

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 16, 2020  
----- X

MEETING CONDUCTED VIA ZOOM

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Ann Graham
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Steven Firestone
- Commissioner Nicola Maganuco
- Commissioner Carol Marsh
- Commissioner Steven Smolyn

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  
(732) 735-4522

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A P P E A R A N C E S :

DAVISON, EASTMAN, MUNOZ,  
LEDERMAN & PAONE, PA  
Monmouth Executive Center  
100 Willow Brook Road  
Freehold, New Jersey 07728  
(732) 462-7170  
BY: DENNIS M. GALVIN, ESQUIRE  
Attorney for the Board.

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1                   CHAIRMAN AIBEL: Pat, give us the  
2 public notice.

3                   MS. CARCONE: Yes, I will. All right.  
4 Let me start with the public notice and then -- all  
5 right. Are you ready, Phyllis?

6                   THE REPORTER: Yes.

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

16                   This meeting is a judicial proceeding.  
17 Any questions or comments must be limited to the  
18 issues that the Board may legally consider to reach  
19 a decision, and the decorum appropriate for a  
20 judicial hearing must be maintained at all times.

21                   CHAIRMAN AIBEL: Thanks, Pat.

22                   We are going to pass on our flag  
23 salute, if everybody doesn't mind, and go to the  
24 roll call.

25                   MS. CARCONE: Yes. All right. So I am

1 just going to ask everyone that is not part of the  
2 first hearing for 1414 Grand Street to mute  
3 themselves and turn off their video. There are a  
4 lot of people on this meeting. There are 37 people  
5 on this call, so to make it easier to see who is --  
6 who is there, I guess is the best word to say, and  
7 if you have a question, raise your hand, and then I  
8 will reach out to chat with you. Okay?

9 Commissioner Aibel?

10 CHAIRMAN AIBEL: Here.

11 MS. CARCONE: Commissioner Branciforte?

12 VICE CHAIR BRANCIFORTE: Here.

13 MS. CARCONE: Commissioner Graham?

14 COMMISSIONER GRAHAM: Here.

15 MS. CARCONE: Commissioner Grana?

16 No Commissioner Grana.

17 Commissioner McAnuff is absent.

18 Commissioner Murphy?

19 COMMISSIONER MURPHY: Here.

20 MS. CARCONE: Commissioner Weaver?

21 COMMISSIONER WEAVER: Here,

22 MS. CARCONE: Commissioner Firestone?

23 COMMISSIONER FIRESTONE: Here.

24 MS. CARCONE: Commissioner Maganuco?

25 COMMISSIONER MAGANUCO: Here.

1 MS. CARCONE: Commissioner Marsh?

2 COMMISSIONER MARSH: Here.

3 MS. CARCONE: Commissioner Smolyn?

4 COMMISSIONER SMOLYN: Here.

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

6 CHAIRMAN AIBEL: Thanks.

7 Thanks. Pat and Dennis, thank you for  
8 being our moderators this evening.

9 This is in our -- at least in my  
10 experience, it's our first full application, so we  
11 will sort of, as Dennis said, find our way along.

12 The first thing I am going to ask Pat  
13 to do is go through our protocols for the evening  
14 and, of course, everybody muted, if not speaking,  
15 because it is going to be important to have Phyllis  
16 hear one person at a time.

17 So, Pat, can you tell us --

18 MS. CARCONE: Like I said, there are 37  
19 people on this call right now. We have three  
20 hearings. If everybody could see the screen, we are  
21 going to go through them in the order that they are  
22 on the agenda, one, two, and three. So if it is not  
23 your time for your hearing, if you could please mute  
24 yourself and turn off your video.

25 If you have a question, please raise

1 your hand, and I will get to you.

2 The Board Chairman and the Board  
3 Attorney will announce when is the appropriate time  
4 to ask questions. And at that time, if you could  
5 hold your questions until they initiate when the  
6 question and answer time period is, and then we will  
7 look for whoever wants to speak by raising their  
8 little Zoom digital hand.

9 Anything else, Dennis?

10 MR. GALVIN: No. I think that is good.

11 I just will say this. I have done a  
12 lot of these recently, and the hardest thing for me  
13 is that we are looking only at everybody's face, so  
14 if you are upset, we are going to see it right away,  
15 so just be kind to us. We are doing the best we  
16 can, all right?

17 That's all. We are ready to go.

18 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN  
HOZ-19-11

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RE: 1414-1418 Grand Street : Tuesday 7:10 p.m.  
Block: 121, Lot 19, Zone I-1 :  
Applicant: Rufus & Drefus, LLC : June 16, 2020  
d/b/a Camp Bow Wow :  
- - - - - X

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7                   (732) 462-7170  
8                   BY: DENNIS M. GALVIN, ESQUIRE  
9                   Attorney for the Board.

10                   SCARINCI HOLLENBECK  
11                   331 Newman Springs Road  
12                   Red Bank, New Jersey 07701  
13                   BY: DONALD M. PEPE, ESQ.  
14                   ASHLEY BRINN, ESQ.  
15                   Attorneys for the Applicant.

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WITNESS

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Richard Paszkiet

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Ken Myers

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Edward Kolling

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1                   CHAIRMAN AIBEL: All right. I guess we  
2 are going to start with 1414-1418 Grand.

3                   Mr. Pepe, you are up.

4                   MR. PEPE: Good evening, Mr. Chairman,  
5 Commissioners.

6                   Thank you for entertaining us this  
7 evening.

8                   My name is Donald Pepe from the law  
9 firm of Scarinci & Hollenbeck on behalf of the  
10 applicant, Rufus & Drefus, LLC.

11                   I think one of the biggest take-aways I  
12 could ask you to get from my introduction is that we  
13 are not proposing any exterior improvements in  
14 connection with this application. What we are  
15 seeking is a D-1 use variance to utilize an existing  
16 commercial space for a doggie day care facility.

