMMISSIONER VESEY: It's really the -- what we try to achieve here is to look at the block the way it was supposed to be. So when you get down to your end of the block, you have some alterations that have happened over the year, your storefront, the Peper storefront have no relation to what they would have been historically. So the first step, based on the Secretary of Interior standards is look for historical documentation. The next step would be to match the proportion of the openings, the rhythm of the solids, the

relationship of the materials, the scale, directional expression, these are the standards that are both in our Master Plan and in the Secretary of the Interior standards. So what that would mean is you're looking for the relationship of the width of the windows to the height of the windows, they'll be visually compatible to the adjacent building and places, the relationship of the building to the open space. In a situation like this where it's so drastically traffic different and there is no historical documentation, we try and find something that is appealing, and then if we're doing something that is modern, we try and still maintain some of these relationships. So what we have discouraged and is not really historically accurate is the full to sidewalk thing. It looks like you've got two courses of brick to the storefront door, and that would be, I think, the Commission is saying too low. So the typical knee wall height is about 24 to 36 inches, something like that.

COMMISSIONER SANCHEZ: It could be as little as 18. It varies.

COMMISSIONER PREGIBON: Eighteen.

COMMISSIONER VESEY: Eighteen.

ADMINISTRATOR HOLTZMAN: If I might just make a note here, the width of the window that

they're proposing is 8 feet, but the height is nine, so if they went to eight by eight, it would solve your problem.

COMMISSIONER PREGIBON: It would suffice. I was going to ask what the squares were. So if you took a foot away from it and realigned the square footage of the panes, it would come up just right.

MS. FIKE: So you're saying raise it a foot.

ADMINISTRATOR HOLTZMAN: Uh-huh.

MS. FIKE: A foot from the ground or a foot from --

COMMISSIONER SANCHEZ: A foot from the ground.

MS. FIKE: 12 inches. I guess we can live with that.

COMMISSIONER PREGIBON: So then you'd have to reconfigure if you wanted the panes of glass to be the same size, you would have to reconfigure the panes of glass.

MS. FIKE: Right. Okay.

COMMISSIONER PREGIBON: And yet if it was eight by eight, then it would --

MS. FIKE: Well, what about the door, the entrance door? Could that stay the same, that 9-foot door.

COMMISSIONER PREGIBON: Well, yeah, an entry, a door has to have either a step, I mean the riser has to be a specific --

MS. FIKE: Okay.

COMMISSIONER PREGIBON: -- size.

COMMISSIONER KRATZ: Did you want to speak?

COMMISSIONER ANDERSON: I just wanted to clarify. If this orifice is reduced in size by a foot, then it's about 18 inches from the sidewalk, right.

COMMISSIONER PREGIBON: Right.

COMMISSIONER ANDERSON: Okay. I just wanted to be clear on that.

COMMISSIONER KRATZ: I'm following on Commissioner Perry's comments. I'm also confused by these drawings. I think -- I'm not sure they're -- I'd like to see something that I'm confident is really accurate, and I think we're, sort of, designing here as a focus group. I'd really feel much more comfortable on a property of this magnitude seeing a new application or revised drawings that are -- have new dimensions on them and reflect what the conversation has been here tonight.

COMMISSIONER SANCHEZ: I agree. I think the photograph has certain elements that

shows a slope of the street, that shows the pier over to the left side, shows the vestiges of the cornice up above, right under -- well, right above the awning. So I think there are some existing pieces of this building that have survived everything else that has been done to it that should be shown accurately, so we could really understand what the design intent is.

COMMISSIONER VESEY: Chairman Sanchez, one thing I might suggest is to remove the awning.

COMMISSIONER PREGIBON: Awning to see, and then you could see --

COMMISSIONER VESEY: So I would -- I will figure out how to make a motion, but what we sometimes do is we approve -- it's like exploratory demolition. We allow you to take the awning off so that we can see the building, so you can get a better photograph of it without the awning there, so we can see where the window, where the door, where the other door is, if there's any brick work that's worth saving, and then you would -- with your approval, you'd be carried to the next meeting and you'd come back and bring us some new photographs and you'd rearrange this window size, and then we could more -- then we could kind of more educated -- pick an educated, expedited enough

application.

COMMISSIONER SANCHEZ: I do think measured drawings that accurately reflect the facade would really be invaluable for us to understand the project, so...

COMMISSIONER VESEY: Yeah, because --

COMMISSIONER KRATZ: I would like to make a motion to carry.

COMMISSIONER PREGIBON: I just have a --

COMMISSIONER KRATZ: I'll make a motion and then there could be discussion, right?

COMMISSIONER VESEY: Well, let's have discussion first, and then -- let's end the discussion first before any motions.

COMMISSIONER PREGIBON: Right. I think you have an application for the sign as well. Can we not at least look at the sign part of it so they don't have to come back more than once?

COMMISSIONER KRATZ: Well, Commissioner Zane made a very good point that partial approvals -- we've had two tonight.

COMMISSIONER PREGIBON: We can do a partial approval.

COMMISSIONER KRATZ: That are problematic.

COMMISSIONER VESEY: Well --

COMMISSIONER ZANE: My only qualification would be that if -- I don't know if you have -- do you have an architect?

MS. FIKE: We did have an architect do this, yes.

COMMISSIONER ZANE: Okay. So whoever is going to look at this with the new dimensions, it may change your signage requirements, I don't know.

COMMISSIONER SANCHEZ: I do think that removing that awning might expose things up there that are going to change the signage.

COMMISSIONER PREGIBON: My only thing that -- I have a question for you, that's all, whether it pertains to a motion or not.

You have a new backlit sign, so the lettering, itself -- is the lighting on the inside of the lettering or is it halo lit?

MS. FIKE: Halo.

COMMISSIONER PREGIBON: Okay. That was my question because if you then came back with a backlit, which we don't approve backlit signs, I didn't want you to have to, you know, come back yet again.

MS. FIKE: I appreciate that. I just want to make sure we are talking about the same

thing. The backlit lights are the letters with lights behind it, LED, so it's just like a halo showing.

COMMISSIONER PREGIBON: Right. It's not that the lighting is in the inside of the actual structure of the lettering.

COMMISSIONER ZANE: The lettering is opaque.

MS. FIKE: Lettering is opaque, yes.

COMMISSIONER PREGIBON: It's opaque. It's not shining through.

MS. FIKE: No, that's right.

COMMISSIONER PREGIBON: That's it.

COMMISSIONER VESEY: Commissioner Pregibon, I think it is appropriate that if there are questions and discussion about the sign, we should do that now, so that we are not beginning a new conversation when you come back next time when we are finishing up, but I think any approval would be for removal of the sign, and then we would not be approving the sign, but we can ask all the questions and you can get all the answers, so that if we have any concerns you can think about that with your architect when you're taking the photographs or removing the awning and you guys could keep it moving.

COMMISSIONER PERRY: Chair, I have

one more question about the air conditioning unit that's in the above the door right now, you don't intend to reuse that?

MS. FIKE: No, the door will take up the whole space.

COMMISSIONER PERRY: You'll be air conditioning from another source?

MS. FIKE: There's already inside, yes, there are.

COMMISSIONER PERRY: And I know this is an administrative point, there are two different owners named on the application?

MS. FIKE: Yeah, yeah.

COMMISSIONER PERRY: Are there other two owners or there's a James Monaco and a John Delmonaco?

MS. FIKE: Yeah, right.

COMMISSIONER PERRY: Who is the owner?

MS. FIKE: They're both the owners.

COMMISSIONER PERRY: They are both owners, okay. Thank you.

COMMISSIONER VESEY: One thing I would say that we do tend to like to keep are transoms over doors. So when you remove the air conditioner, the one thing, when you meet with your architect you might consider, is to take a

treatment that is like the window you're going to put in, and instead of having an extremely large door, you might want to replace that transom with something that is evocative of the window you're putting in. A 9-foot door may be more trouble than it's worth. So that's just --

MS. FIKE: That's an aesthetic --

COMMISSIONER VESEY: -- a comment --

MS. FIKE: -- suggestion, or is it --

COMMISSIONER VESEY: It's just I would -- one of the things, I think, we will definitely be, and the reason for the removal of the awning and new drawings are we are going to want to see some symmetry where those door frames line up. We've decided we don't want to have the symmetry where the bottom is because we want to maintain a knee wall, but getting some eyeballs where we can see how the pieces line up, and there is some brick work here that is above, right above that awning, so that's something else to just take a peak at. Is that brick work or --

COMMISSIONER SANCHEZ: It seems like a cornice, the vestiges of a cornice.

COMMISSIONER VESEY: Brick work.

MS. FIKE: I just want clarify, because I have to go back to everybody again. Now, when you -- when we're talking about the window,

is it 12 inches from the street from the ground, 12 inches above, that's what you'd like?

COMMISSIONER VESEY: It is -- it's not a set amount, we were saying that --

COMMISSIONER PREGIBON: That if you took your 8-foot wide, you know, opening for the window, and if you made that bulkhead below it, 18 inches, you could have an eight-by-eight square then, if you readjusted the side of the panels of the window.

MS. FIKE: Uh-huh.

COMMISSIONER ANDERSON: Well, by extension, then we're saying, this is what I was, sort of, chasing before, the sill of the door now is -- let's call it 8 inches from the sidewalk, the window then would be that 8 inches plus another 12 inches from the sidewalk, as opposed to the way it's drawn now where the two align.

So we're saying to raise it 12 inches from the way it's depicted in the drawing. It's A total of 18 from the sidewalk.

COMMISSIONER PREGIBON: But you don't even have to say it that way. You could just say you're going to do an eight by eight opening.

COMMISSIONER SANCHEZ: I would say there is no magic number. What we're asking you is to respect the knee walls that are, sort of,

traditional and that we find throughout most of Hoboken. That's the intent that we're trying to have you carry. It could be achieved, both commissioner are correct.

COMMISSIONER PREGIBON: It could be 18, it could be whatever works for that space.

MS. FIKE: I just want to have to -- you know, I want to comply, you know, the next time I come, so I'm trying to avoid another -- so it's nine here in the drawing, nine height. So if it's eight height, that would work.

COMMISSIONER PREGIBON: Yes.

MS. FIKE: Okay. It's almost going back to the small window.

COMMISSIONER PREGIBON: And also just bear in mind that when you have -- because I don't see it in my -- all my information, when you come back for the sign, and you're saying that it's backlit, we need the -- I don't have anything on the sign.

MS. FIKE: You don't? Here, I have it. It should be in there.

COMMISSIONER PREGIBON: But you have to tell us how big.

MS. FIKE: The letters are on one of the drawings. Seven inch letters.

COMMISSIONER SANCHEZ: Actually,

here, seven.

COMMISSIONER VESEY: Seven inches.

COMMISSIONER PREGIBON: Okay. I just want make sure you have everything --

MS. FIKE: I see.

COMMISSIONER PREGIBON: -- ready for the next meeting.

COMMISSIONER ZANE: And just could out of curiosity on your sign application, it says "new sign over the residential door." Is someone putting the house number up or --

MS. FIKE: What does it say?

COMMISSIONER SANCHEZ: That was the arrow.

COMMISSIONER ZANE: It's pointing to the new, new sign, okay.

COMMISSIONER SANCHEZ: I think if the architect prepares a set of existing drawings that truly document the building and then the proposed, that's going to go a long way to clarifying all of these different questions that we have.

MS. FIKE: More precise than this. This is not accurate.

COMMISSIONER SANCHEZ: Well, and it wasn't given to us to a scale. I mean, it's been reduced, and so --

MS. FIKE: I asked. I thought that

was okay. So you need large drawings?

COMMISSIONER SANCHEZ: Usually on applications they call for quarter inch scale drawings.

COMMISSIONER PREGIBON: Quarter inch.

COMMISSIONER ANDERSON: So in an overarching way, what I've heard from several commissioners is they're just not clear on what it's going to look like when it's done. So the suggestion that's being made is that there's a scale measured drawings, so everyone has a clear idea of proportion for the reasons that Commissioner Vesey mentioned, and I would just like to underscore the idea that I think a -- if the air conditioner was to be removed, that an transom evocation would be proper in this context.

COMMISSIONER SANCHEZ: So as we carry the motion, do we have a motion so they have -- we outline the points that we've stressed clearly?

COMMISSIONER VESEY: The motion is to carry the application, with the applicant's permission, to the next meeting, and to grant them permission to remove the awning and to come back at the next meeting, which is, I don't know.

COMMISSIONER PREGIBON: May.

COMMISSIONER KRATZ: June.

COMMISSIONER VESEY: June 7th, with new drawings and photos that reflect the suggestions we've made.

COMMISSIONER KRATZ: This would be scaled measured drawings, quarter inch scale.

COMMISSIONER VESEY: Yes.

COMMISSIONER KRATZ: Existing and proposed.

COMMISSIONER PREGIBON: Proposed.

COMMISSIONER VESEY: And just for clarification, we need -- you need to give us your permission to carry to the next meeting or else we have to deny, because there is a time limit. So with your permission, we would carry it to the next meeting.

MS. FIKE: Sure, okay.

COMMISSIONER KRATZ: So that's the motion. I'll second it.

COMMISSIONER SANCHEZ: Roll call.

MS. ANASTASIO: Sue.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Ellen.

COMMISSIONER STEWART: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Yes.

COMMISSIONER SANCHEZ: Thank you.

MS. FIKE: Quick one question. If one was to have the, like so many restaurants in Hoboken, have the open doors, is that permitted anymore or not?

COMMISSIONER SANCHEZ: That would be something you would have to present. It's something that we really discuss on a case-by-case basis.

MS. FIKE: So some people can get it then.

COMMISSIONER PREGIBON: It's not, no. Something was like retractable, retractable like a garage door? Absolutely not.

MS. FIKE: No, the kind you see on Washington Street.

COMMISSIONER PREGIBON: But it

wouldn't to be to the ground, and it depends on how far it's sticking out. It just is not a good thing.

MS. FIKE: I just wondered. Okay.

COMMISSIONER PREGIBON: It's not something that we have approved for quite awhile now.

COMMISSIONER VESEY: Yeah.

MS. FIKE: Okay. Thank you for your time.

COMMISSIONER SANCHEZ: Thank you.

(Concluded at 7:35 p.m.)

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Application #H18-5-2: 626 Court Street.

COMMISSIONER SANCHEZ: 626 Court Street.

COMMISSIONER PREGIBON: I'm recusing myself from this application.

A D R I A N M E L I A, 360 14TH STREET, HOBOKEN, NEW JERSEY, being first duly sworn or affirmed by the Notary, testifies as follows:

COMMISSIONER SANCHEZ: Okay. Please tell us about your project.

MR. MELIA: This application is for a window and door replacement, a roof deck addition and an interior renovation of an existing two-story residential building. The address is 626 Court Street. The historic map says 624, but it's 626 in its present use. The interior renovation is going to result in a three-bedroom duplex apartment accessed through Court Street, and it has a roof deck addition, which will -- it's got a green roof, and roof deck which will -- sorry, an extensive green roof and a roof deck set back as per the zoning ordinance, 10 feet off the front and 3 feet off the sides. Sheet H-2 shows the existing proposed street elevations. The work is limited to the existing openings. We're just replacing the doors and windows. All of the brick is in great condition. It doesn't even need to be repointed or cleaned. It's perfect. The architectural details don't need to be addressed at all, they're all in perfect shape. The cornice does not need

to be painted, it's totally fine. The steel lintel across the garage was pointed, it's fine. We're not proposing any changes to anything other than the openings in the front.

There's some photographs on H-3, which show you the present condition. And you could see that the original barn doors, wood barn doors everything is painted black and wood, we're going to mimic those with the proposed plan, but because of the residential use, we're going to have windows behind this upper arched wood opening, and the entry to the unit is on Court Street so there will be a double front entry door in place of this original sliding door, but we'll have the exact same aesthetic in terms of color and form and material. So it's really in terms of aesthetics where we're doing bear minimum to how it looks as it stands, just replacing windows, and we're going to preserve this look. There are going to be shutter in front of the operable windows on the second floor.

COMMISSIONER ZANE: So the second floor of the Court Street side, that center window is still going to have -- is it going to be a window or it's going to be --

MR. MELIA: It's going to look exactly as it does right now. The bottom sections we're

going to have to retrofit this existing one, probably replace it in kind, so that the bottom sections are fixed and the arched sections up top swing to allow windows behind and swinging windows.

COMMISSIONER ZANE: Okay. So the bottom will be effectively a knee wall?

MR. MELIA: Correct.

COMMISSIONER ZANE: And the windows are swinging in or out?

MR. MELIA: Windows will have to swing in because the shutters swing out.

COMMISSIONER ZANE: Okay. The shutters swing out, okay. Interesting.

MR. MELIA: On the first floor, the door would have to swing in so it's not swinging into the right-of-way, and the cobbles in front are perfect, there's no real repairs or anything that needs to be done, so it's really the work as you're looking at the facade is limited to just the infill of the openings, and we're going to use true Marvin wood windows, not aluminum clad. They're going to be true wood windows, black in color. All that really needs to be done to the liner is maybe replace it with a wood liner and caulk the perimeter, the sills are in good condition so it's really minimal.

COMMISSIONER ZANE: I'm still

interested in the center window second floor. So if those shutters are open, which I would assume they would be virtually all the time, if they went away, and there was like a storm, what would happen to these shutters?

MR. MELIA: Hypothetically, if a wind took them --

COMMISSIONER ZANE: You know, if it just got window, I mean, are they flapping around? I mean, what -- what's -- are they fixed? Are they on pneumatic arms that's sort of holding them? I mean, it seems to be it's an awful lot of wood if things go wrong.

MR. MELIA: They would be hinged. And they would open out, and I guess if you're the homeowner, you have the sense if there's a high wind event that you keep them closed.

COMMISSIONER ZANE: Okay.

COMMISSIONER VESEY: So these shutters-- excuses me. These shutters are hinged on the outside down -- obviously, they couldn't be hinged above the curve, correct?

