

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE HOBOKEN : Tuesday 7 p.m.
ZONING BOARD OF ADJUSTMENT : June 19, 2018
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Steven Firestone
- Commissioner Cory Johnson
- Commissioner Jonathan Otto

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

BANISCH ASSOCIATES, INC.
BY: Frank Banisch, PP

BOSWELL ENGINEERING
BY: Christopher Nash, PE

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
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A P P E A R A N C E S:

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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 Please join me in saluting the flag.

12 (Pledge of Allegiance recited)

13 CHAIRMAN AIBEL: So good evening again.

14 We are at a Regular Meeting of the
15 Hoboken Zoning Board of Adjustment.

16 Pat, do you want to do the honors?

17 MS. CARCONE: Commissioner Aibel?

18 CHAIRMAN AIBEL: Here.

19 MS. CARCONE: Commissioner Branciforte?

20 VICE CHAIR BRANCIFORTE: Here.

21 MS. CARCONE: Commissioner Grana?

22 COMMISSIONER GRANA: Here.

23 MS. CARCONE: Commissioner Marsh is
24 absent.

25 Commissioner McAnuff?

1 COMMISSIONER MC ANUFF: Here.

2 MS. CARCONE: Commissioner Murphy?

3 COMMISSIONER MURPHY: Here.

4 MS. CARCONE: Commissioner Weaver?

5 COMMISSIONER WEAVER: Here.

6 MS. CARCONE: Commissioner Firestone?

7 COMMISSIONER FIRESTONE: Here.

8 MS. CARCONE: Commissioner Johnson?

9 COMMISSIONER JOHNSON: Here.

10 MS. CARCONE: Commissioner Graham?

11 Commissioner Otto?

12 COMMISSIONER OTTO: Here.

13 CHAIRMAN AIBEL: Great.

14 MS. CARCONE: We have a quorum.

15 CHAIRMAN AIBEL: Terrific.

16 A couple of quick administrative

17 matters. We have a resolution to be memorialized

18 for 303 Park.

19 MR. GALVIN: Thank you.

20 And those who voted in favor were

21 Commissioners Branciforte, McAnuff, Murphy, Weaver,

22 Graham, Otto and Chairman Aibel.

23 Would someone like to make a motion?

24 COMMISSIONER MC ANUFF: Motion to

25 approve.

1 MR. GALVIN: Can I have a second?

2 COMMISSIONER MURPHY: Second.

3 MR. GALVIN: All right.

4 Commissioner Branciforte?

5 VICE CHAIR BRANCIFORTE: Aye.

6 MR. GALVIN: Commissioner McAnuff?

7 COMMISSIONER MC ANUFF: Yes.

8 MR. GALVIN: Commissioner Murphy?

9 COMMISSIONER MURPHY: Yes.

10 MR. GALVIN: Commissioner Weaver?

11 COMMISSIONER WEAVER: Yes.

12 MR. GALVIN: Commissioner Graham is not
13 here.

14 Commissioner Otto?

15 COMMISSIONER OTTO: Yes.

16 MR. GALVIN: And Chairman Aibel?

17 CHAIRMAN AIBEL: Yes.

18 Thank you all.

19 Pat, we have a change in --

20 MS. CARCONE: Yeah. We have one
21 resolution for 313 Willow, which we heard a few
22 months ago, and Cliff Gibbons is working on the
23 resolution, and he needs a little more time, so we
24 are going to bump that up to memorialization in
25 July, and their attorney has been notified of that

1 fact and doesn't have a problem with that.

2 CHAIRMAN AIBEL: Great. Thank you.

3 We have one waiver.

4 Frank, would you mind if we did it at
5 the end of the hearings? Is that okay?

6 MR. BANISCH: Sure.

7 CHAIRMAN AIBEL: Great.

8 806 Park, Mr. Matule?

9 COMMISSIONER WEAVER: Chairman, I had a
10 question, just a quick housekeeping question.

11 What is the timing -- in reference to
12 303 Park, you know, they need to provide us or
13 provide the Board Engineers with things? What is
14 generally the timing on that, and how does that
15 actually get checked off?

16 Like we hold this until they provide
17 what they need?

18 CHAIRMAN AIBEL: They have to --

19 MS. CARCONE: Do you want me to answer
20 that?

21 COMMISSIONER WEAVER: Sure.

22 MR. GALVIN: Yes.

23 MS. CARCONE: Okay.

24 If you look on number six on the
25 resolution, the Board's Engineer, Planner to submit

1 a memo of unmet conditions. That memo was supposed
2 to summarize anything that is outstanding from the
3 hearing, whether it is on their reports or whether
4 it is an item on the resolution, a condition, and --

5 MR. GALVIN: What we originally
6 envisioned was we wanted them to go through their
7 reports, pull out the items that remain and put them
8 in one letter, so there was a simple list, rather
9 than carrying the existing memo that says met,
10 unmet, and everybody got to look through it, so we
11 are looking for a digested version of what is
12 outstanding.

13 COMMISSIONER MURPHY: What is the time
14 frame on that?

15 COMMISSIONER WEAVER: Yeah.

16 So when we have now affirmed the
17 resolution, right, so does mean that --

18 MR. GALVIN: They can't pull the
19 building permit until they get all of these things
20 accomplished, or the first certificate of --

21 MS. CARCONE: Right.

22 COMMISSIONER WEAVER: Okay. So we hold
23 their -- we hold their --

24 MS. CARCONE: We hold this.

25 COMMISSIONER WEAVER: -- until we get

1 what we need from Mr. Nash?

2 MS. CARCONE: Uh-huh, yeah.

3 MR. NASH: Yes.

4 COMMISSIONER WEAVER: Thank you.

5 MS. CARCONE: Like the green roof, the

6 deed --

7 COMMISSIONER WEAVER: Just a question.

8 Thank you.

9 MS. CARCONE: Okay.

10 CHAIRMAN AIBEL: Thank you, Dan.

11 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-18-1

- - - - - X
RE: 806 GARDEN STREET : Tuesday 7:10 p.m.
BLOCK 183, LOT 10 : June 19, 2018
APPLICANT: Mintcho Minev :
Extend second and third floors to :
match existing depth of first floor :
and add a fourth floor to existing :
two-family building :
Continued from May 15, 2018 :
- - - - - X

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Hoboken, New Jersey

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12 Hoboken, New Jersey 07030
13 Attorney for Applicant.

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1 I N D E X

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3 WITNESS PAGE

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1 CHAIRMAN AIBEL: Let's jump into the
2 hearings.

3 806 Garden Street, Mr. Matule.

4 (Another matter, 303 Park Avenue was
5 discussed before the Board and is contained in
6 another transcript)

7 CHAIRMAN AIBEL: Try again?

8 MR. MATULE: Good evening, Chairman,
9 and Board Members.

10 Robert Matule, appearing on behalf of
11 the applicant.

12 This is a continuation of the hearing
13 on 806 Garden Street.

14 Just by way of background, it is an
15 owner-occupied two-family house. The existing
16 building is three floors, including a basement. It
17 is on a nonconforming lot that is only 67 feet deep,
18 and it currently has 67 percent lot coverage on the
19 ground floor.

20 When the applicant went to the Zoning
21 Officer to review the plans to renovate the
22 property, it was determined that due to the extent
23 of the renovation, compliance with the Flood Plain
24 Ordinance was triggered, and they can no longer use
25 that basement space for habitable living area.

1 So what the applicant is now seeking to
2 do is to add a new third floor to the building on
3 top of the existing structure and extend the
4 existing second floor to the depth of the first
5 floor, so all three floors would be 67 percent lot
6 coverage.

7 We were here on May 15th. We put in
8 testimony of our architect, George Weiner. At that
9 time the Board members raised various concerns with
10 the design and the layout.

11 The applicant -- we agreed that we
12 would adjourn at that point and go back and revisit
13 the plans.

14 In the interim, Mr. Weiner has run into
15 some scheduling conflicts, so the applicant has
16 retained the services of Jensen Vasil, who kind of
17 picked up the ball midway.

18 Jensen has now revised the plans to we
19 think address most of the concerns raised by the
20 Board members. We have him here tonight to testify
21 to the revisions to the plan.

22 One of the things we were also
23 requested to do was submit an engineer's letter
24 regarding the ability of the existing foundation to
25 support the addition. That was provided, and I

1 believe Mr. Nash addressed that in his report.

2 So on that note, we can call Mr. Vasil
3 and have him sworn and qualified.

4 MR. GALVIN: Raise your right hand.

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

8 MR. VASIL: I do.

9 J E N S E N V A S I L, having been duly sworn,
10 testified as follows:

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

13 THE WITNESS: Jensen Vasil, V, as in
14 Victor, a-s-i-l.

15 MR. GALVIN: She likes the way I ask
16 those questions. That's why she smiles at me.

17 (Laughter)

18 MR. MATULE: And would you like me to
19 qualify Mr. Vasil, or are you going to accept his --

20 CHAIRMAN AIBEL: We will accept his
21 qualifications.

22 MR. MATULE: -- he's testified here
23 several times.

24 Thank you.

25 MR. GALVIN: Looking good tonight.

1 (Laughter)

2 MR. MATULE: I appreciate that
3 shortcut.

4 All right. Mr. Vasil, if you would,
5 obviously you are familiar with the project.

6 Could you take the Board through your
7 revised plans and discuss the revisions that you
8 have made to them?

9 THE WITNESS: Absolutely.

10 So some of the concerns the Board had
11 at the last hearing were with the location of the
12 penthouse, and so we revised those plans. Even in
13 our revised plan, the penthouse and the stairs used
14 to be on the left-hand side of the floor plan. They
15 are now currently on the right-hand side of the
16 floor plan.

17 MR. MATULE: Jensen, I hate to
18 interrupt.

19 Are you talking about the stair
20 bulkhead?

21 THE WITNESS: That's correct.

22 MR. MATULE: Okay. I don't want
23 anybody to think we put a penthouse up there.

24 THE WITNESS: Yes, sorry.

25 (Laughter)

1 The stair to the roof, correct, it's on
2 the right-hand side of the floor plan. It used to
3 be on the left.

4 The reason for that change is that the
5 building to the north is taller, so having a
6 penthouse on that side would be less intrusive as
7 far as the bulk.

8 The interior floor plan has been
9 revised to reflect that as well, so there is the
10 bottom unit, which is at 14.7 feet above sea level.
11 That unit is 1,094 square feet, and it is a
12 one-bedroom -- it is a two-bedroom unit with a
13 bedroom, and a bedroom upstairs on the second floor
14 is a split -- is a split level, it's split between
15 the two units, so that there is one bedroom that's
16 on the second floor and one bedroom that is on the
17 first.

18 The upper second unit number two is a
19 three-bedroom unit with its living space on the rear
20 of the second floor, and then the bedrooms entirely
21 on the third floor plan.

22 And, again, if you look to the right on
23 the proposed roof plan, you can see the stair to the
24 roof has been revised.

25 There is also at the -- on Sheet Z-5,

1 the front, the proposed front facade elevation has
2 two openings at the lowest level. That is the level
3 where there will be storage. This is consistent
4 with the block frontage, and I think it is a much
5 better improvement than having the one large window,
6 which was there at the previous submission, and it's
7 also better than having a complete blank wall, which
8 I think would be unfriendly and not consistent with
9 block frontage.

10 All of the other buildings up and down
11 that block do have the same window pattern at that
12 level.

13 We have also in the rear elevation, we
14 have added transom windows only to the back. There
15 were larger windows that are in the back of that
16 storage area. It is only to provide natural light.
17 If you are down there looking for something, you
18 don't have to turn on the lights during the day. It
19 is energy saving, if anything.

20 So, again, I think that is an
21 improvement to the -- an improvement that the Board
22 suggested, and we took to heart.

23 We also reduced the size of the
24 bulkhead from where from it was previously. The
25 bulkhead is a smaller footprint than the last

1 addition. It is as compact as it possibly can be,
2 including having a sloped roof where those stairs
3 come up for head room, and we also provided
4 additional details for a live roof, the equipment
5 rails and whatnot to address the engineer's report,
6 Boswell's report.

7 We have gone through Boswell's report
8 as much as we could and provided details in
9 accordance with their report.

10 MR. MATULE: And in addition to
11 relocating the bulkhead to the -- I believe it's the
12 north side of the building, you also relocated the
13 air conditioning condensers?

14 THE WITNESS: The air conditioner
15 condensers are on the back of the roof on Sheet Z-4.
16 The air conditioning condensers are in the rear
17 behind the stair bulkhead.

18 MR. MATULE: Will they be screened with
19 anything?

20 THE WITNESS: They will not be
21 screened, but the bulkhead itself will block them
22 from view.

23 MR. MATULE: And they will be compliant
24 with whatever the building code standards are and
25 requirements?

1 THE WITNESS: Yes. They require a
2 three foot setback from the right-hand side. They
3 are less than ten feet --

4 THE REPORTER: I'm sorry. Can you just
5 say that one more time?

6 THE WITNESS: They are beyond the --
7 they are greater than three feet from the side
8 setback, which is required by zoning for the
9 condenser locations.

10 They are less than ten feet from the
11 rear wall of that roof, which means that they will
12 have to have an equipment rail for safety and
13 maintenance of the equipment. That has also been
14 provided.

15 MR. MATULE: And if the code requires
16 sound attenuation around them, you will provide
17 that, if it's required?

18 THE WITNESS: If it is required, yes.

19 MR. MATULE: Okay. And you have
20 already testified that a green roof has been added.

21 THE WITNESS: That is correct.

22 MR. MATULE: You received also the most
23 recent Boswell report?

24 THE WITNESS: I have, dated June 15th.

25 MR. MATULE: And you have no issues

1 addressing those?

2 THE WITNESS: No.

3 MR. MATULE: Okay. I think that is
4 pretty straightforward.

5 CHAIRMAN AIBEL: Okay.

6 COMMISSIONER GRANA: You first, Diane.

7 COMMISSIONER MURPHY: Okay. I have a
8 question.

9 So you received this letter from the
10 architect -- I mean from the engineer that they
11 visually looked at your -- the -- visually inspected
12 the foundation.

13 My question is: Did that include the
14 green roof as part --

15 THE WITNESS: Yes, it would --

16 COMMISSIONER MURPHY: -- so they -- go
17 ahead.

18 THE WITNESS: -- it would also through
19 that load, correct.

20 COMMISSIONER MURPHY: Okay.

21 So it didn't have much -- like the
22 standard is 2000 pounds per square foot, and you
23 know, you are saying this build-out is going to be
24 1900, so that not a lot of variance, so it would
25 include it, yes?

1 THE WITNESS: That is correct.

2 The lighter growth load is 12 pounds
3 per square foot, just as a rule.

4 COMMISSIONER MURPHY: Okay. Okay.

5 And so in our last thing, we were kind
6 of very much talking about those front windows.

7 Can you just describe why you need
8 those front windows again on the lower level?

9 THE WITNESS: I think it is consistent
10 with the block frontage, and I think it is a mistake
11 to make it a blank wall. I think it's unfriendly to
12 the rhythm of the block.

13 And if there is a worry about
14 screening, then we can put a film on the windows
15 that blocks it for opacity. But for natural light,
16 if you are just going to run down and grab
17 something, to have that and not have to turn on the
18 lights, I think it is a benefit.

19 And just when you look down the block,
20 it doesn't look like an anomaly, because it will
21 otherwise look like it is out of place.

22 COMMISSIONER MURPHY: Thank you.

23 CHAIRMAN AIBEL: John?

24 VICE CHAIR BRANCIFORTE: Could you go
25 back to Z-5?

1 THE WITNESS: Sure.

2 VICE CHAIR BRANCIFORTE: You show some
3 lighting there at the top.

4 THE WITNESS: Yes.

5 VICE CHAIR BRANCIFORTE: It is not
6 shown on our plans, so I just wanted to know where
7 that lighting was going.

8 THE WITNESS: There is a note on the
9 zoning -- on the utility plan. It says "LGT," which
10 is the abbreviation for light. It is not included
11 in the key, and I apologize for that. But there is
12 one that's on the lower level at the garden level
13 and one at the basement level, and one at the first
14 floor level on the left-hand side of the door.

15 VICE CHAIR BRANCIFORTE: And then what
16 about the roof deck, does that have lighting?

17 THE WITNESS: We did not propose any
18 lighting at the moment, no.

19 VICE CHAIR BRANCIFORTE: I mean, are
20 you going to have to have some lighting for code
21 outside of the door and stuff?

22 THE WITNESS: Yes. We're going to have
23 to have a light somewhere on the side of that
24 bulkhead, correct, or a receptacle for -- you only
25 would technically need one for service of the

1 equipment, but yes, there will be one inside of
2 the -- the south side of that bulkhead.

3 VICE CHAIR BRANCIFORTE: And we'll make
4 sure it is shielded, so it only reflects down and
5 not into the neighbor's yard?

6 THE WITNESS: Yes.

7 VICE CHAIR BRANCIFORTE: Okay. That
8 was the only question I had I think.

9 Thanks.

10 THE WITNESS: Sure.

11 CHAIRMAN AIBEL: Dan?

12 COMMISSIONER WEAVER: Can I go?

13 CHAIRMAN AIBEL: Yes.

14 COMMISSIONER WEAVER: Thank you,
15 Chairman.

16 COMMISSIONER WEAVER: What is the
17 existing square footage of the house?

18 THE WITNESS: On the site plan, if you
19 look at Z-02 -- Z-2, the existing gross floor area
20 is 2,199 square foot, and our proposed gross floor
21 area 3,504 square feet.

22 COMMISSIONER WEAVER: So what
23 percentage increase is that and how -- why is it
24 warranted?

25 THE WITNESS: Well, for a two-family,

1 if you look at the two units, one is 1200 square
2 feet, and one is a thousand square feet. Those
3 aren't very big units. So if you are trying to get
4 a two-family out of this, which they're allowed --
5 their lot is able to be developed to a two-family, I
6 think that is a reasonable amount of area for each
7 unit. Going less than that would be I think very
8 difficult. As far as the percentage, it's one and a
9 half times.

10 So one other thing is that it is not --
11 this is a gross floor area that includes that
12 storage area down below, which is no longer usable,
13 so I'll take that area out, and I'll get you a
14 revised number in just one second.

15 COMMISSIONER WEAVER: I did some math
16 here while you were talking.

17 I think if you take the bulkhead -- the
18 bulkhead, the roof deck, which is still living
19 space, and the storage out, it is still a 23 percent
20 increase over what they currently have.

21 And what is the ceiling height in the
22 storage space?

23 THE WITNESS: The --

24 COMMISSIONER WEAVER: I am counting 8.8
25 feet floor to floor.

1 THE WITNESS: That is 8 foot 9 and
2 five-eighths, which is a 7 foot 9 ceiling height.

3 COMMISSIONER WEAVER: Do you have any
4 photos of the rest of the block to demonstrate why
5 the facade needs to have those windows in the
6 storage area?

7 THE WITNESS: I am using Mr. Ochab's
8 photos here. But as you can see down the block, it
9 is consistent with all of 8th or Garden Street down
10 8th in the back.

11 Yeah, especially when there is a high
12 stoop, but, you know, even these lower stoops that
13 go toward the corner, they all have the two windows
14 underneath the two main windows as you go along.

15 Some of them have been obviously
16 modified, like I said. There's a bay here, and I
17 have seen a couple that have combined the two, but I
18 think having the individual windows that line up
19 with the windows at parlor level is the right
20 answer.

21 COMMISSIONER WEAVER: But you
22 understand our challenges that we have in the city?

23 THE WITNESS: Understood.

24 Your concern that it might be used as
25 living space, but I think there are enough

1 deterrents here. They have to go outside of this
2 unit to go downstairs to get the storage. That in
3 and of itself is pretty inconvenient --

4 COMMISSIONER WEAVER: Unless they put
5 in an illegal stair.

6 THE WITNESS: Yeah, but they could
7 illegally do a lot of things. I mean, that's not --
8 there's --

9 COMMISSIONER WEAVER: It would be more
10 difficult to put windows in the front illegally.

11 THE WITNESS: Yeah, but they could
12 always put them in the back. I mean --

13 A VOICE: Which they have.

14 COMMISSIONER WEAVER: We could take
15 those out, too.

16 THE WITNESS: Yeah, you know, I
17 understand that. But I mean, you are saying if
18 somebody was doing something illegally, you could do
19 it in the back without, you know, without people
20 knowing.

21 COMMISSIONER WEAVER: Yes. It is a
22 huge gross square footage increase that we are
23 talking about.

24 THE WITNESS: Not necessarily. When
25 you take out the basement, it's not.

1 COMMISSIONER WEAVER: Well, I am saying
2 if we don't take out the basement.

3 THE WITNESS: And the other thing I'll
4 mention is that, you know, developable rights of
5 this lot, we could go four stories. You know, if
6 you really wanted to take that 40 feet above DFE,
7 instead of going three, you could build four. I
8 mean, it's permitted.

9 COMMISSIONER WEAVER: So what is the
10 lot coverage right now?

11 THE WITNESS: You could do it -- well,
12 I'm just saying you could do it at 60 percent. So
13 we are at 67 percent, but we're less height.

14 If we came back to 60 percent and went
15 up four floors, we are going to be way more square
16 footage, and we might, you know, there are other --
17 there are other negatives to that scenario as well.
18 So this is preserving the historic facade and the
19 rhythm of the block. I think that is a benefit to
20 the city.

21 COMMISSIONER WEAVER: No further
22 questions.

23 CHAIRMAN AIBEL: If the ground floor
24 windows were stationary and not operable, would that
25 allay your concern somewhat?

1 COMMISSIONER WEAVER: No. That would
2 actually be worse because, you know, if people use
3 it as a living space, and you don't have operable
4 windows down there, then they don't have a second
5 means of egress, so you are almost -- you're
6 creating -- it would be -- they would be by
7 occupying it, there would be -- and we put in fixed
8 windows, we mandated fixed windows, then potentially
9 we are creating an unsafe condition for an illegal
10 use, which I know is like a big weird circular
11 argument --

12 (Laughter)

13 CHAIRMAN AIBEL: But your argument if
14 we don't let them have any windows, we create that
15 same risk.

16 COMMISSIONER WEAVER: If there is no
17 windows down there, the likelihood of them using it
18 as living space, in my opinion, is a lot less.