17                   Mr. Galvin, we have provided notice of  
18 this --

19                   MR. GALVIN: The notice is in order.  
20 You may proceed.

21                   MR. PEPE: Thank you, sir.

22                   So I submit that the Board has  
23 jurisdiction. I am going to get right into it, so I  
24 am going to ask that my project architect take  
25 center stage, and if he -- Ashley, if you could

1 share the screen, we can just get the board oriented  
2 on to the location of the property and what the  
3 interior layout looks like.

4 MS. CARCONE: Okay. You should be able  
5 to share your screen now.

6 MR. PEPE: Ben, go ahead.  
7 Great.

8 MR. PASZKIET: My name is Ben Paszkiet.  
9 I am the project architect with Interplan and --

10 MR. PEPE: Ben, we have to swear you in  
11 and qualify you.

12 MR. GALVIN: Raise your right hand.

13 MR. PASZKIET: Thank you.

14 MR. GALVIN: Do you swear or affirm the  
15 testimony that you are about to give in this matter  
16 is the truth, the whole truth, and nothing but the  
17 truth?

18 MR. PASZKIET: I do.

19 R I C H A R D B. P A S Z K I E T, Architect,  
20 Interplan, LLC, having been duly sworn, testified as  
21 follows:

22 MR. GALVIN: State your full name for  
23 the record and spell your last name.

24 THE WITNESS: My full legal name is  
25 Richard B. Paszkiet. The last name is spelled

1 P-a-s-z-k-i-e-t.

2 MR. GALVIN: Now, provide us with three  
3 Boards that you have appeared before recently, but  
4 do not include Hoboken.

5 THE WITNESS: Jackson, New Jersey --

6 MR. GALVIN: God bless you.

7 (Laughter)

8 THE WITNESS: -- it was an experience  
9 last night.

10 MR. GALVIN: Yes.

11 THE WITNESS: Naperville, Illinois, and  
12 I did one in St. Louis, Missouri.

13 MR. GALVIN: Mr. Chairman, if he has  
14 done one in Jackson, he is too experienced.

15 CHAIRMAN AIBEL: That is excellent. We  
16 accept you. Thanks.

17 THE WITNESS: Thank you.

18 MR. PEPE: And, Ben, just for the  
19 record, you are licensed in New Jersey, you're a  
20 licensed architect?

21 THE WITNESS: Yes, correct. I am a  
22 licensed architect in the State of New Jersey.

23 MR. GALVIN: All right. You guys can  
24 go ahead. Let's go far away.

25 THE WITNESS: Cool.

1                   So the project is located on Grand  
2 Street between 14th and 15th.

3                   And can we zoom in on the map, so we  
4 can kind of show everybody where it is?

5                   There we go.

6                   It is an existing five-story building.  
7 The first to third floors I believe are commercial,  
8 and the fourth and fifth floors are residential.

9                   Once again, it is really just an  
10 interior buildout. We are not really doing anything  
11 on the exterior at all, and it's a doggie day care  
12 facility.

13                   Can we jump to the next page to show  
14 the layout to everybody?

15                   MR. PEPE: Ben, before we do that,  
16 there are no other buildings directly to the left of  
17 us, correct?

18                   THE WITNESS: Correct, yeah. On the  
19 left it's a vacant lot, and to the right it is -- I  
20 think it's a garage of some kind.

21                   MR. PEPE: So there are no residences  
22 that would be sharing our condo wall with us?

23                   THE WITNESS: Correct.

24                   MR. PEPE: Go ahead. Sorry.

25                   THE WITNESS: So if we start with the

1 layout, the way it works is you come in. You drop  
2 off your dog at the reception area, and they would  
3 take the dogs back to the common play area, where  
4 they really spend most of their day, and the kennels  
5 are really just used for overnight, and that is what  
6 these kind of boxes in the middle you're seeing are.

7 But the majority of the time the dogs  
8 are in the common play area, and there is a  
9 mezzanine level, but the only thing really up there  
10 is just some back of house, administrative stuff, an  
11 office, break room, things like that.

12 It's pretty simple. It is just a  
13 doggie day care. Come in, drop your dog off. They  
14 go into playland, and you go off on your day.

15 MR. PEPE: Ben, aside from the  
16 reception area, all of these improvements are above  
17 base flood elevation?

18 THE WITNESS: Correct, yes.

19 MR. PEPE: And you used the word  
20 "Kennel." I am just going to correct you there  
21 because I think we call them bungalows.

22 THE WITNESS: Cabins.

23 MR. PEPE: Cabins.

24 THE WITNESS: Cabins, yes.

25 MR. GALVIN: Like when you go on

1 vacation, you go to the cabin.

2 MR. PEPE: Yes, it's like summer camp.

3 THE WITNESS: Yeah.

4 MR. PEPE: So I really have no more  
5 with respect to the architecture because, again, we  
6 are not proposing any exterior improvements, so I  
7 yield to the Board, if you have any questions.

8 CHAIRMAN AIBEL: Is somebody going to  
9 take us through how the dogs get in and out, how the  
10 operations occur?

11 MR. PEPE: Yes, sir. I am going to ask  
12 the operator to provide that testimony, and he will  
13 be up next.

14 CHAIRMAN AIBEL: Thank you.

15 Board members, any questions?

16 And, Pat, I don't know how you want to  
17 go about taking questions from the Board.

18 MR. GALVIN: I think we should go in an  
19 order, Mr. Chairman. You have the list of the Board  
20 members like right in front of you, like on the  
21 agenda.

22 CHAIRMAN AIBEL: How do you want to  
23 handle that?

24 MR. GALVIN: Just go down the list.  
25 Just go down. Make it the same call every time.



1 This way we all know what to expect.

2 CHAIRMAN AIBEL: Pat, do you want to  
3 call out our Board members' names?

4 MS. CARCONE: Here we go.

5 Commissioner Branciforte, do you have  
6 any questions?

7 VICE CHAIR BRANCIFORTE: My questions  
8 are less for the architect, more general, so I will  
9 ask if there is somebody that can answer it, that is  
10 fine.

11 Did we already approve on Adams Street  
12 the other doggie day care center at 1400 Adams? Was  
13 that on the same -- was that on the block opposite  
14 of this one?