MR. MELIA: If you're asking about the mechanics, there would have to be a hinge just on the flat piece, there would have to be a short flat section where there would be a hinge rather than have a curve on the hinge.

COMMISSIONER SANCHEZ: But there's no place for them to rest like during the day when you want the shutters open or they would basically --

MR. MELIA: They would need an arm.

COMMISSIONER SANCHEZ: They would need an arm and they would be almost perpendicular to the building when they were opening?

MR. MELIA: Correct. I mean, the mechanics of it haven't been fully worked out until it's approved, but, you know, if this is approved, we would take it to a custom barn door manufacturer and seen what the options are for anchoring it with an arm. It would need an arm to stay open and closed.

COMMISSIONER KRATZ: Following up on your comment, Madame Chair, also Commissioner Zane, I would expect that the -- the question of the arm, there could be an arm that's an articulated arm that allows the shutters to lie flat against the building rather than perpendicular. I think there is that. I'm envisioning how that would work, and I also seem to think that there are on historic buildings typically shutters have a latch on the outside that allows them to be pinned to prevent any gusts of wind from blowing them shut or pushing them away, so I don't see those as issues from my standpoint. Does that fit with your

understanding of architecture and mechanics?

COMMISSIONER ZANE: Because this window is very deep, and you cannot open it past, like, 90 degrees. You won't be able to do that, and I'm not really -- I mean, that was just a point. I'm not really -- we're not here to solve your mechanical problems. You know, I mean, if you want to try this and it works, fine. If it flies off, I'm sure someone will tell you. So I'm good with it, I'm justify curious.

COMMISSIONER KRATZ: I'm thinking of a hinging system that be could be complicated. I mean, there are hinging systems that allow things to step out, I'm thinking a refrigerator door we have at home. My question, though, to Mr. Melia is: On H1, you show Drawing 6, the proposed roof plan. You show it in plan. Is there an elevation on that? Do we see that in elevation at any place in your drawing set?

MR. MELIA: You're asking about the bulkhead and the impact?

COMMISSIONER KRATZ: Yeah.

MR. MELIA: I've estimated that's going to be approximately 3 feet above the roof line existing, so maybe it's better to see it on sheet H-3, if you see this, this first photo.

COMMISSIONER KRATZ: The one that's

photo number two?

MR. MELIA: Just under, yes, just under Detail 2, this top left photograph shows the second elevation.

COMMISSIONER KRATZ: So that's the cornice, is that parapet wall above the flat roof.

MR. MELIA: Yeah, it's approximately almost 2 feet above the existing roof line.

COMMISSIONER KRATZ: So my question -- I'm sorry.

MR. MELIA: Please ask.

COMMISSIONER KRATZ: So my question is: From any angle on Court Street, understanding it's a narrow street, and there's not a lot of perspective that one gets, but either obliquely or directly looking at your property, will one see this roof deck from the street? It's just a deck. It's not -- it's not a structure.

MR. MELIA: It's not a structure. The deck itself will sit over the tape and installation, so it will be, you know, a couple of inches above the structural roof.

COMMISSIONER KRATZ: So we might see some umbrellas up there, but that would be it.

MR. MELIA: Hopefully no one puts an umbrella up, but yes, you would see -- you would see a safety railing on the very edge.

COMMISSIONER SANCHEZ: Could we go --

COMMISSIONER PERRY: May I ask a question?

COMMISSIONER SANCHEZ: Go ahead.

COMMISSIONER PERRY: Do you know how old this carriage house is?

MR. MELIA: I don't. But the maps show that it's -- I have one from 1890 showing the footprint existing as it is, so it's at least a hundred years old.

COMMISSIONER PERRY: Would the applicant consider putting a historic plaque on it dating the carriage house to that period?

MR. MELIA: If we can find out the correct date, I don't see any reason why -- why not.

COMMISSIONER PERRY: That would be great. And there is a utility pole that runs down the front. Was there anyway to relocate or reroute that utility pole, that conduit, right down the front of the building?

MR. MELIA: I see it. Absolutely. I mean, it was going to an existing meter location which doesn't necessarily gel with the proposed plan, so we can do a straight run down, so that it's not snaking down the facade like that.

COMMISSIONER PERRY: Yeah, that kind of takes away from the facade, the conduit. If you

can relocate that or reroute it somehow, that would be great.

MR. MELIA: We can certainly minimize the visual impact. If we have to, we'll push it to the edge of the building.

COMMISSIONER PERRY: That would be better than what you show, otherwise it's very nice.

COMMISSIONER VESEY: I had a question. So back to the upper window, so the layout is that there are two bedrooms on either side here, so actually smack down in the middle of this window is an interior wall.

MR. MELIA: Correct.

COMMISSIONER VESEY: I know us approve it and then we'll figure out how to do it, but it's kind of backwards. We, kind of, need to know what you're going to do so we can approve it, because this is a gem of a building. It's obviously we've done a lot of research on the history of it. It's a beautiful building, and it sounds like what you're doing is great, except I -- I just wonder why this fundamental part of the front of the building is, kind of, not thought out. Because it seems like the only way to do this is to either have a -- a shutter that is going to cover one of the key details of the building, which is

this beautiful curved window has to come out proud of that, or else you're going to be banging against it and damaging one of the most beautiful architectural parts of the building, and then it seems that it would be covering the other windows of the room, and also it seems, because of the curve, unless it swings in, it's only going to have two lower brackets on it, which I think is a hazard.

MR. MELIA: My suggestion is that we make a bifold of each half that it folds on itself, and then you can hinge it right down the middle.

COMMISSIONER ZANE: I would make a further suggestion. I would say that you make it all glass, bottom part frosted, put a decorative grate across the bottom and let it live.

MR. MELIA: Okay. Absolutely.  
We're just trying to preserve --

COMMISSIONER ZANE: I really appreciate the intent, but I think that between the mechanics of it and the ultimate hazard and as Commissioner Vesey says, you're hiding this beautiful arch and the brick work. That would be something I would --

COMMISSIONER ANDERSON: I would comment on that, that I'm pretty well versed in physics, it's my history. I don't -- maybe the bifold would work. I don't see a real ready answer

to this problem and the best knowledge I can give you is because I design a lot of entertainment centers and a lot of people say flipper doors, they don't want to look at the TV all the time and I say to them, because quite often they're huge with today's TV, I said, "How often are you actually going to close those flipper doors?" And some people say "never," and they're eliminated.

Here, we have a situation where these are probably either going to be closed all the time or opened all the time. And I think they're going to be opened all the time, and I can't help but see some point five years down the road where they say, "Take those things off and throw them away. They're just always flapping around. They don't do anything for the building, and they don't look right in the open position anyway." So it's just, sort of, fraught with issues that, again, I'm not -- I think maybe the bifold door, which has been introduced in the last five minutes is the way to go, but I would tend to agree with Commissioner Zane. The intention here is certainly stellar. The execution of it, I don't see a path to victory there, I really don't. That's it.

COMMISSIONER SANCHEZ: I think I feel that this is really a very well thought out and respectful restoration, with the exception of that

key element. And in some ways it really isn't going to work, whether they swing out, swing in, and the question is: How do you preserve the integrity of the building and continue to have it used, and get light in through that opening in a workable way, so --

MR. MELIA: The simple answer is to remove it and just have glass.

COMMISSIONER KRATZ: Right. And that's a simple answer to remove it and then have glass, then really compromises what I think we would agree is one of the stellar features of the building. I think I'm troubled because I think there are some physical aspects that we're raising that can be answered. I'd go Commissioner Anderson's point, though, of what's the reality of what will actually happen. I guess my bottom line, and I hate to say this is, this is asking this building, which was basically an old barn, to do too much as a residential. I mean, I'm a strong believer in adaptive reuse of industrial buildings, and I think there are many successful examples here in Hoboken. I'm not sure that this building, as unique as it is, essentially an old carriage house or a barn or something, a livery stable, really can become a residence. And I hate to say that. I think that there might be some

better use for it, but it's not residential, and I just don't see a realistic way forward, as much as I appreciate the attempt, I don't see a realistic way forward for this to work. And I regret saying this because I think it's a great building, and I think that I admire anybody who tries to do adaptive reuse. I just think this is asking too much of a building that has some very unique characteristics that we've identified here that pose almost insoluble problems.

COMMISSIONER PERRY: I completely disagree.

COMMISSIONER VESEY: I do, too. I mean, I think that the whole point of adaptive reuse is because if you don't find adaptive reuse eventually it will become an albatross and will fall into dilapidated. It's -- how many square feet is this building?

MR. MELIA: It's approximately 25 by 25, which is --

COMMISSIONER VESEY: 35.

MR. MELIA: Twenty-five.  
Approximately 25 by 25.

COMMISSIONER VESEY: So my house is 2,500 square feet. So I think, Commissioner Kratz, I mean, I think we do need to find a way to let them do this. This is -- this is, with -- as

many buildings that are being built on Court Street of this size over from the ground up, or from I think it's punitive to an owner to tell them that they have this gorgeous carriage house, but they can only put their horse in it.

ADMINISTRATOR HOLTZMAN: And they're not asking for a third floor, which is fantastic.

COMMISSIONER PERRY: I think, too, if you go back to the 2004 Master Plan, which encourages exactly what is being proposed here, the conversion of Court Street in some of those carriage houses to residential use, I think he's right on the mark, proposing what he's proposing.

COMMISSIONER ZANE: You have one element here which you don't like, which is the removal of the doors up top, and it's no longer a carriage house. You no longer have to bring hay upstairs.

COMMISSIONER ANDERSON: Well, the point maybe we need to spend sometime on, is those doors are meant to swing in. So if there was a weather proofing glazed solution outside those doors and they did swing in, they would at least be in the realm functional. I don't know how practical or aesthetically pleasing that answer is, but that's the problem, the doors are meant to swing in, as currently configured.

COMMISSIONER KRATZ: I'd like to clarify what I have been saying here. I'm certainly not opposed to adaptive reuse, but there is adaptive reuse other than residential, and when I think of other uses for this, you know, I'm thinking of a commercial use, a startup firm that doesn't need to have -- I guess, a sound studio, for instance, that doesn't need to have the opening of the windows or the ventilation of the light. I don't know that residential is the first tool we pick when we think of adaptive reuse and that was my point.

MR. MELIA: If I may, this property was at the forefront of a lawsuit, a famous one, where the tenant had been in there for 40 years or so, so we are talking about adaptive reuse, but it has been in residential use since, you know, you know, as long as we've all been around, so...

COMMISSIONER METSCH: What is going on in that building now?

MR. MELIA: Well, there was a fire recently, so...

COMMISSIONER METSCH: What was it before that?

MR. MELIA: It was a residential use, a mother and son were living there for 42 years and the landlord --

COMMISSIONER VESEY: Illegally.

ADMINISTRATOR HOLTZMAN: Yes.

COMMISSIONER ANDERSON: Well, at that point, what was the solution of the hayloft doors, for want of another description.

ADMINISTRATOR HOLTZMAN: They're not functional now. They're not currently functional.

COMMISSIONER ANDERSON: It's just a wall essentially on the inside.

COMMISSIONER VESEY: So they were just fixed?

MR. MELIA: They're fixed. They could stay fixed, if that's a solution.

ADMINISTRATOR HOLTZMAN: Well, let me just make it, if I might make an observation, the bottom of the doors, the bottom of the frame here of this window would be about how high above grade?

MR. MELIA: The bottom of the window?

ADMINISTRATOR HOLTZMAN: Yes.

COMMISSIONER KRATZ: Which floor?

COMMISSIONER ZANE: Second floor.

ADMINISTRATOR HOLTZMAN: Is it about ten?

MR. MELIA: Ten or 11. Right there you see the dimension signs on the side. It's approximately 11 feet to the bottom of the arched

opening.

ADMINISTRATOR HOLTZMAN: So, and we're talking about something that's pretty, pretty wide. So if it were to swing out over the street, it could potentially get hit, right?

MR. MELIA: Yeah, by a truck.

ADMINISTRATOR HOLTZMAN: So, again, to Commissioner Zane's point, having something that swings out over the street might not actually be the best possible solution here, because you're more likely to have it hit by a garbage truck or a wayward delivery truck.

COMMISSIONER VESEY: I'm leaning towards suggesting that I know we don't like to partial approvals, but I think this, you've done beautiful work here and I think 99 percent of what we are seeing we approve of. I would want to -- whether it is a fixed window, operable somehow, I mean, the one thing, I think, speaking for everybody, we don't ever want to see is a balcony railing put on this thing. So if it's any kind of window that opens, you would have to have some kind of window guards up to code. So it looks like it's going to have to be some kind of a custom window that really needs to be thought through and how those mullions come and what divided light it is. I think you can do something tasteful, but I

think we would want to reserve that approval of whatever you're doing there. So if you -- if the owners are dead set on shutters, I think you need to come back and show us how this is going to work so that a FedEx truck doesn't take it off and that it doesn't go flying and hit somebody and that it doesn't really mar the front of the building.

The other question that I have is one that we haven't discussed, which is we talked briefly about the fact that there was going to be a roof deck. I would also want to see -- that's going to also need some kind of protection. It's going to need a railing or something.

ADMINISTRATOR HOLTZMAN: That's at the edge of the deck.

COMMISSIONER VESEY: It doesn't go to the edge.

ADMINISTRATOR HOLTZMAN: It will be to the edge of the deck.

COMMISSIONER VESEY: Right, so but we didn't see what that detail is.

ADMINISTRATOR HOLTZMAN: Because it's not going to be visible from the street.

COMMISSIONER VESEY: It won't be visible from the street, okay.

ADMINISTRATOR HOLTZMAN: Just so that, again, let me just step back one second here.

If these are -- if those barn doors on the top, on the second floor actually do swing in currently, could they be retrofitted to be on the inside of the window to swing -- so that they swing back against the wall, the inside wall on either side, and then close very much like a lot of carriage houses or a lot of historic homes and things on Hudson Street where you've got, you know, movable shutters that actually close on the inside of the window, just, you know, to cut down light and stuff, but if you -- if they were hinged at the inside wall then they would actually fold flat against the inside wall when they're open.

MR. MELIA: We would lose the window, and just retain the shutter, so it would look like this, but if -- to put a window in front of it, you wouldn't see the shutter, so we would just lose the window and keep the exact look, but just change it to an operable shutter. Exactly what you're saying.

COMMISSIONER ANDERSON: The swing of the shutter would take up a tremendous percentage of the footprint of the room as well.

COMMISSIONER SANCHEZ: Can I ask a question on the other two windows, do they meet egress standards, the two flanking windows?

MR. MELIA: The -- you're

talking -- I'm sorry, which ones are you talking about.

COMMISSIONER SANCHEZ: The two windows in the small bedrooms. Yes, the window you just --

MR. MELIA: Yeah, they're single homes, 5.7 square foot opening, so this is like two by 36. It's close. I mean, we would have to check by coming to -- going to the building department, we would make sure that they did.

COMMISSIONER SANCHEZ: Okay.

COMMISSIONER KRATZ: I didn't understand the question.

COMMISSIONER SANCHEZ: The question is, is there a way of leaving the doors being what they are and do you get enough light from the existing windows that no one has a question on?

MR. MELIA: They definitely meet the code in terms of percentage area required for light and ventilation.

COMMISSIONER SANCHEZ: Okay. So it gives you the opportunity that the other door could be like you said.

MR. MELIA: We could do a skylight or something if we felt that there wasn't enough natural light that those rooms.

COMMISSIONER KRATZ: So

Commissioner, chairman, you're suggesting then that the original barn doors be kept in place, and not used for either ventilation or light, additional light could come from a skylight and the two bedroom windows would be sufficient for the bedrooms.

COMMISSIONER SANCHEZ: I just wanted to establish that to see if that was an avenue. I do think that this centerpiece is really a strong characteristic. Anything we do to make it operable and to let light and ventilation really diminishes from what it was originally.

MR. MELIA: Yeah, agreed.

COMMISSIONER KRATZ: I appreciate your comment, because I think that is the way forward. I think that's really the best way of preserving the exterior and still providing functionality in terms of air and light on the interior and I -- I certainly would vote for a -- for a plan that maintained that and had the -- had window 001 inoperable. I'm sorry. That's window 002 inoperable. Am I correct in calling that 002?

MR. MELIA: Yes, 002.

COMMISSIONER ANDERSON: Well, I'd concur with that. I think it's an excellent solution to a somewhat thorny problem. I don't

see -- the only way I could see it being functional is to swing in, as was suggested, and it would probably swing in from the center point since that is the inside corner of the room and the open position it would -- or whatever in the swung open position, I just think it would look crazy, so I think the skylight and using the existing window in tandem to get adequate light, ventilation into the room is the way to go.

COMMISSIONER KRATZ: I'm willing to make a motion to that effect if -- unless there's anybody else who to wants to say anything.

MR. MILLER: One thing I will add, just for the record, just for the Board's consideration, is that -- and I know there was some discussion as a possible --

COMMISSIONER METSCH: I can't hear you.

MR. MILLER: As a possible other use, not residential or commercial, I was just looking at the application and I just want to have the commission know for the record that it is in a R-1 residential zone, so it's commercial, I mean, that would obviously entail a use variance. I just wanted the Board to -- the Commission to have that knowledge prior to a vote.

COMMISSIONER KRATZ: I move approval

of the application on condition that opening -- 002 be altered to remain in fixed position and that all other attributes here be approved.

COMMISSIONER ZANE: I second.

MS. ANASTASIO: Steve.

COMMISSIONER PERRY: What about a condition for a historic plaque? Does anybody want to add that?

COMMISSIONER KRATZ: Yes, I will state also that the applicant be required to place on the street level a plaque of appropriate size with appropriate description of the history of the building.

MR. MILLER: And the other condition that I would add to the motion is in regard to the conduit, that the applicant agreed to the straight down conduit, if I have the terminology correct.

COMMISSIONER VESEY: On the southern edge is that -- along the southern edge of the facade.