19 It is not like the zoning officer is
20 walking down the street, you know, with a list of
21 buildings, which have received, you know, an extra
22 story because -- or they received, you know, a
23 variance because they said they were going to use
24 this as storage, to go check off and say, well,
25 okay, they are not using it as storage so --

1 CHAIRMAN AIBEL: I guess, again, this
2 is too fine -- probably we should just move forward,
3 but if there are no windows, then it is not at all
4 evident from the street what people are doing.

5 If there are windows, there is some
6 possibility that the zoning officer could peak in,
7 so let's keep moving.

8 COMMISSIONER WEAVER: Okay.

9 CHAIRMAN AIBEL: Anybody else,
10 questions?

11 MR. BANISCH: If I could, I would --
12 having worked on the design guidelines, that is the
13 kind of a detail that you would want. Rhythm on the
14 street is one of the things we are trying to
15 maintain.

16 I think the Chairman's point about the
17 fact that you would be oblivious to anything going
18 on there, if it is a blank wall, certainly if
19 somebody used it for storage and went down and
20 turned the light on, there would be a light on. But
21 if a pattern emerged over time that there was always
22 a light on and something going on, you would
23 probably have a pretty good indication because of
24 the windows.

25 I realize that cuts both ways, and I

1 appreciate that. I don't know that it is a strong
2 enough deterrent that -- from a design point of view
3 that the block doesn't deserve to have it look like
4 it fits.

5 CHAIRMAN AIBEL: Mr. Grana --

6 COMMISSIONER GRANA: Hum --

7 CHAIRMAN AIBEL: -- do you have
8 anything?

9 COMMISSIONER GRANA: -- I support what
10 I just heard.

11 (Laughter)

12 COMMISSIONER JOHNSON: Just to
13 piggyback I guess on that comment, I guess you could
14 always kind of do something that is illegal. I
15 guess maybe Dennis can correct me. I would think
16 maybe that is more of an enforcement issue. The
17 city's put in deterrents like if you were to rent
18 out that space or something, you know, you would
19 have to maybe pay back rent, or the landlord would
20 have to pay like back rent to the tenant and those
21 sort of things, so I think that would be more of an
22 issue for the city to put up deterrents as opposed
23 to --

24 MR. GALVIN: Let me give my answer
25 first, which is: Normally in architecture form

1 follows function. But when we are talking about
2 basic zoning and real estate in New Jersey, it has
3 been my view, it is the opposite.

4 If you have a space that can be used,
5 somebody might try to use it illegally. So whenever
6 I can, I try to encourage my Boards to design the
7 homes not to create those kind of spaces.

8 But with this flood provision here and
9 in other communities, you have the space that is
10 dying to be used for -- by people, but can only be
11 used for storage, and everybody is faced with the
12 same problem. I don't have the solution.

13 I think you guys are going to have to
14 decide where you can discourage it by doing
15 something, like not letting it go to seven feet in
16 height. You know, if it is five feet in height, it
17 clearly isn't going to be habitable.

18 But with the windows on the front, I
19 think it is more of a question of what the esthetic
20 value is on the street than it is as a way of
21 stopping. But I am not giving you the answer. You
22 guys have -- maybe I will learn something, and you
23 will have a better way to control that.

24 COMMISSIONER GRANA: Is this the point
25 to be -- is this the point right now to be giving

1 to have the receptacles lower. They don't have to
2 be at four feet. A lot of them have to be above,
3 but --

4 VICE CHAIR BRANCIFORTE: I was just
5 curious.

6 THE WITNESS: -- but they do have --

7 VICE CHAIR BRANCIFORTE: Oh, so you're
8 allowed receptacles in the basement.

9 THE WITNESS: Correct.

10 VICE CHAIR BRANCIFORTE: Okay. That is
11 fine.

12 Don't worry about it. I was just
13 curious about it.

14 THE WITNESS: They all have to be an
15 arc fault breaker, and they have to be GFCI rated
16 outlets, but the location is 18 inches above --

17 VICE CHAIR BRANCIFORTE: No. I was
18 asking for my own clarification, but thanks.

19 CHAIRMAN AIBEL: Mr. Vasil, going back
20 to the roof with the air compressors, how close are
21 they to the rear line of the building?

22 THE WITNESS: The dimension line is not
23 indicated on this drawing, but it is seven feet from
24 the back of the roof to this condenser, because
25 these two condensers are 30 inches, so if I take

1 that dimension from the bulkhead back, I can reduce
2 what that is.

3 CHAIRMAN AIBEL: Is there any reason
4 you can't put them side-by-side getting them closer
5 to the mid ship?

6 THE WITNESS: There's no reason, but
7 I'll just say just from a structural standpoint,
8 because the joists all go this way, you prefer to
9 spread the load across the joists.

10 If you have them both on this, that the
11 two condensers will be on three joists, so it's
12 technically you got the full load -- but it is
13 not -- it's not out of the realm of possibility.

14 CHAIRMAN AIBEL: How deep are the
15 condensers?

16 THE WITNESS: They're 30 inches by 30
17 inches.

18 CHAIRMAN AIBEL: And how tall are they?

19 THE WITNESS: They're waist. 36
20 inches.

21 CHAIRMAN AIBEL: So the bulkhead is
22 going to actually be much more visible to the rear
23 neighbors than the condensers?

24 THE WITNESS: That is correct.

25 MR. NASH: Just a quick --

1 CHAIRMAN AIBEL: Chris?

2 COMMISSIONER MC ANUFF: Just --

3 MR. NASH: Go ahead.

4 COMMISSIONER MC ANUFF: -- just a quick
5 question about the front facade.

6 I see you are preserving the brick and
7 the cornice.

8 What are the materials that will be
9 used to finish that Mansard roof?

10 THE WITNESS: So the Mansard roof is
11 this diamond shaped fiberglass roof shingle on the
12 upper left-hand corner of Z-5.

13 VICE CHAIR BRANCIFORTE: That is
14 something else that's missing from our details is
15 the roof and those lights. We don't have those
16 details.

17 MS. CARCONE: Is this a different set
18 of plans than --

19 COMMISSIONER MC ANUFF: Yeah, I think
20 we got a different set of plans.

21 MS. CARCONE: And what is the date?

22 VICE CHAIR BRANCIFORTE: What is the
23 date on your plans, June 7th?

24 THE WITNESS: These are 6/7, but they
25 have been updated prior -- subsequently, I should

1 say. We did make a few revisions before tonight's
2 Board hearing.

3 COMMISSIONER MURPHY: Oh,

4 CHAIRMAN AIBEL: So we are not looking
5 at the plans you are testifying to?

6 THE WITNESS: That seems to be the
7 case, yes.

8 COMMISSIONER MC ANUFF: I would like to
9 take a closer look at those, if possible.

10 So can I go up there?

11 MR. GALVIN: Yes. Time out.

12 CHAIRMAN AIBEL: Yes. Time out.

13 MR. GALVIN: Time out. We want to go
14 take a look at the plans.

15 MR. MATULE: Yes, okay.

16 MR. GALVIN: Go ahead.

17 THE WITNESS: Want me to bring them up
18 to you or --

19 MR. GALVIN: No, no. That's all right.

20 COMMISSIONER MC ANUFF: Is that okay?

21 MS. CARCONE: So it is a different set
22 of plans with the same date as the revision.

23 MR. GALVIN: We are not talking right
24 now. We are taking a break.

25 MS. CARCONE: Okay. I'm sorry.

1 (Laughter)

2 (Board members view plans)

3 COMMISSIONER MC ANUFF: Just a few
4 questions on it.

5 Is that a granular material on top of
6 the shingle?

7 THE WITNESS: Yes.

8 COMMISSIONER MC ANUFF: So it is an
9 asphalt shingle, just shaped as a diamond?

10 THE WITNESS: Yes.

11 COMMISSIONER MC ANUFF: And it's -- not
12 to be critical, but is that in keeping -- I know you
13 are keeping the facade and the cornice and the
14 railings. Is that in keeping with the style of the
15 house?

16 Shouldn't it be something more like
17 slate?

18 THE WITNESS: Hum, I mean, believe it
19 or not, asphalt shingles are a lot better than they
20 have been historically, and I think the shade is
21 certainly in keeping with the house, yes.

22 COMMISSIONER MC ANUFF: But you can get
23 that in a slate, too.

24 THE WITNESS: Yes, you could.

25 COMMISSIONER MC ANUFF: Or even a

1 synthetic slate I would think would be more in
2 keeping with the architecture than the granular
3 covered asphalt shingle. That is just my two cents
4 on it.

5 CHAIRMAN AIBEL: Mr. Matule, are
6 there --

7 (Counsel and witness confer)

8 CHAIRMAN AIBEL: -- can I just ask:
9 Are there other items that should be identified?

10 MR. MATULE: I have asked the
11 architect, other than putting these material details
12 on the set of plans that he is making reference to,
13 has there been any other changes, other than the
14 ones that he has walked the Board through.

15 So can you confirm that, Jensen?

16 THE WITNESS: That would be the -- the
17 biggest additions were the additions of those
18 pictures, the colored pages, Z-4, Z-5, and Z-6 or 3,
19 4 and 5 were all -- there is nothing substantial
20 about the addition of that, but those pictures.

21 MR. MATULE: If I might just for
22 clarity, I am suggesting we mark this set of plans
23 A-1.

24 MR. GALVIN: We didn't mark anything
25 else previously?

1 MS. CARCONE: We didn't.

2 MR. MATULE: No.

3 MR. GALVIN: All right. Then it is
4 A-1.

5 MR. MATULE: I have my exhibits from
6 last month.

7 So, just for the record, Jensen, this
8 is Sheet A-1 through Z --

9 THE WITNESS: 8.

10 MR. MATULE: -- Z-8?

11 THE WITNESS: Correct.

12 MR. MATULE: With a last revision date
13 of 6/7/18?

14 THE WITNESS: That's correct.

15 MR. MATULE: Okay.

16 (Set of Plans marked Exhibit A-1)

17 CHAIRMAN AIBEL: Thank you.

18 MR. MATULE: Thank you.

19 CHAIRMAN AIBEL: Okay.

20 Any other questions for the architect?

21 I know Mr. Nash has one.

22 MR. NASH: Yes.

23 Just the dimensions you gave to the
24 condenser units, and I don't know where they are
25 going to end up, when you gave the dimensions to the

1 far side of the unit, which is not the offset --

2 THE WITNESS: Yes.

3 MR. NASH: -- the Board and the code --

4 THE WITNESS: The near side.

5 MR. NASH: -- talks about the

6 nearest -- that is what the offset is --

7 THE WITNESS: Yes, correct.

8 MR. NASH: -- the revised plans will

9 show what -- because that is what your offsets

10 are --

11 THE WITNESS: That's correct. To the

12 nearest point from the lot.

13 MR. NASH: Right.

14 CHAIRMAN AIBEL: Thank you.

15 MR. NASH: I did have another question.

16 You didn't talk about this.

17 On the site plan in the rear yard,

18 there is some --

19 THE WITNESS: The trench drain.

20 MR. NASH: -- the trench drain in the

21 back, where does that connect to?

22 THE WITNESS: So this would connect to

23 the storm sewer that is going out to the street.

24 The storm sanitary is separated at the basement, and

25 then they are combined ten feet from the last

1 connection, which is close to the front of the
2 house, so this would be sloping towards that.

3 MR. NASH: But the trench drain is in
4 the opposite direction.

5 THE WITNESS: The drain is going this
6 way, and then there is one outlet, so that's just a
7 trough, and then there's one, you know, one
8 three-inch outlet at that.

9 MR. NASH: Okay.

10 THE WITNESS: It is entirely possible
11 that we might have an ejector here, due to the pipe
12 in the street, but that is to be determined, but
13 it's also permissible.

14 MR. NASH: Can those items just be
15 shown on the plan?

16 THE WITNESS: Yes.

17 CHAIRMAN AIBEL: Mr. Johnson?

18 COMMISSIONER JOHNSON: I see in diagram
19 Z-6, you have like the site view for the bulkhead,
20 so I guess if you are looking -- I guess that would
21 be east to west, then I am guessing that you
22 wouldn't be able to see the bulkhead?

23 THE WITNESS: Correct.

24 COMMISSIONER JOHNSON: But I believe
25 last time, there were questions regarding if you

1 were south looking north, would you still be able to
2 see that bulkhead.

3 THE WITNESS: By moving -- I'm sorry --

4 COMMISSIONER JOHNSON: Go ahead.

5 THE WITNESS: -- by moving it to the
6 north side of the building, the point at which you
7 would see it is probably two blocks away. You'd
8 have to be at such a long visual angle or such a low
9 angle to be able to see it, but it would not be
10 immediately visible from anywhere on that block.

11 COMMISSIONER JOHNSON: All right.

12 COMMISSIONER GRANA: My question is for
13 Mr. Nash.

14 Based on the concerns you raised in
15 that last meeting, I will try to phrase the question
16 a certain way, Chris.

17 Has your comfort level about the
18 viability of the project as designed been increased?

19 MR. NASH: Well, what was my comment?

20 (Laughter)

21 COMMISSIONER GRANA: Your comment
22 was -- your comment was relative to something we
23 discuss here a lot, which is: Can, in fact, a
24 building that is designed retain many of the
25 existing structures that were proposed --

1 MR. NASH: Oh, okay.

2 COMMISSIONER GRANA: -- including the
3 walls, foundation, et cetera, support the proposed
4 load, and has your comfort level gone higher?

5 MR. NASH: Well, it is sort of a
6 self-policing matter, because once they go to
7 construction, they are going to find things that are
8 more detailed than they know now --

9 COMMISSIONER GRANA: Sure.

10 MR. NASH: -- since they are not
11 increasing the footprint of the house, it is a
12 different case than buildings that are -- well, they
13 are asking for a coverage variance, so this would
14 fall under that situation, where if it was a
15 complete knockdown and they were starting from
16 scratch, the coverage would -- they would be -- the
17 applicant would be coming in for what would probably
18 be closer to 60 than 67, so -- okay. In that
19 context, they do have a report from an engineer. I
20 know it is a report based on a visual inspection.

21 On other applications we have asked
22 that they dig a little deeper and find out what the
23 footing is and so on.

24 This engineer's report did not do that.
25 They just looked at it.

1 COMMISSIONER GRANA: Can we address
2 this by strengthening the language? Is that one way
3 to --

4 MR. GALVIN: Of what?

5 MR. NASH: Well, you are either going
6 to approve it or not. If you approve it, you
7 approve it. You can't --

8 CHAIRMAN AIBEL: Would it be a
9 construction inspection issue?

10 MR. NASH: -- you can't approve the lot
11 coverage based on a "what if," you go to
12 construction.

13 MR. GALVIN: Well, what we have done in
14 the past is if the building has to be demoed, the
15 approval is null and void.

16 MR. NASH: But you are determining that
17 now instead of giving them the variance and letting
18 them go to construction, and then finding it then,
19 than just building what their approved coverage is.

20 COMMISSIONER GRANA: Yeah, but I don't
21 think that's what we are talking about.

22 I don't want to belabor this, Chairman.
23 I think the question is they can do whatever they
24 want, if they find something that conforms.

25 But if, in fact, during construction it

1 is determined that they have to demo the whole
2 building and then build a brand new structure with
3 variances intact, should we make sure we have
4 language --

5 CHAIRMAN AIBEL: Yes.

6 COMMISSIONER GRANA: -- to ensure that
7 they return?

8 CHAIRMAN AIBEL: Yes.

9 MR. GALVIN: I am not agreeing that --
10 we are not approving the outline of the building.
11 We are approving this based on what exists.

12 MR. NASH: Okay.

13 COMMISSIONER GRANA: And as described
14 in testimony. That's my only point I want to make.

15 Thank you, Chairman.

16 CHAIRMAN AIBEL: Thank you.

17 COMMISSIONER JOHNSON: I have one other
18 question.

19 And so regarding the access to the rear
20 yard, the only access there is will actually go
21 through the first floor and then --

22 THE WITNESS: Yes.

23 CHAIRMAN AIBEL: Okay. I think we are
24 finished up here.

25 Let me open it up to the public.

1 Any questions for the architect?

2 VICE CHAIR BRANCIFORTE: Did you have
3 another question, Cory?

4 COMMISSIONER JOHNSON: No.

5 VICE CHAIR BRANCIFORTE: You looked
6 like you had another question. I'm sorry.

7 CHAIRMAN AIBEL: Okay. Seeing none.

8 COMMISSIONER GRANA: Seeing no
9 questions from the public, motion to close public
10 portion.

11 CHAIRMAN AIBEL: Second?

12 COMMISSIONER MURPHY: Second.

13 CHAIRMAN AIBEL: All in favor?

14 (All Board members answered in the
15 affirmative)

16 CHAIRMAN AIBEL: Thank you.

17 (Witness excused)

18 MR. MATULE: Mr. Ochab.

19 MR. GALVIN: Raise your right hand.

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

23 MR. OCHAB: I do.

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

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

3 THE WITNESS: Ken Ochab, O-c-h-a-b.

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

6 CHAIRMAN AIBEL: We do.

7 MR. GALVIN: Fire away, kids.

8 (Laughter)

9 MR. MATULE: Thank you.

10 Mr. Ochab, you are familiar with the
11 master plan and zoning ordinance?

12 THE WITNESS: Yes.

13 MR. MATULE: And you are familiar with
14 the site and the surrounding area?

15 THE WITNESS: I am.

16 MR. MATULE: You received the revised
17 plans with the revisions Mr. Vasil has just
18 testified to?

19 THE WITNESS: Yes.

20 MR. MATULE: And you originally
21 prepared a report, dated January 18th, 2018, in
22 support of the request for the lot coverage
23 variance?

24 THE WITNESS: I did.

25 MR. MATULE: Could you go through your

1 report and give us your professional opinion
2 regarding that requested variance relief?

3 THE WITNESS: Yes.

4 MR. MATULE: And before you start, I
5 see you have a couple of photos boards.

6 Are those the same photos that are in
7 your report?

8 THE WITNESS: Two of the boards are,
9 and one is not.

10 MR. MATULE: Okay. So why don't we
11 take the one that is not and just mark it A-2, and
12 just state for the record what it is.

13 (Photo Board marked Exhibit A-2)

14 THE WITNESS: Well, the one that is not
15 is the third board, comprised of four photographs,
16 two of the front street scape on Garden and two more
17 photographs of the rear of the property.

18 I will go through these in just a few
19 moments.

20 CHAIRMAN AIBEL: Okay.

21 THE WITNESS: So before I go through
22 the photographs and I go through the testimony, I
23 just want to highlight the lot configuration
24 characteristics that are going on at this --
25 basically this corner of the block.

1 Even though the lot that we are talking
2 about here is not a corner lot, it is close enough
3 to the corner to have been affected by the historic
4 nature of the -- of how the lots were created.

5 The point being that if you look at the
6 tax map, there are four or five lots that were
7 created on 8th Street, fronting on 8th Street, that
8 have different depths, and one of those depths cuts
9 into what would normally have been a more -- a
10 deeper lot for the lot in question than we are
11 talking about here.

12 So -- and the lots to the south of the
13 lot that we are discussing here, are a lot of 67
14 feet in depth, but the lots to the south are 50 feet
15 in depth, and because of the same reasoning, when
16 the lots were created, they were gerrymandered in a
17 way to create more space for the 8th Street lots and
18 less space for the Garden Street lot.

19 So as a result, they have an undersized
20 lot. They have an undersized depth with respect to
21 the preexisting nonconforming conditions.

22 Now, if you move to the lot to the
23 north, the lot to the north now is further into the
24 block, but that doesn't occur. We have a standard
25 20-by-100 foot lot on the lot to the north, so that

1 is affected there.

2 And what is happening in all of the
3 lots that are undersized, all of the lots have
4 basically with respect to the south -- southern lots
5 on this block have lot coverage issues. I will go
6 through that again in just a minute.

7 So what is being proposed here is, of
8 course, elimination of the basement space due to
9 flood considerations. The addition of the --
10 addition of a floor above -- two floors above the
11 existing foundation of the property -- of the
12 building.

13 So we have an existing lot coverage
14 here of 67 percent, and so when we are done with the
15 project, if the Board approves the project, we will
16 still have 67 percent lot coverage. The lot
17 coverage will not change because the coverage is
18 from the sky down to the ground.

19 That being said, we meet all of the
20 other typical criteria of the zoning ordinance like
21 height and density and setbacks. All of those
22 criteria are met, so even rear yard, so we have a
23 rear yard requirement of 20.1 feet here, and we are
24 providing 22 feet existing and 22 feet proposed.

25 So with all of that being said, looking

1 at the zoning, we wind up with only one variance,
2 and that is for lot coverage because we are
3 measuring lot coverage on the upper floors in this
4 case, which is -- well, it is unusual for the State
5 of New Jersey, but not unusual for Hoboken --

6 (Laughter)

7 -- so that is the way we do it here.
8 But nevertheless, it is lot coverage so that is the
9 issue here.

10 So one of the questions has been, if I
11 recall last time, because we are saying we have 67
12 percent existing lot coverage, was that lot coverage
13 created prior to the zoning ordinance being adopted
14 in Hoboken.

15 And I went back and did some research
16 on it, and I found a Sanborn map, 1891, that
17 actually shows that this structure was here the way
18 it is shown today in 1891. That doesn't say when it
19 was built, but obviously it was built prior to 1891,
20 and I would be willing to bet there was no zoning
21 ordinance in Hoboken in 1891 since planning really
22 didn't get started until the early 1900s.