15 CHAIRMAN AIBEL: Right next door, John.

16 VICE CHAIR BRANCIFORTE: Just west of  
17 it? It goes straight through and it's got a border  
18 and abuts this one, right, neighbors this one?

19 It goes from Adams to Clinton, that  
20 doggie day care we had previously --

21 CHAIRMAN AIBEL: Adams to Grant,

22 VICE CHAIR BRANCIFORTE: -- Adams to  
23 Grant, yeah, I'm sorry, yeah.

24 My only question really is, and perhaps  
25 it is better for the planner, so I will wait until

1 the planner does their deal.

2 We do have a planner, right? The  
3 applicant has a planner coming?

4 MR. PEPE: We do.

5 VICE CHAIR BRANCIFORTE: Yeah. Okay.

6 I will wait and ask my questions of the planner.

7 Thanks. No more. Thanks.

8 MR. PEPE: Sure.

9 MS. CARCONE: Commissioner Graham, do  
10 you have any questions, Ann?

11 COMMISSIONER GRAHAM: No, I do not.

12 Thank you.

13 MS. CARCONE: Okay. Commissioner

14 Murphy, do you have any questions?

15 COMMISSIONER MURPHY: Not at this time.

16 MS. CARCONE: Commissioner Weaver?

17 COMMISSIONER WEAVER: Yeah. I have a

18 few questions.

19 What is the -- what's the -- where will  
20 the feces be stored and how is that vented?

21 MR. PEPE: So we can speak about -- the

22 architect can speak about the venting. Mr. Myers

23 will be speaking in greater length about how we

24 intend to manage the animal refuse, but it goes in

25 the toilet.

1                   So, Ben, why don't you tell them about  
2                   the HVAC system, and how we are going to be handling  
3                   fumes, and how we are going to be handling waste  
4                   from a mechanic perspective?

5                   THE WITNESS: Yeah. They are flushing  
6                   all the -- you're flushing all of the animal waste  
7                   down the toilet, solid waste.

8                   MR. GALVIN: Do you need health  
9                   department approval for that?

10                  THE WITNESS: Hum.

11                  MR. GALVIN: Are you permitted to do  
12                  that?

13                  MR. PEPE: We are permitted from a  
14                  state level. I was unaware of any municipal or any  
15                  restrictions on doing so. If there is a separate  
16                  requirement, obviously, you know, other agency  
17                  approvals would be a condition of any application  
18                  approved this evening. I am unaware of any.

19                  MR. GALVIN: Did you guys -- did you  
20                  really seriously research that?

21                  MR. PEPE: We did, and this is how this  
22                  is done on a national basis. It is not a one off.  
23                  This is substantial operator in virtually every  
24                  state and multiple locations.

25                  MR. GALVIN: I have done a few of these

1 cases, and this is the first time I ever heard of  
2 anybody using indoor sanitation to eliminate the  
3 waste.

4 COMMISSIONER WEAVER: It is a huge  
5 waste of potable water, though. It is not very  
6 environmentally friendly. I don't care if he does  
7 it across the United States, it's still not  
8 environmentally friendly.

9 CHAIRMAN AIBEL: Dan, can I interrupt  
10 at this point?

11 COMMISSIONER WEAVER: Yes, sure.

12 CHAIRMAN AIBEL: Just for everyone's  
13 edification, I believe in Pack Leaders' approval  
14 there was a condition for refrigeration that was  
15 hauled away by a private company to mitigate odor  
16 and I guess address the sewage. So, Dennis, maybe  
17 you want to just --

18 COMMISSIONER WEAVER: Thank you, Mr.  
19 Aibel.

20 MR. GALVIN: I will make a conditional  
21 note that we have to confirm that their method for  
22 sanitation removal is correct.

23 CHAIRMAN AIBEL: Thank you.

24 Apologies, Dan.

25 COMMISSIONER WEAVER: No. Thank you

1 very much for that.

2 And then you are calling them cabins,  
3 not kennels. Is there any overnight? Will there be  
4 any animals here overnight?

5 MR. PEPE: Yes, there will be. That is  
6 our intention.

7 COMMISSIONER WEAVER: And not that we're  
8 comparing it, Mr. Aibel, I guess, to the previous  
9 application, but I don't believe there were  
10 overnight boarders on the previous application, on  
11 the other one that is right next door. I am just  
12 trying to see how we might want to differentiate  
13 between the two.

14 CHAIRMAN AIBEL: I am going to look,  
15 Dan, but I believe there is overnight kennels. Let  
16 me get back to you on that.

17 MR. PEPE: And I read that resolution as  
18 well. I recall that there is overnight boarding  
19 there as well.

20 COMMISSIONER WEAVER: What is a wall  
21 mounted dog toilet?

22 MR. PEPE: That is the flushing  
23 facility.

24 COMMISSIONER WEAVER: And how will they  
25 get the feces into the toilet itself?



1 so I'm assuming --

2 MR. MYERS: Yeah, there's a -- this is  
3 Ken. There is a stairway that leads to the garage  
4 and there's a --

5 MR. GALVIN: Hey, Ken, raise your right  
6 hand.

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

10 MR. MYERS: I do.

11 K E N M Y E R S, having been duly sworn, testified  
12 as follows:

13 MR. GALVIN: Please state your full name  
14 for the record and spell your last name.

15 THE WITNESS: M-y-e-r-s.

16 MR. GALVIN: All right, Kiddo. Go  
17 ahead.

18 MR. PEPE: So, Ken, thanks. I'm sorry.  
19 I thought you might have been muted.

20 Did I hear it right about the waste  
21 pickup, how that is going to be handled?

22 THE WITNESS: Yeah. I mean, it could be  
23 shoveled in and put into the toilet and be picked up  
24 with a plastic glove and put into the toilet and  
25 flushed.

1                   As I was saying, you know, the glove  
2 would be thrown in the garbage and then collected  
3 and moved down to the basement. There is actually  
4 a -- like a sanitation room in the garage that would  
5 house the garbage until it is picked up by the  
6 public sanitation.