COMMISSIONER KRATZ: Correct.

MR. MELIA: On the northern edge would be better.

COMMISSIONER VESEY: Northern edge.

COMMISSIONER KRATZ: I think those are good conditions.

COMMISSIONER ANDERSON: I'll second

the revised motion, if that needs to be done or we can carry what Commissioner seconded.

COMMISSIONER SANCHEZ: Joan.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Ellen.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Yes.

MS. ANASTASIO: Motion carries.

Thank you.

(Concluded at 8:06 p.m.)

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Application #H-18-5-3: 77 River Street

M I C H E L L E L E E, 777 TERRACE AVENUE, SUITE 607,  
HASBROUCK HEIGHTS, NEW JERSEY, being first duly sworn  
of affirmed by the Notary, testifies as follows:

Y U L A N A Z A K A L A K, 4 BEACON WAY, SUITE 302,  
JERSEY CITY, NEW JERSEY, being first duly sworn or  
affirmed by the Notary, testifies as follows:

MR. MILLER: If I may, not to slow down  
the proceedings, but we just had one commissioner  
leave, so I'm thinking he'll be right back. So  
we'll wait a few minutes. He didn't raise his hand  
prior to, but we'll send him to the principal's  
office at the end of the meeting.

(Recess taken and ended at this time.)

MR. MILLER: Thank you. For your  
patience.

COMMISSIONER SANCHEZ: Please tell us about your project.

MS. ZAKALAK: Good evening. My name is Yulana Zakalak. I'm the historic preservation consultant for Provident Bank located at the corner of Hudson Place and River Street. The address is 77 River Street and it's located in the Hoboken Central Business District. We have a request from Provident Bank to install an ATM machine on the exterior of the building. Currently the only way into the building is down a staircase. There's no handicap access to the bank, and, therefore, no handicap access to the ATM machine, which is currently inside the vestibule of the bank on River Street. On Hudson Place we have a panel that has a night drop in it. It's been there for a long time, it's not used. There's a small staircase in front of the night drop that went with a previous storefront that was removed in an earlier campaign of renovation, I'm not exactly sure which campaign, because the building, the Second National Bank, has gone through several iterations of renovations. So we have a staircase that goes to nowhere. We have a night drop box in a replacement panel. So we would be replacing the night drop box with an ATM machine and infilling the sidewalk, removing the railing and allowing handicapped accessible access

to the ATM machine.

So Michelle is going to do the technical presentation now to describe exactly what we're going to do with the wall-through ATM machine.

MS. LEE: So currently the ATM is situated in the -- inside the vestibule, like Yulana had stated, they will have to go downstairs and then you still use the vestibule to go to utilize the ATM. As she stated, it's not ADA compliant, so the bank wishes to relocate it to outside, so it's accessed from the Hudson Place, and is inside an on office from interior perspective. From outside perspective we're growing to infill the sunken area. It's an elevation view. This is the current situation of the night drop with the railing there goes around. It's underutilized currently, so this is the -- what we are proposing to do, have it an LED light above, it's going to be powder coated black color, three by eight size, very minimum. And the ATM machine is going to be about 20-inch by 30-inch high, whatever is not going to be covered by the difference of the height of the current night drop and the ATM is going to be covered by the same material as to the surrounding material. So here is a Photoshop or montage of what it's going to look

like with the full building facade with the ATM being situated in the corner.

COMMISSIONER SANCHEZ: Questions?

COMMISSIONER ZANE: Could it match in color the window mullion? Is that --

COMMISSIONER ANDERSON: That's sort of --

MS. ZAKALAK: It's sort of a cement stucco panel, and so we're not actually replacing the panel, we're just going to fix around the ATM, fix whatever stucco is there, so it blends together. You're asking for it to be changed --

COMMISSIONER ZANE: Yeah, because what you're doing is you're a bank taking on a sizeable project in a very nice building and you're patching it. That's what's happening there. So we would -- you know, I'm speaking for myself, I think it deserves more than that.

COMMISSIONER VESEY: You do not have any need, the bank drop now is not used?

MS. ZAKALAK: At this point it's obsolete, nobody uses night drop.

COMMISSIONER KRATZ: There's no cash.

I have a question about the -- you mentioned, Miss Zakalak, that the previous -- there have been several renovation campaigns here, there is a stairway to nowhere now.

There's nothing. I think you said that stairway is leads to nothing?

MS. ZAKALAK: Well, it led to the night drop, but it actually existed prior to that, because if you look at the historic photo that's included in our presentation, it was a barbershop.

COMMISSIONER KRATZ: Right.

MS. ZAKALAK: So at one point it led to a store, but the storefront disappeared years ago.

COMMISSIONER KRATZ: And what's behind the storefront now inside the building is?

MS. ZAKALAK: It's an office.

COMMISSIONER KRATZ: It's an office.

MS. ZAKALAK: These are not the original windows either.

COMMISSIONER KRATZ: Of course not.

MS. ZAKALAK: So in order to minimize the effect on the building, we just wanted to switch out the machines without worrying about switching out panel.

COMMISSIONER KRATZ: So in the spirit of doing the least possible, least impact on the building, would it be possible to, instead of doing an infill, which is what, solid material, is that what's being proposed? Concrete?

MS. LEE: It's a concrete look.

MS. ZAKALAK: It's like a stucco finish. Yeah.

COMMISSIONER KRATZ: You're getting rid of the stairway?

MS. ZAKALAK: We would like to because, otherwise it's not handicapped accessible.

COMMISSIONER KRATZ: Right. So that was my question. I did read your application. So what is the substance that's filling in the stairway?

MS. LEE: Oh, the material that we're infilling with the stairway, yes, that's --

COMMISSIONER KRATZ: Dirt and concrete, and all that.

MS. LEE: Yes, yes.

COMMISSIONER KRATZ: So my question is: Could you, instead of doing that, thinking that at some future point somebody might want to reclaim the storefront or have access to that basement level, could one put simply a -- a deck over that instead of filling it in? It would be more reversible, and typically that's, you know, favored.

COMMISSIONER PREGIBON: I would -- I would question that, Commissioner. It's in a flood zone. It's in a major flood zone, and I can't

see doing anything but covering that up. To dig it out, you wouldn't even be in compliance now with the flood zone regulations. You could never put something in the basement there that had water that could go into it.

COMMISSIONER KRATZ: I'm actually asking the question of our applicant.

Would it be possible to deck it over and not fill it in?

MS. LEE: Well, we have to investigate what the zoning code as approval or non-approved material, but I'll have to go back to the bank if they're willing to entertain that idea too, because this was our solution or suggestion to infilling with the same material as the sidewalk.

COMMISSIONER KRATZ: I speak from the experience of having been another property owner, actually the Hoboken Public Library where we actually had a basement that was below flood level and we dry flood proofed it and, you know, maintained it so that we don't have a staircase similar to that that goes below the sidewalk level?

MR. MILLER: I would caution, though, using the use or some sort of application that was applied to a public building that's not the source of the application. I realize that was done previously, but I -- I recommend that -- mixing

properties like that and saying that it was done for another building, I caution the Board using that criteria.

COMMISSIONER PERRY: I got a question. I have no issue with the infill, I think, I think leaving a void below is problematic in terms of moisture and water accumulation and all kinds of other issues, but the infill needs to be a sort of cement mix that matches the adjoining sidewalk. I'm sure Provident Bank is going to do a first class job on it and make sure it matches, but also the patching where that night drop is, it looks like it's some patchwork already with that cement stucco, you need to clear that up and avoid all the patchwork look affect that's there now.

COMMISSIONER ZANE: The entire thing has to be removed and just rebuilt, you know.

COMMISSIONER KRATZ: What does?

COMMISSIONER ZANE: The entire patch, panel, whatever they've done there, infill, needs to be removed, redesigned, and make it look like it's actually a part of this building.

COMMISSIONER VESEY: Chairman Sanchez, I just have had question while we're on this issue of the stairwell, let's just discuss this. It is, we know, in a flood zone. It is commercial, so if you were before us asking to turn

it back into a barbershop, you would be allowed to?  
Am I correct? It's zoned for commercial.

COMMISSIONER SANCHEZ: Yes.

COMMISSIONER VESEY: Now, if it's filled in, I just wanted everybody aware that if you're applying the other way for an application to dig it out and turn it into a commercial space, I don't think they'd be allowed to. So the only thing I'm bringing up for the commissioners to ponder, I'm not saying one way or the other, but once we render this not an entrance to a commercial space, we are pretty much in perpetuity rendering it not an office, a commercial space, because I don't think with current flood plane and zoning, what's there, it could ever be retrofitted back into a commercial space unless the access was from the other side of the building.

COMMISSIONER SANCHEZ: But the access is -- you're going down steps. So the access to the space is away -- you're always going down steps into the space. So right now they've joined that to be one large commercial space as opposed to having it subdivided as in the photograph.

MS. ZAKALAK: Correct.

COMMISSIONER VESEY: Right, I'm just bringing to the discussion so everybody understands that this could never be two separate

commercial spaces again because there would be no entrance.

COMMISSIONER KRATZ: So I understand what Commissioner Vesey is saying, but I don't understand what Commissioner Sanchez is saying.

COMMISSIONER SANCHEZ: The space is, sort of, it's a noncompliance but it's pre-existing, so am I correct that it's all Provident Bank?

MS. ZAKALAK: Correct.

COMMISSIONER SANCHEZ: And you enter from River Street, and you go down three steps to go into the bank. So this noncompliance is sort of pre-existing. The entrance has effectively been eliminated years ago. The only thing that's left are the vestiges of the stairs, which are historic, so it's -- and you're right, once it's gone, it's gone for good. The question is: What does it really mean at this juncture? And I actually think some of the other stronger elements of the building have already been, sort of, removed.

ADMINISTRATOR HOLTZMAN: So there may have been stairs here at one point, but it doesn't look to me like this is original -- original sidewalk.

COMMISSIONER SANCHEZ: Well, it may

have been --

ADMINISTRATOR HOLTZMAN: So these stairs have been rebuilt, and I will tell you that from a zoning standpoint, filling this in and bringing it to grade and flush with the rest of the sidewalk and potentially replacing the entire sidewalk, you know, in this section is -- and getting rid of the fence is a far better scenario because it's public right-of-way, it's not part of the bank. It is public right-of-way and to have that repaired and returned to public access is far more preferable.

COMMISSIONER PREGIBON: But it also looks like there's garbage all over the place.

MS. ZAKALAK: Yes, it just collects there.

COMMISSIONER PREGIBON: Anybody that finds a hole to throw something into, they will, you know, so I can't imagine being a property owner and having that happening, you know, on my property every night.

MS. ZAKALAK: Plus it's always flooded.

COMMISSIONER PREGIBON: It's flooded with water, so it's a drainage problem.

MS. ZAKALAK: There's sitting water and garbage in there all the time.

COMMISSIONER PREGIBON: Is there anything else to this application that you wanted to talk about?

COMMISSIONER SANCHEZ: There's complete tangent, but there is no ADA access to the property, the entire building as it is.

MS. ZAKALAK: No, none.

COMMISSIONER SANCHEZ: Okay.

ADMINISTRATOR HOLTZMAN: The exiting ATM in the original foyer is actually going to remain? This will just be a secondary one?

MS. ZAKALAK: No, this will be the only ATM to the bank.

ADMINISTRATOR HOLTZMAN: Oh, okay.

COMMISSIONER PREGIBON: So they never have to go -- no one has to really go down the steps.

MS. ZAKALAK: Exactly.

COMMISSIONER SANCHEZ: Any other questions?

COMMISSIONER PREGIBON: I'll make a motion to accept.

COMMISSIONER SANCHEZ: Do you have a question?

COMMISSIONER ANDERSON: No, if anything, I -- the only comment I would bring to this would be I agree with Commissioner Zane that I understand the intention of the application or

I believe I do, that it's minimum impact, and I believe we should be aiming higher in a renovation of this sort to make the ATM surround more homogenous with the rest of the facade and kind of transcend the patchwork situation that is now.

In other words, I don't even think that this is, in talking to tremendous expense, if the color was altered it might -- it would, at least, get us closer. To leave that as a gray cement passenger is, I think, inappropriate.

COMMISSIONER VESEY: Would the commissioners consider -- I'm looking at the main entrance, and in between the door and the windows there seems like there's -- I can't tell if it's iron clad or some kind of fascia that is black. Would it be preferable if we maintained the bottom lip of the two windows and made this infill some sort of black clad, you know, prepare the stucco cement so that I could see there's a big crack along the side there, and then something akin to what is above the window, you know, some kind of iron clad, that surround that goes, and then the -- around the ATM, and then the --

COMMISSIONER ZANE: Just -- just clad this whole thing.

COMMISSIONER VESEY: Yeah.

COMMISSIONER ANDERSON: I'm ready to

make a motion.

COMMISSIONER KRATZ: I'd like to make a comment before we do and I'm looking -- and I've listened to all of the comments and I agree that it's really a problematic issue. I'm looking at SK-8 and certainly there is trash that's collecting here and it looks like there's poor drainage, and I understand this is in the public right-of-way, but in the spirit of doing the least possible to a historic fabric and understanding that that is one of our objectives, I really think that we should ask for a solution that doesn't require infill, because once this is infilled, there's no going back, and the trash is basically a maintenance issue, that all property owners, you know, that's part of the cost of doing business, and I just think that to preserve for potential future use a new use for the basement, that might require this doorway to be reopened, not be a night deposit box or an ATM, I think that's what we -- that would preserve options for the future that I think would be fully consistent with historic preservation, and would be the least invasive, least intrusive treatment of this property.

So I really would -- I cannot support the application as it's presented. I would really like to see a solution that's a more creative way

of providing ADA access, providing an ATM that's well designed at grade, and it still preserves the historic railing and avoids an infill.

COMMISSIONER VESEY: Commissioner Kratz, I have the same concern you have, although I'm inclined to vote for this. It has been rendered not a store. It is in a flood zone. And I imagine that if you wanted to put a door back in there, they might come to us for what it looks like, but I would -- I ask Administrator Holtzman, wouldn't they have to go to planning or zoning to get permission to turn that back into a doorway?

ADMINISTRATOR HOLTZMAN: Yes, first of all, you'd have to get Provident Bank to decide to give up half their space.

COMMISSIONER VESEY: Right, absolutely. But hypothetically if we're talking about the.

ADMINISTRATOR HOLTZMAN: The answer is yes.

COMMISSIONER VESEY: Yeah, if we're talking about the long-term use of the building, it would have to be rendered back into a space which I'm inclined to think might be difficult.

COMMISSIONER ZANE: Does Provident Bank own this space?

MS. ZAKALAK: No, it's leased.

COMMISSIONER ZANE: Okay. So the landlord has created a space that's large enough to be commercially viable. That's what it appears. Okay.

COMMISSIONER KRATZ: So I just wanted to point out that there are, you know, there are -- will be many ways in Hoboken of dealing with the flood, coastal flooding, and doorways that -- doorways can be made floor proof, and that can be done without resorting to infill.

COMMISSIONER SANCHEZ: I keep on flipping back to SK-6 and SK-8, and I think something else has happened to the street, and originally it likes looks to me like the entrance was on grade, and this is not a very big difference, but I counted the courses of the brownstone and I think it's one course less now. So over time it could be that -- so even though this is here now, I don't think historically it was. At the 1920s or from wherever this photograph is, I actually think to the barbershop you almost entered on grade or to a small ramp. So in that spirit, I don't feel this is something that we should strive to maintain, but that's my personal opinion from looking at the photograph.

COMMISSIONER KRATZ: Do we know, and referring to SK-8, do we know where this -- the

bottom of this staircase, what does that conform to on the inside of the building? Is that at the basement level? To your point, Chairman.

COMMISSIONER SANCHEZ: I think that's at some point --

COMMISSIONER KRATZ: I mean, if we were to break through that wall at the exterior low level where would we be at the basement level inside? Is that you're thinking.

MS. ZAKALAK: I think that SK-5 depicts the better of the section through this staircase.

COMMISSIONER KRATZ: Oh, thank you.

MR. MILLER: I would caution the Board on going down this road for the door here, because the testimony always was that there's an office behind that wall. The Provident Bank presumably has a lease, presumably a long-standing lease, and I mean if I'm Provident Bank, and I make an application for Historic Preservation Commission for an ATM, I come to hear that, you know what, we got -- we can't get the ATM, but you got a knock out the wall, and you've got to change your office, and then you've got to put a door there, which is --

COMMISSIONER SANCHEZ: No, but I don't think that's -- no, no, no, that's not what he's suggesting. What he's saying --

MR. MILLER: I'm misunderstanding then.

COMMISSIONER SANCHEZ: -- yes is that to make this reversible.

I think, my personal feeling is that this isn't really historic original to the building, it was added on at a different date, and that useful use has, sort of, long since been eradicated, but no, it's not to make a door to the bank here at all.

MR. MILLER: Okay.

COMMISSIONER SANCHEZ: So, if anything, maybe to avoid further confusion, maybe we are ready to take a motion. And I think we -- it's hard to lose different pieces of historic fabric and sometimes it's hard to know what is authenticate and what has been added on over time, so could we have a motion?

COMMISSIONER ZANE: I would like to make a motion. I would like to move that the plan be accepted as presented with the understanding that the cement panel will be removed and it replaced with possibly a metal clad panel that reflects the color of the window mullion and ties the whole thing together in one design, unified fashion.

COMMISSIONER SANCHEZ: And you are

also respecting the sill.

COMMISSIONER ZANE: And I would like to -- as well infill, approve the infill of the small staircase and with the removal of the rail.

COMMISSIONER SANCHEZ: But I thought -- I understood that we were going to respect that sill line and then go on with the material.

COMMISSIONER VESEY: Right. So it would have the appearance of the knee wall, but --

COMMISSIONER ZANE: Okay.  
Understood, okay.

COMMISSIONER VESEY: And unify that window fenestration and then have, like, a knee wall across and then you'd do your infill.