23 MR. MATULE: Just if I could interrupt
24 you, is this the Sanborn sheet you are talking
25 about?

1 THE WITNESS: Yes.

2 MR. MATULE: And it consists of three
3 pages?

4 THE WITNESS: Yes.

5 MR. MATULE: All right. So we're going
6 to mark that A-3, and do you have extra copies that
7 we could pass around if the Board members want to
8 see them?

9 THE WITNESS: Yes.

10 (Sanborn Map marked Exhibit A-3)

11 MR. MATULE: This should be plenty,
12 Chris. Would you pass them around?

13 MR. NASH: Yes.

14 MR. GALVIN: Is there an addition on
15 that? No, in the back.

16 Is there a little addition in the back?

17 THE WITNESS: Yes. That is the way it
18 shows.

19 MR. GALVIN: So it's kind of like
20 1860s, and then that addition is 1891 --

21 COMMISSIONER GRANA: Because of --

22 MR. GALVIN: -- no, because I looked it
23 up online.

24 THE WITNESS: Okay.

25 So what you are getting now is a

1 progression of Sanborn maps because I wanted to sort
2 of transition from the full sheet, which is the
3 cover sheet, 16, which is again the 1891 Sanborn map
4 series of Hoboken to the middle sheet, which is a
5 little bit more focused in on the block.

6 So our lot is the -- if you look at the
7 lower left corner, you see 8th and Garden Street,
8 and you can count up one, two, three, four lots from
9 left to right, okay, the fourth lot is the lot that
10 we are talking about today, Lot 10, okay.

11 And then the third sheet is even a more
12 detailed view of again the fourth sheet up, and
13 continuing up, there was a bakery on the corner for
14 those of you who are interested, so if you turn to
15 the third page, the fourth sheet -- the fourth lot
16 up from the left corner has a couple of numbers on
17 it.

18 It has a two. It is actually number
19 334, but turned sideways, it is 806. So you know
20 you are at 806 Garden.

21 It has two, but number two is the
22 number of stories. So it's a two-story building,
23 not the basement, but two stories above the
24 basement, and that is in like a reddish color, which
25 usually on a Sanborn map that means brick or

1 masonry. And then the back part has a one and a
2 letter above it, and that back part is yellowish,
3 which usually is frame, frame construction, and that
4 is what we have. We have exactly that. The
5 three-story brick, the one-story frame.

6 The letter above it is usually the type
7 of roofing, so in this case it would have been some
8 sort of asphalt or shingle type roofing.

9 So I think that at least kind of puts
10 to bed the fact that the existing coverage
11 preexisted the zoning ordinance in Hoboken. We
12 still have a variance, but it answers that one
13 question.

14 CHAIRMAN AIBEL: Thank you.

15 THE WITNESS: So then here are the
16 photographs that I have taken.

17 MR. GALVIN: The addition in 1891 was
18 the original man cave.

19 THE WITNESS: Who knows.

20 (Laughter)

21 MR. GALVIN: Keep it up, Ken.

22 THE WITNESS: Thank you.

23 I'm sorry.

24 MR. MATULE: Continue.

25 THE WITNESS: So before I go through

1 the photographs, I just want to talk about the 67
2 percent lot coverage. What does that mean?

3 It means that we are going to have a
4 house, which is 20 feet in width, which is the lot
5 width by 45 feet in depth.

6 So basically we have a 45 foot house,
7 and that -- the back of the addition on the house on
8 the property is going to match the building to the
9 north exactly. They are going to actually match
10 wall to wall. The rear walls will be exactly the
11 same.

12 Now, the house to the south is going to
13 be shorter than the house that we have on our
14 property, and their rear wall of that house is going
15 to be eight feet shorter than the house that we are
16 proposing, okay? That is 67 percent.

17 But because that lot to the south is
18 basically 17 and a half feet by 50 feet, that house
19 has a 74 percent lot coverage. So when we are
20 comparing lot coverages, and you know, I thought --
21 I was thinking about this. It is like what is this
22 like?

23 Well, this is sort of like the Willow
24 Court developments, where every time we come with a
25 Willow Court project, it is 90 percent coverage,

1 because the lots are 15 feet by 45 feet. So it is
2 sort of the part of the way things are done, and it
3 is the reflection of the size of the parcels and the
4 ability to get a reasonably sized structure on that
5 parcel.

6 So with that being said, here are the
7 photographs then. These should be in the report.

8 Three photographs on the first floor.
9 The upper photograph is a photograph of the site.
10 In the center of the photograph, actually this shows
11 basement windows, which I had no idea this would
12 come up, but it is showing the property to the
13 north, which is a four-story building and a property
14 to the south, a three-story here.

15 The middle photograph is a better view
16 of the street going north.

17 Again, number two, three, four-story
18 buildings, and the lower is going to the south,
19 again mostly this typical three-story configuration
20 there. Okay.

21 The next board, again, three photos of
22 the rear of the building.

23 Now, this is the existing rear. Again,
24 the two-story brick structure, original brick
25 structure, and then the add-on, Circa 1891, shown

1 here.

2 MR. MATULE: God bless you.

3 THE WITNESS: Then you can see just to
4 the left of that is our building to the north and to
5 the right of that, our building to the south, which
6 again, is going to be about eight feet back.

7 The lower left photograph, a better
8 view of the building to the north, so we are
9 actually matching that height. We have no exterior
10 stairway, fire stairs or anything, as they do here.

11 And then the building to the south,
12 which again is going to be set back a little bit
13 more, they have a walk-out deck on their third
14 level, and our building is going to be at that level
15 as well.

16 The good thing here is that they are to
17 the south of us, so in terms of sun and access to
18 the sunlight, they'll be -- there aren't additional
19 blocking, you know, their light and air --

20 CHAIRMAN AIBEL: But there will be a
21 large wall on the north side. They would be looking
22 at a large blank wall.

23 THE WITNESS: They will be looking at a
24 wall, right.

25 Then on the third photograph, which we

1 labeled A-2, just again the street scape keeping
2 obviously the stoop, the railings, all of this
3 street scape is being retained both north and then
4 south.

5 And, again, here is the back looking to
6 the north, so we have the existing building just to
7 the north, and then the further one just to the
8 north of that, which comes out a little bit more, a
9 little bit more depth, and then the third one, which
10 comes out a little bit more depth, so each one
11 encroaches further out into the rear yard.

12 And then this photograph here is a
13 photograph of the backs of the homes on 8th Street.

14 This first one in the center comes back
15 to about ten feet or so from the property line, and
16 then they all seem to have these one-story additions
17 put on the back at one point or another, so just to
18 give you an indication there.

19 So I think what he have here is maybe a
20 classic C1 argument, hardship argument, where we
21 have the zoning ordinance prescribes lot area,
22 focuses in on lot coverage, and here we have an
23 undersized lot trying to get a reasonably sized
24 house with two units.

25 And, again, we don't have any density

1 variances or any other variances other than lot
2 coverage. Certainly the elimination of the basement
3 use for residential purposes certainly promotes the
4 health, safety and welfare by eliminating that
5 possibility, and doing the street -- keeping the
6 street scape, doing the retention, doing the green
7 roof, all of that promotes the public welfare and
8 also promotes a visual environment along the street,
9 and in the rear that would use good civic design and
10 techniques.

11 With respect to the negative criteria,
12 yes, it is true, it is true that our wall would
13 interfere -- not necessarily interfere -- but would
14 be parallel to the northern end of the deck, but a
15 60 -- an addition at 60 foot at 60 percent coverage
16 will do exactly the same thing.

17 There is no difference between that
18 wall at 60 percent coverage and that wall at 67
19 percent coverage.

20 So, again, the only thing it does is
21 allow this wall to be again even with the rear of
22 the existing wall as you saw on the Sanborn maps and
23 equivalent to the wall to the north.

24 So my view here would be that that
25 extra couple of feet, which is what we are talking

1 about here, between the 60 and 67 percent, is not
2 significant and doesn't create a substantial
3 detriment to this neighbor or to any neighbor on the
4 block.

5 CHAIRMAN AIBEL: How about neighbors on
6 the 8th Street side?

7 THE WITNESS: On what side?

8 CHAIRMAN AIBEL: What is the impact on
9 the neighbors on the 8th Street side?

10 THE WITNESS: The 8th Street side,
11 virtually none.

12 The 8th Street side, again, this is
13 what you have. There are no decks. There's some
14 fire stairs. There is the ground level, and, again,
15 these one-story additions come pretty far out into
16 the rear yard.

17 Again, we are maintaining our rear yard
18 requirement at 22 feet, where 20 feet is required
19 under the zoning ordinance, so we don't have a
20 variance with respect to that.

21 No height variance, again, no density.
22 You don't have FAR in residential zones, so I think
23 that in conclusion, the project is a good project.
24 It maintains the two-family setup, which is allowed.

25 Under the zoning ordinance, a number of

1 improvements here to the building and to the site
2 will certainly aid in providing some public benefit
3 with respect to stormwater and green roof and the
4 like, and also allow the family to continue to have
5 two units here as is allowed under the zoning
6 ordinance.

7 Thank you, Mr. Chairman.

8 CHAIRMAN AIBEL: Thanks, Mr. Ochab.

9 COMMISSIONER GRANA: Mr. Matule, I
10 recommend maybe you might want to send the boards
11 around for one quick peak by the Commissioners.

12 MR. MATULE: Sure.

13 Do you want all three of them?

14 COMMISSIONER GRANA: Sure.

15 CHAIRMAN AIBEL: Questions for Mr.
16 Ochab.

17 COMMISSIONER WEAVER: Mr. Chairman?

18 CHAIRMAN AIBEL: Sure, yes.

19 COMMISSIONER WEAVER: Mr. Ochab, you
20 talked about benefits to the --

21 CHAIRMAN AIBEL: Ken?

22 COMMISSIONER WEAVER: -- Mr. Ochab, hi.

23 THE WITNESS: I'm deaf.

24 (Laughter)

25 COMMISSIONER WEAVER: You talked about

1 improvements to the sidewalk.

2 What would that be besides new
3 concrete?

4 THE WITNESS: I don't know that.
5 Improvements to the sidewalk?

6 Are there going to be sidewalk
7 improvements?

8 MR. VASIL: Yes. When they do the new
9 sewer connection, they are going to have to do a new
10 sidewalk.

11 COMMISSIONER WEAVER: So it is just a
12 new sidewalk, that's all the improvements?

13 MR. VASIL: Z-3 has the -- we have --
14 we are adding the planter.

15 The metal railing is going to be taken
16 out and replaced, and that new concrete is all the
17 new four-inch poured sidewalk -- poured concrete
18 sidewalk is going back. That is the only
19 improvement.

20 COMMISSIONER WEAVER: And the stair
21 currently comes out into the sidewalk and decreases
22 the sidewalk width?

23 MR. VASIL: Yes. The existing stoop
24 will not change.

25 COMMISSIONER WEAVER: And is that

1 consistent across the rest of Garden Street in that
2 area?

3 MR. VASIL: It's going north.

4 Going south, the buildings are lower,
5 so their stoops are smaller, so the stairs will come
6 out --

7 COMMISSIONER WEAVER: You don't need to
8 rebuild the stair?

9 MR. VASIL: We don't need to rebuild
10 it, no.

11 COMMISSIONER WEAVER: And the bottom
12 post in your drawings -- I'm sorry. I have now
13 moved into the architect.

14 But Mr. Ochab brought up the
15 improvements to the sidewalk.

16 The newel post, if you will, at the
17 bottom of the stair --

18 MR. VASIL: Yeah.

19 COMMISSIONER WEAVER: -- in your
20 drawings it shows it as being masonry.

21 Is that typical of the rest of the
22 houses on Garden Street?

23 MR. VASIL: Which sheet does it show
24 masonry?

25 COMMISSIONER WEAVER: Z-6, Drawing

1 144 -- 1 and 4.

2 MR. VASIL: So my client was saying
3 that the newel posts are an existing condition.
4 They're there -- they were always there. We are not
5 going to change them.

6 COMMISSIONER WEAVER: But is that
7 consistent with the rest of the houses on Garden
8 Street?

9 MR. VASIL: Let me see --

10 COMMISSIONER WEAVER: I mean, there's
11 an argument being made that the windows should
12 remain on the ground floor because it is consistent
13 with the rest of Garden Street.

14 MR. VASIL: Right. I would have to
15 look at the one big photograph.

16 COMMISSIONER MURPHY: Can I ask him a
17 question while you're --

18 COMMISSIONER WEAVER: Sure.

19 COMMISSIONER MURPHY: Have you given
20 any thought to not doing a poured concrete sidewalk?

21 MR. VASIL: I personally can't speak to
22 that, but I can speak to the owners --

23 COMMISSIONER MURPHY: It is something
24 that is a little bit more pervious than the other
25 projects you've done --

1 COMMISSIONER WEAVER: The newel posts
2 are not original?

3 MR. VASIL: Yeah. You know what,
4 actually what I found in cases like this is actually
5 the brick is around the original newel. They just
6 put the brick around, but it got deteriorated, so I
7 have seen that pretty often especially when it dives
8 straight in. When we take it off, we could uncover
9 what's behind it, and then if we had to replace the
10 newel, I could talk to the client, but I feel it is
11 not an impact --

12 COMMISSIONER WEAVER: I mean, but you
13 understand my point that we're talking about --

14 MR. VASIL: Consistency --

15 COMMISSIONER WEAVER: -- the Board
16 generally has concerns with the use of space in
17 these uninhabitable storage spaces --

18 MR. VASIL: Yup.

19 COMMISSIONER WEAVER: -- and there is
20 an argument being made to put windows in, because it
21 is historically in keeping with the rest of the
22 block --

23 MR. VASIL: Yes.

24 COMMISSIONER WEAVER: -- and my point
25 is, if we are going to go that route, then we should

1 look at what other things we need to do and what one
2 other benefit Mr. Ochab brought up improvements to
3 the sidewalk, which is really the public zone --

4 MR. VASIL: Right.

5 COMMISSIONER WEAVER: -- these are not
6 in keeping with the historic language of the
7 building.

8 Is there something that we can do to
9 bring them more into compliance with that, right?

10 MR. VASIL: Yes, understood.

11 COMMISSIONER WEAVER: Thank you.

12 MR. VASIL: Do you want the board?

13 COMMISSIONER WEAVER: I think it has
14 been around. I think we are at the end.

15 Oh, Mr. Ochab, I'm sorry.

16 The size of the units, I brought up the
17 question of what I calculated, and perhaps -- I
18 think it was a 23 percent increase in the habitable,
19 not including the bulkhead and the roof deck, or
20 obviously the basement level, which is not habitable
21 space, still a 23 percent increase.

22 Can you talk about the size of the
23 units and what is the known size for, you know, we
24 are talking about a two-family, what is the normal
25 size for a unit?

1 Obviously, there is an increase, so --

2 THE WITNESS: Right.

3 COMMISSIONER WEAVER: -- what can we
4 attribute that to?

5 THE WITNESS: Well, you attribute the
6 increase to on the first two floors, there is just a
7 rear bedroom on the first floor.

8 On the second floor, the rear area,
9 which is about 12 feet in depth, is part of a
10 living/dining room configuration.

11 And then for the new floor, it could
12 have, again, three bedrooms, so you have an increase
13 in your bedrooms to be sure, but in my view the
14 space that is being created, which is a thousand
15 square feet on the one unit and 1258 square feet for
16 the three-bedroom is small.

17 For a three-bedroom unit, that is
18 pretty small in the contest of the buildings we have
19 done and have testified to in Hoboken. A
20 three-bedroom would normally be 1400 square feet,
21 1700 square feet, something like that.

22 COMMISSIONER WEAVER: So it could very
23 well be a lot larger, but obviously because they are
24 starting out with 23 percent less, it could be
25 smaller --

1 THE WITNESS: Well --

2 COMMISSIONER WEAVER: -- but it could
3 be a lot larger?

4 It's somewhere -- is it fair to say it
5 is somewhere in between?

6 THE WITNESS: I think on the small end
7 of the three-bedroom type unit --

8 COMMISSIONER WEAVER: Okay.

9 THE WITNESS: -- and then the other one
10 is just simply a one-bedroom at a thousand square
11 feet, which again is --

12 COMMISSIONER MC ANUFF: Two-bedroom.

13 COMMISSIONER MURPHY: Two-bedroom.

14 COMMISSIONER WEAVER: It's a
15 two-bedroom.

16 THE WITNESS: -- I'm sorry,
17 two-bedroom.

18 COMMISSIONER MC ANUFF: There's a
19 second bedroom on the second floor.

20 THE WITNESS: Oh, yes, I'm sorry.

21 COMMISSIONER WEAVER: And then I don't
22 know if you can testify to this, but the use of an
23 asphaltic shingle, again, going back to the historic
24 sort of tenor of this facade and that we are all
25 concerned about being able to keep that facade, and

1 it's important -- we talked about the, you know, the
2 Planning Board, you know, their master plan
3 reexamination, historical materials, is asphaltic
4 roof shingle commensurate with a historic Mansard
5 roof?

6 Can you speak to that?

7 THE WITNESS: No.

8 (Laughter)

9 COMMISSIONER WEAVER: Thank you.

10 CHAIRMAN AIBEL: You can't speak to it.

11 (Laughter)

12 Any other questions for Mr. Ochab?

13 COMMISSIONER JOHNSON: One quick

14 question.

15 So maybe this will be a better question
16 for the architect.

17 But if they were to build to the 60
18 percent lot coverage instead of 67, how many feet in
19 the -- well, what is the difference I guess in feet
20 for the --

21 THE WITNESS: Five feet.

22 COMMISSIONER JOHNSON: Five feet?

23 THE WITNESS: Five feet from the rear.

24 Again, as I said earlier, the five feet
25 doesn't make the -- whatever impact there is doesn't

1 make it any better with respect to how it affects
2 the adjoining properties.

3 CHAIRMAN AIBEL: Any more questions,
4 anybody else?

5 Seeing none, let me open it up to the
6 public, questions for Mr. Ochab.

7 Seeing none.

8 COMMISSIONER WEAVER: Motion to close.

9 COMMISSIONER MC ANUFF: Second.

10 CHAIRMAN AIBEL: All in favor?

11 (All Board members answered in the
12 affirmative)

13 CHAIRMAN AIBEL: Thank you.

14 Can I ask Mr. Vasil one quick question?

15 MR. MATULE: Sure.

16 Mr. Vasil --

17 MR. VASIL: Yes.

18 MR. MATULE: -- you are being recalled.

19 J E N S E N V A S I L, having been previously
20 sworn, testified further as follows:

21 CHAIRMAN AIBEL: One quick question.

22 There has been testimony about the
23 south wall that will be very clear and prominent to
24 the neighbors to the south and to the immediate
25 neighbor to the south.

1 Is there any way that you can colorize
2 the -- I assume it is going to be a cement stucco
3 finish, colorize it or put some sort of
4 differentiation that would make it a little less
5 fortress like?

6 THE WITNESS: Certainly.

7 Oftentimes we give the neighbor the
8 opportunity to pick the color --

9 CHAIRMAN AIBEL: Great.

10 THE WITNESS: -- so we give them the
11 color chart, because we are never going to see it.
12 If it makes them happy, that is great.

13 CHAIRMAN AIBEL: I would encourage
14 that.

15 MR. GALVIN: What are you going to say?

16 CHAIRMAN AIBEL: They'll consult with
17 the neighbors on the finish of the south wall on the
18 color.

19 MR. MATULE: I have no further
20 witnesses.

21 If you want to open it to the public
22 before I make my closing.

23 CHAIRMAN AIBEL: Yes. I'll open to
24 the public. Now is the time to comment. You can
25 give positive or negative comments.

1 Seeing no public comment --

2 COMMISSIONER MC ANUFF: Motion to close
3 public portion.

4 COMMISSIONER GRANA: Second.

5 MR. MATULE: They are opening it to the
6 public now. Were you going to come up and make any
7 comments?

8 MR. SUARES: I don't have any -- I
9 don't have any criticisms or objections.

10 MR. MATULE: Well, wait a minute. You
11 have to just come up and state who you are, if you
12 don't mind.

13 MR. NASH: Are you inviting the
14 witness?

15 (Laughter)

16 MR. MATULE: He is not my witness, but
17 I was aware he was in the audience.

18 MR. NASH: Oh.

19 CHAIRMAN AIBEL: Your name and address
20 for the record.

21 MR. SUARES: Robert Suares, 804 Garden
22 Street, so I'm in the south -- the property owner to
23 the south of the property.

24 MR. GALVIN: So you are the one who is
25 going to get to decide what the color is.

1 MR. SUARES: What the color is and all
2 of that, I don't have any objection.

3 MR. GALVIN: All right.

4 CHAIRMAN AIBEL: Thank you.

5 MR. GALVIN: Thanks.

6 MR. MATULE: Thank you, Mr. Suarez. I
7 appreciate that.

8 CHAIRMAN AIBEL: Okay.

9 Any closing remarks?

10 MR. MATULE: Do you have to close it to
11 the public first?

12 VICE CHAIR BRANCIFORTE: Motion to
13 close public portion.

14 COMMISSIONER GRANA: Second.

15 CHAIRMAN AIBEL: All in favor?

16 (All Board members answered in the
17 affirmative)

18 CHAIRMAN AIBEL: Thank you.

19 MR. MATULE: Thank you.

20 Actually I do, a couple of things.

21 As Mr. Ochab testified, the 67 percent
22 lot coverage on the ground floor predates the zoning
23 ordinance according to that Sanborn map that was put
24 into evidence, and also we have the preexisting
25 nonconforming lot at 67 feet deep.

1 The structure at 67 percent is 45 feet
2 deep, and just, you know, for a perspective on a
3 hundred foot lot, we allow a 60 foot structure, so
4 this is already 25 percent smaller.

5 I realize some of the Commissioners
6 think that it could be even smaller, but I think it
7 is not an unreasonable request at 45 feet.

8 I also think or I would submit that the
9 compliance with the flood ordinance is, in fact, a
10 hardship in the context that we have the existing
11 structure. It predates the flood ordinance, but
12 because of the renovation, it triggers it.