7                   COMMISSIONER WEAVER: And how are these  
8 areas cleaned? Are there floor drains? Are there  
9 area floor drains or --

10                  THE WITNESS: So, yeah. You can see in  
11 the drawings here in the back of the play yards,  
12 there are turf areas. Underneath the turf areas,  
13 there are drains, so if the dog peed in the turf  
14 area, it would drain through.

15                  If it was in front of the turf area on  
16 the floor, the pee would be mopped up and foam  
17 disinfected.

18                  COMMISSIONER WEAVER: And then how are  
19 you cleaning the turf area, which I assume is  
20 artificial?

21                  THE WITNESS: Yeah. It's artificial  
22 turf. There are actually industrial cleaners that  
23 we use to pull up hairs and also disinfect the turf,  
24 and they come in pods, so the pods could be pulled  
25 up, and you can clean the cement surface underneath



1 the pods.

2 COMMISSIONER WEAVER: Okay. But are you  
3 going to use the hose bib to rinse those things  
4 down, like a garden hose or --

5 THE WITNESS: Well, yeah, actually in  
6 order to -- you want -- you want to keep fluid down.  
7 It's a machine, that's kind of like -- almost like a  
8 shampoo rug cleaner type of device that conserves  
9 water for use in cleaning the turf. But you don't  
10 want to use a lot of water. You want the moisture  
11 in the space at a minimum, so you don't use a lot of  
12 hosing down surfaces. It's usually like dry mop,  
13 and we use, you know, pet safe chemicals to the  
14 cleaning, all surfaces, floor surfaces, cabins and  
15 all surfaces of the camp.

16 COMMISSIONER WEAVER: So you are saying  
17 that there is an area drain under the artificial  
18 turf, and the drain -- the urine drains through the  
19 artificial turf to the drain, and then presumably  
20 the drain has a -- the drain has a trap. Now, the  
21 trap is basically filled with dog urine and never  
22 refreshed. It's never flushed out with water?

23 THE WITNESS: The drain would lead to  
24 the city sewer the same way the toilet flushing  
25 would.

1                   COMMISSIONER WEAVER: Can I go back to  
2 the architect?

3                   MR. PEPE: So we will go back to the  
4 architect.

5                   Commissioner, you know, the question  
6 directly was: Do we hose it down.

7                   No, but the process that they use, the  
8 machinery that they use and the chemicals that they  
9 use, I can only assume were designed to provide  
10 enough liquid to clear the trap, which only takes  
11 about a half a cup to a cup.

12                   I only say that because, again, this is  
13 not unique to this location. This is used in  
14 literally hundreds of locations without consequence.

15                   MR. PASZKIET: It's similar to a  
16 chemical toilet. You know, the chemicals that are  
17 used break away the waste and break down the waste  
18 and eliminate odors and things like that.

19                   COMMISSIONER WEAVER: Just like a  
20 waterless urinal?

21                   MR. PASZKIET: It's similar, yes,  
22 same kind.

23                   COMMISSIONER WEAVER: Okay. Okay. And  
24 I assume the staff will be trained on how to  
25 maintain that because usually that's the biggest

1       problem is the waterless urinal to the maintenance  
2       staff.

3                   MR. PASZKIET:  I can't speak for the  
4       training, but I am sure there is a process in place,  
5       and they are diligent about it.

6                   COMMISSIONER WEAVER:  Okay.

7                   And where was the -- where was the trash  
8       area again?

9                   MR. PASZKIET:  Downstairs right, Ken?

10                  MR. MYERS:  Yeah.  There's -- on the  
11       south side of the building towards the front, there  
12       is a staircase that leads down the stairwell into  
13       the garage, where there is a separate sanitation  
14       room in the garage.

15                  COMMISSIONER WEAVER:  And the only thing  
16       that is going to be right now, according to your  
17       testimony, the only thing that's going to be down  
18       there is office waste and perhaps, you know, some --  
19       some -- you know, whatever is collected in the human  
20       toilet rooms, as well as perhaps some gloves from  
21       dealing with the dog feces?

22                  MR. MYERS:  Correct.

23                  COMMISSIONER WEAVER:  Okay.  I think  
24       that is all I have.

25                  MR. MYERS:  Thank you.

1 MR. PEPE: Thank you.

2 MS. CARCONE: Steven Firestone, do you  
3 have any questions?

4 COMMISSIONER FIRESTONE: No. I am most  
5 interested in hearing the planner's report.

6 Thanks.

7 MS. CARCONE: Nick, do you have any  
8 questions?

9 COMMISSIONER MAGANUCO: Yes, just one  
10 question.

11 This area is meant to hold up to 60  
12 cabins, if I read that correctly, so potentially up  
13 to 60 animals?

14 MR. MYERS: Actually 55 cabins.

15 COMMISSIONER MAGANUCO: And did we say  
16 the second floor was residential, or I know this was  
17 mentioned earlier in the meeting.

18 MR. PEPE: There's commercial office  
19 space directly above us.

20 COMMISSIONER MAGANUCO: Okay. That is  
21 all.

22 MR. PEPE: Thanks.

23 MS. CARCONE: Commissioner Marsh, do you  
24 have any questions?

25 Carol?

1 COMMISSIONER MARSH: No.

2 MS. CARCONE: No questions?

3 COMMISSIONER MARSH: Not at this time.

4 MS. CARCONE: Okay.

5 Commissioner Smolyn?

6 COMMISSIONER SMOLYN: Yes, to follow up  
7 on Nicola's point there, well, I think this is for  
8 the architect maybe more.

9 What measures are being taken to  
10 mitigate acoustical noise pollution from the level  
11 one space here to level two?

12 MR. PASZKIET: We are going to take care  
13 of it with sound attenuation bands and we can spray  
14 the other side of the ceiling above. We can do  
15 dampers on the equipment to reduce vibration, you  
16 know, things like that.