COMMISSIONER PERRY: I second the motion.

COMMISSIONER SANCHEZ: Joan, could you call the roll?

MS. ANASTASIO: Sue.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: No.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Did you call

Ellen or Allen?

MS. ANASTASIO: Ellen, Ellen.

COMMISSIONER KRATZ: Oh, you.

COMMISSIONER STEWART: Yes, yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: No.

COMMISSIONER SANCHEZ: Thank you.

MS. LEE: Sorry, just for

clarification did you mention that we have to leave  
the railing?

COMMISSIONER ZANE: No, no.

MS. LEE: Remove the mailing.

COMMISSIONER VESEY: Railing gone,  
infill, match that fenestration and clad.

MS. LEE: Thank you very much.

(Concluded at 8:33 p.m.)

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Application #H18-5-4: 537 Washington Street.

COMMISSIONER SANCHEZ: 537

Washington Street.

C A S S A D R A W I L S O N, 471 MARKTHALER PLACE,  
ROSELLE PARK, NEW JERSEY, 07204, being first duly  
sworn or affirmed by the Notary, testifies as  
follows:

C H R I S T O P H E R N U Z Z O L O, 550 MORRISTOWN  
ROAD, MATAWAN, NEW JERSEY, being first duly sworn or  
affirmed by the Notary, testifies as follows:

COMMISSIONER SANCHEZ: Please tell us  
about your project.

MR. NUZZOLO: Sure. So I'm the owner  
of South Shore Sign Company and I'm here today to  
represent my customer, Cassandra Wilson who is

opening up a franchise location for the Max Challenge. I also am the sole sign contractor for this new franchise company and I have been doing multiple locations. So I come to the Commission today with the knowledge of that this is an historic preservation location. Obviously, the franchise wants to try to be true to their brand, but I do understand that all goes out window when we're dealing with a historic preservation.

So what we had done was we had put a plan together based on a survey that I, myself, personally had taken of the location that my client is leasing, and we tailored it to what corporate would like to see happen at this location, and it's typically, the signage is typically done in two phases; the first phase is simply just some window displays while construction happens to try to draw in customers that would sign up for the fitness program. The fitness program is pretty much based on testimonials of past customers experiences, and Cassandra was one of the members of the franchise that actually it was a huge success story, and the only way you're ever to get an opportunity to open up one of these locations is to actually go through the program and have extreme results.

MS. WILSON: Agreed. That's true for me.

MR. NUZZOLO: So we filled out some applications. We, kind of, are coming to you laying all our cards on the table, so to speak, with a plan, what we'd like to see happen. I know we did go ahead and put the window graphics on the store that just pretty much say the phone number and the web site, which we did keep in compliance to a residential zone, and I have included the calculations of that on page -- the graphics are on page -- I believe it's page 4. I'm sorry, it's the very last page have all the calculations. And then we're also proposing two storefront signs which are also in compliance to the 10 percent rule for a residential location, one on Washington Street and then the second one is on the side street which is --

MS. WILSON: Sixth Street?

MR. NUZZOLO: Sixth Street. Sixth Street has a much bigger frontage than Washington Street does for this location, but the sign is actually smaller on Sixth Street than it is on Washington Street, but we again both of them are well within the 10 percent of the frontage. I have also brought some samples of the materials that would be used to manufacture the sign. It is a non-illuminated sign. Currently on the building they have high hats that are built into the soffit

that is above the sign band, so the sign would be indirect illuminated by the existing lighting.

COMMISSIONER ZANE: So your goal is to have the Washington Street sign, that's what I'm looking at now, these windows would be filled, basically, with your graphics?

MR. NUZZOLO: Well, the permanent graphics, which you see at the top, is just those red bars.

COMMISSIONER ZANE: Okay.

MR. NUZZOLO: That would remain, which takes up less than 10 percent of the windows.

COMMISSIONER ZANE: Right.

MR. NUZZOLO: The below that, they're showing you what the temporary, while the store is under construction.

COMMISSIONER ZANE: Okay.

MR. NUZZOLO: Graphics would look like.

COMMISSIONER ZANE: Got it. So once the store is built, all we're going to see are the red bands?

MR. NUZZOLO: That is correct.

COMMISSIONER VESEY: Okay. D-1, D-2, W-1, and W-2.

COMMISSIONER ZANE: Okay.

COMMISSIONER PREGIBON: Any chance

you could get Mr. LaConte to fix the bottom of that --

ADMINISTRATOR HOLTZMAN: It was.

COMMISSIONER PREGIBON: It was already?

MS. WILSON: It was fixed, yes.

ADMINISTRATOR HOLTZMAN: Just one quick question. I know that we -- that someone from my office was supposed to have contacted you last week about removing this graphics.

Have they been removed?

MR. NUZZOLO: Yes.

ADMINISTRATOR HOLTZMAN: And it's plain paper now?

MR. NUZZOLO: There is no paper, it's transparent. You could see in.

COMMISSIONER PERRY: I'm sorry, I just need -- what's going to remain on the windows after this is --

MR. NUZZOLO: Sure, I apologize.

If you go to -- you have the cover page, the second page, on the third page, it says "Hoboken Max Layout" at the top.

COMMISSIONER PERRY: Okay.

MR. NUZZOLO: If you look at that time, it says underneath "Hoboken Max Layout" it says "permanent graphics" or "perm graphics," and

there is a sketch there of the storefront showing only what will remain.

COMMISSIONER PREGIBON: Is that like a banding at that point?

COMMISSIONER PERRY: The top and the bottom?

MR. NUZZOLO: Correct, yeah, it's about a 6-inch red band that runs the width of the window, and it just has the web site on it, and the other one has the phone number for the location.

COMMISSIONER PERRY: And the entrance doors is the same thing we see here?

MR. NUZZOLO: The entrance door has a logo on one -- one of the doors, which is fairly small, next to it, it has what's called a testimonial blur, and then two smaller red bands showing before and afters of people who had -- had been through the perform with success.

COMMISSIONER PERRY: So could you change them or are they permanent?

MR. NUZZOLO: Those are the permanents.

COMMISSIONER PERRY: Those are all permanents.

MR. NUZZOLO: Yes.

COMMISSIONER PERRY: These are the who have gone through the program?

MR. NUZZOLO: Correct. But the ones below that are showing you what the banners or window coverings look like, so that's a hundred percent coverage, those would be there just while the store is under construction, just to help boost presales, so people could kind of read about it and understand what it is. They have testimonials of people who have been through it with their own language and explaining, you know, their medical conditions, and how it lowered their blood pressure and one person has diabetic issues and how the program helped them as well. And then this has been a great success for the program to have people sign up so people could kind of educate themselves in advance. They could go on the web site, they could see the testimonials, and then there's two pictures to kind of show what the class setting and feel is like.

COMMISSIONER VESEY: And D-2, you said it's a testimonial? What's --

MR. NUZZOLO: Yeah, D-1 and D-2 are just testimonials. It's just a picture of a person and has their story.

COMMISSIONER VESEY: Just for curiosity it's so small we can't read it, what is that? How does that -- what's the testimonial read?

MR. NUZZOLO: You want to know how it reads? Give me a second. I could try to pull it up.

COMMISSIONER VESEY: Just hate to approve something --

MR. NUZZOLO: I totally understand. I totally understand. That's a good question.

COMMISSIONER ZANE: Is there going to be any signage on the Sixth Street side, while you're looking?

MR. NUZZOLO: Yes, there is one sign on the Sixth Street side, and that is on -- I don't know if you have your pages in order, I apologize for that, but, it's page 4, it's a very small sign, it's also going on the side band that's just above the door.

COMMISSIONER ZANE: So nothing on the building beyond the -- over the entry?

MR. NUZZOLO: That's it. Just that little sign.

COMMISSIONER PREGIBON: Well, I think if it was something really out of line, the police would ask that it be taken down.

COMMISSIONER VESEY: Just a curious guy.

MR. NUZZOLO: I'm trying to find. I will read it to, if you just give me a second.

ADMINISTRATOR HOLTZMAN: So while he's looking for that, I'm just going to queue the Commissioners. This is not okay. These are not allowed under the zoning code. They can have plain paper over the windows, but they can't have graphics covering the entire window. I don't care whether it's during construction or not, and I'm not going to have to fight or have to chase down every other person on Washington Street who decides that they want to put graphics in the window because these guys did it for four or five weeks while they were under correction. So this is not okay. Under the zoning code, you cannot approve that.

COMMISSIONER KRATZ: I mean, are we asked to approve it?

COMMISSIONER SANCHEZ: No, I thought we were only considering the permanent.

COMMISSIONER PREGIBON: The permanent.

ADMINISTRATOR HOLTZMAN: No, but they are asking you to approve this.

COMMISSIONER SANCHEZ: Oh, okay.

COMMISSIONER VESEY: So we need to make sure.

ADMINISTRATOR HOLTZMAN: That's why I'm saying it.

MR. NUZZOLO: I did read on some of the

codes that I saw on line for, you know, the residential zones for window displays, it does mention something that you're allowed to have them as long as they are set back at least 3 feet from the glass, and if the words cannot be read from the -- from nearest corner.

COMMISSIONER PREGIBON: This is a zoning official.

MR. NUZZOLO: I'm just sharing what I read, and just to see if it's -- but if that's not the case, then that's fine. You'd just rather have brown paper in the windows? Okay. I have that verbiage, if you want to hear it, but if you're not going to allow me, there's no point, right?

COMMISSIONER VESEY: What was the --

ADMINISTRATOR HOLTZMAN: This is -- he's talking about this verbiage that's the part of the permanent one.

MR. NUZZOLO: Oh, that there, sure. I apologize. One second.

COMMISSIONER VESEY: That's okay. I don't want to hold this up. Let's keep going forward.

COMMISSIONER SANCHEZ: So are there any other questions about the permanent signs on the building? Are we ready for a motion?

COMMISSIONER ANDERSON: I'm ready to

move on that. I would move on the permanent signage, not the temporary, to approve as presented.

COMMISSIONER STEWART: I'll second it.

COMMISSIONER SANCHEZ: Joan, roll call.

MS. ANASTASIO: Who seconded, Ellen?

COMMISSIONER ZANE: One motion.

COMMISSIONER SANCHEZ: I thought it was one motion for the permanent.

COMMISSIONER ZANE: Are we going to deny the other?

COMMISSIONER SANCHEZ: Which one?

COMMISSIONER ZANE: The temporary.

COMMISSIONER PREGIBON: That's not under our purview.

COMMISSIONER ANDERSON: I believe I disengaged it in my motion.

COMMISSIONER PREGIBON: He said already, he said permanent, not temporary.

COMMISSIONER SANCHEZ: We were only -- the motion was only for the permanent signage.

MS. ANASTASIO: Sue.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Ellen.

COMMISSIONER STEWART: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

COMMISSIONER ZANE: So now are we  
clear that you're not to cover up --

COMMISSIONER VESEY: Are we going to  
actually deny the other one?

COMMISSIONER ZANE: All right.

MR. NUZZOLO: I have that language, if  
you want to hear it.

COMMISSIONER ZANE: No. We go --

COMMISSIONER PREGIBON: We're done.

The motion is done.

COMMISSIONER SANCHEZ: Thank you.

MR. NUZZOLO: So now how does this

work? We just go ahead and fill out a regular sign application and then is there a zoning resolution from this meeting that would be included?

MS. ANASTASIO: Yes.

MR. NUZZOLO: And you'll provide that?

MS. ANASTASIO: Yes. It will go to the zoning officer, and then it goes to the building department.

MR. NUZZOLO: Thank you very much, everyone. We appreciate it.

COMMISSIONER SANCHEZ: Thank you.

MR. NUZZOLO: Have a great night.

(Concluded at 8:46 p.m.)

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Application #H18-5-5: 100 Hudson Street

COMMISSIONER SANCHEZ: 100 Hudson

Street.

N I C K C O M A N D I S, 10 LINCOLN PLACE, NEW BRUNSWICK, NEW JERSEY, 08901, being first duly sworn or affirmed by the Notary, testifies as follows:

MR. COMANDIS: How is everybody doing?

COMMISSIONER VESEY: Good.

COMMISSIONER SANCHEZ: Tell us about your application.

MR. COMANDIS: I'm here for a sign application.

COMMISSIONER SANCHEZ: Okay. Could you walk us through what you're requesting?

MR. COMANDIS: Sure. Just to put two signs next to the front door of the corner unit of a commercial building at 100 Hudson, and also a blade sign on the side of the building that is on the First Street side of the corner of the building itself.

COMMISSIONER SANCHEZ: Any questions?

COMMISSIONER PREGIBON: Are we 30 by 30? There's two signs that are adjacent to the door.

MR. COMANDIS: Correct. Thirty inch diameter, they're round.

COMMISSIONER PREGIBON: So 30 inches

in diameter.

COMMISSIONER SANCHEZ: So maybe, just out of curiosity, is that the Hansel 'n Griddle?

COMMISSIONER PREGIBON: Okay. So now Hansel 'n Griddle is turning into Playa Bowls.

MR. COMANDIS: It already has.

COMMISSIONER PREGIBON: It's turned into a Playa Bowls.

MR. COMANDIS: Yes, it has. I own -- yeah.

COMMISSIONER SANCHEZ: About a year ago?

MR. COMANDIS: So, Hansel didn't work out, so you know, if at first you don't succeed.

COMMISSIONER SANCHEZ: Well, what we approved was one 30-inch round on First Street and one 24-inch round on the door. And you received approval for a 6-foot long by 1 inch long sign above the door.

MR. COMANDIS: Correct.

COMMISSIONER SANCHEZ: So that is --

COMMISSIONER PREGIBON: That's what Hansel 'n Griddle.

COMMISSIONER SANCHEZ: Hansel 'n Griddle, yes. And that especially for the blades, was really based on proportions and --

MR. COMANDIS: I'd like to point out,

and it ended up not looking as good as the store that it was prior to Hansel. If you guys remember when it was Hudson Pizza, it had the two exact signs right and left of the door. The signage looked lopsided and off the way we ended up doing it and I just have the -- I guess like it's a good thing that I ended up doing it that way and then seeing it. So the Hansel ones ended up being a big circle and a smaller circle with the name of the restaurant and Hansel 'n Griddle across the top of the door. It's not represented in any of these pictures that you could see, maybe on the one on the top left of the one that has four of them. I didn't really think I should be referencing the Hansel signage. I should have wore my Playa Bowls shirt today, but that being said, when it was Hudson Pizza, it was, I believe, 36 by 24-inch square or rectangular sign to the right and to the left exactly the way we're looking to do the round signs as represented, if you're looking at the picture showing the front door. One thing I do want to point out, and I apologize for this after hearing a prior thing. The picture that I have of it representing, that is not to scale. Those circles of the logo itself are not that big in comparison to the size of, like, those blocks on the facade. If you're staring at the front door, the distance from the door to the

first window is almost 55 inches, somewhere in that range, and then on the left-hand side of the front door it's closer to almost 70 inches. So a 30-inch round sign doesn't take up that whole space the way it's represented in that picture. I just wanted to let you guys know that.

COMMISSIONER ANDERSON: As much as this sort of falls into the model of the Hansel 'n Griddle signage, I believe it's okay. It's unfortunate the artwork isn't proportional, but I think I get it. My problem with this is the blade sign, which I, kind of, see as a, shall I say, belt and suspenders approach to the signage. I think it's just redundant and I think it's too much.

MR. COMANDIS: So the reason for the blade sign, and it's actually for a specific purpose and I've learned this by being in this location for a few years now. If you're walking on Washington, like, you -- I have a hundred, almost a hundred feet of frontage on First Street, and no one from down the street knows that that's where our location is. You know what I mean? So it's -- it's -- if you're walking down Washington Street and you're going to go and turn and walk down First Street, you then know that that's where the Playa Bowls location is, and I've had customers over, like, the time actually say that to me.

Like, they don't realize that that's our store until they literally get all the way to the corner of Hudson Street.

COMMISSIONER ANDERSON: I commend you. That's the best case I've ever heard for a blade sign in my ten years.

COMMISSIONER PREGIBON: How about we just go -- we scale -- how about we just scale the whole thing down a little bit?

MR. COMANDIS: Which part?

COMMISSIONER PREGIBON: All of them.

MR. COMANDIS: Even the ones next to the front door?

COMMISSIONER PREGIBON: Yeah.

MR. COMANDIS: Really.

COMMISSIONER PREGIBON: Yeah.

COMMISSIONER STEWART: Especially.

COMMISSIONER ZANE: Well, that's the danger of not having a scaled drawing, because we really don't know.

MR. COMANDIS: Yeah, no, I hear you. I mean --

COMMISSIONER PREGIBON: Right there, it looks -- it's -- you know, 30, they're like this.

MR. COMANDIS: I know.

COMMISSIONER PREGIBON: I don't how

far my arms can go, believe me, they're like this.  
And it's too --

COMMISSIONER ZANE: You're offer --

COMMISSIONER PREGIBON: It's too big,  
it's just too big.

MR. COMANDIS: My offer is to decide  
to make an offer or give you a scaled drawing, I  
guess. How about we go with the same size that the  
Hansel one was, which I'm not exactly sure, I think  
she said it was 24 inch diameter.

COMMISSIONER PREGIBON: 24.

COMMISSIONER SANCHEZ: Twenty-four  
and the blade was 30.

MR. COMANDIS: Say that one more time.

COMMISSIONER PREGIBON: The blade  
sign was 30. The blade side was 30.

MR. COMANDIS: Okay. So do 24 for the  
right and left of the door, and I just want to point  
out I'm not putting anything over the door with this  
one. Like, I'm not asking for anything over the  
door with this one, it just didn't look light right,  
so I'm -- honestly, I'm open to it. It doesn't  
matter.

COMMISSIONER PREGIBON: Why don't  
they just all be the same? Why don't they just all  
be 24?

MR. COMANDIS: So 24, 24, and the 24

blade?

COMMISSIONER PREGIBON: It's  
balanced.