13 As Mr. Ochab alluded to, that could
14 sort of fall under C1 or C2. I think it is a little
15 bit of both, kind of a hybrid here.

16 You know, simply put, all we are doing
17 is taking that space that was down in the basement,
18 which we can no longer use for living space and
19 putting it up on the new third floor.

20 As Mr. Ochab testified, we meet all of
21 the other bulk parameters. That additional 7
22 percent on the upper floors, we are requesting in
23 the grand scheme of things is not, I don't think,
24 excessive.

25 If we were on a hundred foot lot and we

1 were asking for 67 percent lot coverage, I could
2 understand the pushback from the Board, because I
3 have gotten it for much less.

4 (Laughter)

5 We were also getting some C2 benefits,
6 as I said, the flood compliance, the green roof.
7 Obviously we are going to have an updated building,
8 and at the end of the day we are allowing an
9 extended family to continue to reside together where
10 they reside. There is no appreciable negative
11 impact on the neighbors.

12 As Mr. Ochab testified, the property to
13 the south, whether we are at 40 feet or 45 feet, we
14 are going to have the same effect on having a wall
15 alongside their upper deck, so at least this way
16 they can choose the color of the stucco.

17 So all things considered, I think it's
18 a modest request. It is only a C variance, and I
19 would request that the Board approve it. I think
20 the applicant has tried to work with the Board and
21 addressed the Board's concerns.

22 CHAIRMAN AIBEL: Thank you, Mr. Matule.

23 Okay. Let me open it up, Board
24 members.

25 COMMISSIONER WEAVER: I have a

1 question.

2 Was there testimony of the floor
3 surface in the new basement, concrete slab under it?

4 CHAIRMAN AIBEL: We need testimony
5 about the square footage of the concrete --

6 COMMISSIONER WEAVER: No, no, the
7 material.

8 COMMISSIONER MURPHY: Floor coverage
9 material.

10 CHAIRMAN AIBEL: The material.

11 (All Commissioners speaking at once)

12 THE REPORTER: Wait a second.

13 MR. MATULE: I didn't hear that.

14 CHAIRMAN AIBEL: One at a time.

15 MR. MATULE: Do we need Jensen back?

16 CHAIRMAN AIBEL: Please.

17 MR. GALVIN: Yes.

18 MR. MATULE: Jensen, there's a
19 question --

20 MR. GALVIN: He's hiding behind that
21 drawing over there.

22 (Laughter)

23 J E N S E N V A S I L, having been previously
24 sworn, testified as follows:

25 MR. MATULE: Do you have a question?

1 COMMISSIONER WEAVER: Now, what's the
2 floor material in the cellar?

3 THE WITNESS: Concrete.

4 COMMISSIONER WEAVER: A slab under it?

5 THE WITNESS: Yes, correct.

6 COMMISSIONER WEAVER: Okay. And all of
7 the -- there will be no -- will there be a floor
8 drain in there?

9 THE WITNESS: There will be a sump
10 pump, I know that for sure, but yes, that will be
11 the drain. That will act as the drain.

12 COMMISSIONER WEAVER: But no other
13 drains?

14 THE WITNESS: Not that I'm aware of.

15 CHAIRMAN AIBEL: Thanks.

16 Anybody want to kick off?

17 VICE CHAIR BRANCIFORTE: Can we just
18 hear the conditions real fast, though?

19 MR. GALVIN: Sure.

20 Give me one second.

21 VICE CHAIR BRANCIFORTE: I want to make
22 sure the conditions --

23 MR. GALVIN: All right. Well, I have,
24 the plan is to be revised, but we don't need that
25 now, because they revised the plan, right?

1 VICE CHAIR BRANCIFORTE: Yes.

2 MR. GALVIN: Okay.

3 Two -- so one: The applicant is to
4 provide a report from the structural engineer that
5 the building --

6 CHAIRMAN AIBEL: That's done.

7 MR. GALVIN: That is done.

8 CHAIRMAN AIBEL: Three is done.

9 MR. GALVIN: Hold on. All right. We
10 are down to an astounding three.

11 The green roof is to be maintained for
12 the life of the building. Restriction is to be
13 recorded against the property by deed restriction,
14 which must be reviewed and approved by the Board
15 Attorney prior to recording and must be recorded
16 prior to the issuance of the first certificate of
17 zoning.

18 The green roof plan and a list of
19 plants must be attached to the deed as Exhibit A.

20 Two -- now they're going to listen.

21 CHAIRMAN AIBEL: Okay.

22 MR. MATULE: I'm sorry.

23 MR. GALVIN: Two -- that is all right.
24 We are good.

25 The Board accepted the representation

1 that the building structure is sound and that the
2 existing walls would not require removal.

3 In the event that it is determined that
4 portions of these walls need to be demolished, which
5 would be contrary to the proofs presented to the
6 Board, then this approval shall be deemed null and
7 void.

8 Three: The applicants are to consult
9 with the neighbors regarding the color of the south
10 wall.

11 VICE CHAIR BRANCIFORTE: I mentioned
12 the lighting on the roof, and the architect
13 mentioned it would be shielded. Do we need to put
14 that in there or --

15 MR. GALVIN: The lighting on the roof
16 is to be shielded.

17 It doesn't hurt us to have that.

18 VICE CHAIR BRANCIFORTE: That's to
19 reduce the light pollution to the neighboring
20 properties --

21 MR. GALVIN: I think if you say
22 "Shielded," I think that is good enough.

23 VICE CHAIR BRANCIFORTE: Okay.

24 COMMISSIONER WEAVER: Hum --

25 (Commissioners confer)

1 CHAIRMAN AIBEL: Are you okay?

2 (Laughter)

3 VICE CHAIR BRANCIFORTE: There's no
4 trees that need to be addressed here.

5 COMMISSIONER WEAVER: We would like --
6 I wanted to speak for my colleagues --

7 COMMISSIONER MC ANUFF: I agree with
8 you.

9 COMMISSIONER WEAVER: -- we would like
10 to propose that the newel post be addressed as well
11 as the asphalt shingles.

12 MR. GALVIN: How?

13 COMMISSIONER MC ANUFF: I agree with
14 Dan, that the newel post, existing brick newel post
15 should be removed and restored to the original cast
16 iron or replaced with cast iron and the --

17 COMMISSIONER WEAVER: In keeping with
18 the rest of the block.

19 COMMISSIONER MC ANUFF: Correct.

20 And what do you think about the
21 shingles?

22 MR. BANISCH: The artificial slate is a
23 great solution, right?

24 COMMISSIONER MC ANUFF: Yes. I'm okay
25 with that.

1 COMMISSIONER WEAVER: And we would
2 suggest a material, which is more in keeping with
3 the historic nature of the building, which they are
4 proposing, which means something like --

5 COMMISSIONER MC ANUFF: Natural or
6 synthetic slate.

7 COMMISSIONER WEAVER: -- oh, yeah, like
8 a natural or synthetic slate, or I would be fine
9 with metal, because metal is also historically
10 used --

11 COMMISSIONER MC ANUFF: No problem with
12 that.

13 COMMISSIONER WEAVER: -- as a Mansard
14 roof material.

15 MR. MATULE: So the architect is
16 telling me, (a) yes, we can address the newel post
17 question, and (b), yes, we could use a synthetic
18 slate on the Mansard portion of the facade.

19 CHAIRMAN AIBEL: Thank you.

20 COMMISSIONER MURPHY: They are okay
21 with it?

22 CHAIRMAN AIBEL: Thank you.

23 Yes, they are.

24 VICE CHAIR BRANCIFORTE: This is what
25 happens when you put two architects next to each

1 other.

2 CHAIRMAN AIBEL: Right.

3 MR. GALVIN: You get a better outcome.

4 CHAIRMAN AIBEL: We have another
5 application coming up, so let's turn to
6 deliberations.

7 Anybody want to kick off, please?

8 COMMISSIONER WEAVER: I think this is
9 an improvement over the last application -- the last
10 version.

11 The movement of the bulkhead I think
12 was great.

13 I like the -- I appreciate the analysis
14 of the site lines, and that everything is tucked
15 back so we don't see it.

16 I am concerned obviously with the
17 basement level, but as has been pointed out (a)
18 enforcement is not our job, and (b) it seems to be
19 more in keeping with the historic fabric up and down
20 the street to have these two windows left in.

21 I would like to think that as much
22 consideration was given to the details of that, the
23 frame material, the frame color, the door design, I
24 have seen several homes ruined by, you know, windows
25 from Home Depot, but we can only go so far.

1 CHAIRMAN AIBEL: Well, Mr. Vasil's name
2 is on the plans, so we'll make sure -- I am sure he
3 will make sure it is a beautiful tasteful
4 renovation.

5 Anybody else want to comment?

6 Thank you, Dan.

7 Antonio?

8 COMMISSIONER GRANA: I will add.

9 I agree with -- I agree in this case
10 with Mr. Matule and Mr. Ochab that this is a kind of
11 a C1, C2 hybrid, I think the C2 components.

12 At the beginning of the last time, we
13 asked for a little bit of a story about what this
14 project was about, and it was really about rehabbing
15 the basement, which was determined that the benefits
16 to the city is to actually take that basement out of
17 use as a residential floor, and so we have an
18 applicant that is going to do that, and that is a
19 better design solution for the city, or at least our
20 Flood Plain Administrator thinks so, so I think
21 that's a good thing, too, so I am not challenging
22 the Flood Plain Administrator at all.

23 From a hardship perspective that speaks
24 to narrow or irregular lots, which I think I will
25 credit Mr. Ochab tonight for getting us the maps

1 from 1891, but I think it documents that those
2 conditions exist.

3 My biggest concern was looking at what
4 would happen to the north or the south, and I see no
5 impact on the north.

6 We have testimony from the neighbor on
7 the south that there is no real impact, except that
8 I noticed in the photos that it looked like there is
9 an arrangement now with the south. Actually the
10 deck kind of looks into the windows, and that is
11 actually a problem that is going to be improved by
12 building this out, so it seems to be a better thing
13 for the neighbor and the whole area.

14 Anyway, in general, I think it is a
15 modest proposal, and I would support it.

16 CHAIRMAN AIBEL: Thank you.

17 Anybody else wish to comment?

18 CHAIRMAN AIBEL: I will just add to Mr.
19 Matule's remarks that we take lot coverage very
20 seriously, and I have no concern in this case that
21 the lot coverage on the ground floor is justified.
22 I think I heard testimony that makes me comfortable
23 that the negative impacts of the extra lot coverage
24 on the upper floors is not going to make a huge
25 difference, and I guess I can support the project as

1 well.

2 I think we are ready for a motion.

3 COMMISSIONER GRANA: Motion to approve
4 806 Garden, unless there is any more --

5 VICE CHAIR BRANCIFORTE: Second.

6 CHAIRMAN AIBEL: With conditions.

7 COMMISSIONER GRANA: -- with said
8 conditions.

9 COMMISSIONER OTTO: Can we just re-read
10 the conditions again one more time?

11 (Laughter)

12 I'm sorry. What are we at?
13 Where are we at?

14 MR. GALVIN: What?

15 COMMISSIONER OTTO: The last two.

16 MR. GALVIN: The last two were: The
17 existing newel post shall be removed and restored
18 with cast iron.

19 And six: The Mansard portion of the
20 roof is to utilize slate.

21 MR. MATULE: Synthetic slate.

22 CHAIRMAN AIBEL: Make it "synthetic
23 slate."

24 COMMISSIONER GRANA: Given said
25 conditions, motion to approve 806 Garden.

1 CHAIRMAN AIBEL: And we have a second I
2 think.

3 MS. CARCONE: Yeah, John.

4 VICE CHAIR BRANCIFORTE: Well, I don't
5 know if I can still second it --

6 (Laughter)

7 -- I'll second it, yeah.

8 MS. CARCONE: Ready for a vote?

9 CHAIRMAN AIBEL: Please.

10 MS. CARCONE: Commissioner Branciforte?

11 VICE CHAIR BRANCIFORTE: Yes.

12 MS. CARCONE: Commissioner Grana?

13 COMMISSIONER GRANA: Yes.

14 MS. CARCONE: Commissioner McAnuff?

15 COMMISSIONER MC ANUFF: Yes.

16 MS. CARCONE: Commissioner Murphy?

17 COMMISSIONER MURPHY: Yes.

18 MS. CARCONE: Commissioner Weaver?

19 COMMISSIONER WEAVER: Yes.

20 MS. CARCONE: Commissioner Firestone?

21 COMMISSIONER FIRESTONE: Yes.

22 MS. CARCONE: And Chairman Aibel?

23 CHAIRMAN AIBEL: Yes.

24 MR. MATULE: Thank you very much for
25 your time.

1 I think we wound up with a better
2 project.

3 (Laughter)

4 CHAIRMAN AIBEL: Thank you.

5 (Board members confer)

6 MS. CARCONE: Five minutes, Jim?

7 CHAIRMAN AIBEL: We are going to start
8 promptly at 8:30.

9 (Recess taken)

10 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-18-4

- - - - - X
RE: 1012-22 GRAND STREET : Tuesday 8:35 p.m.
BLOCK: 150, LOT: 1 : June 19, 2018
ZONE: I-1 :
APPLICANT: Ian Rintel :
Build out third floor for indoor :
recreational use (golf simulators, :
billiards, ping pong, etc.) :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Steven Firestone (Recused)
- Commissioner Cory Johnson
- Commissioner Jonathan Otto

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

BANISCH ASSOCIATES, INC.
BY: Frank Banisch, PP

BOSWELL ENGINEERING
BY: Christopher Nash, PE

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
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9 Attorneys for the Board.

10 DURKIN & DURKIN
11 1120 Bloomfield Avenue
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13 973-244-9969
14 BY: ROBERT S. COSGROVE, ESQ.
15 Attorneys for the Applicant.

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WITNESS

PAGE

Ian Rintel

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Charles Heydt, PP, AICP

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1 COMMISSIONER FIRESTONE: I have to
2 recuse myself in the Grand Street application.

3 CHAIRMAN AIBEL: All right. Thank you.

4 (Commissioner Firestone was recused and
5 excused from the meeting)

6 CHAIRMAN AIBEL: Back on the record.
7 Gentlemen and ladies?

8 Hello, Dan, we are back on the record.

9 COMMISSIONER WEAVER: Hello, sir.

10 CHAIRMAN AIBEL: Thank you.

11 Antonio, we are back on the record.

12 COMMISSIONER GRANA: Yes, we are.

13 CHAIRMAN AIBEL: Thank you.

14 Mr. Cosgrove, nice to meet you.

15 MR. COSGROVE: Good evening, Mr.

16 Chairman. Thank you. It's nice to meet you and the
17 Commissioners.

18 We are here today for an application on
19 behalf of Hoboken Golf. I am here with Ian Rintel
20 seeking a use variance.

21 The Commissioners, I am sure, are very
22 familiar with the application.

23 With me tonight, as I prior just
24 mentioned, is Mr. Rintel, so we will have him
25 testify with regard to his business and what he

1 plans to do at the 1012-22 Grand Street location.

2 And also we have the report from
3 Dresdner Robin, which I am sure the Board is also
4 familiar with, and Charles Heydt is here to testify
5 as to the planning issues, the negative and positive
6 criteria as to the use variance, and we hope at the
7 conclusion, the Board agrees that this will be a
8 beneficial use for Hoboken with no negative aspects
9 and particular suitability for this location for
10 recreation that would allow the Board to grant the
11 use variance.

12 MR. GALVIN: There you go.

13 CHAIRMAN AIBEL: Thank you.

14 THE REPORTER: Can you come over here
15 and speak? I'm sorry.

16 MR. COSGROVE: That's okay.

17 THE REPORTER: It's just easier to hear
18 because of the --

19 MR. COSGROVE: The air-conditioning.

20 MS. CARCONE: I think it just started
21 working again.

22 (Laughter)

23 CHAIRMAN AIBEL: Okay. Mr. Rintel, we
24 will swear you in.

25 MR. GALVIN: Raise your right hand,

1 please.

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

5 MR. RINTEL: I do.

6 I A N R I N T E L, having been duly sworn,
7 testified as follows:

8 MR. GALVIN: Kindly state your full
9 name for the record and spell your last name.

10 THE WITNESS: Ian Rintel. The last
11 name is R-i-n-t-e-l.

12 MR. GALVIN: All right.

13 Your witness, Counsel.

14 MR. COSGROVE: Mr. Rintel, can you just
15 tell the Board generally the history of Hoboken Golf
16 in general and sort of lead up to the present
17 application, in general terms, what you intend to
18 do?

19 THE WITNESS: December 5th, 2002, I
20 opened up a golf simulator facility in Hoboken at
21 125 Grand Street. We started with just two golf
22 simulators.

23 We made it all the way to December 5th
24 of 2016, at which point we had five golf simulators,
25 and the building was demolished soon thereafter. It

1 is now going to be condos.

2 Somewhere around 2014, I started to
3 look for space in Hoboken, so that I could relocate
4 and just continue my business at another location in
5 Hoboken, and I went through due diligence on a
6 number of different possibilities but found nothing
7 in time, and I was exiled to Weehawken for a little
8 over a year, 193 Hackensack Plank Road, a very small
9 warehouse. I didn't even have -- I only really did
10 my supporting retail, like online shopping type
11 retail, ecommerce, if you will, at 193 Hackensack
12 Plank Road.

13 And recently space became available at
14 1012-1022 Grand Street, 15,000 square feet, 11 foot
15 two inch high ceilings, column spacing 19 feet,
16 everything that I need to do what I need to do.

17 So I also did due diligence, but due
18 diligence didn't work out, and that is a long story,
19 but I have a lease. I have my ecommerce business
20 already relocated to the space, and I want to start
21 with six golf simulators in the space as soon as
22 possible, so I am here asking permission to allow me
23 to do that.

24 I have a very little amount of
25 construction, three interior walls. Most everything

1 else I would just call cleaning up the space.

2 MR. COSGROVE: There will be no
3 structural changes?

4 THE WITNESS: No structural changes.
5 Some minimal lighting changes, but mostly things
6 like changing fluorescent to LED, making the light
7 appropriate for my use. Nothing, nothing
8 extraordinary.

9 The only thing -- the only problem that
10 I have is the building is for manufacturing, and
11 that is the allowed use, and I want to use it for
12 recreation.

13 CHAIRMAN AIBEL: So, Mr. Cosgrove, one
14 quick question.

15 Commercial recreational use is being
16 requested. Is there retail use being requested as
17 well?

18 MR. COSGROVE: I will let my client
19 address that.

20 THE WITNESS: It is retail to support,
21 so if you go to any gym in Hoboken, they usually
22 will sell boxing gloves to go with the kick boxing.
23 It is to support the recreation use.

24 MR. COSGROVE: So would it be correct
25 that it wouldn't be aimed at being basically a

1 storefront, that these wouldn't have the --

2 THE WITNESS: It is not exactly a
3 storefront.

4 I have --I will have golfers coming
5 into my facility, so it is to support those golfers.
6 It is to give them what they need to do for what
7 they want to do.

8 CHAIRMAN AIBEL: They need balls when
9 they get out on the course and lose them?

10 THE WITNESS: Balls, clubs, anything --

11 MR. COSGROVE: They should put their
12 names on them.

13 (Laughter)

14 COMMISSIONER MC ANUFF: Would it be
15 fair to say it is the equivalent of a pro shop in a
16 bowling alley?

17 THE WITNESS: Exactly.

18 CHAIRMAN AIBEL: Great.

19 MR. COSGROVE: And could you just tell
20 the Board generally based on your experience and
21 being in Hoboken before, what kind of clientele
22 would you anticipate having?

23 THE WITNESS: It is all local. It's
24 all local residents, some children. We have Hoboken
25 High School's golf team at a point in time.

1 We have the Hudson -- I'm sorry --
2 Hoboken Charter School's Arts Bridge Program comes
3 to my shop or did come to my shop for an after
4 school golf program that we did for a number of
5 years.

6 Mostly somebody like me, I mean, I
7 don't want to stereotype, because I accept all
8 customers, but typically a 40-something group of
9 four men would come to my shop and play golf on a
10 machine with a real golf ball for three to four
11 hours at a time and have a good time. There was
12 instruction given also.

13 I teach golf. I had three other people
14 teaching golf in the facility also, so I mean I
15 think that gives you a picture of what we are going
16 to do.

17 MR. COSGROVE: Could you tell the Board
18 what kind of noise would expected to be generated?

19 THE WITNESS: Very little noise. It
20 was never problem in the old space. It won't be a
21 problem here because my floors are -- I think I took
22 a picture some place of how thick the floors are,
23 ten-inch concrete.

24 We are also putting all of the golf
25 simulators toward the interior of the building, if

1 you look at the A-1 document, so it is going to be
2 quiet enough, and to either side, the story above
3 and the story below, there is no residential
4 neighbors, and there is also manufacturing happening
5 still on the first floor, so their noise exceeds my
6 noise.

7 CHAIRMAN AIBEL: Are you going to be
8 the only tenant on the third floor?

9 THE WITNESS: I am the only tenant on
10 the third floor.

11 CHAIRMAN AIBEL: Thanks.

12 MR. COSGROVE: And what will your hours
13 of operation be?

14 THE WITNESS: So we were always open
15 until ten p.m. Weekdays we would open at 11, and
16 weekends we would typically open at 9, but it seems
17 obvious that since there is tennis courts just to
18 the south of my building that I should just have the
19 same hours of the tennis courts.

20 VICE CHAIR BRANCIFORTE: Which is what?

21 THE WITNESS: What is that?

22 VICE CHAIR BRANCIFORTE: What are the
23 hours of the tennis courts that you are saying?

24 THE WITNESS: So I am told by Leo, that
25 they turn the lights off at ten, and I guess people

1 will play as soon as the sun comes up, so something
2 similar to that.