17 MR. PEPE: And that's, you know, I would  
18 just inject, if that is necessary.

19 Now, our landlord occupies the offices  
20 above us, so I think the person who might be  
21 principally concerned, and again, there is nobody  
22 that shares a wall to our left, and nobody that  
23 shares a wall to our right, so the greatest concern  
24 would be above, and that is our landlord.

25 COMMISSIONER SMOLYN: Is there a

1 particular STC rating that you are targeting for  
2 that ceiling assembly?

3 MR. PASZKIET: No, but we would comply  
4 with whatever the landlord is requiring us to do. I  
5 don't have a number off the top of my head, but, you  
6 know, if he says it is a ten, we will meet a ten.

7 COMMISSIONER SMOLYN: Okay.

8 Would it be possible on the east facade  
9 to go through a fenestration opening and any  
10 measures you are taking to prevent noise pollution  
11 from leaking out from the space on to the street or  
12 adjacent properties?

13 Can you just scroll down the plan a  
14 little bit?

15 MR. PASZKIET: In other words, through  
16 the front doors?

17 COMMISSIONER SMOLYN: Through the front  
18 doors. I think, if I remember correctly, there is  
19 sort of a glazed garage door at this address. Is  
20 that correct still, that is remaining as is?

21 MR. PASZKIET: I don't think it is a  
22 garage door. I think it is just all storefront  
23 windows.

24 MR. PEPE: Ashley, do you want to go to  
25 the front elevation quickly?

1 MR. PASZKIET: Yeah, that will work.

2 I mean, to answer your question to  
3 reduce the sound, first of all, the dogs will be --  
4 they'll spend the majority of their time in the  
5 back, so it will help separate it, and there are  
6 several walls and doors and things like that that  
7 will add, you know, to deaden the sound. It is not  
8 necessarily going to make it all the way to the  
9 front.

10 COMMISSIONER SMOLYN: So there are no  
11 modifications proposed to the existing storefront --

12 THE WITNESS: Correct.

13 COMMISSIONER SMOLYN: -- from a  
14 acoustical litigation perspective?

15 Okay. And are those eight --

16 MR. PEPE: Well, it's a different  
17 elevation, too, isn't it, Ben?

18 MR. PASZKIET: Yes.

19 MR. PEPE: When you enter the reception  
20 area, you have to go up a stair.

21 MR. PASZKIET: That will also help to  
22 different elevations and heights.

23 COMMISSIONER SMOLYN: Is level three and  
24 above use for this building residential or also  
25 commercial?

1 MR. PASZKIET: Commercial

2 MR. PEPE: Ben, well, there are two  
3 floors of residential, but I believe there are two  
4 floors of commercial between.

5 MR. PASZKIET: Yes. And the residential  
6 is four and five, and the commercial is below it.

7 COMMISSIONER SMOLYN: In the plan, were  
8 there eight cabin kennels in the southeast corner up  
9 against the storefront, or is that some other use?

10 So those cabins are fronting  
11 uninsulated storefront glazing presently?

12 MR. PASZKIET: Which? The ones in the  
13 corner?

14 COMMISSIONER SMOLYN: Yeah --

15 MR. PASZKIET: Yeah.

16 COMMISSIONER SMOLYN: Are those --

17 MR. PASZKIET: Yeah. Those would be  
18 like -- the other thing we got to keep in mind is  
19 that the cabins are only used for overnight, so, you  
20 know, at night the dogs are sleeping.

21 COMMISSIONER SMOLYN: In an ideal world.

22 MR. PASZKIET: You know, yeah, most of  
23 the time the dogs are asleep.

24 COMMISSIONER SMOLYN: The last applicant  
25 that a lot of people are referencing with a similar



1 dog kennel application in this area was able to kind  
2 of describe the different elements for different  
3 sized dogs that would be housed overnight.

4 What size animals are we putting in  
5 that southeast corner?

6 MR. MYERS: They are the smallest  
7 cabins, so they would be the smallest dogs.

8 COMMISSIONER SMOLYN: Those are just 8  
9 cabin kennels total or is it double stacked?

10 MR. MYERS: No, no, no. They're just 8.

11 COMMISSIONER SMOLYN: Okay. Those are  
12 all of the questions that I have for the architect.

13 Thank you.

14 COMMISSIONER GRAHAM: Can I ask a quick  
15 question?

16 It is more of an operational question,  
17 but will the dogs be taken out for walks in the  
18 neighborhood or will they remain in the facility?

19 MR. MYERS: No, they will remain in the  
20 facility. This is 100 percent an indoor operation.

21 COMMISSIONER GRAHAM: Okay. Thank you.

22 MS. CARCONE: Dan Weaver, you have your  
23 hand raised. Do you have a question?

24 COMMISSIONER WEAVER: I have my hand  
25 raised.

1 MS. CARCONE: You do.

2 COMMISSIONER WEAVER: I do. I do.

3 As we were scrolling down the drawing,  
4 there was a note about the mechanical system, and  
5 you know, typically in such a mechanical system,  
6 there is a return air, which was shared by the  
7 entire system I'm observing, and so will this -- and  
8 obviously we don't want the dog -- I might come  
9 across as a dog hater, but I actually love my dog,  
10 but somebody did mention to me, you know, they have  
11 a smell.

12 And so although mine smells perfectly  
13 fine, right, right?

14 (Laughter)

15 So is your mechanical system then  
16 isolated from the rest of the building, so that you  
17 are not -- your return air isn't being commingled  
18 with the rest of the office above?

19 MR. MYERS: Yeah. One, it is best  
20 practice, and two, mechanical would dictate that  
21 they have to be -- intakes and exhausts can't be  
22 that close together, and we are very conscious of  
23 that, similar to like a restaurant. You know, you  
24 wouldn't put like a burger grill exhaust next to an  
25 intake for something else, the same -- same

1 principle.

2 COMMISSIONER WEAVER: No, no. But I  
3 mean the -- the -- they can't -- the exhaust for the  
4 building can't be too close to the intake for the  
5 building, but are you also saying then that your  
6 system is completely separate from the rest of the  
7 building?