MR. COMANDIS: I like working with you  
guys. Whatever, whatever -- you know, the biggest  
thing with this one is we flipped the store so quick  
that we got open and I -- Joan told me what I needed  
to get on the first meeting, so it's like I need  
to just get signage up, so...

COMMISSIONER PREGIBON: Okay.  
That's fine, but what Joan probably did tell you  
is you see these A frame sandwich boards signs?

MR. COMANDIS: Yeah, I know, we only  
have one.

COMMISSIONER PREGIBON: Okay.

MR. COMANDIS: No, they did tell me.

COMMISSIONER PREGIBON: All right.

MR. COMANDIS: Those are gone.

COMMISSIONER PREGIBON: I don't want  
to see two.

MR. COMANDIS: You won't, I promise  
you.

COMMISSIONER PREGIBON: Okay.

COMMISSIONER ZANE: What's the flag?

MR. COMANDIS: There is no flag.

COMMISSIONER ZANE: There's a no  
flag.

MR. COMANDIS: That's from -- that's -- this picture is from when Hudson Pizza was there.

COMMISSIONER ZANE: Okay. Yes.

MR. COMANDIS: There's no flag.

COMMISSIONER PREGIBON: It sort of looks like a griddle to me.

MR. COMANDIS: Guarantee you, I've never produced a Hansel 'n Griddle flag.

COMMISSIONER PREGIBON: All right. All right.

COMMISSIONER ANDERSON: I'm ready to make a motion.

COMMISSIONER PREGIBON: 24, 24, 24.

MR. COMANDIS: All of three of them 24.

COMMISSIONER ANDERSON: I'll second.

COMMISSIONER PREGIBON: Go ahead, Marty.

COMMISSIONER ANDERSON: What she said.

COMMISSIONER PREGIBON: It's a Hansel 'n Griddle flag.

COMMISSIONER VESEY: You never created a Hansel 'n Griddle flag except for this Hansel 'n Griddle flag.

COMMISSIONER PREGIBON: Except for

this one.

MR. COMANDIS: That's a banner,  
that's not a flag.

COMMISSIONER VESEY: Oh.

MR. COMANDIS: This is, you can tell,  
it's an Italian something. It says --

COMMISSIONER PREGIBON: All right,  
Marty, you want to --

COMMISSIONER ANDERSON: Motion to  
approve a tryptic of signs, two to flank the entry  
door, and another as a blade sign in order to  
address Washington Street visibility concerns.

COMMISSIONER PREGIBON: At  
24 inches.

COMMISSIONER ANDERSON: At 24 inches  
each.

COMMISSIONER PREGIBON: In diameter  
for all three of them. Second.

MS. ANASTASIO: Sue.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Ellen.

COMMISSIONER STEWART: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes. Okay.

MR. COMANDIS: Thank you very much,  
everybody. Have a good evening.

(Concluded at 8:55 p.m.)

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Application #H18-5-6: 700 Washington Street

COMMISSIONER SANCHEZ: 700

Washington street. Dunkin' Donuts.

M I C H A E L G R O S S O, 105-15 180TH STREET,  
JAMAICA, NEW YORK, being first duly sworn or affirmed  
by the Notary, testifies as follows:

COMMISSIONER SANCHEZ: Tell us about  
your project.

MR. GROSSO: Thank you. Thank you  
for your consideration.

I don't know if everybody has copies  
of my rendering.

COMMISSIONER PREGIBON: Yes.

COMMISSIONER SANCHEZ: Yes, we do.

COMMISSIONER ANDERSON: I do not. I  
can share.

COMMISSIONER ZANE: I think we're  
good.

MR. GROSSO: I have extra copies.

COMMISSIONER KRATZ: I'll take them.

COMMISSIONER ANDERSON: Oh, thank  
you.

COMMISSIONER KRATZ: Here are extras.

MR. GROSSO: And the Photoshop  
renderings just depict what we're trying to  
accomplish.

We're redoing the sign, not their  
dimensional letter, just carved letters. The  
Dunkin' Donuts brand colors on them. And he's  
got -- the franchise, he already has the cafe rail  
that I was going to fabricate some fabric covers  
for as an option, that's those brown covers, and  
then we're going to put the retractable awning over  
the top of cafe. And that's it.

COMMISSIONER ZANE: So the sign is not  
yours.

COMMISSIONER PREGIBON: The sign is  
all brand new, though.

MR. GROSSO: The sign would be all

brand new.

COMMISSIONER ZANE: How is it illuminated?

MR. GROSSO: I'm sorry.

COMMISSIONER ZANE: How is it illuminated.

MR. GROSSO: It's not illuminated. Not illuminated. There's some lights above the -- in the soffit, they're existing.

COMMISSIONER KRATZ: We've just been handed photos that seem to clarify. They weren't in our packet. I think they were four of them handed. I want to make sure everybody has seen them. We've just heard reference to chocolate colored something or other on a railing.

COMMISSIONER SANCHEZ: We have that.

COMMISSIONER PREGIBON: I have it.

COMMISSIONER KRATZ: It wasn't in my impact, then I'll take it back. Thank you. This is dated 3/19/18, drawing by Darren B.

COMMISSIONER ZANE: Okay. No signage on the awning at all?

MR. GROSSO: No.

COMMISSIONER PREGIBON: Question: Why do you feel you need new signage?

MR. GROSSO: It's really coming more from Dunkin' brands and the franchisee. The

existing sign is kind of old and washed out, and, I mean, it's been up for many years, and they just don't feel like the brand is represented.

COMMISSIONER PREGIBON: Just seems so much --

MR. GROSSO: I have existing photos. I'm sorry.

COMMISSIONER PREGIBON: It's also -- right, no, we have the existing photos. It's just, like, jumping out off the facade of the building now.

MR. GROSSO: Right.

COMMISSIONER SANCHEZ: Well, it exceeds the standards, considerably. Allen.

COMMISSIONER KRATZ: I haven't done a calculation. I was just looking at this new thing that we've been -- the new what we've been handed tonight versus the existing photos. It looks much bigger.

COMMISSIONER PREGIBON: It does look much bigger.

COMMISSIONER KRATZ: And brighter. Now let me just see how it's also rendered.

COMMISSIONER PREGIBON: It's also attached to a grate kind of think, right?

MR. GROSSO: A grid, right.

COMMISSIONER PREGIBON: So that the

letters, they're no longer on the facade of the building. Just, to me, it's -- to me it's like putting another thing on that it's sort of, you know, redoing the facade of the building. It's when you start putting up this metal framing and then the letters, and they've got to be -- what's the size of the letters?

COMMISSIONER SANCHEZ: They're 13 inches.

MR. GROSSO: Well, actually we reduced it down to 12 inches.

COMMISSIONER ZANE: Okay.

COMMISSIONER METSCH: Are these the standard colors.

COMMISSIONER PREGIBON: It's just detracting. No, it's standard for the --

COMMISSIONER METSCH: Are these the standard Dunkin' Donuts colors?

MR. GROSSO: They're the standard. And keep in mind it's kind of a Photoshopped rendering also.

COMMISSIONER METSCH: Yeah, but are these the universal?

MR. GROSSO: Yes, the universal Dunkin' brands' colors.

COMMISSIONER KRATZ: Thank you.

COMMISSIONER SANCHEZ: Do you know

the size of the letters on the existing sign?

MR. GROSSO: The existing are about 9 inches.

COMMISSIONER SANCHEZ: Nine.

COMMISSIONER PREGIBON: I have a problem that it's on this -- this frame, and it's being extended off the facade said of the building.

MR. GROSSO: Well, because the existing letters are recessed into the opening.

COMMISSIONER PREGIBON: They're actually --

MR. GROSSO: So that's why they're not so visible.

COMMISSIONER PREGIBON: They're actually like on -- they're just on the facade. They're just like glued on or whatever it is, but it's really the awning plus -- plus the letters, it just takes away from the storefront, I think.

COMMISSIONER KRATZ: Maybe we have the information in front of us, and I'm just not seeing it, but I'd be helped by knowing two things: What does the armature that Commissioner Pregibon is talking about, what does that look like not in a Photoshopped drawing. What does it look like in elevation?

COMMISSIONER PREGIBON: Like how deep is it, two? How far is the extension?

COMMISSIONER KRATZ: That's exactly right. How much does it like look an elevation in a plan and also has anyone done a calculation of what the 12-inch letters do to the permissible signage.

COMMISSIONER ANDERSON: Well, they have been called out at 13.

COMMISSIONER KRATZ: Okay. And then he said it was 12, but I'm just not sure that that's the right percentage. I'd like to know that and then my third question is the covering on the railing, does that count towards the signage or not?

COMMISSIONER PREGIBON: It doesn't. It doesn't.

Is that correct, Ana?

COMMISSIONER SANCHEZ: No, it doesn't because it's only up part of the year.

COMMISSIONER PREGIBON: I feel that it should, but it doesn't.

COMMISSIONER KRATZ: So then the questions are: Can we see what that armature looks like and is it really that -- is it extending quite a bit or not? And what is the calculation?

COMMISSIONER SANCHEZ: They actually did the calculation roughly from what I could gather, and you're right on the cusp. You're

almost over.

MR. GROSSO: Fifteen and a half square feet on the lettering.

COMMISSIONER SANCHEZ: Actually, I multiplied the 15 and 15.45 times --

MR. GROSSO: I could reduce it and I don't have to put lettering on the brown fabric also. I think it's just a little --

COMMISSIONER PREGIBON: That's doesn't go into the calculation.

MR. GROSSO: Oh, okay.

COMMISSIONER SANCHEZ: I think, yes, you'll need to reduce it because right now they are -- even at 12 they're overwhelming, but also I think we need information on this armature and how that's attached back to the building.

MR. GROSSO: Right.

COMMISSIONER SANCHEZ: And how much it protrudes from the fascia.

COMMISSIONER PERRY: I think we also need a description as to how the awning is going to be attached to the building. I don't think that detail is shown here.

COMMISSIONER SANCHEZ: Yes.

COMMISSIONER VESEY: This doesn't actually look possible. I'm looking at what the actual building is, because it's Photoshopped it

looks like it's going to be very hard to put this awning and then make the sign this big.

COMMISSIONER PREGIBON: It doesn't look --

COMMISSIONER VESEY: It doesn't add up.

MR. GROSSO: I can produce an attachment detail for you.

COMMISSIONER SANCHEZ: I think we will need a cross section and how all these pieces are coming together.

MR. GROSSO: Right.

COMMISSIONER ANDERSON: I think what we're hearing in various forms here is it's just -- it's not contextual, it's overwhelming, and I understand the transition from the old signage to the new signage that somewhere along the way somebody said, "You really got to punch this," and they -- they've just gone too far, and we can talk about the technical components and should, but that's what it's all boiling down to. It's too strong for a historical district.

COMMISSIONER SANCHEZ: And a pedestrian district. A pedestrian district. We're walking a city, so these letters are appropriate if you're driving down the highway, but if you're walking a lot smaller really gets the

message across.

MR. GROSSO: Okay.

COMMISSIONER SANCHEZ: So.

COMMISSIONER KRATZ: I think we need to carry it.

COMMISSIONER SANCHEZ: Uh-huh. Can we have a --

COMMISSIONER KRATZ: So I will move to carry --

COMMISSIONER METSCH: So to what extent? Do the colors -- color makes it feel stronger or weaker or whatever? These are not the actual colors, right?

MR. GROSSO: It's a reasonable facsimile thereof. I mean, I can get you PMS colors.

COMMISSIONER METSCH: The old colors, the actual colors.

MR. GROSSO: I did the other the Dunkin' Donuts up on Washington, and it's -- that's also the carved signage, the same materials and those are the colors.

COMMISSIONER SANCHEZ: Yeah, I think this existing sign has faded, yes, and that's why it looks more muted, but their colors are very vibrant, but we're not even -- actually, let's carry it, and let's give them a list of

recommendations of what we need for the next meeting.

COMMISSIONER VESEY: Before we get to the motion, I just have one other question which came up. This is a fixed awning or this is a retractable?

MR. GROSSO: Retractable.

COMMISSIONER VESEY: Retractable awning, okay.

COMMISSIONER ANDERSON: Okay. Well, speak to recommendation. Hopefully, briefly, I think it's too strong and I think it's done with what the Chair has suggested, a more of a suburban or driveby sort of feel to it. It's not happening at the scale of a pedestrian walking by it. As a matter of fact, the awning almost obscures the sign from a person walking by it. So I just think it needs to be pulled back. Whatever machinations that might have. I think lettering needs to be smaller. I don't know how we're going to speak to the corporate identity package of these very vibrant colors, but they seem too much as presented in this rendering.

COMMISSIONER VESEY: I would also say that we're -- we will definitely need to see detailed drawings or cut sheets from how the awning is going to attach to the window. It seems because

this is not an architectural rendering but a Photoshopped rendering that it looks like you fudged some of the dimensions for how you're going to actually get the mechanism and the brackets for a retractable awning and at the same time enlarge your sign.

MR. GROSSO: You neither a stop drawing. The brackets are going to be mounted to the grid that I was going to build to attach the letters to. Okay. I'm going to mount that to the building.

COMMISSIONER VESEY: So we'll need to see a shop drawing for how this is going to be.

COMMISSIONER KRATZ: Following up on Commissioner Metsch's concern about colors, I'm trying to recall the Dunkin' Donuts down on Hudson Place, I think that was approved and the defendants Dunkin' Donuts agreed to tone down the colors, even have them gray. Is that correct? What is the current coloration of that store? That was done years ago, and maybe somebody could call that. Are we beholden to -- are we obligated to adhere to corporate colors, is the question.

COMMISSIONER PREGIBON: We never do here.

COMMISSIONER SANCHEZ: We never do, but I think when they came before us recently for

202 Washington or 302 Washington, we didn't -- we didn't ask them to mute the colors, and we accepted the colors as they were, but the sign was smaller.

COMMISSIONER STEWART: But it would be appropriate for ask for swatches, right, of the new colors?

COMMISSIONER SANCHEZ: Yes.

COMMISSIONER KRATZ: What is that that we're looking for?

COMMISSIONER METSCH: I just Googled Dunkin' Donuts to see what colors were on their web site.

COMMISSIONER KRATZ: How about Googling 100 Hudson Place, that would be interesting, because that's a Dunkin' Donuts there.

COMMISSIONER PREGIBON: The colors are -- my real objection to this is this rack that you're going to put the --

MR. GROSSO: I'll recess it back.

COMMISSIONER SANCHEZ: I think --

COMMISSIONER PREGIBON: Just to have this thing hanging on something else when you have a beautiful facade, fascia board with a lovely cornice, you've got a cast iron column there, you got a really historic building, and to attach some kind of a mechanism thing that's alien to it,

is -- I just can't even go there. I mean, right.

MR. GROSSO: You're talking the awning or the structure.

COMMISSIONER PREGIBON: I'm talking about the frame that your lettering is going on.

COMMISSIONER VESEY: The metal frame.

COMMISSIONER PREGIBON: The metal frame. I just don't see any reason for doing that. Everybody knows it's Dunkin' Donuts at that corner. It's been there for a long time. I don't think -- this thing is not going to enhance the business of that particular franchise at all, whether you have it there. Everybody knows it's Dunkin' Donuts there, but I think you're absolutely, you know, changing the facade completely of this historic building, and believe me, I don't usually go out on a limb like this for that kind of thing, so...

COMMISSIONER SANCHEZ: I think we want to carry it and we want to give him the different things that we're requesting, which is less size, color swatches, armature or lack thereof, a cross section of the cornice and the fascia and how the awning, the retractable awning is going to attach to it.

COMMISSIONER ZANE: And some of your drawings, this elevation here, to show us how far

out the letters come or --

COMMISSIONER SANCHEZ: Yes, a cross section would give us all of that.

COMMISSIONER KRATZ: So moved.

COMMISSIONER SANCHEZ: Do I have a second?

COMMISSIONER STEWART: Yeah, yes. I second it.

COMMISSIONER SANCHEZ: Joan, could you call the roll?

MS. ANASTASIO: Allen and Ellen, right?

COMMISSIONER PREGIBON: Is this a motion to carry?

MR. MILLER: Yes, this is a motion to carry.

MS. ANASTASIO: Okay. Sue?

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Ellen.

COMMISSIONER STEWART: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

COMMISSIONER SANCHEZ: Thank you.

(Concluded at 9:10 p.m.)

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Application #H18-5-7: 70 Hudson Street

COMMISSIONER SANCHEZ: 70 Hudson  
street.

A L E S H L O U S E K, 270 CANAL STREET, LAWRENCE  
MASSACHUSETTS, 01840 being first duly sworn or

affirmed by the Notary, testifies as follows:

M I C H A E L G A L L U C C I, 325 GARDEN STREET,

HOBOKEN, NEW JERSEY, being first duly sworn by the Notary, testifies as follows:

COMMISSIONER SANCHEZ: Okay. Tell us about your project.

MR. HLOUSEK: We trying to beautify or, like, change a little bit the facade of the Green Rock Bar and that's not going to be any structural changes or anything like that, just the decorative. We're going to change the sign to the, like, a version, which is from like 1900s, and install a retractable awning with the sunbrella fabric and create a gold leaf signage in the windows. Here is a metal mesh on both windows right here and the corrective tiles on the bottom, and two lamps under the awning.

COMMISSIONER ZANE: So where do the tiles come from? Why the tiles at the bottom?

MR. HLOUSEK: Because it's all the decorative style, which usually bar from 1900s used to have this kind of decorative styles and merchant stores.

COMMISSIONER ZANE: Looks sort of Moroccan.

MR. HLOUSEK: No, no.

COMMISSIONER PREGIBON: Or French. French Moroccan. I don't know whether --

COMMISSIONER ZANE: I don't see -- I

went by today and I'm like I don't think that was part of it.

MR. HLOUSEK: I don't think he's got an example here, but this was taken from the store similar to this, I mean, I don't know.