3 MR. COSGROVE: And in terms of the
4 benefits of the community, this is kind of a unique
5 enterprise in terms of you were here, you left, and
6 now you are coming back.

7 In terms of your leaving, would your
8 clientele make statements to you to the effect of
9 Hoboken needs a --

10 THE WITNESS: Oh, I get multiple calls
11 every day, "When are you opening again," because my
12 previous customers know that I have been looking for
13 space and looking to reopen.

14 It has been compounded by the fact that
15 Edgewater driving range closed last summer, so there
16 is a deficit of places to practice golf.

17 We did get a golf course in Hudson
18 County a couple of years ago, but they don't have a
19 driving range, so there is no real place to
20 practice, and not everybody is able to get onto
21 Liberty National to hit golf balls at their driving
22 range. So there's Chelsea Piers, which is the
23 option really.

24 CHAIRMAN AIBEL: Could you give us a
25 little testimony about the billiard tables and ping

1 pong tables and how else you are going to fit out
2 the place?

3 THE WITNESS: So it is a bigger space.
4 The space at 125 Grand was 5,000 square feet, and
5 this one is -- well, the outer dimensions would be
6 15,000 square feet. I think we have 14,000 square
7 feet of actual usable space, so I am getting triple
8 the space, and I was looking for compatible type
9 uses.

10 If you look at the floor plan, you will
11 see that it is not even separate rooms. I am just
12 putting up dividing walls, and customers would be
13 able to walk through the room.

14 Billiards is table golf really, so it
15 seemed like a natural fit, and the software that I
16 have to manage time on golf simulators works really
17 well for billiard tables, too.

18 The ping pong tables, quite honestly, I
19 put them in there because they are inexpensive, and
20 I need to use -- I need to monetize the full space,
21 if I can, and there is a room that we are not really
22 using. It is going to be storage for the time
23 being, but I would like to have another compatible
24 type recreation in that space also.

25 If something does really, really well,

1 billiards, golf, or ping pong, I could always try to
2 expand to that additional room, but that is down the
3 road.

4 I would like to just within a few
5 months time I hope at least get my golf simulators
6 up and running and start teaching golf again.

7 CHAIRMAN AIBEL: Any plans for food or
8 beverage service?

9 THE WITNESS: Well, I never stopped
10 anybody from bringing it in.

11 In the old location, I was selling
12 bottled water and Gatorade and sodas and so forth,
13 but I am not going to do any cooking on premises or
14 anything like that.

15 MR. GALVIN: That's going to be a
16 condition. There's not to be any cooking on site.

17 CHAIRMAN AIBEL: I am just getting a
18 little ahead of the curve here. I am sure everybody
19 will have a few questions, but I wanted to see if I
20 could just sort of get the basics put together.

21 THE WITNESS: Yes.

22 CHAIRMAN AIBEL: Could you give us a
23 little testimony about security? How are your
24 guests going to get in and out of the building?

25 I happen to live up in the area, so I

1 am familiar with the setup.

2 THE WITNESS: So my intention is to use
3 the entrance that's located 15 feet to the north of
4 the tennis court furthest to the north of Columbus
5 Park. It is two floors up. It is a third floor
6 location. The stair I think is 44 inches wide -- 44
7 inches wide, and they will carry their golf clubs up
8 unless they are choosing to rent golf clubs.

9 CHAIRMAN AIBEL: Do they get buzzed
10 into the building or is it open?

11 THE WITNESS: I am going to make it
12 open, so yeah.

13 I don't think for my business type,
14 buzzing people in, I don't think it works well. I
15 think -- I do want people coming in just to look,
16 and when they have to buzz, and the door is
17 unfriendly, and it doesn't look like it is a
18 publicly accessible door, it tends to lead to a lot
19 less foot traffic.

20 At 125 Grand, I had a glass front door,
21 so people could just come in.

22 MR. COSGROVE: Was it ever a problem at
23 125 Grand, that setup?

24 THE WITNESS: No, because I always
25 would have a receptionist in the front, so, you

1 know, somebody would greet them, and they would come
2 in, and it was a lot of people asking to use the
3 bathrooms because the Multi-Service Center was
4 locked.

5 CHAIRMAN AIBEL: Is there any way for a
6 visitor to access the first or second floor?

7 THE WITNESS: So the first floor is
8 entirely locked. He gets into his space from the
9 Adams Street side.

10 So you are familiar with the building,
11 but just so everybody is familiar, this is a big
12 building, and it has ways to get in from Adams
13 Street and Grand Street.

14 The second floor you can, if his door
15 was unlocked, you could go in there. Sometimes they
16 leave it open, but most of the times it is closed
17 and locked, and he would -- and it's artists'
18 studios. He would just need to do a better job of
19 keeping it locked.

20 If he kept it open, then all of the
21 artists' studios are usually locked, but he would
22 keep it locked to prevent people from coming in to
23 try to use his bathrooms or just wandering.

24 And then the third floor would be me,
25 and that would be unlocked and open to all.

1 There is no way from the south entrance
2 to get to the fourth floor. The fourth floor is
3 only accessible from the North Grand Street entrance
4 or the Adams Street entrance, because the staircase
5 doesn't go all the way up.

6 CHAIRMAN AIBEL: Great.

7 I apologize for the interruption.

8 MR. COSGROVE: That's okay.

9 And how many employees do you
10 anticipate having?

11 THE WITNESS: Like four full time, five
12 part time, plus me.

13 MR. COSGROVE: Based on your previous
14 location, do you anticipate your employees will need
15 to drive there or are they local?

16 THE WITNESS: No, no. I employed a lot
17 of Stevens' students and then local residents.

18 MR. COSGROVE: Mr. Chairman, at this
19 point I would open it up to questions from the
20 Board.

21 CHAIRMAN AIBEL: Okay. Let me just ask
22 you a follow-up question.

23 Are any parking variances required?

24 MR. COSGROVE: There's parking. I will
25 leave that to the planner to address.

1 CHAIRMAN AIBEL: Okay.

2 MR. COSGROVE: But with regard to the
3 parking, just to sort of lead into his testimony, we
4 believe it is less intense of a use than a permitted
5 use, but the planner is prepared to get into the
6 parking aspects.

7 CHAIRMAN AIBEL: Okay.

8 Thank you.

9 MR. GALVIN: And the use that's not
10 permitted in the zone has no standards.

11 The question is, if we were in a
12 suburban location, my question would be: Is the
13 parking adequate for the use.

14 So that is -- we have to figure out how
15 people are going to get there, and, you know, you
16 guys have to tell us.

17 CHAIRMAN AIBEL: Good. Thanks.

18 Questions?

19 COMMISSIONER MURPHY: Yeah.

20 CHAIRMAN AIBEL: Go ahead.

21 COMMISSIONER MURPHY: So you have two
22 different ways that you can access upstairs.

23 Are you going to have like a
24 receptionist when people come in or --

25 THE WITNESS: Yes.

1 COMMISSIONER MURPHY: -- it is a very
2 large space, so are you going to be able to direct
3 people or --

4 THE WITNESS: I think you are looking
5 at A-1.

6 COMMISSIONER MURPHY: Yes.

7 THE WITNESS: So some place near -- so
8 to the right of where retail 1903 SF, there is --

9 COMMISSIONER MURPHY: Yes. It looks
10 like an office.

11 THE WITNESS: -- no, it's not an
12 office. That's depicting where cashiers would
13 potentially be located --

14 COMMISSIONER MURPHY: Oh, okay.

15 THE WITNESS: -- those would be the
16 greeters.

17 COMMISSIONER MURPHY: Okay.

18 And how about the Adams Street
19 entrance, or are you only going to use --

20 THE WITNESS: It's just for emergency.

21 COMMISSIONER MURPHY: Just for an
22 emergency, okay.

23 THE WITNESS: So there is a freight
24 elevator, but that is just for us.

25 COMMISSIONER MURPHY: Right.

1 And then when I went by the site
2 itself, I think I noticed a window air conditioner,
3 those big windows --

4 THE WITNESS: Yes.

5 COMMISSIONER MURPHY: -- so I don't
6 know.

7 Like is there any kind of central air
8 or fans or how --

9 THE WITNESS: Yes.

10 There is fans --

11 COMMISSIONER MURPHY: Okay.

12 THE WITNESS: -- there's two big
13 exhaust fans. There are a number of window air
14 conditioners.

15 I would like to improve that, but I
16 don't think it is going to be in my immediate
17 budget, so I am going to work with that for the time
18 being.

19 COMMISSIONER MURPHY: Uh-huh. Okay.

20 Because I imagine that sun on that --

21 THE WITNESS: Oh, yes.

22 COMMISSIONER MURPHY: -- that west side
23 can get pretty intense on like a day like today.

24 THE WITNESS: Yeah.

25 COMMISSIONER MURPHY: Okay.

1 VICE CHAIR BRANCIFORTE: Your plans
2 don't mark the north/south, do they?

3 I don't see it, so where is Adams,
4 where is Grand, where is the tennis courts?

5 THE WITNESS: So the left-hand side of
6 A-1 would be a parking lot, and then to the left of
7 that would be Adams Street, and then the right-hand
8 side of A-1 would be Grand Street.

9 I am told that the Z-1 sheet has a site
10 map.

11 MR. NASH: North arrows on the bottom
12 right on this map --

13 THE WITNESS: Bottom right --

14 MR. NASH: -- bottom left, here.

15 THE WITNESS: Okay. That is what that
16 is.

17 COMMISSIONER WEAVER: So north is to
18 the right?

19 MR. NASH: Yes.

20 COMMISSIONER WEAVER: I have -- Mr.
21 Branciforte?

22 VICE CHAIR BRANCIFORTE: Yes.

23 COMMISSIONER WEAVER: Are you done?

24 CHAIRMAN AIBEL: Please go ahead.

25 COMMISSIONER WEAVER: What is the

1 studio used for?

2 THE WITNESS: We don't have a use for
3 it yet.

4 COMMISSIONER WEAVER: And if you were
5 to have, you know, people in wheelchairs or
6 strollers, there is no way for them to access this
7 level?

8 THE WITNESS: There is not -- besides
9 the stairs, I can get them from the elevator, but it
10 is not a passenger elevator.

11 COMMISSIONER WEAVER: Yeah. It's a
12 freight elevator --

13 THE WITNESS: Right.

14 COMMISSIONER WEAVER: -- which means
15 they can't be in there by themselves --

16 THE WITNESS: No.

17 COMMISSIONER WEAVER: -- but it could
18 be facilitated by you --

19 THE WITNESS: Correct.

20 COMMISSIONER WEAVER: -- or your staff?

21 THE WITNESS: Correct.

22 COMMISSIONER WEAVER: Fair enough.

23 THE WITNESS: It is an old building.

24 COMMISSIONER WEAVER: Yeah.

25 Thank you.

1 THE WITNESS: Yeah.

2 VICE CHAIR BRANCIFORTE: Okay.

3 So the Grand Street side, when we look
4 at this A-1, Grand Street is to the right, correct?

5 THE WITNESS: Correct.

6 VICE CHAIR BRANCIFORTE: So across the
7 street on Grand Street, there are condos?

8 THE WITNESS: Correct.

9 VICE CHAIR BRANCIFORTE: I want to make
10 sure that the people across the street aren't going
11 to be blinded by lights until ten o'clock every
12 night.

13 How are we working around that?

14 THE WITNESS: There is nothing that's
15 happening in the storage rooms yet, but I could put
16 up window shades in all of those windows along Grand
17 Street to block out the light.

18 VICE CHAIR BRANCIFORTE: Okay.

19 CHAIRMAN AIBEL: Any other questions?

20 COMMISSIONER JOHNSON: Is there
21 currently any signage on the outside of the
22 building, or are you planning on putting --

23 THE WITNESS: I am going to put signage
24 within the legal limits. I mean, I think a hundred
25 square feet is the limit because it is 136-by-16.

1 COMMISSIONER JOHNSON: Which -- I guess
2 which front would you have it on, do you know?

3 THE WITNESS: Grand Street would be an
4 obvious one. If it is allowed, I would put
5 something -- well, I would put something small on
6 the back side just to help people who are doing
7 deliveries, like UPS, but that I am going to do
8 either way.

9 If it was allowed, I could put
10 something along near the tennis courts, so that
11 people playing tennis knew we are going to provide a
12 service to the tennis players. If they need tennis
13 balls, it would just be natural for me to sell
14 tennis balls.

15 MR. COSGROVE: One other question that
16 was in the report.

17 Are you planning to offer tennis
18 lessons?

19 THE WITNESS: I wasn't planning on it.
20 If somebody really wanted me to do that, I could do
21 it, but we do golf.

22 And while golf and tennis are kind of
23 are related, a golf instructor is not going to be
24 teaching tennis.

25 CHAIRMAN AIBEL: Well, so I am just

1 throwing out, you know, questioning using the public
2 courts for a particular commercial use --

3 MR. COSGROVE: Okay. He has no
4 intention of doing that.

5 VICE CHAIR BRANCIFORTE: You mentioned
6 a parking lot --

7 THE WITNESS: Yes.

8 VICE CHAIR BRANCIFORTE: -- does that
9 service your building or --

10 THE WITNESS: Yeah.

11 VICE CHAIR BRANCIFORTE: -- and you
12 will have access to -- well, maybe the planner will
13 address this. I don't know. Maybe it is a better
14 question for the planner about the parking and
15 stuff.

16 THE WITNESS: I think the planner could
17 address it.

18 VICE CHAIR BRANCIFORTE: The planner
19 would probably be better to ask?

20 Okay.

21 CHAIRMAN AIBEL: Board members,
22 anything else of Mr. Rintel?

23 COMMISSIONER JOHNSON: Any thoughts I
24 guess of having the place open later?

25 You know, as you mentioned, there will

1 be billiard tables as well as ping pong and --

2 THE WITNESS: As a business owner, you
3 kind of -- your boss is the customer, so I would
4 like to be open when the place is busy.

5 But right now I don't have a business,
6 so I kind of have to adjust.

7 The billiards, so each -- with the
8 exception of the Grand Street side, every -- all of
9 the other noise is going to be -- is going to be not
10 a problem because to the north is a public storage,
11 so there is nobody to bother there.

12 To the west, we have got a parking lot,
13 our own parking lot.

14 And to the south are tennis courts, and
15 then to the southeast is Columbus Park, so the only
16 thing I have to be really concerned about
17 noise-wise, and as you brought up light-wise, are
18 the residents that are on -- across the street on
19 Grand Street.

20 So, yeah, if I were open later, because
21 people like to play pool at midnight, I don't think
22 it is going to present an issue as far as noise
23 goes.

24 COMMISSIONER JOHNSON: I'm just
25 wondering, I guess in terms of lighting, exterior

1 lighting on Grand Street, are there actually lights
2 directly in front of the building?

3 THE WITNESS: There is not. There is
4 not. It is something that I would like the landlord
5 to do, but right now we don't have it.

6 CHAIRMAN AIBEL: I am just going to
7 make this observation and really it's per our
8 counsel.

9 You know, we are here to approve
10 specific uses, and we are going to have to be very
11 careful in defining what it is you are getting
12 approved to use. And if you need to make a
13 modification or you change your use, you will have
14 to come back to the Zoning Board unless City
15 Council, you know, changes the zoning. So we want
16 to be mindful that we are reasonably specific in our
17 testimony about what it is we are actually
18 approving.

19 MR. COSGROVE: Okay.

20 CHAIRMAN AIBEL: Thanks.

21 MR. GALVIN: There is a limit to what
22 we are going to do, so, you know, you started out
23 great. You know, you told us exactly what you are
24 planning to do, and you are telling us what is
25 possible. At some point we have to like draw the

1 line, is this what you are going to do, and if
2 possible becomes a reality, then you have to come
3 back to us and explain how what you are doing isn't
4 overloading what we approved.

5 MR. COSGROVE: Fair enough.

6 My client's intent is primarily the
7 golf facility --

8 MR. GALVIN: No. I know.

9 The process is a pain in the neck on a
10 small businessman, because you want to get things
11 going and do it, but from a zoning perspective we
12 have to understand what is going in and grant you
13 approval for it.

14 And if there's a point where we can't
15 follow all the possible dimensions, like getting
16 into the tennis thing might be a bridge too far.
17 Everything else was really understandable.

18 Am I saying it correctly?

19 CHAIRMAN AIBEL: Yes.

20 THE WITNESS: Yeah. And the tennis
21 thing was really just to support -- I wasn't going
22 to give tennis lessons because I do golf, but I just
23 thought, you know, why not have tennis balls.

24 MR. COSGROVE: And I think with the
25 question he was interpreting it as something you

1 wanted him to do, so he is just trying to say, you
2 know, if you want him to do it, he will do it, but
3 that is not his focus --

4 MR. GALVIN: We shouldn't be telling a
5 person how to run their business. We want to
6 understand what you're doing --

7 MR. COSGROVE: Yes.

8 MR. GALVIN: -- and make sure it is
9 compatible with our zoning expectations, so --

10 MR. COSGROVE: Sure.

11 CHAIRMAN AIBEL: Okay, Diane.

12 COMMISSIONER MURPHY: So not to get
13 into possibilities, but you have a lot of storage
14 space on one side.

15 Are you thinking -- or did you in your
16 other business do parties?

17 THE WITNESS: We had a miniature golf
18 course. I still have the miniature golf course, but
19 I wasn't planning to put it --

20 COMMISSIONER MURPHY: Oh, you aren't?

21 THE WITNESS: I would like to do it,
22 but frankly in the old business, it was not a money
23 maker for me. It used up a lot of space --

24 MR. GALVIN: Then let's not let him
25 have it.

1 (Laughter)

2 THE WITNESS: I don't have a problem
3 having a miniature golf course, but I would like to
4 find something that would be more profitable for the
5 amount of space that it takes up.

6 COMMISSIONER MURPHY: Sure. Right.

7 So having like kids' birthday parties
8 isn't something that you are --

9 THE WITNESS: I used to do it.

10 MR. GALVIN: That is not the right
11 answer.

12 COMMISSIONER MURPHY: But are you
13 foreseeing trying to do that in the future?

14 THE WITNESS: So --

15 MR. GALVIN: We are not asking what
16 your capacity is.

17 We want to know exactly what you are
18 going to do up there, so we can get you through this
19 process.

20 THE WITNESS: So I am not planning to
21 do children's birthday parties.

22 COMMISSIONER MURPHY: Great. Okay.

23 Then one other question --

24 CHAIRMAN AIBEL: Well, can I just
25 finish that thought --

1 COMMISSIONER MURPHY: Oh, sure.

2 CHAIRMAN AIBEL: -- if you don't mind?

3 Let's be realistic. If the facility is
4 used by ten golfers for, you know, a nice evening
5 out, that I think would be perfectly great.

6 I have a birthday, and I say let's go
7 to the golf range and have a party, can we bring our
8 own beers?

9 I don't know. But those are some of
10 the parameters that, you know --

11 MR. GALVIN: Technically, no, because
12 in Hoboken you can do it with a restaurant.

13 Like we had this with the Sip and
14 Paint. I am not saying they don't have alcohol at
15 the Sip and Paint, but they weren't supposed to
16 because we can't issue a license for that, and you
17 can get BYOB, that happens at restaurants, not at
18 other things, but, you know --

19 COMMISSIONER MURPHY: That is it.

20 MR. GALVIN: -- you told us water and
21 Gatorade. That is what we know.

22 THE WITNESS: Yes.

23 CHAIRMAN AIBEL: I'm sorry, Dennis --

24 MR. GALVIN: I see nothing --

25 COMMISSIONER MURPHY: And I guess I

1 just have one other concern that is not necessarily
2 about the business per se, but you said there's no
3 lighting on the Grand Street side or maybe even the
4 Adams, and if you are open until ten o'clock at
5 night, particularly like in the winter, you know, it
6 gets dark at 4:30, five o'clock, and it is a very
7 big, tall building, I think you --

8 THE WITNESS: No. Adams Street has
9 lighting.

10 COMMISSIONER MURPHY: Right, but that
11 is not your real entrance.

12 Your real entrance is on Grand, and I,
13 you know, I would like to be able to play pool, and
14 I don't really want to do it with somebody, so I am
15 going to be leaving that building with it dark,
16 entering when it is dark.

17 COMMISSIONER WEAVER: So is your
18 concern the lighting at the entrance?

19 COMMISSIONER MURPHY: Yes, safety.
20 Like we talk about that for other kinds of retail or
21 restaurants or buildings --

22 COMMISSIONER WEAVER: Street lighting
23 is a --

24 THE WITNESS: And the street lighting
25 is pretty good right there.

1 COMMISSIONER MURPHY: Okay. Well, I
2 don't know. I rode by during the day.

3 THE WITNESS: I am still going to try
4 to get the landlord to do something to improve it,
5 but, yeah --

6 COMMISSIONER MURPHY: But there is no
7 guarantee, right?

8 THE WITNESS: There is no guarantee
9 because the landlord will point to it and say, look,
10 it is pretty good.

11 COMMISSIONER MURPHY: Right.

12 THE WITNESS: I already had the
13 discussion with him because --

14 COMMISSIONER MURPHY: Right.

15 And the stairwell lighting on the way
16 up, is it good?

17 THE WITNESS: It's good, yes.

18 COMMISSIONER MURPHY: Okay.

19 VICE CHAIR BRANCIFORTE: I have a
20 question about the zoning law on the signage --

21 CHAIRMAN AIBEL: I was right there,
22 John --

23 VICE CHAIR BRANCIFORTE: -- because it
24 is going to be a box lit sign, are we talking about
25 another Acme situation?