8 MR. PASZKIET: Well, each --

9 COMMISSIONER WEAVER: Is that what you  
10 are saying?

11 MR. PASZKIET: -- each tenant space is  
12 going to have their own system.

13 COMMISSIONER WEAVER: Okay, that's it.  
14 Thank you.

15 MR. PASZKIET: You are welcome.

16 CHAIRMAN AIBEL: Pat, anybody up next?

17 MS. CARCONE: If all of the  
18 Commissioners are done, I don't see any -- do you  
19 want to open it up to the public?

20 CHAIRMAN AIBEL: Just ask the  
21 professionals.

22 Do we have any questions, Dennis,  
23 Chris?

24 MR. GALVIN: I don't.

25 CHAIRMAN AIBEL: Chris?

1 MR. NASH: No, I do.

2 MR. GALVIN: Oh, good, Chris, go ahead.

3 MR. NASH: Okay.

4 You indicated that there is going to be  
5 some overnights. Do you know -- do you have an  
6 anticipated number?

7 MR. MYERS: You know, there are 55  
8 cabins. I think the maximum would be 68 or so. I  
9 think that is the estimate, you know, and during the  
10 day it is usually 60 to 75 dogs, so, you know, it  
11 probably could be, you know, 25 to 35 dogs overnight  
12 typically.

13 MR. NASH: And do you plan to have an  
14 employee spend the night there, or everybody goes  
15 home and just the dogs are there?

16 MR. MYERS: Everybody goes home, just  
17 the dogs are there. You know, the franchise  
18 actually does not support the overnight staffing,  
19 but actually they found over the years of operation,  
20 that it is disruptive to the dogs and leads to  
21 adverse health impacts on the dogs, so they don't  
22 advise and support the overnight staffing.

23 MR. PEPE: Video monitored and alarms  
24 for every conceivable emergency, and we would have  
25 staff on standby in the event of an emergency. But

1       it is much like pet stores, much like veterinarian  
2       hospitals, the more common practice is to leave the  
3       animals alone so they sleep.

4                 Humans disturb animals. The presence  
5       of humans is disturbing.

6                 MR. NASH: All right. I wouldn't know  
7       that.

8                 In this type of business, are there  
9       required health inspections at any time?

10                You know, not unlike a restaurant, it  
11       would be a different type of inspection. But does  
12       the health department come around once and a while  
13       and look at your operation?

14                MR. MYERS: I know there is an initial  
15       health department approval that I need following,  
16       but --

17                MR. NASH: I am talking about after it  
18       gets nice and worn in.

19                MR. MYERS: I don't know the answer to  
20       that.

21                MR. PEPE: I don't know either whether  
22       there is an ordinance in place that would require  
23       that.

24                MR. NASH: Okay. That is all I have,  
25       Mr. Chairman.

1                   CHAIRMAN AIBEL: I got a couple quick  
2 questions for the architect.

3                   Is there a -- I may have missed  
4 this -- is there a dedicated entrance and exit for  
5 the animals, or do they share common space, an  
6 entrance with the common space for the rest of the  
7 tenants?

8                   MR. PASZKIET: There is a dedicated  
9 entrance into the Camp Bow Wow space separate from  
10 the rest. So they go in right into our space, and  
11 the tenants have their own space, the rest of the  
12 tenants.

13                  CHAIRMAN AIBEL: Is there any provision  
14 for signage?

15                  MR. PEPE: We had not provided for  
16 signage in this application. My intent was to check  
17 with the landlord. It was an oversight. You know,  
18 we should have put signage in.

19                  You can see that there are three  
20 existing signs that are out in front of the building  
21 right now. It is my affirmative hope that the  
22 landlord has an approval for an amount and type of  
23 signage that we would just put our logo on to or  
24 come back with a sign application, but it is not  
25 part of this application.

1                   CHAIRMAN AIBEL: (Audio breaks up) ask  
2                   questions --

3                   THE REPORTER: Jim, you're breaking up.  
4                   What did you say, Jim? Jim?

5                   MS. CARCONE: It looks like it's  
6                   breaking up --

7                   CHAIRMAN AIBEL: -- ask questions of the  
8                   architect.

9                   MS. CARCONE: I think Dan Weaver still  
10                  has another question. He has his hand raised.

11                  CHAIRMAN AIBEL: Dan?

12                  COMMISSIONER WEAVER: Oh, it's not --  
13                  oh, no, it is not raised any more.

14                  MS. CARCONE: All right. Okay.

15                  So we are opening it up to the public  
16                  for questions now?

17                  CHAIRMAN AIBEL: Yes.

18                  MS. CARCONE: If anybody in the public  
19                  has a question, please raise your hand, and I will  
20                  give it a second, but --

21                  CHAIRMAN AIBEL: Seeing none, may I have  
22                  a motion to close the public portion?

23                  COMMISSIONER GRAHAM: So moved.

24                  CHAIRMAN AIBEL: Second?

25                  VICE CHAIR BRANCIFORTE: I will second

1 it. John.

2 CHAIRMAN AIBEL: All those in favor?

3 (All Board members answered in the  
4 affirmative)

5 CHAIRMAN AIBEL: Great. Thanks.

6 Mr. Pepe, next witness.

7 MR. PEPE: I am going to ask the  
8 operator, Mr. Myers, to step forward. I believe he  
9 was already sworn.

10 MR. GALVIN: He is. You are good to go.  
11 K E N M Y E R S, having been previously sworn,  
12 testified as follows:

13 MR. PEPE: Okay.

14 So, Ken, tell us a little bit about the  
15 operation, about the national presence of this  
16 particular franchise, and what you are going to do.

17 THE WITNESS: Okay. So this is Camp Bow  
18 Wow. It's part of our national franchise for dog  
19 day and overnight care. They currently operate more  
20 than 175 locations nationwide. They have about 20  
21 years experience in this business. They are owned  
22 by VCA Animal Hospitals, which is a part of Morris  
23 Corporation, so a lot of experience behind the  
24 brand, behind the operation.