COMMISSIONER VESEY: Could you pass that over?

MR. GALLUCCI: This is just a --

COMMISSIONER ZANE: I think it's an interesting piece of theater, but I don't think it has any real historic, sort of, precedent or and -- this sign, you've -- I mean, like you're showing us things in this book, where this is like professionally, you know, drawn. The green rock that you're showing there, it's just for effect. I mean, you would -- it would not be that rough, or would it be?

MR. HLOUSEK: No, no. It is kind of aged, you know, but it's not going to be that rough.

COMMISSIONER ZANE: Okay.

MR. HLOUSEK: Right now they are, like, I think bronze coated kind of letters, but this is like -- this would be just like this, but not as rough.

MR. GALLUCCI: It's going to be painted.

MR. HLOUSEK: Yeah, yeah. It's all

hand painted, yeah.

COMMISSIONER ZANE: Okay.

COMMISSIONER KRATZ: Do we have a photo of existing conditions or was that from an earlier --

MR. GALLUCCI: You don't have that?

COMMISSIONER ZANE: A photo of it now?

COMMISSIONER KRATZ: Shouldn't that be part of the application?

MR. GALLUCCI: I have it on my computer.

ADMINISTRATOR HOLTZMAN: What was that?

COMMISSIONER KRATZ: I'm looking for the -- what exists now, just for sake of comparison. Is that typically part of the application?

MR. GALLUCCI: That's not now.

COMMISSIONER KRATZ: Is that typically part of the application?

MR. GALLUCCI: He's going to get it.

COMMISSIONER KRATZ: We shouldn't have to rely on our phones --

MR. HLOUSEK: Can he show it to you on a computer? He's got it on a computer.

MR. GALLUCCI: Just give me a second. In fact, here, this is what it looks like now.

There was an awning there, it broke off and that's at Christmas, actually.

COMMISSIONER VESEY: I think we need scaled drawings.

COMMISSIONER SANCHEZ: Scaled drawings, exactly. I think we're going to need additional information to really make a decision on this.

MR. GALLUCCI: Okay.

COMMISSIONER SANCHEZ: And that's going to include what we just told the last applicant we're going to need a cross section of the storefront. We're going to -- how you're attaching the awning or reattaching the awning.

MR. GALLUCCI: Okay.

COMMISSIONER SANCHEZ: The size of the signage, the letters versus the backboard, and even down below the knee wall under the windows, what tile that actually is. The picture is very evocative, but --

MR. HLOUSEK: The tiles I design and we basically -- we basically have to kiln burn them and they are made by, like, a basically a company, special tiles, because you can't find this pattern anywhere, so I have to basically design the pattern.

MR. GALLUCCI: He has an example.

Don't you have an example of the tile?

MR. HLOUSEK: I mean, it's not --

MR. GALLUCCI: The not the design, it's the actual tile.

MR. HLOUSEK: It's not a design, but basically this is like a -- this is just like one left over, it's not like -- but basically after that when I basically design this, it gets burned, kiln burned, and that becomes the tile, basically. So I have to basically do this with each tile.

COMMISSIONER KRATZ: In addition to that, it would be -- I'd like to see the existing conditions in addition to everything else that the Chair has mentioned, additional information that we would like to see next time. Mary.

COMMISSIONER ANDERSON: My concern would be the size of the lettering. I mean, the 12 inch thing is established. Just as depicted, it looks like it's bigger than 12, but I don't know. I must say I really do like the re-imagination, re-imagining of the facade. I like where you're going with it. From the design point of view, I think you just need to nail it from a technical perspective for approval.

MR. HLOUSEK: Okay. So you so just need almost like a blueprint, the technical blueprint of the whole thing, obviously.

COMMISSIONER ZANE: Yes.

COMMISSIONER ANDERSON: Right, you have to take it from artist conception to architects.

MR. HLOUSEK: Yeah, yeah.

COMMISSIONER KRATZ: I would agree with Commissioner Anderson. I think this is very inspired, and I'm looking forward to the next iteration that has scaled drawings and --

MR. HLOUSEK: Okay.

COMMISSIONER KRATZ: And the technical information that we can look.

MR. HLOUSEK: Okay, cool, so yes.

COMMISSIONER PERRY: Can I ask a question? Is the awning you're proposing staying purposely? Is that part of your presentation?

MR. HLOUSEK: No, no. This is, like, you know, he's, like, using, like, this creative, you know, then no, it's not going to be staying. It's going to be like this kind of a pattern. You know, it's like --

COMMISSIONER KRATZ: A pattern, okay.

MR. HLOUSEK: It's like an old design of like, kind of like an old store or old storefront, you know, but the awning is going to be like the orange sunbrella color.

COMMISSIONER ANDERSON: I was going

to say it's worth mentioning, the sunbrella color is -- I actually like it much better.

COMMISSIONER VESEY: We we'd need a swatch of the -- oh, you have two swatches.

COMMISSIONER ANDERSON: I think he's saying this is just a wash --

MR. GALLUCCI: The awning color, it's its not like -- is that what you were asking. It's not -- it's a consistent color. He's got it right here.

COMMISSIONER ANDERSON: He's got the bright color. Okay.

COMMISSIONER ZANE: You understand that letters, they have a 12-inch limit.

MR. HLOUSEK: They do? Okay.

MR. GALLUCCI: We're going to have to work --

COMMISSIONER VESEY: So 12 inches height is the limit, and it has to be no more than 10 percent of your storefront. So you'll have to lay it out with dimensions and show that it will have to be smaller than that.

MR. HLOUSEK: Yeah, okay, yeah, these are design by 17, so 12, okay, 12 inch, okay.

COMMISSIONER ANDERSON: Same proportion, but it's more --

COMMISSIONER PERRY: May I also ask:

Is the mesh, the wire mesh inside or outside the glass?

MR. HLOUSEK: Outside.

COMMISSIONER PERRY: It's outside.

MR. HLOUSEK: Yes.

COMMISSIONER PERRY: Thank you.

MR. HLOUSEK: It's just decorative with respect to that.

COMMISSIONER SANCHEZ: So could we have a motion with the conditions up to -- carry it to the next meeting?

COMMISSIONER ANDERSON: I can make a motion.

COMMISSIONER SANCHEZ: Okay. With all the elements that we've asked him to provide.

COMMISSIONER ANDERSON: I'll try to catch them all. The motion is to carry and to basically continue the design concept into a more technical realm with the consideration that the lettering be less than 12 inches in height as per standard procedure and just more dimensionality and specifics given to the design.

COMMISSIONER SANCHEZ: So we want measured drawings both of existing and proposed, along with the cross section of the storefront showing the grill, showing the awning, all the tile connection, all of that, samples similar to what

you showed us today, and photographs of the existing conditions.

MR. HLOUSEK: Okay, great.

COMMISSIONER SANCHEZ: So...

COMMISSIONER KRATZ: Second.

COMMISSIONER SANCHEZ: Joan.

MS. ANASTASIO: Sue.

COMMISSIONER PREGIBON: Yes.

MS. ANASTASIO: Ellen.

COMMISSIONER STEWART: Yes.

MS. ANASTASIO: Jim.

COMMISSIONER PERRY: Yes.

MS. ANASTASIO: Marty.

COMMISSIONER ANDERSON: Yes.

MS. ANASTASIO: Jonathan.

COMMISSIONER METSCH: Yes.

MS. ANASTASIO: Allen.

COMMISSIONER KRATZ: Yes.

MS. ANASTASIO: Ana.

COMMISSIONER SANCHEZ: Yes.

MS. ANASTASIO: Jon.

COMMISSIONER VESEY: Yes.

MS. ANASTASIO: Steve.

COMMISSIONER ZANE: Yes.

MR. GALLUCCI: Can I just ask a question. The style. Is there anything about the style that is --

COMMISSIONER SANCHEZ: I think, in general, the style was very well received. We just need more information.

MR. HLOUSEK: Yeah, you need more statistics. You need --

COMMISSIONER SANCHEZ: Yes.

COMMISSIONER ANDERSON: We can't approve an artist's conception. It's not specific enough.

MR. HLOUSEK: Yeah, yeah, absolutely.

MR. GALLUCCI: Fair enough.

COMMISSIONER PERRY: I'll be right back.

COMMISSIONER SANCHEZ: Sue, do you have to leave?

COMMISSIONER PREGIBON: Yeah, I have to leave.

COMMISSIONER SANCHEZ: So you'll be excused.

(Commissioner Pregibon is excused at this time.)

COMMISSIONER ANDERSON: I think it's a vast improvement.

I think it's a very nice update.

MR. HLOUSEK: We specialize in this. We're doing it all over, yeah, and I agree with you.

COMMISSIONER VESEY: Is it going to be  
a bar or a restaurant or --

MR. HLOUSEK: It is a bar.

COMMISSIONER VESEY: It is a bar.

(Concluded at 9:21 p.m.)

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ANNUAL REPORT DISCUSSION

COMMISSIONER SANCHEZ: So let the record show that Sue Pregibon has been excused, and when Jim comes back we will discuss the annual report.

(Recess taken and ended at this time.)

COMMISSIONER SANCHEZ: Okay. So let's see if we could focus and get through this quickly. We move the voting on the report to now.

So do I have any comments from the Commissioners?

COMMISSIONER PERRY: I sent in a last minute comment today.

MS. ANASTASIO: I think I put it there on the top of the pile there, Jim.

COMMISSIONER PERRY: Okay. Thank you. Thank you, Joan. Sorry about that.

MS. ANASTASIO: That's all right. That's all right. There's a lot of mistakes there.

COMMISSIONER KRATZ: What's the comment?

COMMISSIONER VESEY: The comment was --

COMMISSIONER KRATZ: I can't hear.

COMMISSIONER SANCHEZ: Actually, the comment was to include guidelines for the murals in our design guidelines or as a recommendation

that we should have guidelines for murals. I spoke to Jim when I came in, I feel that should be part of what we undertake as design guidelines, and our rudimentary four-page outline of the guidelines actually had a page devoted to that that Joan shared with me, so I do think that that is a concern. I don't necessarily think that it needs to be added to the design guidelines, per se, but I think we all have every intention of including that because we understand that's a deficit.

COMMISSIONER STEWART: You mean the report?

COMMISSIONER SANCHEZ: To the report.

COMMISSIONER PERRY: Well, I thought I referenced a specific hearing wherein the application was denied because we did not have guidelines for that. That's why I'm not sure you want to reference that because we're talking about an annual report and what our experience had been in 2017. So there was an actual application that we question denied, and the reason for that denial was that we didn't have guidelines established in order to weigh the application properly.

COMMISSIONER ZANE: I don't think that was the sole reason.

COMMISSIONER PERRY: I think that was the sole reason. That was the reason we gave that

there were no established guidelines for the murals in historic areas. That was exactly the reason.

COMMISSIONER SANCHEZ: My point is that I do think that's something we have to hash out and we have to discuss as a committee, and that falls under the purview of the design guidelines that we are going to undertake in the next few months, so...

COMMISSIONER KRATZ: What I hear you saying, Jim, is that you'd like that called out specifically as a recommendation in this report.

COMMISSIONER PERRY: Well, if you're referring to what we did, what we heard in 2017, that stems from that hearing.

COMMISSIONER KRATZ: I don't disagree.

MR. MILLER: But I do think, just for the record and not to be argumentative, but that was certainly one of the reasons why it was denied, but it wasn't the only one, because there were -- there was language in the ordinance that I recall was examined by the Commission as well, so...

COMMISSIONER KRATZ: So Commissioner Perry, looking at the report then, where would you place this additional language?

COMMISSIONER PERRY: Section 7.

COMMISSIONER KRATZ: What page? Do you have that in front of you?

COMMISSIONER PERRY: I don't have the -- is there a copy down there?

COMMISSIONER VESEY: Yeah, there are copies right here. Do you need one?

COMMISSIONER ANDERSON: Yeah, mine has disappeared.

COMMISSIONER PERRY: Thank you.

COMMISSIONER VESEY: Jim, when you say Section 7, yes, yes. Okay, so we do call out the project in Section 2.

COMMISSIONER KRATZ: What page?

COMMISSIONER VESEY: Page 3. We don't discuss it, we just add it to the number of applications. We say one was for paint of a wall mural.

COMMISSIONER KRATZ: Right.

COMMISSIONER VESEY: My only suggestion, Jim, might be that since it seems we need to discuss this, I wouldn't want to put anything in the annual report that suggests something before we discuss -- before we have a chance to discuss.

COMMISSIONER PERRY: I'm just suggesting guidelines, that's all I was suggesting was that we establish guidelines for art in the

historic districts.

COMMISSIONER VESEY: Well, but the other discussion might be if we want to have art in historic districts, which would be part of the discussion.

COMMISSIONER ANDERSON: Well, maybe it could be introduced as the one was for painting of a wall mural where it was revealed that criteria were needed, and maybe just leave it at that.

COMMISSIONER VESEY: What if we added it either into the -- I wonder if it goes in the noteworthy projects.

COMMISSIONER STEWART: Isn't it something we're talking about in the future because this is a report of about 2017? So --

COMMISSIONER VESEY: So put it in the recommendations and write it -- I mean, I think what we need to say --

COMMISSIONER STEWART: The forward thinking part of it the report, I think we would talk about that.

COMMISSIONER VESEY: So we had bring up the application saying it was denied because there was no precedent or guidelines for it and that we need to --

COMMISSIONER STEWART: Brought to our attention need to --

MR. MILLER: But that's not correct. That's not correct. It's not for -- if you're going to talk about the project, you also have to talk that there was language in the ordinance that the Board Commission examined and reviewed as part of the criteria for denial of that -- it's not a good reflection on the Board if you say that it was denied because we didn't have any guidelines. That's --

COMMISSIONER VESEY: Is there --

ADMINISTRATOR HOLTZMAN: If I may --

MR. MILLER: That's problematic.

ADMINISTRATOR HOLTZMAN: -- you don't cover the need for design guidelines anywhere in the recommendations, and I think you could go a little bit higher above level and as opposed to speaking about specifically the design guidelines for art in the historic district, I think you could actually easily add a paragraph talking about the need, overall, for having design guidelines for all kinds of things and you could list those --

COMMISSIONER VESEY: And then role that in.

ADMINISTRATOR HOLTZMAN: -- and include that as one of those things, so, but you don't mention the need for design guidelines, and we've just got money to do that. So I think it's

important -- a good time to actually include that in this report.

COMMISSIONER KRATZ: I agree with Administrator Holtzman. I was looking at the same time as you were, and we would add it and I didn't see anything about design guidelines in here apart from the fact that in 2004 the Master Plan suggested that we publish them, but I think that's the solitary reference. So I agree with adding a paragraph that at a macro level says that we certainly recommend that going forward in 2018 we pursue the design guideline objective and that includes the whole variety of matters. I also would like to point out, if I may on page 5, to a formatting inadvertency. There is an omission in the one, two, three, fourth bullet point, you'll notice that the sentence ends with an "an," and there are two words missing. I checked an earlier version of this draft and the two words that are missing are "our mission," ironically. So the full sentence would read on June 11, the HPC reserved a table at the Hoboken Spring Music and Arts Festival. The Commission produced and circulated a color brochure on the History of the Commission, Why Preservation Matters, and Our Mission, adding "Our Mission" to that sentence, that's what the penultimate version of this draft

had. I just wanted to correct that typo.

COMMISSIONER SANCHEZ: Any other comments?

COMMISSIONER VESEY: We had a discussion at the last meeting that Jim had suggested signage for demos, and I meant to reach out to John Miller. I had found some -- I found a legal brief about how this was done in Edison, New Jersey, and it was taken to the appellate court and struck down. So we did not include -- I talked to Jim about it, I didn't think we should recommend something that there was some precedent, and I think Allen looked into it, too, and it seemed like it had not been overturned or changed, so I think moving forward we should continue to discuss what we can do for this notice issue because we've had complaints from the public that they were not notified or they were notified too late, but were kind of tied by the MLUL, so...

COMMISSIONER PERRY: I have just want to be clear that the notice that I'm talking about, that I was recommending, was simply a sign on the property or the building letting people know, the community know, that demolition was pending Historic Preservation Committee review, period, and that's what -- and you're saying that was what now knocked down?

COMMISSIONER VESEY: That's exactly what Edison, New Jersey, did. They passed an ordinance that allowed their -- I don't even know if it was the HPC, I think it was their zoning office, to post a sign, kind of like a building permit sign, outside a building to notify people "This building has applied for a demolition application," and are going to be appearing before planning board or something on a certain date, and they were taken to court and it was struck down.

COMMISSIONER STEWART: On what basis were they taken down?

COMMISSIONER KRATZ: The appellate court struck it.

COMMISSIONER VESEY: So the appellate court struck it down because it was not -- it was not representative of what the MLUL said you could do. It was not a notice. It was not a provision that you were afforded. It was an illegal remedy that the MLUL did not give and that's what the Court decided.

COMMISSIONER KRATZ: In the MLUL court, the appellate court said that the MLUL has very specific notice guideline that are consistent across the State of New Jersey, and that for a municipality to expand that would create confusion, and Edison had done that by providing

300-foot notice and really going well beyond what the MLUL prescribes. So that was the reasoning of the appellate court.

So as we discussed that in our committee, we thought that inasmuch as there's -- are they speaking of maybe, John, you should be speaking to this, but apparently this is still good law.

MR. MILLER: Well, yeah, I haven't seen the case, but hearing it, I'm not surprised by that. I do know -- I do know that there are numerous case law out there that, that municipalities or public bodies are not permitted to expand the MLUL, and if you go back to one of the purposes of the Municipal Land Use Law was to standardize the notice procedure because before the MLUL it was really up to each individual municipality, and I don't want to say "Wild Wild West," but I think it was pretty close. You didn't have any consistency between the municipalities as far as notices, and some -- some municipalities probably had less notice requirements on the books than others, and one of the reasons of the Municipal Land Use Law was to centralize that, to set up one system, and the courts have been adamant as far as notice, as far as the requirements are set by statute and municipalities just don't have the

authority to change that or expand that in any way.