1 CHAIRMAN AIBEL: I think we should --

2 VICE CHAIR BRANCIFORTE: Would the
3 places -- the condos across the street, this could
4 be a problem.

5 COMMISSIONER WEAVER: No.

6 Are you making an assumption, or it is
7 going to be a problem --

8 VICE CHAIR BRANCIFORTE: No. I'm just
9 asking. I don't know what the law is on what kind
10 of --

11 CHAIRMAN AIBEL: Let me say it this
12 way: We are approving a use, and we can --

13 MR. COSGROVE: We are not asking for a
14 sign variance. He's --

15 CHAIRMAN AIBEL: No, but I am going to
16 ask our counsel.

17 MR. COSGROVE: Oh, I see. Okay.

18 CHAIRMAN AIBEL: Could we ask for a
19 signage plan and put conditions on the type of sign
20 we would like to see?

21 MR. GALVIN: Yes, absolutely.

22 CHAIRMAN AIBEL: So I think that would
23 be something.

24 COMMISSIONER MC ANUFF: Non illuminated
25 signage?

1 CHAIRMAN AIBEL: Exactly.

2 COMMISSIONER MURPHY: It could be lit
3 differently, though, not inside --

4 COMMISSIONER WEAVER: It's not -- it's
5 lit -- it can be lit, but it's not
6 self-illuminated --

7 MR. NASH: Internally.

8 COMMISSIONER WEAVER: -- it would have
9 a white --

10 COMMISSIONER MURPHY: Not a gooseneck
11 (Laughter)

12 VICE CHAIR BRANCIFORTE: I love
13 goosenecks. I would marry one, if I would.

14 (Laughter)

15 CHAIRMAN AIBEL: I would suggest that
16 we make a condition that a signage plan would be
17 prepared and approved by our engineer.

18 MR. GALVIN: Engineer.

19 CHAIRMAN AIBEL: So we have a nice, you
20 know, respectful sign and proper down lighting
21 and --

22 VICE CHAIR BRANCIFORTE: Well,
23 consistent --

24 COMMISSIONER MURPHY: Put it in the
25 plan, right?

1 CHAIRMAN AIBEL: Thank you, John.

2 Any other questions for Mr. Rintel?

3 VICE CHAIR BRANCIFORTE: Well, I guess
4 it's something I just want brought up. It's more of
5 a comment that I want to open up for discussion with
6 you.

7 I am a little bit more worried about
8 the number of people that -- maybe the planner is
9 going to address it -- that are going to be
10 occupying your space at one time, your occupancy and
11 whatnot.

12 THE WITNESS: I think the planner will
13 address it, but I could answer it if you --

14 VICE CHAIR BRANCIFORTE: No, we'll
15 leave it for the planner.

16 MR. GALVIN: Why don't you tell us how
17 many people would you generally have?

18 THE WITNESS: So the maximum per golf
19 simulator is four. So if all six golf simulators
20 had four each, that would be 24. But in reality, it
21 never happens that all six machines have four people
22 because people come by themselves also.

23 For the pool table, it's similar, but
24 the average is less, so -- and I think Charles, you
25 do have the actual math that I gave you because I

1 looked it all up.

2 So what would the average number --

3 MR. HEYDT: 2.5 for billiards.

4 THE WITNESS: -- 2.5 for billiards.

5 And what was the simulator?

6 MR. HEYDT: Three.

7 THE WITNESS: So the three for the
8 simulators is kind of a guess, and the 2.5 was
9 something that I was able to find on the internet
10 with a lot of googling.

11 So, and then ping pong, I don't think I
12 figured out, but it was 2.5.

13 And the total math was how much?

14 MR. HEYDT: 85 including employees.

15 THE WITNESS: 85 including employees.

16 CHAIRMAN AIBEL: Anything else, Board
17 members, questions?

18 COMMISSIONER MC ANUFF: I just have a
19 question.

20 Is there any age minimum to go in
21 there, or does anyone have to be with a parent or a
22 guardian or anything like that, or even at certain
23 hours of the day?

24 THE WITNESS: I would like there to be
25 an age minimum.

1 (Laughter)

2 I don't let unaccompanied children, but
3 I also don't ask for identification. I don't think
4 I can.

5 If it's high school kids, they are
6 going to be able to come in and shoot pool and play
7 ping pong, and if they are really good, I will let
8 them borrow my golf clubs and play golf --

9 MR. COSGROVE: What else is being paid
10 for, they need to pay at the door, so --

11 THE WITNESS: -- and they do need to
12 pay. So what it costs is a natural filter to maybe
13 reduce the number of younger guests that I have --

14 MR. COSGROVE: Or have them come with
15 their parents.

16 THE WITNESS: Or have them come with
17 their parents.

18 CHAIRMAN AIBEL: Shoot billiards or
19 play pool?

20 MR. COSGROVE: This is a shovel with a
21 capital T --

22 (People talking at once)

23 (Laughter)

24 CHAIRMAN AIBEL: Exactly. You're
25 showing your age there.

1 And we are talking about billiards --

2 THE WITNESS: Yeah.

3 CHAIRMAN AIBEL: -- or are you talking
4 about pool, which may attract different clientele?

5 THE WITNESS: I --

6 CHAIRMAN AIBEL: You are not sure?

7 THE WITNESS: I am not sure.

8 COMMISSIONER WEAVER: Easy there,
9 Grandpa.

10 (Laughter)

11 CHAIRMAN AIBEL: I have seen some tough
12 pool games in my life.

13 Okay. Anything else for Mr. Rintel?

14 Seeing none, move on to public portion.

15 Anybody in the public wish to ask Mr.
16 Rintel questions?

17 We are in questioning.

18 Seeing none.

19 COMMISSIONER GRANA: Seeing none from
20 the public, motion to close.

21 COMMISSIONER WEAVER: Second.

22 CHAIRMAN AIBEL: All in favor?

23 (All Board members answered in the
24 affirmative)

25 CHAIRMAN AIBEL: Thank you. Thank you

1 very much.

2 MR. COSGROVE: At this point I would
3 like to call Charles Heydt.

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

8 MR. HEYDT: I do.

9 C H A R L E S H E Y D T, PP, AICP, Dresdner Robin,
10 One Evertrust Plaza, Jersey City, New Jersey, having
11 been duly sworn, testified as follows:

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

14 THE WITNESS: Charles Heydt. Last name
15 is spelled H-e-y-d-t.

16 MR. GALVIN: Do you accept Mr. Heydt's
17 credentials as a planner?

18 CHAIRMAN AIBEL: From Dresdner Robin?

19 THE WITNESS: From Dresdner Robin.

20 MR. GALVIN: Dresdner Robin.

21 CHAIRMAN AIBEL: Yes.

22 THE WITNESS: And I have appeared
23 before this Board, but it's been about two years.

24 I worked on other projects in the city,
25 just not appeared, so I am actively engaged in --

1 MR. GALVIN: You are usually preparing
2 Ed Kolling's materials?

3 (Laughter)

4 THE WITNESS: I work with Ed.

5 MR. GALVIN: Okay.

6 CHAIRMAN AIBEL: I am not sure that's a
7 qualification.

8 (Laughter)

9 THE WITNESS: Also I'm a licensed
10 professional planner of the State of New Jersey. I
11 have appeared before in over seven municipalities
12 throughout the state, including this Board.

13 CHAIRMAN AIBEL: Thank you.

14 MR. GALVIN: Yeah, yeah, down boy.

15 (Laughter)

16 MR. COSGROVE: In that capacity, are
17 you familiar specifically with the master plan and
18 zoning ordinances of the City of Hoboken?

19 THE WITNESS: I am.

20 MR. COSGROVE: And have you had a
21 chance to go through Hoboken Golf's application and
22 prepare a report in connection thereto?

23 THE WITNESS: I did review the
24 material. I also spoke with the architect and also
25 the applicant.

1 MR. COSGROVE: Okay.

2 At this point I would ask you to go
3 through your report in summary fashion for the
4 Commissioners.

5 THE WITNESS: Yeah.

6 I think, you know, this Board often
7 sees typical use variances, where the zoning is in
8 place, and it's always not conforming to the zoning.
9 There is a little bit of caveat with this
10 application being a redevelopment plan that was
11 designated for this area. I'll get into it, but
12 there is a little bit of a twist, and it does lend
13 some support to this proposed use.

14 I did prepare this planning and zoning
15 report with the benefit of our firm and staff. It
16 was submitted to the Board, and I will just walk
17 through it.

18 I think we did cover the location.
19 It's on Grand Street with also frontage on Adams
20 Street.

21 We prepared two attachments, one being
22 the overall -- overhead aerial from Google Maps that
23 does represent current land uses.

24 We have only identified the property in
25 the yellow, yellow rectangle for the two lots.

1 Then we also did organize a photo log
2 with six photos of the existing building on the
3 facade and adjacent land uses.

4 I will submit that I don't know if
5 everyone has printed out the report or had a chance
6 to look at it. It was with the --

7 CHAIRMAN AIBEL: We have it.

8 THE WITNESS: You have it?

9 CHAIRMAN AIBEL: Yes.

10 THE WITNESS: You can pass it around
11 and look through it, if you don't. This way you
12 have it in front of you.

13 Just in context, to the north of the
14 site is a storage facility.

15 To the south are two recreational uses,
16 which is part of my impression that the applicant
17 was drawn to this facility, one being the park,
18 which has tennis courts and a basketball court, and
19 then also the high school field for Hoboken High
20 School. So it is somewhat of a recreation note, and
21 I think that was picked up in the redevelopment plan
22 that was identified for this area.

23 Obviously this is an existing
24 structure. One of the aspects of this space is it
25 was an old industrial building with an open floor

1 plan. Also we heard testimony from the applicant
2 that that meets his needs as well to have enough
3 space to occupy the six golf simulators, as well as
4 the other associated recreational uses.

5 In terms of zoning, this is located in
6 the industrial I-1, light manufacturing district.
7 The list of permitted uses do not include this.

8 They are fabrication operations, office
9 buildings, research laboratories, warehouses,
10 related office buildings and essential utility
11 public services, telecommunication towers. Clearly
12 not commercial recreational use, so we are
13 requesting formal relief from that being a D-1 use
14 variance.

15 I will move ahead into the direct
16 testimony.

17 This Board does hear use variances as a
18 fairly standard procedure. What we rely on in terms
19 of the test is particular suitability and special
20 reasons. Does this application further any master
21 plan items, goals or objectives, or the Municipal
22 Land Use Law.

23 With respect to that positive criteria,
24 I think that this application meets that standard.

25 First and foremost in planning when you

1 are able to retain the existing building, you can
2 conserve resources. You also in this case conserve
3 a historic -- an older building. I don't know if
4 it's historic. We didn't look into because it
5 wasn't a direct issue with this application, but an
6 older building, and what we phrase as it's an
7 adaptive reuse.

8 So especially in a town like Hoboken,
9 where the industrial base is more of the past, and
10 clearly in the future you have more dwelling units,
11 more lifestyle uses, and I think this Board is aware
12 of that, you also tend to attract similar uses to
13 this application, not the permitted uses of the
14 industrial zone, so that is one aspect of being an
15 existing building and an adaptive reuse.

16 In terms of intensity, I know we heard
17 the hours of operation from the applicant. I do
18 think that they also coincide with the recreational
19 use adjacent to the building, so that's a synergy
20 there.

21 In terms of the other uses in the
22 building, I think there is also a benefit because
23 the ground floor being an industrial type use, a
24 light industrial use, has peak hours during the day,
25 where these peak hours will typically be in the

1 evening and on weekends, so you off set that peak
2 demand.

3 As for the artist studios on the second
4 and fourth floors, art studios in my experience tend
5 to not have a peak hour. It is come and go. It's
6 very dependent upon the particular artist, so there
7 is a low, low peak hour demand with those uses, and
8 I would also take it that many of the artists don't
9 drive to this facility as well, so they don't rely
10 on the parking. Really it is just the ground floor
11 facility that relies on the parking that is
12 accessible from Adams Street.

13 We did detail briefly about the
14 anticipated peak hour. This is maximum peak hour,
15 what is expected at all of the simulators and the
16 billiard/pool being occupied.

17 It is my impression that oftentimes the
18 occupancy is much lower than the peak hour or the
19 maximum average.

20 So there would be a maximum -- a peak
21 hour of 18 customers playing in the six golf
22 simulators, 30 playing on the pool and billiards
23 table. That is an average of 2.5 per table, and
24 these are roughly appropriate for averages for these
25 types of uses.

1 Typically you play pool -- I am
2 speaking not as a planner, but as a person who has
3 played pool, and played typically with -- against
4 another people, or you have four people, so your
5 average is roughly two and a half.

6 Same with ping pong, typically there's
7 two people playing. Sometimes in some cases, you
8 might have four, or you can do two on one.

9 Also there are people for waiting, and
10 then the employees, and that totals up to 85 people.
11 I do think that is appropriate and contemplated by
12 the applicant, so I think in terms of the intensity,
13 the site can accommodate that number of people in
14 the facility, and it is my understanding that the
15 previous clientele was predominantly people from
16 Hoboken. I think that this applicant does want to
17 carry that forward with this new location, and the
18 benefit of that is most of his clientele will be
19 within walking distance, and it's very likely that
20 anyone not within walking distance will probably use
21 a taxi or a ride hail service, Uber or one of those,
22 and that's a reasonable assertion because in an
23 urban environment like Hoboken, people are more
24 inclined to walk and people are more inclined to use
25 shared vehicles or services.

1 With respect to -- with respect to
2 accessibility, I would just also add that there are
3 parking decks located within the vicinity. We were
4 able to identify three parking decks.

5 We did contact them. It is very
6 difficult to get actual data from a private parking
7 deck because usually the answer is "Yes, we have
8 plenty of spaces. You let us know when you're
9 coming."

10 But in this case we did go there and
11 visually check, and there were a number of spaces in
12 each of these parking decks when we visited them.
13 So there is ample ability for people to come to this
14 location, and as I said, most of the clients will be
15 walking or bicycling there.

16 In terms of compatibility, as I
17 mentioned, there is compatibility with the adjacent
18 recreational uses to the south.

19 As we heard, I think the applicant is
20 sensitive to the fact that this isn't really an
21 industrial zone. This is more of a mixed-use zone.
22 Across Grand Street are residential homes, and the
23 applicant is aware that light might be an impact.
24 Sound might be an impact.

25 To our knowledge, in the applicant's

1 experience, golf simulators are located internal to
2 the building. There are partition walls, that there
3 won't be a substantial noise identified or just
4 emanating from this use, and there are State
5 requirements for a noise threshold that the
6 applicant would have to abide by both during the day
7 and at night.

8 The last item in terms of compatibility
9 are with lighting. I think it was brought up by
10 Board members in terms of the signage. We would be
11 willing to comply with any signage that will be
12 internally illuminated or project light. I don't
13 know the design of it, but it would be presented
14 back to the Board for confirmation.

15 MR. COSGROVE: I think they said to the
16 engineer.

17 THE WITNESS: To the engineer. Okay.

18 And then I think there was one of the
19 Commissioners who mentioned access lighting for a
20 safe entrance and whatnot, and I think that is a
21 good point and can be addressed by the applicant.

22 When I visited the site, it wasn't
23 dark, but I did note that there were street lights
24 and also the recreation for those tennis courts are
25 also well lit. Usually when you have an ambient

1 light from tennis courts, it does project. Again,
2 the main entrance for this location is right next
3 door to the tennis courts, so that will also be some
4 added light as well.

5 So that's it for compatibility.

6 Lastly and most importantly is
7 consistency with the master plan and/or
8 redevelopment plan.

9 Use variances have to reconcile why
10 they are not permitted, and it is a high threshold.

11 In this instance there is support in
12 both the master plan and the redevelopment plan that
13 exists as an overlay.

14 With respect to the master plan that
15 was prepared in 2004 for this area was to maintain
16 an appropriate mix of land uses, and I think that
17 this project does add a unique use to this
18 neighborhood. It has a synergy with the existing
19 residential uses.

20 And who uses those residential uses?

21 Residents.

22 So being that there are residents
23 within the area, they would benefit from that as
24 well and it furthers that goal.

25 With respect to historic preservation,

1 again, I don't think this application involves any
2 sort of historic buildings or features or changes,
3 and the historic -- the existing facade will remain
4 as is.

5 But what it does do is encourage the
6 continued use of historic and noteworthy building
7 structures, objects and sites, and this project does
8 that.

9 If this building was vacant, we would
10 probably have an application here that we want to
11 demolish the building and put something new. But
12 this application actually is the contrary of it.

13 That was echoed in the 2011 master plan
14 reexamination, which specifically identified that
15 this building in particular would be appropriate to
16 be retained for its historical importance and
17 significance, and this project does advance that
18 goal.

19 Now I get to the actual specific
20 relationship with the indoor commercial use.

21 The west side Northwest Redevelopment
22 Plan, it does say that it supersedes the underlying
23 zoning. In other municipalities when that
24 terminology is present, it means that the underlying
25 zoning completely goes away, and any future

1 application should advance the purposes of the
2 redevelopment plan.

3 However, in this case based on recent
4 events in the city, it's my understanding that if
5 you are not designated as a redeveloper, you are not
6 able to avail yourself of the privileges in the
7 redevelopment plan. That is why we are formally
8 requesting relief from that underlying zoning.

9 However, part of the test for a use
10 variance is: Does it advance planning objectives
11 and goals.

12 When you have a redevelopment plan that
13 is in play, and this specifically says to permit
14 commercial indoor recreational uses, I think that is
15 telling, and that speaks to the future vision of
16 this location, and that this proposed use is
17 consistent with that redevelopment plan.

18 I will now switch modes to get to some
19 of the negative criteria. I think this Board knows
20 that there are two prongs to the negative criteria,
21 no substantial impairment to the zoned plan. I more
22 or less addressed that in the affirmative, that we
23 actually advance the redevelopment plan objectives
24 and that we actually address and advance some of the
25 master plan and reexamination objectives in both.

1 The second prong would be that there is
2 no substantial detriment to the public welfare.

3 I think the Board is thoroughly aware
4 of impacts to adjacent properties. We are prepared
5 to provide screening for any lighting impacts. We
6 are prepared to provide additional lighting, where
7 needed, for access and entrances, as well as have
8 suitable hours of operation that are consistent with
9 other recreational uses within the area.

10 That was really my summary of this
11 report. I hope I did a thorough enough job. I did
12 not go through every particular element.

13 MR. COSGROVE: Could you address the
14 parking question?

15 THE WITNESS: Yes. Thank you.

16 I will also say globally, this project
17 also does advance the Municipal Land Use Law. The
18 Municipal Land Use Law identifies a set of purposes.

19 This project does identify that it is
20 an appropriate location for proposed recreational
21 use and meets the needs of New Jersey citizens.
22 That is Item G -- Purpose G.

23 And it will also promote the
24 conservation of historic sites by reusing an
25 existing building and preserving the city's

1 industrial character. That is Purpose J.

2 With respect to your question about the
3 parking, what we did is the existing parking spaces
4 for this tenant's space is a total of three.

5 The applicant has made arrangements
6 with other tenants in the building to acquire an
7 additional three spaces on the site.

8 Currently the site only has 20, so it
9 is an existing nonconforming parking arrangement.

10 Obviously, as you heard from the
11 Board's Attorney, when you do propose a use
12 variance, you not necessarily have to reconcile any
13 parking deviation or variance, but is it suitable
14 based on the application at hand.

15 In this instance, it is my awareness
16 that the three parking spaces will be used by
17 employees, and if any dropoff or pickup needs to be
18 coordinated, one of those spaces can be dedicated to
19 a 15-minute dropoff or pickup location for an
20 equipment transfer.

21 But as I mentioned earlier, the
22 primary -- the bulk of the clients coming here will
23 be walking and rely on sidewalks to get to this
24 facility from within the local community.

25 MR. COSGROVE: Would the parking

1 requirement of the proposed use be less intense than
2 the permitted use?

3 THE WITNESS: We also looked at that
4 with some specific -- the underlying zone -- the
5 light industrial zone has parking requirements for
6 all industrial uses, so they don't really apply to
7 this particular use, and there is really nothing in
8 the Hoboken zoning ordinance that defines indoor
9 golf simulators, so it is kind of silent to this new
10 use, which isn't atypical, does happen especially
11 with new uses.

12 But the zone, the I-1 zone does permit
13 office and warehouse -- and laboratory spaces, which
14 has a parking requirement of 1 per 400 square feet.

15 On this floor, that would generate a
16 parking requirement up to 35 spaces.

17 So in that context to answer your
18 question, a permitted use would have a higher
19 parking demand, where as this application based on
20 the type of use it is, being more compatible with
21 residential uses and draw from that population
22 within the community, many of whom would walk is
23 more appropriate and also doesn't exacerbate any
24 sort of existing conditions on the site.

25 But that is what we looked at, and that

1 is my opinion, that what we have here is a pretty
2 good opportunity to use this space and occupy this
3 building, which does generate a lower parking
4 demand.

5 I do golf, and typically you want to go
6 out to an actual golf course and use golf simulators
7 as practice facilities, and it is a good opportunity
8 to have a location like that in an urban area, such
9 as Hoboken.

10 MR. COSGROVE: Thank you.

11 COMMISSIONER MC ANUFF: Interesting
12 question. How are the three parking spots being
13 acquired?

14 Are they being purchased, or are they
15 going to be leased?

16 THE WITNESS: We could get a firm
17 answer, but I believe they are part of the lease,

18 MR. RINTEL: I have -- so it's actually
19 three tandem spots.

20 I don't know if you have the picture,
21 but the spots are bigger than a normal spot, width
22 wide, and they're really long, so it is really a lot
23 of the tenants use their three spots to put six
24 cars, and I could do the same with my three spots
25 that are included in my lease, but for customers,

1 that is not going to work too well.

2 There's also the first floor tenant,
3 which the first floor tenant does manufacturing. He
4 needs daytime spots, so he and I have an agreement
5 that I will have his spots evening and weekends, and
6 he could take mine during the day when I am not
7 using them, which would give me an additional three
8 spots when I am not busy, and those three spots are
9 also technically for six cars, not that it is going
10 to work for customers, to park end to end like that.

11 CHAIRMAN AIBEL: Is the parking on
12 Adams or at the north --

13 MR. RINTEL: It is in the parking lot
14 on Adams Street.

15 COMMISSIONER MC ANUFF: I still don't
16 have a satisfactory answer on the parking spots.

17 The three additional spots that you're
18 getting -- that you're acquiring, are you purchasing
19 them or are you leasing them?