25 Again, this is an all indoor camp where



1 campers spend their day and overnight inside.

2           You know, some of the things we already  
3 talked about, but I will just highlight the fact  
4 that this is the Grand Street entrance, where dogs  
5 get checked in and checked out. This is an  
6 operation, where clients typically pay in advance,  
7 and check in and check out is actually a quick  
8 process of handing over the dog to check in and  
9 check out.

10           The lobby walls will maintain a pretty  
11 modest retail space that has leashes and collars,  
12 maybe some food and toys and things like that, but  
13 relatively modest.

14           As noted, there are 55 cabins, which is  
15 inclusive of three luxury cabins that will be on  
16 site. 95 percent of the activity is focused on day  
17 care and overnight boarding. There is a grooming  
18 element. The grooming is really essentially going  
19 to be bathing of dogs. There will be no dog  
20 training. There is no walking. That was the  
21 question that came up earlier.

22           There are enrichment services. These  
23 are more one-on-one services with the dogs that will  
24 again take place indoors, and --

25           MR. PEPE: Specifically let me do a

1 couple of questions that came up in some of the  
2 reports. What kind of (audio breaks up).

3 THE WITNESS: The total payroll would be  
4 about 15 to 20 employees that will operate in  
5 shifts, about 6 to 8 employees based on what kind of  
6 activity we would expect for the day.

7 The staff will include a site manager.  
8 It will include three play yard counselors, one to  
9 two people that will work reception, and one to two  
10 people that will work in operation support.

11 MR. PEPE: And what are your reception  
12 hours, if you will?

13 We already established the overnight  
14 boarding, but what are the reception hours?

15 THE WITNESS: Yeah. The business is  
16 open 7 a.m. to 7 p.m. It's open 7 days a week  
17 including holidays.

18 MR. PEPE: We were asked to provide  
19 testimony regarding the impacts to the neighborhood.  
20 I think we discussed sound and sound attenuation.  
21 But, again, being familiar with the property and,  
22 you know, having been there for a while, because in  
23 COVID, if I recall, we negotiated this lease maybe  
24 five months ago now. Do you anticipate any impacts  
25 on the neighborhood based on your operations?

1                   THE WITNESS: No. I mean, as we said, I  
2 mean, it is an all indoor operation. There is a  
3 vacant lot south of us. There is, you know, the  
4 lobby area and the garage to the north, you know,  
5 this are no windows on the side walls or in the  
6 rear. The play yards are actually in the back of  
7 the operation, so I don't expect any impact on any  
8 of the neighbors surrounding the building.

9                   MR. PEPE: And I know that you also were  
10 questioned about handling the animal waste, which I  
11 think we spoke about.

12                   So just to be clear, you are going to  
13 have camera monitoring and fire monitoring, noise  
14 monitoring and a typical knock box, and we are going  
15 to have local -- local management staff who would be  
16 able to get out here at the drop of a hat, if  
17 necessary, is that correct?

18                   THE WITNESS: Correct.

19                   MR. PEPE: I have no more questions.

20                   The Board may have some specific  
21 operational questions, so I will just yield to them.

22                   CHAIRMAN AIBEL: Thank you.

23                   Pat, do you want to call us out?

24                   Questions of Mr. Myers?

25                   MS. CARCONE: John, Commissioner

1 Branciforte, any questions for the applicant?

2 VICE CHAIR BRANCIFORTE: Thanks, Pat.

3 Two things: Did you say enrichment  
4 services, is that what you said? There will be  
5 enrichment services for the owners?

6 THE WITNESS: Yeah. Well, yeah, it is  
7 basically one-on-one services with their pet. So  
8 usually it is like a one-on-one play time utilizing  
9 say one of the luxury suites during the day for a  
10 little one-on-one time with their dog.

11 VICE CHAIR BRANCIFORTE: And you say  
12 there's going to be no dog draining?

13 THE WITNESS: No dog training.

14 VICE CHAIR BRANCIFORTE: So we can put  
15 that in the resolution that you won't allow dog  
16 training?

17 We are going to need probably some sort  
18 of hose outside just to wash down the sidewalks from  
19 time to time when the dogs are kept inside for so  
20 long, and they go outside for the first time. I am  
21 sure they are going to want to urinate on the  
22 sidewalk, and I think it would just be a courtesy to  
23 the neighborhood to have a hose, some kind of a  
24 water supply outside. Is that all right, do you  
25 think?

1                   THE WITNESS: Well, let me just comment  
2 first, that, you know, when -- you know, the dogs  
3 are not going to be walked outside when they are  
4 taken from their cabins in the morning. It is an  
5 all indoor operation, so when dogs are going to be  
6 taken from the cabins in the morning, they are going  
7 to go out to the play yards and they spend their  
8 days there.

9                   MR. PEPE: Ken, do you know if there is  
10 a facility available that we could tap into?

11                   I mean, I don't want to make a mountain  
12 out of a mole hill, because I think, you know, that  
13 will stop that measure. It is a great idea, if  
14 necessary, it would be nice that it is there. I  
15 just don't know if we have a water service. It  
16 looks like the bathroom is pretty (audio breaks up).

17                   MR. PASZKIET: Yeah, being that the  
18 bathroom is there, we could run a water line for a  
19 hose. It is not a big deal at all.

20                   VICE CHAIR BRANCIFORTE: Okay. I am  
21 thinking less of when the dogs are inside and more  
22 when the owners come to pick them up --

23                   MR. PASZKIET: Oh, okay. Got you.

24                   VICE CHAIR BRANCIFORTE: -- to walk  
25 them to the cars.

1                   My next question may be for the  
2 planner, if the planner wants to start thinking  
3 about it, is how are you going to deal with dropoffs  
4 and pickups?

5                   How many -- with 60 dogs a day, 55 dogs  
6 a day, does that mean 55 people pulling up in their  
7 cars every morning, dropping their cars --  
8 dropping -- I mean, it's basically going to be like  
9 a day care for an elementary school at that point  
10 with so many people pulling up at the same time.