And, again, courts not -- having seen that case, but courts have been very consistent about that, really since the adoption of the MLUL.

COMMISSIONER KRATZ: So the only remedy would be legislative change to the MLUL.

MR. MILLER: Absolutely.

COMMISSIONER KRATZ: And that would be the only thing and then we, as a commission, could recommend that sort of thing, that we go to our state legislator and recommend that change, but absent that, you know, we're real confined.

Am I correct?

MR. MILLER: Correct. And then to just use it as illustration, I know we had some property owners here saying, "Oh, I heard about it from the neighbor," or "I didn't get the notice," and it's just -- and under the MLUL while I understand their arguments, the standards for the MLUL is mailing. It's not receipt of that. When applicants come before a board, they have to show an affidavit, they have to show an affidavit of service. They have to have a proof prove of mailing. They don't have to have a proof that someone received it. They got their certified list, they served everyone by certified mail. They got the stamp from the post office that it was

mailed certain days, and that may -- some maybe don't realize that, but that's the law. That's what it says, is that if you've done your mailing and followed that statute then you've -- then you've complied with your service requirements.

COMMISSIONER KRATZ: So if we, as a commission, wanted to recommend that legislative fix or change, we could do that, but we, as a committee, didn't feel that we need to do put in here, without guidance from the body level.

COMMISSIONER PERRY: I had one other recommendation, which I covered separately with Ana, as part of the education committee, but maybe the Board wants to -- the Commission wants to consider putting it in here as well, there are, I believe, 13 or so nationally registered properties in Hoboken, state or federal national register. As far as I can tell, I went through, I went to about five of them. The only property in town that has any kind of identifying plaque is City Hall. There is not a single national registered property that I came across that has any identifying plaque on it.

COMMISSIONER KRATZ: There's one next door to you, the library. We just put the plaques up.

COMMISSIONER PERRY: It's not there.

I live there.

COMMISSIONER SANCHEZ: It's right next to the --

COMMISSIONER PERRY: There's no National -- it doesn't say National Register.

COMMISSIONER SANCHEZ: It's not National. It talks about the --

COMMISSIONER PERRY: It talks about the renovation.

COMMISSIONER SANCHEZ: So they should be the other side.

COMMISSIONER KRATZ: It says it's listed in the National Register.

COMMISSIONER PERRY: It doesn't.

COMMISSIONER KRATZ: All right.

Fine.

COMMISSIONER STEWART: It's not its own -- it's not its own plaque or whatever.

COMMISSIONER SANCHEZ: Actually, that one is a huge plaque, but it might not be what you're talking about.

COMMISSIONER PERRY: It says -- it talks about the renovation, it talks about the grants, but it doesn't mention that it's --

COMMISSIONER KRATZ: I didn't mean to get an argument with you. I apologize.

COMMISSIONER PERRY: There's nothing

on Hoboken Land Building that I could see. There's nothing on the Firemen Exempts building on Bloomfield Street, there's nothing on the Firemen's monument in Church Square Park. These should be identified, as we should make that recommendation that identifying plaques at least should be put up around town for the properties, the 13 or 14, 15 properties, whatever, that are on the National Register.

COMMISSIONER SANCHEZ: Like, do we have get a quote on what these would be and what it would cost, and then we could phase it in or maybe it's small enough that it could be -- so what's the -- I mean, one, yes, I agree with you, let's put it in a recommendation, and, two, let's find out what are the steps for us to bring it to fruition. So is i getting -- we have the technical information. It is just getting the quote? And so beginning the process --

ADMINISTRATOR HOLTZMAN: I think if you have an example of the type of sign, size, what should be on it, and things like that, we can certainly get it quoted. Some of those locations are city owned, some of them are privately owned, so we would have to work through those logistics, but I think it's a reasonable objective.

COMMISSIONER SANCHEZ: We could start

with the library.

COMMISSIONER PERRY: Yeah.

COMMISSIONER SANCHEZ: You would have a captured audience there, people wanting to put it on.

COMMISSIONER PERRY: The library is even on that first table as a National Register. It might be -- it might be eligible, but it's not on that first table, that first 13 or 14 properties.

COMMISSIONER KRATZ: Oh.

COMMISSIONER STEWART: Master Plan.

ADMINISTRATOR HOLTZMAN: So just so you know, too, the city just made a grant application for funding to do historic preservation work on the firehouse.

COMMISSIONER KRATZ: On the what?

ADMINISTRATOR HOLTZMAN: On the fire stations, so as part of the scope of work when they are doing that, we can certainly look at, you know, including that in the scope of work, should they get those grants to do that historic -- it's historic preservation restoration work and stuff on those firehouse, fire stations.

COMMISSIONER VESEY: Then we could amortize the design of them, because once we have one, we can, kind of, know what the template is going to be.

COMMISSIONER PERRY: Yeah. The City Hall one is too large and it has too much information on that, but it does mention that it was listed on the National Register at some point, the history gives you some dates, but --

COMMISSIONER KRATZ: And Commissioner Perry is right, the Master Plan from 2004 doesn't include the library, but the library was placed on the National -- in the National Register in 2013, '15, so that's a more recent decision to the register. And I think there are now probably 20 buildings in town, 20 properties, and as Administrator Holtzman says, you know, some of those are privately owned, and we'd have to get permission from property owners to do anything to their property.

COMMISSIONER VESEY: The other thing that Commissioner Perry had suggested that we roll into this, as I'm turning pages to find it, was that the -- he had pointed out that there were -- some of the monuments in town were in disrepair, and I was looking through the environmental services. Basically, I read looked through the whole city code and it seemed to me that there's an omission of a specific language of who does maintain the monuments. The Parks Department talks about everything in the monument, other than not allowing

kids to climb on the monuments, but it doesn't say anything about maintenance, repair, restoration, anything like that. And so since we've talked about how we haven't nominated any new sites to become historic sites per the ordinance where we would write a recommendation, we have to do the state and national survey registration, but then we would submit it to the city council and the mayor as to how the language works in the ordinance, and then they would decide to or not. There would be notice, if it was a private building, but it seems that the monuments, which are city owned, we probably wouldn't have to go through too many hurdles, you never know. So we came up with a list of the ones that were over 50 years old because there's only one monument in town, the Firemen's Monument at this point that is -- that is on the lists for the city's historic sites. So would be the Civil War, World War I.

COMMISSIONER ANDERSON: Well, sort of on a side bar basis, it's sort of surprising it's this hard to know what's on the registers. I mean, could that be a page on the city web site or something? I mean, you would think that would be more public information than it seems to be. I have no idea what's on this list, I have to say.

COMMISSIONER VESEY: Well, there are

the ones that are in the ordinance, which are the -- they're not --

ADMINISTRATOR HOLTZMAN: A lot of those are publicly designated.

COMMISSIONER KRATZ: Right, and the ordinance, when it was adopted by city council in October of 2012 or July of 2012, had only those that were on at that time. Like I just said, the library was added after that. So really the best list is the one that the state Historic Preservation Office maintains on its web site and that's fully searchable there. And, obviously, if someone wanted to do that here in the city, it could link to that site, but that would be the definitive authoritative list. Also, the keeper of the National Register in Washington has that list as well. So it might be best to use those, just link to those sources as the authority since they maintain the register.

COMMISSIONER ANDERSON: That would be good. Well, it would be as simple as saying to someone, "Hey, Google this. Here they are.

COMMISSIONER KRATZ: Here's the link, here they are.

COMMISSIONER VESEY: I think that's something the administrative committee that got formed, I think, should put on the top of our agenda

to get, you know, put that -- compile the lists from the Master Plan, the Master Planner examine what's in the ordinance already, what's nationally registered that's not on the list, and follow through.

COMMISSIONER STEWART: There was one small thing on page 13, the paragraph that starts with the "Direct referral." You said interaction with the planning board and zoning board of adjustment in the historic preservation ordinance. I think it's missing.

COMMISSIONER KRATZ: Right, there's a word must missing there. Good catch.

COMMISSIONER STEWART: And then there's a couple of those crazy "its" with apostrophes, Jon, I knock them down. Do you want me to tell you where?

COMMISSIONER VESEY: You can send me --

COMMISSIONER STEWART: You can just do a little search.

COMMISSIONER KRATZ: It occurs to me that there is some further editing that needs to be done, a paragraph or two that needed to be added. I think that rather than adopting this tonight, we should send this back just for that final tweaking and then adopt it next month.

COMMISSIONER SANCHEZ: Would there be a venue where we could read it and sort of just go back and cast our votes electronically one by one to Joan. Just so we --

ADMINISTRATOR HOLTZMAN: You have to do at a public meeting.

MR. MILLER: You have to do at a publicly noticed meeting.

COMMISSIONER KRATZ: You mean, come back with the next draft. I didn't hear the predicate.

COMMISSIONER SANCHEZ: No, we couldn't do it via e-mail that we -- it has to be at a meeting. Just sort of --

COMMISSIONER ZANE: What is it that needed to be added?

COMMISSIONER KRATZ: We wanted to add the recommendation for the design guidelines, which as the administrator points out, that's a significant material matter for us and somehow we omitted that.

COMMISSIONER METSCH: Why can't we just add the while we're here?

ADMINISTRATOR HOLTZMAN: I mean, that you're -- we talked about the, you know, list of adding locations and things, and I'm not quite sure I understand still why we would not include a list

of recommendations for local designation.

COMMISSIONER KRATZ: I'm sorry. That would be that we're going to identify properties that we think should be added to the National Register.

ADMINISTRATOR HOLTZMAN: No, for local designation.

COMMISSIONER KRATZ: Oh, okay. So, okay.

COMMISSIONER VESEY: Well --

COMMISSIONER KRATZ: So we would come up with that list now or as a recommendation that we develop it later.

COMMISSIONER VESEY: The reason we didn't include it was because it seemed like there was work to be done. There are several issues -- there are several topics of things that we'd love to tackle, but we haven't had meetings about it, the committees haven't talked about it. We're trying to stay as close to the April 30th deadline as possible. So it wasn't an omission by not interested, it was an omission by: How do we write up something that we really need to discuss in a public meeting that we haven't, so that was the reason we didn't. We can -- I just -- I don't quite know what the best procedure would be to not hold up the annual report, and do that at the same

time.

COMMISSIONER SANCHEZ: Is it a list or do they have to be somehow qualified.

ADMINISTRATOR HOLTZMAN: No. It's just a list. We have a long-standing running list that's been worked on periodically and, you know, it doesn't have been to -- it's not the last time you're going to suggest a location. So I think if we've got a good solid working list, that there's no reason that those locations at least can't be put in there. It's up to you guys, but the it's a matter of -- I mean, it is part of the -- it is part of the core charge of the annual report to make those kinds of recommendations, so I would hate for you not to do that.

COMMISSIONER KRATZ: So I'm new to the Commission. I haven't seen that list. Has that list been circulated?

COMMISSIONER VESEY: Is that the same list.

ADMINISTRATOR HOLTZMAN: Not recently.

COMMISSIONER VESEY: There have a couple of different lists that have existed that have either been in committee or e-mailed or put together. Let's try and compile one. My only -- my only caveat would be that I'd hate to

put something in the annual report about a privately owned property that we haven't even gone -- that we haven't totally thought out how and if we want to designate them and have it be in a public document where all of a sudden we're starting to discuss something that we haven't really thought through.

MR. MILLER: Well, Jon, to Ann's point, and maybe this will assist in the wording of it. In 42 -- this is actually on the introduction at page 2 of the report, but in the first paragraph there is one sentence in there as far as one of the charges, and it's the second to last line in the first paragraph. It has "Buildings or structures that the Commission may be considering for local designation." And maybe, maybe if the wording is along those lines that, that it "may be considering those sites" that that might -- that might get the list done, and then Ann what you're thinking of and then maybe if you have the "may" in there, then you're still complying with the charges.

COMMISSIONER VESEY: And now that you're saying that I'm thinking that they have probably already been listed in the Master Plan and other documents already as eligible, so it's not like the first time anybody is suggesting this is

coming out of the annual report.

MR. MILLER: I think that's true, right, Ann, that's been listed in other places.

ADMINISTRATOR HOLTZMAN: Well, some of them are, some of them are not. But again, the last time that there was a comprehensive list in the Master Plan was 2004 and there's things that are on list that don't even exist anymore, and there's things that are not on that list that should have been, so, but I think that that list should be coming from this group as opposed to the other way around.

COMMISSIONER KRATZ: I think that makes sense, and I think that makes a lot of sense. Now that you've explained it that way, I appreciate that elaboration, and it seems to me it also meshes with the offer of the state to do a cultural resources, architectural history resources analysis of our community, and that would give -- you know, that would be another way of answering this mandate of ours.

COMMISSIONER SANCHEZ: Have they contacted your office at all?

ADMINISTRATOR HOLTZMAN: No.

MS. ANASTASIO: No.

COMMISSIONER SANCHEZ: The last I heard in February is they wanted to meet with the

new mayor, but here we are in almost June.

MS. ANASTASIO: But you know what, Ana, the demolition ordinance was adopted in 2016, not 2017.

COMMISSIONER SANCHEZ: Is that a typo?

MR. MILLER: Yeah, I think that's on page 3, it's a typo for the date.

COMMISSIONER KRATZ: On page 3?

MR. MILLER: Uh-huh.

COMMISSIONER KRATZ: That should be '16. That's a good catch.

COMMISSIONER VESEY: I was going to ask, do we maybe have a volunteer who can -- I would do it, but my time over the next three weeks is very difficult. Would someone be interested in volunteering to work with Ana, Joan, and the lists that we already have to, kind of, come up with a bulletproof list of -- it doesn't have to be a comprehensive, that's the end of the story, but it would give us a list that we could put in the report of the top 20, you know, things or 15 things or.

ADMINISTRATOR HOLTZMAN: 58.

COMMISSIONER VESEY: 58 things. But a start, someone's, kind of, got to go through, look and see. I mean, my recommendation would be that it be things that are where the hard part of it

already being some of the paperwork and it being recognized and it being on the national lists makes it very easy to then draft a letter and send to the mayor and the city council, and saying that these are sites we'd like to consider, but to put it in an annual report, we just, sort of, have to come up with a -- we need a crosscheck of all these lists and come up with lists.

ADMINISTRATOR HOLTZMAN: All right.  
It's been done.

COMMISSIONER VESEY: It's been done?

COMMISSIONER KRATZ: I think that makes a very helpful appendix. You know, that would be a very good appendix to this very --

COMMISSIONER VESEY: I think we could write in the recommendations and put the list in the appendix.

COMMISSIONER ANDERSON: Well, that's right, in the annual report is starting a conversation in a lot of ways. So just getting something out there, it's great. It will wake up the sleeping giant of people who disagree with those lists. So, you know, that will keep the ball rolling. It can be pretty far off.

ADMINISTRATOR HOLTZMAN: John, was there anything, any things that you were concerned about?

MR. MILLER: Mostly, I had a couple of the typos that we're talking about I did pick up on, but two from a legal standpoint that I'm concerned about is at the bottom of page 18 and the top of page 19, they're under "Building demolitions." At the bottom of 18 where it state "To amend the building demolition ordinance to require all demolitions within the residential zones and the Central Business District to be heard by the HPC unconditionally, regardless of variance or other relief prior to any other Municipal Land Use board." That -- that I don't think is -- I don't think the HPC has the permission. I think it violates the MLUL as it's worded. That may not be -- that may not be the Commission's intention as far as the wording, but under the MLUL, both the planning board and the zoning board does that the authority to hear applications where a demolition would be involved. So if they wanted to demolish an existing home and rebuild, rebuild a residential home, I'm thinking of a Sandy type scenario, but I just -- just about the wording, it may not be the Commission's intention, but the way it reads is that all demolitions have to go through HPC, and I think under the MLUL that's just not permissible.

COMMISSIONER SANCHEZ: Well, I think the intent was that all demolitions within the

possible historic districts, even though they haven't been codified, should go in front of HPC or similar to 217 Willow, have a review and a letter accompanying it --

MR. MILLER: Okay.

COMMISSIONER SANCHEZ: -- in order for expertise of this Commission to be transferred to the other two.

MR. MILLER: Okay.

COMMISSIONER SANCHEZ: So it wasn't saying that we will be the last word, but it is saying that we want to give an opinion on it.

MR. MILLER: And that's very different from how this reads.

COMMISSIONER KRATZ: How would it change this, counsel? Is there an easy amending of the language?

MR. MILLER: Just before I answer, I just wanted to hear what Jon was saying.

COMMISSIONER VESEY: Yeah, I mean, I think that the intention from the Committee and from what we heard from other commissioners was that it would be heard by the HPC prior to going to planning or zoning, but not that we would have the last word, because I think the MLUL and the city ordinance give them both the authority to overrule anything we say. What we were trying to give our

recommendation of was the fact the way that the demolition ordinance was written, it specifically says if it's going to planning and zoning, it bypasses HPC.

MR. MILLER: Uh-huh. And I think under the MLUL, I mean, that's permissible. That ordinance -- that any demolition application, any demolition application in the city, I don't think, could go through -- in these zones, I don't think we could put the condition on there that it has to go through HPC because that violates the MLUL. The MLUL gives the authority for the planning board and the zoning board, any planning board or zoning board in the state to hear demolition applications. I don't -- if the ordinance was revised to include that, I think that ordinance conflicts with the MLUL. I don't think we can pidgeon hole certain demolition applications that are located in certain zones and say "It has to go here."

COMMISSIONER ZANE: But isn't that our reach if it's in a historic zone, it has to go here?

MR. MILLER: Yes, but the ordinance also leaves it open for to go to the planning board or the zoning board.

COMMISSIONER ZANE: Even if it's in a historic district.

MR. MILLER: I think it does.

COMMISSIONER SANCHEZ: No, it takes a historic district.

MR. MILLER: I think it does. I think it does.