20 THE WITNESS: Neither

21 MR. COSGROVE: Neither.

22 He has an arrangement, a verbal
23 arrangement with the other tenants to share. So he
24 has three dedicated spots in the lease, and an
25 additional three that there is an arrangement, a

1 handshake agreement.

2 COMMISSIONER WEAVER: Like spot
3 sharing.

4 COMMISSIONER MC ANUFF: Okay.

5 COMMISSIONER GRANA: I have a question.

6 Thank you for your testimony.

7 I know the question because you said
8 something that actually I have not heard before, so
9 I am going to reiterate it and just see if I
10 understood it correctly.

11 I think you said that while in an
12 industrial zone, this would not be a permitted use
13 as defined. However, in the redevelopment zone,
14 that it would be. And if that is so, if the
15 applicant was a designated developer, then he would
16 be -- this would be in effect permitted because he
17 was the designated developer, but because he is not,
18 he is in fact because he -- because the condition of
19 him not being a designated developer, he is seeking
20 relief from the underlying zoning.

21 Did I get that right?

22 THE WITNESS: You got that right.

23 COMMISSIONER GRANA: Thank you.

24 VICE CHAIR BRANCIFORTE: I just have
25 some questions.

1 Is there any restriction on video games
2 or arcade stores in this town?

3 I mean, because I am wondering what the
4 difference between this idea of a golf simulator and
5 a video arcade would be.

6 THE WITNESS: Hum, we didn't
7 specifically look for video arcade.

8 To my knowledge, there is no -- I
9 see -- I see no listed permitted use of video
10 arcade, but again, I didn't do a thorough analysis
11 of any zone with permitted uses in the zone, but not
12 in my analysis.

13 MR. GALVIN: So do you want a condition
14 that says there are to be no --

15 VICE CHAIR BRANCIFORTE: I just --

16 MR. GALVIN: -- I don't think it should
17 be converted without some thought. In other words,
18 that is what I am saying. I think we need to
19 identify -- earlier, I thought we did that. We know
20 we are getting six golf simulators. We are getting
21 table games and golf simulators, not, you know -- if
22 there is a pressure to do more, if you are going to
23 make it an arcade, that changes the whole nature of
24 who is using it, how it is used, and you may have
25 other considerations then.

1 VICE CHAIR BRANCIFORTE: Right. I

2 guess what I'm --

3 MR. COSGROVE: Well, he is not

4 intending to do that.

5 VICE CHAIR BRANCIFORTE: -- well, he's

6 not intending to, but let's say, you know, three or

7 four years from now he decides gaming is a big

8 thing, and he wants to open up a studio just for

9 gaming. I mean --

10 MR. COSGROVE: We would have to come

11 back for that. We understand that.

12 VICE CHAIR BRANCIFORTE: Okay. All

13 right.

14 CHAIRMAN AIBEL: And it may be that the

15 arcades are within the definition of commercial

16 recreation in the Northwest Plan --

17 MR. GALVIN: Well, maybe. Maybe not.

18 CHAIRMAN AIBEL: Not our case, but --

19 MR. BANISCH: But we have seen

20 enumerated what they are asking for in terms of

21 number of facilities, so if you grant the approval,

22 that's all they're getting.

23 MR. GALVIN: All they are getting is

24 what we're approving.

25 MR. BANISCH: I think the gray area, if

1 there is one, is it really just water and Gatorade,
2 or is it nothing cooked or heated or whatever --

3 VICE CHAIR BRANCIFORTE: Hot dogs.

4 MR. BANISCH: -- and any -- but, you
5 know, energy bar, I don't know, whatever golfers
6 eat. I don't know what -- but I mean incidental
7 sales of things related to what is going on on site
8 sounds like a reasonable category, and if we say no
9 cooking, I think we cover the thing we are most
10 concerned about as opposed to trying to name all of
11 the things he is going to be able to sell.

12 VICE CHAIR BRANCIFORTE: I have to ask
13 the owner a question.

14 When your clients show up, do they show
15 up with a full set of clubs?

16 MR. BANISCH: Yeah, that was my
17 question.

18 MR. RINTEL: Oh, yeah.

19 VICE CHAIR BRANCIFORTE: They show up
20 with a full set of clubs, so --

21 MR. RINTEL: Yes, and if they are
22 missing one, they buy another one.

23 VICE CHAIR BRANCIFORTE: They're going
24 to -- this is my problem.

25 There is nobody in this town -- I know

1 that these athletes are top, you know, golfers are
2 top athletes, but nobody is walking 20 blocks across
3 town with a full set of golf clubs. That is what we
4 hire caddies for. You know, so I can't believe that
5 people aren't going to be driving to this place with
6 their clubs.

7 MR. RINTEL: Within town, I think they
8 would take a car service.

9 I also let my regular customers store
10 their clubs on premise --

11 VICE CHAIR BRANCIFORTE: Yeah. This
12 idea of people not driving there, though, it's a
13 long shot for me. If I have parking, and I want to
14 go play golf, I'll throw the stuff in my car and
15 drive over before I hire an Uber for 12 bucks or
16 eight bucks.

17 MR. NASH: I think the caddies are
18 going to be playing pool.

19 VICE CHAIR BRANCIFORTE: Yeah.

20 (Laughter)

21 MR. COSGROVE: This is based on
22 experience, so he has been here before, and it
23 wasn't an issue.

24 VICE CHAIR BRANCIFORTE: We don't know
25 if parking was an issue or not. I don't know if we

1 can prove that parking was an issue at the old place
2 or not.

3 I mean, there was no parking there any
4 way, so nobody was going to drive. Here there is
5 actually some parking on the street, where people
6 can take up.

7 COMMISSIONER MURPHY: But they also
8 said they tried some garages, so how far away were
9 the garages that you tried?

10 THE WITNESS: They were all within a
11 five-block radius, all of the --

12 COMMISSIONER MURPHY: Well, five is
13 pretty far. But is there anything like two blocks
14 away?

15 THE WITNESS: Yes. Let me get the --

16 VICE CHAIR BRANCIFORTE: Yeah. Well, I
17 mean, this is the problem with those garages. It's
18 the same like I talked about with Stevens. If I am
19 driving down the street, and I want to go to this
20 golf place and I see a parking space out front that
21 should be going to a resident, or I can drive
22 another two blocks to a garage, I am taking the
23 space on the street. And when I take the spot on
24 the street, a resident has just lost that spot.

25 COMMISSIONER MURPHY: You are not there

1 overnight and you're not there all day.

2 VICE CHAIR BRANCIFORTE: Well, they're
3 there until ten o'clock.

4 COMMISSIONER MURPHY: Yeah, but you're
5 only -- four hours is usually the max of somebody
6 playing golf.

7 VICE CHAIR BRANCIFORTE: So I mean --

8 MR. COSGROVE: I would say that would
9 be the same issue with any business. It is a mix.
10 You have residents. You have businesses.

11 Occsaionally people are going to have to park --

12 VICE CHAIR BRANCIFORTE: But there are
13 no businesses there, and you already testified that
14 the artists aren't bringing their cars, so I mean,
15 you are introducing a parking problem as far as I
16 can see. I mean, you're introducing parking.

17 MR. COSGROVE: Well, the planner has
18 testified it is a less intense use than if this were
19 to be a permitted use, so the parking problem --

20 VICE CHAIR BRANCIFORTE: Right.

21 MR. COSGROVE: -- if it is to be called
22 a problem is less intense.

23 VICE CHAIR BRANCIFORTE: Than
24 manufacturing.

25 MR. COSGROVE: Than manufacturing in

1 the permitted use.

2 VICE CHAIR BRANCIFORTE: All right.

3 Are we --

4 COMMISSIONER JOHNSON: I guess it's a
5 valid point, though. I mean -- it's a manu --
6 wouldn't people from the manufacturing plant be
7 parking in their garage instead of like on the
8 street?

9 I mean, I don't know, but maybe some of
10 the employees might park on the street, but maybe
11 that is a question for the planner.

12 THE WITNESS: I went there during
13 typical business hours, which I assume that the
14 ground floor was in operation, and there was still
15 parking spaces in the parking lot, so they weren't
16 maximizing the parking spaces for the industrial
17 use. That is my experience.

18 CHAIRMAN AIBEL: Should employees who
19 are driving to the facility park in parking garages
20 and leaving the spaces available to people from
21 Weehawken who are going to be driving down with
22 clubs?

23 MR. COSGROVE: Yeah, they could, and
24 the applicant's testimony was that the employees
25 would be walking anyway, so based on his prior

1 store, they live in town for the most part.

2 MR. NASH: The applicant's testimony
3 was that the employees were going to park in those
4 three spots.

5 MR. COSGROVE: He said they're
6 designated for employee parking --

7 MR. NASH: Right.

8 MR. COSGROVE: -- the tandem ones, but
9 he earlier had testified that the employees -- he
10 was probably talking about himself -- in the spots
11 as well.

12 MR. NASH: You can't have it both ways.

13 VICE CHAIR BRANCIFORTE: Yeah.

14 The other problem I see when you're
15 talking about public welfare, the entrance to the
16 spaces on Grand Street across the street from the
17 condos, and, you know, people are shooting pool,
18 people who are playing golf are going to go out
19 front. They're going to vape. They're going to
20 gather out front to smoke cigarettes and vape. I
21 think that might be a problem, so I mean, you're
22 talking about the public welfare, and I am just
23 pointing that out. I don't know if there is
24 anything you can do, but that is a problem.

25 Are we allowed to ask if they looked

1 anywhere else in town?

2 MR. COSGROVE: Yes. The applicant
3 would agree to put up a no smoking sign in front.

4 VICE CHAIR BRANCIFORTE: Yeah. It's
5 not really got too much. I mean, how do you police
6 it?

7 How do you tell your customers not to
8 smoke, you know?

9 Are we allowed to ask that?

10 MR. GALVIN: I don't -- what they are
11 saying is the space is available, so the site is
12 particularly suitable, what, because of the location
13 near to other recreational opportunities, and
14 because if they were in a redevelopment plan, it is
15 a use that's permitted in the redevelopment plan.

16 So when you would test that out would
17 be more like --

18 VICE CHAIR BRANCIFORTE: A Doggie Day
19 Care kind of --

20 MR. GALVIN: -- when somebody says,
21 this building has -- we have tried for years to rent
22 this building, and we can't rent it, it has got no
23 other use, they're not offering that approach to
24 this case.

25 VICE CHAIR BRANCIFORTE: Okay.

1 Because I am just curious if they need
2 14,000 -- if they are adding pool tables and ping
3 pong tables because they have 14,000 feet or they
4 are taking 14,000 feet because they want to expand
5 into pool tables and ping pong and move away from
6 golf, because it is not really a golfing place any
7 more if they have more people playing pool and ping
8 pong than they do have --

9 MR. GALVIN: Well, I have this: This
10 approval is limited to golf simulators, ping pong
11 tables and billiard pool tables.

12 Now, we can -- we know that there is
13 six -- at this point there's six golf simulators,
14 four or five ping pong tables, and a couple of
15 billiard pool tables. We can put those numbers in
16 there, and then if they want to expand that, you got
17 a genius idea for somebody who is going to make a
18 lot of money, you want to come back, then they can
19 come back to the Board and explain to us, and we
20 will deal with it --

21 VICE CHAIR BRANCIFORTE: Okay.

22 MR. GALVIN: -- because I think -- I
23 think at this point --

24 COMMISSIONER MURPHY: So if you wanted
25 to put shuffle board in, you'd have to come back?

1 MR. GALVIN: Yes.

2 COMMISSIONER MURPHY: Okay.

3 MR. GALVIN: Yes.

4 Well, if you want to get the Board
5 members to support this application, some of them
6 feel uncomfortable with what this could morph into,
7 and when you have -- that is the problem. Sometimes
8 people have ideas, and they say, well, it could be
9 this, or it could be that, it could be this.

10 In zoning we want to know exactly what
11 it is that we are buying, okay? And if it's going
12 to be something, you know, a pool hall within a
13 quarter mile for the high school may be not a great
14 idea, and that is not something we would support.

15 The golf simulator sounds like a
16 reasonably nice thing to have for the adults in the
17 city --

18 COMMISSIONER MURPHY: Absolutely.

19 MR. GALVIN: -- some place to go and
20 space that's available, so --

21 MR. COSGROVE: Mr. Chairman, the
22 applicant agrees that this application is what is
23 before you. If he wanted to expand or do anything
24 different, he would have to come back.

25 CHAIRMAN AIBEL: Understood.

1 VICE CHAIR BRANCIFORTE: Yeah. I'm
2 just kind of worried about storage space that you
3 show, storage one, storage two, and the studio and
4 what they may eventually turn into. That is really
5 where I am going with it.

6 MR. COSGROVE: Well, he would have to
7 come back if they were to create an expanded use. I
8 mean, the space exists --

9 VICE CHAIR BRANCIFORTE: Right.

10 MR. COSGROVE: -- and it needs to be
11 shown, but at this point he is not looking for
12 anything more than what he is applying for, and he
13 knows if he wanted to do more, he needs to come
14 back.

15 VICE CHAIR BRANCIFORTE: Well, I just
16 hope you understand. I am not trying to bust chops
17 here on the owner. I'm just trying to make sure
18 that the residents are protected from expansion and
19 problems that might arise in the future. That's
20 all.

21 MR. COSGROVE: Yes, sure.

22 CHAIRMAN AIBEL: We'll come --

23 COMMISSIONER MC ANUFF: What is the --
24 I just have a question.

25 What were the hours again of operation

1 during the week?

2 MR. COSGROVE: I think he said close at
3 ten o'clock.

4 COMMISSIONER WEAVER: On Page 409 --

5 MR. BANISCH: No, open hours --

6 COMMISSIONER WEAVER: 11 to 10 and --

7 THE WITNESS: 11 to 10 on the weekdays,
8 and then 9 to 10 on the weekends.

9 VICE CHAIR BRANCIFORTE: I mean, during
10 the week, I could see -- I would prefer during the
11 week that they closed earlier, but that is just me.
12 That is just me.

13 COMMISSIONER MC ANUFF: John, I didn't
14 normally mean you would have kids cutting school to
15 go in there --

16 (Commissioners talking at once)

17 CHAIRMAN AIBEL: Let me just throw this
18 out.

19 Do you have a question?

20 COMMISSIONER MURPHY: Just on to the
21 subject of parking, not parking, parking, but bike
22 racks. Is there any? I mean --

23 MR. COSGROVE: The applicant would
24 agree, subject to the landlord's approval, to put a
25 bike rack.

1 COMMISSIONER MURPHY: Okay.

2 COMMISSIONER WEAVER: Where would the
3 bike rack be?

4 I only ask because if you put it
5 outside on public property, you need to coordinate
6 with the city and get all of the approvals.

7 MR. RINTEL: I would have to first ask
8 the landlord. He said he would do reasonable
9 things. Knowing the site, knowing that Grand Street
10 would be more reasonable than Adams Street for a
11 bike rack, I would put it nearer the tennis courts.

12 I am not sure -- I am pretty sure there
13 is 15 feet between the door and the tennis courts,
14 but I am not sure if with the door --

15 COMMISSIONER WEAVER: But it's on some
16 public property?

17 All I am saying is, sir, that we all
18 know, if you put it on public property, you have to
19 go to the city and ask their permission. I am sure
20 they would be happy for you to spend your money, you
21 know, to put in some infrastructure for --

22 MR. RINTEL: If it were possible to put
23 it like at the edge of the tennis courts, I would do
24 that because then I don't really need the landlord's
25 permission to do it.

1 COMMISSIONER WEAVER: Okay.

2 COMMISSIONER JOHNSON: Is there any
3 space on the first floor like when you first come
4 into the building to add it like to the side --

5 MR. RINTEL: It is a possibility. The
6 landlord intends that to be something of an atrium
7 because it is space that's utilized by the second
8 and third floor tenants, so --

9 COMMISSIONER JOHNSON: I'm just
10 throwing something at you. That's up to you.

11 MR. RINTEL: -- it could be -- some of
12 the artists in the art studios put their bikes in
13 there already, so it is possible.

14 CHAIRMAN AIBEL: I actually have a
15 contrary view. I would be more inclined to see the
16 parking in the parking lot or in some place where it
17 wasn't visible and an attraction, you know, for
18 possible increased intensification in front of the
19 condo residents, so that may be just another point
20 of view.

21 MR. RINTEL: I just don't think people
22 carrying golf clubs are going to be riding bikes.

23 (Laughter)

24 CHAIRMAN AIBEL: I agree with you
25 there, but the billiard players would.

1 MR. COSGROVE: The applicant will agree
2 to coordinate with the city and the landlord to put
3 a bike rack wherever is most feasible.

4 CHAIRMAN AIBEL: Could we send that
5 back to our engineer?

6 COMMISSIONER JOHNSON: I guess along
7 those same lines, it was mentioned earlier about
8 there might be strollers or there might be
9 handicapped.

10 I don't necessarily see them using golf
11 simulators, but all the same, I guess you could
12 potentially get customers like that.

13 Is there any type of like intercom
14 system, so if needed, they could ring up to you
15 and --

16 MR. RINTEL: We have an intercom, so
17 you could retrieve strollers or whatnot.

18 COMMISSIONER JOHNSON: Okay.

19 CHAIRMAN AIBEL: Mr. Banisch?

20 MR. BANISCH: Just for clarification,
21 the issue about what the studio space might be used
22 for, Chuck has indicated that a yoga studio or
23 something of that ilk.

24 From a practical point of view, that is
25 a different use than the recreational use that you

1 are asking for. And if you say a yoga studio, the
2 Board thinks that is okay, they could approve that
3 as part of this application.

4 But if you think it might be a dance
5 studio or it might be an art studio or it might be
6 any number of other things, we can't provide a
7 blanket use of a studio type space, I don't think,
8 without knowing what it is.

9 MR. GALVIN: I don't think we should.
10 I think we should just -- you want to get out of
11 Dodge, right?

12 Let's just get approved what the client
13 asked for --

14 MR. COSGROVE: We are not asking for
15 anything more, other than what is in the
16 application.

17 MR. GALVIN: -- if something changes
18 after the fact, you will send us a letter. If we
19 think it's benign and in the range of what we
20 thought we were approving, that would be good.

21 If not, then you will have to file a
22 new application. We'd have to test out the yoga
23 studio. How many -- what if it's the greatest yoga
24 of all times, and people are going to come by bus or
25 something? We have to figure it out.

1 MR. COSGROVE: Sure.

2 COMMISSIONER JOHNSON: I mean, well, I
3 guess also to that point, though, maybe something
4 for the applicant to think about since he did
5 mention the possibility of tennis lessons, maybe you
6 just might want to throw it into this application.

7 MR. GALVIN: You know, he could go out
8 to the tennis court and teach somebody, and we
9 wouldn't even know about it.

10 COMMISSIONER JOHNSON: Yeah.

11 MR. GALVIN: That's what I'm saying.

12 MR. BANISCH: And we don't want to.

13 (Laughter)

14 MR. GALVIN: That, too, we're saying we
15 don't want to. I'm worried about making it too
16 complicated.

17 Whenever you have somebody in front of
18 you, the next person that comes along is going to
19 try to expand it even more or expand it in a
20 different way, so the kernel of the idea here, I
21 shouldn't give my opinion, sounds like a nice adult
22 activity that might be good.

23 So if you go with that, and you start
24 adding on all of these potential other things, it
25 creates things that we want to control and make sure

1 that we don't cause a problem for the neighbors.

2 CHAIRMAN AIBEL: Actually, can I just
3 move it forward this way?

4 MR. GALVIN: Yeah.

5 CHAIRMAN AIBEL: I think there are a
6 lot of positive elements to this application. It is
7 great.

8 The one thing that still concerns me,
9 and it hasn't been solved yet, is the parking,
10 particularly on weekends, and where I just think --
11 I never believe we are going to create congestion in
12 that site. I hope you are very successful and you
13 draw a lot of traffic.

14 When we had an application at the
15 Pilsner House many, many years ago, parking was an
16 issue as well, and there they asked for and got a
17 formal variance, but part of the condition of the
18 variance was providing vouchers to some of the local
19 garages.

20 So I don't know whether some thought
21 could be given to, you know, some other little
22 benefit that you could give to your customers to get
23 them to actually use some of the garage facilities
24 as opposed to, you know, jamming up the residential
25 blocks.

1 MR. RINTEL: I mean, I would be willing
2 to, like LED Parking at 1330 Willow, I can -- you
3 know, they offer parking to say Gravity Vault
4 customers, and I could do something similar with
5 them. But the distance between 1330 Willow and my
6 facility is more than the distance between 1330
7 Willow and Gravity Vault.

8 The only garage that is going to be
9 really close -- well, there is the one on Jefferson
10 is closer, but the only one that is going to be
11 really close is the new garage that is going to
12 be -- being put where right now Pop Up Park is, but
13 that is not there yet, so there isn't a really close
14 garage.

15 But as far as the customers carrying --
16 I don't want to discriminate, but if it's golfers
17 carrying golf clubs, they should probably get my
18 arranged for six spots, my three owned spots, and
19 the three that I got on weekends and on evenings.

20 And the people carrying pool cues or
21 ping pong paddles, they can walk because it is not
22 as much to carry --

23 CHAIRMAN AIBEL: That helps.

24 MR. RINTEL: -- so that is what I am
25 planning.

1 COMMISSIONER MC ANUFF: Just a
2 question.

3 To get -- to use the golf simulator, do
4 you call and make an appointment or is it something
5 that you just kind of show up for?

6 MR. RINTEL: So we have an online
7 booking system, so most of the use when it's busy is
8 appointment based, but I wouldn't turn away somebody
9 that walked up and wanted to use the machine, if it
10 was available.

11 COMMISSIONER MC ANUFF: Provided it was
12 available, so maybe something via appointment, you
13 can arrange to have them park in the lot, if they're
14 driving, validate parking at one of the garages and
15 help alleviate the parking concern.

16 CHAIRMAN AIBEL: That works for me.

17 COMMISSIONER MC ANUFF: Does that work?

18 MR. RINTEL: Yeah, if --

19 COMMISSIONER MC ANUFF: If somebody is
20 making an appointment for the machine, why not ask
21 them, "Are you going to need parking," and then they
22 can find a parking spot.

23 MR. RINTEL: I mean, it can be done.

24 VICE CHAIR BRANCIFORTE: How long do
25 people typically stay at the golf simulators?

1 MR. RINTEL: If it's a big group --

2 VICE CHAIR BRANCIFORTE: Yes.

3 MR. RINTEL: -- it would be four
4 people, it could be up to four hours.

5 VICE CHAIR BRANCIFORTE: Okay.

6 COMMISSIONER MURPHY: It's like playing
7 18 holes.

8 VICE CHAIR BRANCIFORTE: I don't golf.
9 I'm a fisherman. I don't golf. I spend my Sundays
10 fishing.

11 MR. RINTEL: Would it help if I had
12 fishing in the studio?

13 MR. NASH: Touche.

14 (Laughter)

15 VICE CHAIR BRANCIFORTE: Now we're
16 talking about adding more stuff, so --

17 CHAIRMAN AIBEL: Okay.

18 MR. GALVIN: That's my point.

19 CHAIRMAN AIBEL: Let me see. Where are
20 we?

21 COMMISSIONER GRANA: We were finishing
22 with this witness.

23 CHAIRMAN AIBEL: Are we finished with
24 Mr. Heydt's questioning?

25 COMMISSIONER MC ANUFF: Yes.

1 MR. BANISCH: I think we are.

2 CHAIRMAN AIBEL: Okay. Terrific.

3 Let me open it up to the public.

4 Anybody in the public wish to ask
5 questions of the planner?

6 Seeing none.

7 COMMISSIONER MC ANUFF: Motion to close
8 public portion.

9 VICE CHAIR BRANCIFORTE: Second.

10 CHAIRMAN AIBEL: All in favor?

11 (All Board members answered in the
12 affirmative).

13 CHAIRMAN AIBEL: Thank you. Thank you
14 very much.

15 MR. COSGROVE: Mr. Chairman, that is my
16 final witness.

17 CHAIRMAN AIBEL: Before you make your
18 remarks, let me open it up to the public.

19 Anybody wish to comment?

20 VICE CHAIR BRANCIFORTE: Motion to
21 close public portion.

22 COMMISSIONER WEAVER: Second.

23 COMMISSIONER MC ANUFF: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members answered in the

1 affirmative)

2 CHAIRMAN AIBEL: Thank you. Thank you.

3 MR. COSGROVE: It is getting late in
4 the evening, so I won't get into an extensive
5 summation. I would defer the summation in -- in Mr.
6 Heydt's report. The one point I would like to
7 really focus on is that in the redevelopment plan as
8 per Mr. Heydt's testimony, this would be a permitted
9 use.

10 I think the testimony was able to show
11 that this is a good faith application by someone who
12 did business here previously, wants to come back,
13 and would be a real benefit to the community.

14 Thank you.

15 CHAIRMAN AIBEL: Can I just ask this
16 question?

17 Are there any BOCA requirements in the
18 Northwest Redevelopment Plan?

19 MR. GALVIN: No. It doesn't apply
20 unless you're a redeveloper --

21 CHAIRMAN AIBEL: I understood --

22 MR. GALVIN: -- taking advantage of the
23 plan

24 CHAIRMAN AIBEL: -- I understood that
25 directionally, you know, just as the use is giving

1 us direction, is there anything else that would give
2 us direction?

3 COMMISSIONER GRANA: In terms of --

4 CHAIRMAN AIBEL: Parking requirements,
5 any kind of conditions --

6 COMMISSIONER GRANA: -- I am looking at
7 the plan, and the parking requirements are vague.

8 Now, maybe it is more specific
9 somewhere else, but it's, you know, it is current
10 industry standard for urban locations. Nice, clear
11 concise language --

12 MR. NASH: One space.

13 (Laughter)

14 CHAIRMAN AIBEL: All right. I think
15 we're --

16 COMMISSIONER GRANA: -- which means
17 this is Hoboken, but --

18 MR. BANISCH: Within a half mile --

19 (People speaking at once)

20 CHAIRMAN AIBEL: I think we are at the
21 point of deliberations.

22 MR. COSGROVE: And the applicant is
23 very sensitive, and I think his testimony bears out,
24 and I mean, in Hoboken, it's tough parking. There's
25 nothing getting around that. Anything that goes

1 into that location is going to have parking.

2 He is a business owner, and he wants to
3 please the residents. He wants -- he wants the
4 Commissioners to become customers even, or
5 especially like the application, so he has agreed to
6 work with, you know, whatever it involves to deal
7 with the parking situation.

8 CHAIRMAN AIBEL: Okay. Thank you.

9 Thank you, sir.

10 COMMISSIONER GRANA: So are we jumping
11 in?

12 CHAIRMAN AIBEL: We are deliberating.

13 COMMISSIONER GRANA: We're
14 deliberating.

15 I am just going to add a couple things
16 because I was really intrigued by the planner's
17 testimony.

18 I mean, I got the comments relatively
19 about said suitability because there are a lot of
20 other recreational facilities in the area, but what
21 really intrigued me was the fact that since the
22 applicant is not a redeveloper, he doesn't get these
23 benefits, so we're actually backing the plan, and
24 what would be permitted is educational facilities,
25 day care, charter schools, social recreational,

1 cultural, professional business, bars, restaurants,
2 sidewalk cafes, health clubs, gyms, bowling, skating
3 and indoor play spaces, and that is in the Northwest
4 Redevelopment Plan, so it is -- it's a -- if you are
5 looking for something to hang your hat on, there is
6 perhaps some to order to the plan.

7 CHAIRMAN AIBEL: Anybody else?

8 COMMISSIONER WEAVER: Well, I would,
9 like I said, I would like to thank the planner for
10 his testimony, in that it was incredibly clear and
11 concise and well thought out, so thank you very
12 much.

13 Perhaps this is actually one of the
14 more interesting applications we have had, and that
15 is why it was so scintillating, but I still want to
16 give you some credit for that. It was very well
17 presented.

18 I believe you met the -- I believe the
19 application meets the criteria for, you know, an
20 adaptive reuse and intensity, compatibility and for
21 accessibility, because the -- not just for access,
22 right, but also for handicapped facilities, which is
23 the -- the offer by the applicant to then utilize
24 the freight elevators to make it an accessible
25 facility.

1 With the -- you know, given the
2 concerns and problems that you have with adaptive
3 reuse of a historic structure, which generally does
4 not present itself as an accessible structure.

5 So I would also like to compliment the
6 applicant on their -- they were forward thinking
7 before we even got together with them to talk about
8 spot swapping with the other tenants in the
9 building, so it seems like they are proactive.

10 I am concerned about the parking. I
11 would like them to offer some vouchers or encourage,
12 you know, use of nearby garages.

13 I think after the garage comes online
14 where the public park, this would be a perfect
15 pairing for them.

16 Often we have talked about, you know,
17 some other mechanism that allows us to off set
18 parking requirements in the city. We never actually
19 wrapped our head around what they do and what Fort
20 Lee does, and if it's possible for us to do it. I
21 understand it's the Council that has to get involved
22 in actually setting up those accounts and monitoring
23 them properly, but that's never happened, so I don't
24 think it's -- I will not take it as necessarily it's
25 our job to facilitate that, but I would suggest that

1 this is exactly what was envisioned by the
2 redevelopment area, and that it should be approved.

3 CHAIRMAN AIBEL: Thank you.

4 Gentlemen and ladies, anything else?

5 MR. BANISCH: Don't hold back. Say
6 what you think.

7 (Laughter)

8 COMMISSIONER WEAVER: Thanks, Frank.

9 VICE CHAIR BRANCIFORTE: Well, I mean,
10 I'm not --I don't have objections to the business
11 moving in there. It is more just concerns about
12 what is going -- how the neighbors are going to be
13 affected because it is a quiet street now.

14 And, you know, we say, well, industrial
15 went in there, but industrial is not what we are
16 talking about right now. We are talking about this
17 golf thing.

18 I know we have to consider it, but I
19 mean, I have no objections to the application. I
20 just want to make sure that the neighbors aren't
21 going to be upset when there are guys hanging out at
22 9:30 at night, you know, smoking cigarettes in large
23 groups or -- this idea that there is already
24 recreation next door doesn't really compare because
25 tennis players don't hang out, drink beers, and

1 smoke outside the way a pool table -- people playing
2 pool do, so that is my biggest concern.

3 Besides that, I really have no
4 objection to it.

5 COMMISSIONER WEAVER: I mean, I think
6 that Mr. Branciforte has a point, and let me just
7 take a slight sidebar, which is why Frank and I will
8 be recommending to the group in our annual report, I
9 don't want to mention that, because it is not
10 finished yet, but that you advertise to -- that if
11 an applicant is going to go in front of the Board,
12 there is actually an advertisement, which is placed
13 in front of the property, right?

14 Because right now, there are no --
15 there are no neighbors here tonight, and that is
16 often the case, and I don't necessarily think that
17 is because they haven't received the notification,
18 although sometimes they -- you know, I didn't
19 receive my notification, and it is within 200 feet
20 of my property, so --

21 VICE CHAIR BRANCIFORTE: Let me speak
22 to that.

23 I understand. I have been trying to
24 get that done since 1999, and I think every time we
25 bring it up, the City Council squashes it --

1 COMMISSIONER WEAVER: Well, that is the
2 City Council's problem.

3 VICE CHAIR BRANCIFORTE: -- and I would
4 love to see that brought up again because we have a
5 new City Council now, and the City Council address
6 it.

7 COMMISSIONER WEAVER: Well, bring it up
8 again.

9 VICE CHAIR BRANCIFORTE: Fort Lee has
10 the exact same ordinance. We stick a sign in front
11 of the building. This building is applying for a D
12 variance. Everyone should know about it.

13 CHAIRMAN AIBEL: Does this involve the
14 service on condo issues?

15 You know, are each of the condo owners
16 personally served?

17 COMMISSIONER GRANA: No.

18 MR. BANISCH: For the variance?

19 MR. GALVIN: Per the Municipal Land Use
20 Law.

21 COMMISSIONER GRANA: No, no --

22 CHAIRMAN AIBEL: The application --

23 COMMISSIONER GRANA: -- somebody --
24 somebody is served.

25 CHAIRMAN AIBEL: Yes, somebody. They

1 go into a dark hole, so that is why I think another
2 reason why --

3 COMMISSIONER GRANA: Or, you know, --

4 COMMISSIONER MC ANUFF: No. In my
5 building, it goes to the property manager, and then
6 he notifies the --

7 (Commissioners speaking at once)

8 MR. GALVIN: Guys?

9 (Commissioners speaking at once)

10 COMMISSIONER WEAVER: Let's --

11 COMMISSIONER GRANA: I would like to
12 just comment on the -- on just -- we spent a lot of
13 time in this particular area. It is a relatively
14 quiet street, I would agree, but it is not
15 surrounded by quiet uses.

16 There is a recreational facility right
17 next door. There is a park right next door, and on
18 the other side there is a 7-by-24 store facility
19 that has vehicles that enter it in and out, so I am
20 not convinced that this is already a quiet street.
21 I think whatever it has right now, it has a lot of
22 different uses, and it has managed to retain its
23 feel, even though it had all of those uses, so I'm
24 not sure how much intensive this is compared to
25 those things that already exist.

1 COMMISSIONER JOHNSON: There's also a
2 high school field where --

3 COMMISSIONER GRANA: And the high
4 school field is there and so forth --

5 COMMISSIONER MC ANUFF: Yeah. It seems
6 like all the activities are contained in individual
7 spots.

8 CHAIRMAN AIBEL: I guess I will make
9 this observation.

10 I am assuming, and I don't -- we have
11 not seen your business plan, but I am assuming that
12 the price points of use of pool tables and the
13 facilities are going to in effect self-select who is
14 going to use it, so that we're not going to, you
15 know, worry about large groups of --

16 MR. BANISCH: Hoodlums.

17 CHAIRMAN AIBEL: -- young people --
18 thank you -- he's not from Hoboken, so --

19 (Laughter)

20 -- he could say that.

21 COMMISSIONER WEAVER: Well, I -- if --
22 I'm sorry. I don't want to honor the agist, but
23 it's -- I mean there are people who often said,
24 "Well, why don't we have any bowling alleys, why
25 don't we" -- we have the climbing wall now.

1 Why aren't there more opportunities for
2 young people in the foul weather months to have
3 something to do?

4 And if my 15-year-old son wanted to go
5 with somebody else to go play ping pong, I would be
6 more than happy to fund that operation. So I would
7 not necessarily think that it would be, you know, it
8 would negatively impact that street.

9 If you had 80 of them there, yes, it
10 might. And as Mr. Branciforte said, if you had 80
11 44-year-olds outside, you could as well. But the
12 fact that they are, you know, drinking beer on the
13 sidewalk, again, whether it's a basement that
14 somebody is occupying that they're not supposed to,
15 or drinking alcohol on the sidewalk, or they are
16 making too much noise, these are items which we have
17 no control over, and there are enforcement issues
18 that the city has to deal with.

19 COMMISSIONER GRANA: I agree.

20 VICE CHAIR BRANCIFORTE: But, again,
21 there's no -- I don't know. I won't get into it.

22 CHAIRMAN AIBEL: So let me just wrap it
23 up. I think there were -- has everybody had a
24 chance?

25 I think it is a terrific application,

1 looking forward to a great facility.

2 It is a use variance, which requires
3 high standards of proof, and I think you have
4 accomplished that very nicely, but in candor, the
5 discussion about the bulk requirements, the
6 conditions, all go to having the Zoning Board deal
7 with the use variances when in effect we could zone
8 that very nicely, and the City Council has already
9 taken the first step with the redevelopment plan, so
10 it would be very desirable if these things were laid
11 out in the zoning code, and applicants, like you,
12 did not have to go through the tug and pull of a
13 zoning application, but you did a great job, and I
14 think I certainly support it.

15 MR. GALVIN: Would you like to hear the
16 conditions?

17 COMMISSIONER MURPHY: Let's hear the
18 conditions.

19 VICE CHAIR BRANCIFORTE: Yeah.

20 MR. GALVIN: One: The signage plan is
21 to be reviewed and approved by the Board's Planner.

22 Two: Incidental pro shop sales are
23 permitted, but is not to become a standalone retail
24 operation.

25 Three: This approval is limited to

1 golf simulators, ping pong tables and billiard
2 tables as explained to the Board at the time of the
3 hearing.

4 The applicant may sell water, soft
5 drinks, and packaged snacks.

6 The facility is permitted to operate
7 between the hours of 9 a.m. and 10 p.m.

8 The applicant will seek permission of
9 the city and the landlord to install a bike rack in
10 accordance -- in consultation with the Board's
11 Engineer.

12 Six -- this is my provision. You guys
13 can kill it, okay?

14 (Laughter)

15 There is not to be any cooking on site.
16 This shall not include reheated hot dogs.

17 (Laughter)

18 I kind of think when I play golf, I am
19 always looking for the hot dog at the halfway mark.

20 MR. BANISCH: Reheated only once.

21 COMMISSIONER GRANA: No food
22 preparation -- I like that --

23 (Commissioners speaking at once)

24 VICE CHAIR BRANCIFORTE: It kind of
25 sounds like the --

1 MR. BANISCH: Typically if you wanted
2 to say microwaivable, you know --

3 MR. GALVIN: Well --

4 MR. BANISCH: -- any cooking except
5 what the microwave oven can do.

6 MR. GALVIN: I just put there is not to
7 be any cooking or food preparation on site.

8 CHAIRMAN AIBEL: I guess one comment
9 based on the testimony, it's billiards and/or pool
10 tables. Is that it?

11 There are differences, but I don't know
12 them.

13 MR. GALVIN: Yes. Billiards are a
14 gentleman's game.

15 CHAIRMAN AIBEL: And pool is something
16 else.

17 (Commissioners speaking at once)

18 MR. GALVIN: I read it on Wikipedia.

19 MR. RINTEL: So there are pool tables?

20 MR. GALVIN: No. I made it billiard or
21 pool tables.

22 CHAIRMAN AIBEL: Ready for a motion?

23 COMMISSIONER GRANA: Anybody want to
24 motion it?

25 VICE CHAIR BRANCIFORTE: Motion --

1 COMMISSIONER JOHNSON: Well, did we
2 have anything about the -- I think we mentioned
3 shading of the windows?

4 MS. CARCONE: Go ahead, John.

5 MR. GALVIN: You guys tell me. I don't
6 have that.

7 COMMISSIONER MC ANUFF: Window shades.

8 COMMISSIONER JOHNSON: The window
9 shading --

10 VICE CHAIR BRANCIFORTE: Right. The
11 light pollution to the neighbors across the street.

12 MR. GALVIN: The windows are to be
13 shaded.

14 Do we need anyone to look at that?

15 VICE CHAIR BRANCIFORTE: Well, if there
16 are complaints from the neighbors about light --

17 COMMISSIONER GRANA: We don't know --

18 COMMISSIONER OTTO: Only on one side,
19 yeah, and it's only on one side, I believe the
20 applicant represented --

21 VICE CHAIR BRANCIFORTE: On Grand
22 Street.

23 MR. GALVIN: Right. Along Grand
24 Street.

25 CHAIRMAN AIBEL: Did we discuss --

1 COMMISSIONER JOHNSON: And did we
2 mention the signage --

3 MR. GALVIN: A signage plan is to be
4 reviewed and approved by the Board's planner.

5 CHAIRMAN AIBEL: Do we want to put any
6 affirmative obligation that addresses the attempt to
7 provide parking or --

8 MR. GALVIN: I just see it as too
9 complicated. I can't get something that is going to
10 work.

11 I think it is one of those things that
12 is market driven. Like, in other words, if they
13 want their business to be successful, they have to
14 make sure that they provide a way for their
15 clientele to get there.

16 CHAIRMAN AIBEL: And provided in effect
17 it's not taking up parking that the residents would
18 otherwise --

19 MR. GALVIN: They will be done playing
20 golf by ten o'clock, and then they'll leave, and
21 then you will be able to park.

22 CHAIRMAN AIBEL: So I'll drive
23 around --

24 MR. GALVIN: Until ten o'clock at
25 night.

1 (Laughter)

2 CHAIRMAN AIBEL: Okay. I think we are
3 ready for a motion.

4 COMMISSIONER MC ANUFF: Motion to
5 approve with said conditions.

6 COMMISSIONER MURPHY: Second.

7 MS. CARCONE: Okay.

8 Commissioner Branciforte?

9 VICE CHAIR BRANCIFORTE: Yes.

10 MS. CARCONE: Commissioner Grana?

11 COMMISSIONER GRANA: Yes. Es.

12 MS. CARCONE: Commissioner McAnuff?

13 COMMISSIONER MC ANUFF: Yes.

14 MS. CARCONE: Commissioner Murphy?

15 COMMISSIONER MURPHY: Yes.

16 MS. CARCONE: Commissioner Weaver?

17 COMMISSIONER WEAVER: Yes.

18 MS. CARCONE: Commissioner Firestone?

19 THE REPORTER: He's not here. He's
20 recused.

21 MS. CARCONE: He left?

22 THE REPORTER: He's recused.

23 MS. CARCONE: Oh, he's recused. I
24 didn't even get that.

25 Commissioner Johnson?

1 COMMISSIONER JOHNSON: Yes.

2 MS. CARCONE: And Chairman Aibel?

3 CHAIRMAN AIBEL: Yes.

4 Thank you very much.

5 MR. COSGROVE: Thank you.

6 MS. CARCONE: I got to go catch the
7 train.

8 CHAIRMAN AIBEL: Go ahead. Go for it.

9 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE HOBOKEN : Tuesday 10:20 pm
ZONING BOARD OF ADJUSTMENT : June 19, 2018
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Cory Johnson
- Commissioner Jonathan Otto

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

BANISCH ASSOCIATES, INC.
BY: Frank Banisch, PP

BOSWELL ENGINEERING
BY: Christopher Nash, PE

Patricia Carcone, Board Secretary

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6 Freehold, New Jersey 07728
7 (732) 462-7170
8 BY: DENNIS M. GALVIN, ESQUIRE
9 Attorney for the Board.

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1 CHAIRMAN AIBEL: Ready, everybody?

2 MR. BANISCH: So we are just dealing
3 with the waivers on 328-329 Jackson Street.

4 The checklist with the variance
5 applications, one of the items, number six,
6 resolution of redevelopment -- this is not a
7 designated redeveloper. This is not using, as we
8 heard from Chuck, they are not using the
9 redevelopment provision, so that doesn't require it.

10 The environmental conditions are
11 remediation, also not applicable.

12 The final Item C, variance checklist,
13 stormwater management plan, they say: No change to
14 existing building. I defer to the engineer about
15 whether there is any need for stormwater management,
16 but there is no change, so I think the waiver is
17 appropriate --

18 MR. NASH: The waiver is appropriate.

19 MR. BANISCH: -- in which case they
20 could be deemed complete.

21 CHAIRMAN AIBEL: Can I have a motion to
22 accept the recommendations of our planner?

23 COMMISSIONER GRANA: So motioned.

24 COMMISSIONER MC ANUFF: Second.

25 CHAIRMAN AIBEL: All in favor?

1 (All Board members voted in the
2 affirmative)

3 CHAIRMAN AIBEL: Thank you.

4 COMMISSIONER MURPHY: Motion to
5 adjourn.

6 COMMISSIONER MC ANUFF: Second.

7 CHAIRMAN AIBEL: Thank you.

8 (All Board members voted in the
9 affirmative)

10 (The meeting concluded at 10:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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