ADMINISTRATOR HOLTZMAN: What the demolition ordinance does, by very specific intention of the city council, was to not create a duplicate of effort that, if something is not going to another board, that there still be a venue for a public hearing, and that be the Historic Preservation Commission. If it's already going to the zoning board or planning board for other reasons, that the zoning board or planning board would then assume the responsibility for doing the same type of demolition review and approval as part of their application.

MR. MILLER: Right.

ADMINISTRATOR HOLTZMAN: And they do.

MR. MILLER: Right.

ADMINISTRATOR HOLTZMAN: So it was intentional decision on the part of the governing body that they didn't want to create duality of effort.

MR. MILLER: Uh-huh.

ADMINISTRATOR HOLTZMAN: So that you can ask to do it, but if it's in an historic

district, it's already coming to the Commission.

MR. MILLER: Right.

ADMINISTRATOR HOLTZMAN: If it's outside of the historic district, it comes to the Commission when it doesn't have to go elsewhere.

So there still requires a public hearing on it, it just doesn't have to go to multiple public hearings in front of different bodies.

MR. MILLER: And I think the way that this is worded, I think it does open the door for multiple public bodies, even if they go, because it states "regardless of variance or other relief prior to any other land use board," so if someone wants to go to the zoning board with a demolition and then a rebuild, we're saying, "No, no, no, no, you've got to come to us first," and just the way it reads --

COMMISSIONER VESEY: If I could, I would respectfully love you to just doublecheck that, because I'm fairly certain from talking with other colleagues that are on other Historic Preservation Commissions around the state --

MR. MILLER: Uh-huh.

COMMISSIONER VESEY: -- that I understand what Administrator Holtzman is saying that it was the intention of the City Council, and

I think it was very much the intention of the committee to voice our recommendation that it may have been -- it's not a recommend -- the ordinance was not written in a way that is pleasing to the HPC. And that --

MR. MILLER: Right.

COMMISSIONER VESEY: -- it's certainly not against MLUL to have two hearings in the State of New Jersey. There are lots of situations that require going to go before two boards and that in the case of something as serious as demolition of a historic over 50-year-old building, that's the recommendation, and, again, it's just a recommendation if the city council is fully cognitive of what they did, which I imagine that they are, and do not care to change it, they won't.

MR. MILLER: Uh-huh.

(Commissioner Metsch leaves the proceedings at this time.)

COMMISSIONER VESEY: But we felt that this was a venue to formally tell them that if it is legal, which I'm pretty sure it is, that it would have been our preference that it would work the way it does in the historic zone where it always comes to us, we have a hearing, and then since in practicality most of the demos around town, nobody

is demoing a building and building on the same footprint exactly the same way, most often it's economically feasible, it's economically desirable to tear down a building and build a bigger building. So they're almost always going to another zoning board.

MR. MILLER: That's not true, though. There's plenty of applications where you go before a zoning board and you're tearing down everything and then you're redoing everything, and then if the Historic Preservation Commission -- Historic Preservation Commission can be consulted on that demolition similar to what was done with the -- at the last meeting.

COMMISSIONER KRATZ: 217.

MR. MILLER: So -- and that -- that's done all the time. And Ann's right, you can certainly make this recommendation. I'm not comfortable with making a recommendation that goes against the Municipal Land Use Law. I just don't. I think it goes against -- as it's worded here, because you state specifically, "Prior to going any Municipal Land Use Board, so if they come in with a zoning board application and say "I want to demolish and then I want to rebuild," and it's in this zone, then, "No, no, no, no, you can't have the demolition of the zoning board. You got to go

to HPC." I don't think that's legal. I don't -- I think that violates the MLUL. The HPC can certainly be one of the places where a hearing is held, but I don't think you can force it to say, "Before you go anyplace else, and even if you have an application, say, for a rebuild, then you have to go to HPC." HPC can be one of them, I don't think you could say you have to go to the HPC. I think you're usurping the jurisdiction of the planning board and the zoning board that the MLUL set forth.

COMMISSIONER ZANE: Well, in theory if they were building as of right with no variances, HPC could hear it.

MR. MILLER: Yes, and that's --

ADMINISTRATOR HOLTZMAN: That's the provision under the current code.

MR. MILLER: Exactly. That it could, that it could, sure, sure.

The problem I have is that no matter what, it goes to HPC first if it's in these zones, and that -- that, I think, trumps the -- that you're conflicting with the powers granted to the boards by the MLUL.

COMMISSIONER KRATZ: It could be one of the places to do it, but --

VOICE: Excuse me, you don't have a public portion anymore, do you?

MR. MILLER: No, no.

COURT REPORTER: Excuse me, could I take five minutes? I've been writing since 6:30.

MR. MILLER: Sure.

(Recess taken at 10:07 p.m. and ended at 10:11 p.m.)

COMMISSIONER SANCHEZ: So that is something that we need to clarify.

COMMISSIONER KRATZ: Yeah, and part of -- I'll just underscore what Commissioner Vesey was saying as part of the rationale for this, this here was that, you know, obviously, the zoning board and the planning board have reviewed, but unlike them, we have -- statutorily, we have the specific expertise of historic preservation, so that's the -- although they may do a review according to historic standards, they are generalists and we are specifically appointed for our expertise in historic preservation. If I recall correctly, it was part of our thinking about why it's important that we have a say in these demolition ordinances, demolition applications.

MR. MILLER: And I agree that the Historic Reservation Commission does have a right for a say, but, again, you can't state in there that it has to go to HPC.

COMMISSIONER KRATZ: Right. Which

is why I think we value wording that is legally consistent, but also advances the purposes that we're trying to state here.

MR. MILLER: Right, right.

COMMISSIONER SANCHEZ: Okay. We'll revise that in keeping the intent, but taking away the --

COMMISSIONER KRATZ: And I don't know that we can do that tonight, given the hour and that we're been since 6:30.

MR. MILLER: What I will do is just put -- just to let you know for the ordinance section, it's for the demolition ordinance, it's under Section 5, capital letter C, I just ask the Committee to take -- to just review that when it looks to reword that section.

COMMISSIONER VESEY: I'm sorry, this was?

MR. MILLER: It's in the ordinance. It's Section 4 of the ordinance.

COMMISSIONER KRATZ: Of the demo ordinance.

MR. MILLER: Demolition ordinance.

COMMISSIONER ZANE: Demolition ordinance.

MR. MILLER: Section 5, capital letter C.

COMMISSIONER KRATZ: Okay. Did you have other comments?

MR. MILLER: The only other comment I had was the next paragraph on the next page was the last sentence where it states "Plans for new construction shall not be presented at hearings for demolition as they may prejudice the outcome." That also violates the MLUL, not that it's stated specifically in the statute, but there's plenty of case law. In fact, there was one that came out from the Appellate Division just this past -- just this past Friday where the courts discourage boards from limiting testimony in any way because the board's main job is for fact finding, and based upon the facts, the board's can make their determination as far as approval or denial, and the board certainly has the right when it hears testimony, it could put great weight on testimony, it could put some weight on it, it could absolutely know weight on it, but the courts, courts are very critical of restricting any type of testimony. So I think if anyone came before and said, "You can talk about your demolition, but you can't talk about what you're going to develop," I just don't think that -- I think that's -- I think that that flies in the face of New Jersey case law and the MLUL, I think.

COMMISSIONER KRATZ: So this whole

bullet point, then would need to be stricken?

MR. MILLER: Well --

ADMINISTRATOR HOLTZMAN: I think the two bullets could probably be combined and more succinctly stated to communicate your objective.

COMMISSIONER KRATZ: Okay.

ADMINISTRATOR HOLTZMAN: So I think that's probably the objective.

MR. MILLER: I think that's probably true, where they could be combined before it.

COMMISSIONER KRATZ: So counsel, can you do that for us? I mean, if because you know better than we do.

MR. MILLER: I'd be happy to do it and then, you know, whoever, you can take a look at it, as you see fit, so sure, sure.

ADMINISTRATOR HOLTZMAN: Would you also take a look at the last paragraph on 16? While I think this sounds like a really nice thing, I'm not sure it's something that can be legally done.

COMMISSIONER VESEY: I got that from a class where -- I didn't plagiarize it, but the concept was not something I invented. It was something, I think, from Andrea Tingey, and, like, it was down in -- not in Bordentown, but at a thing, and they talked about it. I'm pretty sure it's in one of those guy's Powerpoints, so I'll find the

thing and send it to you. But certainly --

ADMINISTRATOR HOLTZMAN: You know, I don't doubt that other communities may do it, but I would just -- it makes me very, very nervous.

COMMISSIONER VESEY: The way it was explained to me was that if you did it, it had to be publicly noticed and the public needed to be invited to it. It couldn't be a barbecue for the MLUL board and the city council people, but it could be, if it was, if it was advertised as such.

COMMISSIONER KRATZ: A generally attended meeting.

MR. MILLER: This didn't -- for reasons unknown, this didn't jump out at me. I mean, the other two from a legal standpoint is, but this is like screaming at me right now.

This, I do not recommend this in any way, shape, or form.

ADMINISTRATOR HOLTZMAN: Whenever you get together --

MR. MILLER: Absolutely no team building event, no, team building, that's the expression that they use. That's right in here. It's, I think -- I think in almost any permutation or combination of a meeting of this, there would just be a host of violations of the Open Public Meetings Act, and the planning board and the zoning

board are quasi judicial boards, they're separate legal entities, and I think for all of these folks to meet in one meeting is -- I think it's -- I think the last thing that would be accomplished is a team building. I think it would be a team destruction. It's just --

COMMISSIONER SANCHEZ: What about other municipalities that actually have members that served on the other boards as a way of sharing information? Not colluding, but just sharing information?

MR. MILLER: Well, there's --

COMMISSIONER SANCHEZ: So take out the City Council and the mayors, but the three -- the planning, preservation, and zoning.

MR. MILLER: There are limits on that. For example, if you have an architectural review committee, you can only have one member of that committee on a planning board, and a planning board has certain classes, and there's elected officials that can occupy only one spot of a planning board. On a zoning board there are no elected officials. Elected officials are not permitted to serve on a zoning board. They have their own different classes, but there's no -- there's no municipal employee or municipal elected official that's permitted to serve on a zoning board. So it's

very, very limited as far as those -- as far as those members, and it's -- everyone just follows those -- follows those limits. I can think of one planning board that I represent where the mayor is there, and the mayor likes to be involved in what goes on with the planning board. So he -- rather than appointing another elected official or other members of the administration, he likes to be there and that's perfectly fine, because for the class he's permitted to do that. He's not permitted to do that for the zoning board.

COMMISSIONER KRATZ: My understanding of the MLUL is that in regard to planning boards and HPC, other architectural people, in the HPC and the planning board, there can be a member who is common to both of those boards.

MR. MILLER: That's right. But the key word is "a."

COMMISSIONER KRATZ: A.

MR. MILLER: "A member."

COMMISSIONER KRATZ: Right. I said that, of course.

MR. MILLER: Yes, and there is a lot of --

COMMISSIONER KRATZ: So I think that's what Commissioner Sanchez was talking

about.

MR. MILLER: Right.

COMMISSIONER KRATZ: We had that. We had Joyce Tyrell was a member of the planning board and HPC until so she left the planning board and the HPC, she retired. And I guess what you're suggesting is we could recover that tradition. That would be up to the mayor to appoint somebody in that respect.

MR. MILLER: Yeah, that is --

COMMISSIONER KRATZ: I mean that --

MR. MILLER: That is definitely up to the mayor, absolutely.

COMMISSIONER KRATZ: And I think that even applies to the zoning boards.

MR. MILLER: Yes, it does.

COMMISSIONER KRATZ: So there could be a zoning member who is also an HPC member, if the mayor were to choose, if he were to choose to use his appointive powers in that matter.

MR. MILLER: Right, right.

COMMISSIONER KRATZ: That may be a recommendation that would be a good substitute for team building. I mean, that would be statutorily correct, but and somewhat achieve that purpose.

COMMISSIONER SANCHEZ: Yes. Because then there would be more of a circle of information

than three entities who have existed independently to a large extent.

COMMISSIONER KRATZ: That's a very thin Venn diagram, but it sort of works.

MR. MILLER: But I can't stress enough, I think that causes problems for each entity in that team building, from a conflict of interest standpoint -- from a local government ethics law standpoint, I think -- I think such a meeting that would run afoul of the local government ethics law, not just the Open Public Meetings Act, I think there are certain duties to have to be maintained under that law, and I think by a team building event I think that becomes -- I think that violates that law.

ADMINISTRATOR HOLTZMAN: I think when you're having a meeting it has to be an agenda and --

COMMISSIONER KRATZ: What would the agenda be?

ADMINISTRATOR HOLTZMAN: What would the agenda be, and if it's just for socializing and, you know, team building from that standpoint, then I think that you -- you don't have an agenda, at which point you still have a public meeting, and how do you assure that nobody talks about business?

COMMISSIONER KRATZ: I think the only

salvation or the only safe harbor for that would be that the agenda would be a briefing by attorneys, by each of the counsels for the land use boards to go through -- be a training session for all members. You know, here are the provisions of the MLUL that pertain to the zoning and planning and HPC. Here are the things that you must observe. It could be ethics training. It wouldn't be team building, it would be more of an educational event or opportunity that would enlighten us all to specifically things that counsel has been telling us about, about the meetings, ethics violations, all of that.

MR. MILLER: Well, one of the -- one of the problems with that, though, is that you still have a meeting. You still have a meeting of all the board members, the planning board, all the zoning board members. You have all of the members of the city council, and I mean it's just a host of issues that in some towns it's the mayor's appointment on the advice of the city council. So the mayor can make that appointment, but then the counsel -- and this happens in boroughs a lot that the borough, the borough council actually gets the final say. You can say you want to appoint "X", but, you know, it has to be approved by the --

COMMISSIONER KRATZ: Well, it's more

complicated because you have council appointing the zoning board, the mayor appointing the planning board, and the mayor appointing the HPC.

MR. MILLER: Right.

COMMISSIONER KRATZ: And to your point --

MR. MILLER: And I think the team building is just absolutely incorrect. It's not the proper term, because it's all different teams. It's not -- they're not one -- and they're not adverse, they're not -- they're not against each other's interest. They're plain and simply on different terms under -- under the law, different teams.

COMMISSIONER KRATZ: But if the agenda were limited, if the agenda were limited to training, and it were only the Land Use boards, absent the council, absent the mayor, and absent anybody else, openly -- open an open meeting for the public, would that satisfy? Would that be a safe haven?

MR. MILLER: I don't think it would, because there are -- there are planning board members and zoning board members which are required to take educational classes. They don't go together. They go on their own. They're given the list of classes that they could take by the

planning officials and it's classes that they have to take in order to serve on the board, but you have to make sure, you, individually, you have to make sure that you get to that meeting, and I think one of the reasons it's don is just to avoid any problems with the Open Public Meetings. It's not like we can have the whole board go on an education field trip, so to speak, to go to one class, so to go to Mount Laurel, I think it's all individual. So I think if you go put them together like that, I just think it's a problem.

COMMISSIONER KRATZ: So what if five of us, that's a majority, what if five of us went to the Historic Preservation Conference in Paterson in June? Are we violating the OPMN?

MR. MILLER: No, because that's a conference, and that's a -- that's a conference where other persons are invited to or other person participate, so that wouldn't be a problem.

COMMISSIONER KRATZ: Just checking. I want to be careful.

MR. MILLER: No, no, so...

COMMISSIONER SANCHEZ: All right.

MR. MILLER: But yeah, I just -- yeah, I guess I don't have to say anymore about the team building. I'm not for it.

COMMISSIONER SANCHEZ: Okay. So

is -- so is the plan that we -- it's revised and then we vote on it in June?

COMMISSIONER VESEY: Yeah. I think the -- yes, that we'll revise it and resubmit and I think we should -- I'll try and get it out sooner so that if there are any more comments, we can circulate those and make those -- make those changes prior to the meeting so we have a --

COMMISSIONER KRATZ: So just to summarize, counsel will correct the item here on page 18 and 19, combining those, conflating those, in legally permissible language, and then who will do the design guidelines piece? Is that Ann? Would you do that, or is that Ana?

COMMISSIONER SANCHEZ: Actually, let me take a stab at it and I'll circulate it.

COMMISSIONER KRATZ: Ana will do that, Chair will do that, and then there's just the scrubbing for just little typos, the addition of these words on page whatever we said. I think, otherwise, it's in pretty good shape.

COMMISSIONER ANDERSON: The list of historically significant --

COMMISSIONER KRATZ: Oh, yes, that's right.

COMMISSIONER VESEY: And I checked the list.

COMMISSIONER KRATZ: Who's taking the responsibility for getting that list? Is that you?

ADMINISTRATOR HOLTZMAN: I've already given Jon part of that, and I've got a few things to update and then I'll try to get that -- get to that sometime later this week.

COMMISSIONER KRATZ: So that will be an appendix with an introductory comment higher in the document as a recommendation.

COMMISSIONER VESEY: Make the recommendation and then we'll reference the list.

COMMISSIONER KRATZ: I think that will be very helpful. I really think, you know, we've spent good time talking about this tonight. I know it's late, but this is an important document and it will be important for people to read.

COMMISSIONER SANCHEZ: So do we have a motion to adjourn?

COMMISSIONER ZANE: I would make a motion to adjourn.

COMMISSIONER ANDERSON: I'll second.

COMMISSIONER VESEY: I'll second.

COMMISSIONER SANCHEZ: All in favor?

COMMISSIONER ZANE: You can't all second it.

ADMINISTRATOR HOLTZMAN: All in

favor?

(Voice vote taken at this time - all  
affirmative.)

(Concluded at 10:27 p.m.)

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CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Notary Public and Certified Court Reporter, and Registered Merit Reporter of the State of New Jersey, do hereby certify that foregoing is a true and correct transcript of the proceedings as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of 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.

THERESA L. TIERNAN, CCR, RMR  
Notary Public of the State of New Jersey  
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