11                  MR. PEPE: Well, I think Mr. Kolling is  
12 going to be prepared to talk about that, because  
13 we've discussed it at length.

14                  I'm sorry. This is Don Pepe.

15                  We only anticipate -- I mean, you guys  
16 are in Hoboken. I don't foresee anybody getting out  
17 of the their parking space to drive their dog to day  
18 care, to go back and fight for a parking space.  
19 This is a neighborhood service. It's a  
20 neighborhood --

21                  VICE CHAIR BRANCIFORTE: Well, let me  
22 stop you right there, Mr. Pepe.

23                  Where do you live?

24                  Do you live in Hoboken?

25                  MR. PEPE: No. I live in South Jersey,

1 but I work in Jersey City and Hoboken every day.

2 VICE CHAIR BRANCIFORTE: All right. I  
3 have to just -- that is ridiculous to think that  
4 people are not going to be driving from First and  
5 Madison Street. They will be walking their dog from  
6 First to Madison to go to Camp Bow Wow. It is  
7 ridiculous to think that people won't be bringing  
8 their cars there in the rain when it is raining out,  
9 or when they're in a rush to get to work.

10 MR. PEPE: I wasn't suggesting that at  
11 all, and my apologies, if I came off to say that  
12 that won't happen.

13 We just think that the predominance is  
14 going to be local users who will be on their way to  
15 their destination walk their dog.

16 VICE CHAIR BRANCIFORTE: I would love  
17 to see the study you did on that one because there  
18 is no way that is going to happen. I have to  
19 disagree with you respectfully on that.

20 If it is raining out, if the people are  
21 in a rush to get to work, if they are lazy and they  
22 just don't want to walk five or six blocks, they are  
23 going to get in their car and drop it off.

24 MR. PEPE: There's no doubt about it  
25 under those conditions, and I would be one of the

1 dropoffs.

2 But I think, you know, Ken, what is the  
3 exchange time typically for somebody to get their  
4 dog dropped off and checked in?

5 MR. MYERS: Right.

6 So I mentioned a little bit of this  
7 earlier. But, you know, essentially the clients  
8 will be purchasing packages, and they purchase them  
9 in advance, so the exchange to drop off a dog is  
10 literally just, you know, several minutes to bring  
11 in the dog. You are exchanging the leash with an  
12 employee who may reaffirm, you know, the length of  
13 stay and any medication or feedings that might have  
14 been, you know, in the application or are for that  
15 dog, but it just takes a few minutes to do the  
16 exchange.

17 CHAIRMAN AIBEL: So, Mr. Myers, this is  
18 Jim Aibel.

19 Why don't you take us through a  
20 hypothetical in which five cars drive up to your  
21 facility at the same time at 8 o'clock in the  
22 morning. Where do the cars sit?

23 Is there a loading zone?

24 Is there street parking in front of the  
25 building?



1                   MR. MYERS: Yeah. I mean, I have been  
2                   in this area quite a bit, and I think there is a  
3                   fair amount of street parking.

4                   There is also two parking garages  
5                   available, one at Trader Joe's and there's one just  
6                   west of the building, so they are within a few  
7                   blocks of the building. But if somebody, if they  
8                   needed to drive, they could park at a parking garage  
9                   or find a parking spot on the street.

10                  CHAIRMAN AIBEL: You know, I am going  
11                  to sound a little bit like Mr. Branciforte. That's  
12                  not going to happen. People are going to come up  
13                  and double park, so I think we just want to think  
14                  through, you know, what the impact on the neighbors  
15                  is of having cars either double parked, running,  
16                  excessive demand for your receptionist who is  
17                  bringing in five or seven dogs at the same time.

18                  MR. MYERS: Right, and there certainly  
19                  is just going to be a few minutes of exchange. So  
20                  this is not an extended service in terms of the  
21                  amount of time it takes to hand off the dog for a  
22                  dropoff or a pickup.

23                  CHAIRMAN AIBEL: Thank you.

24                  Anybody else, Commissioners?

25                  MS. CARCONE: Want me to go down the

1 list?

2 Commissioner Graham?

3 COMMISSIONER GRAHAM: Yes, a couple  
4 questions, just an observation.

5 You say this is just one -- one of the  
6 reasons you say the cars won't be a problem with it  
7 for the people in the neighborhood, but I am not --  
8 my observation is that we have another one that we  
9 approved that is right there in the same  
10 neighborhood, so how many dogs are in that  
11 neighborhood? I mean, look at that.

12 And I also don't understand this  
13 one-on-one with the owners. Isn't that time that  
14 they spend at home with their dog?

15 Why would they come to a facility to  
16 spend time with their dog?

17 I am just not understanding your --

18 MR. MYERS: Yeah. That service is  
19 actually one on one between a camp employee, one of  
20 my employees, and the dog.

21 COMMISSIONER GRAHAM: Okay.

22 MR. MYERS: Yeah.

23 MS. CARCONE: Are you done, Ann?

24 COMMISSIONER GRAHAM: Yes, I am done.

25 MS. CARCONE: Diane? Diane Murphy?

1                   COMMISSIONER MURPHY: Yes. I just have  
2 a question.

3                   You had mentioned that the sanitation  
4 room is downstairs in the residential -- is it in  
5 the residential part of the building, and will there  
6 be like a designated camp for that, or will that  
7 just, you know, I am curious about that.

8                   MR. MYERS: So it is actually in the  
9 garage below my space. There is a dedicated garbage  
10 room, sanitation room in the garage below my space  
11 that can be accessed through the stairwell on the  
12 south side of my space.

13                   COMMISSIONER MURPHY: So nobody else  
14 uses that sanitation room? It's just yours?

15                   THE WITNESS: Hum, no, it is not  
16 dedicated to me. I am not sure who else accesses  
17 it. I just know that I can access the space from  
18 there.

19                   COMMISSIONER MURPHY: Right.

20                   So maybe it is the same space that the  
21 whole building uses?

22                   THE WITNESS: Potentially, yeah.

23                   COMMISSIONER MURPHY: Okay. I think  
24 everybody else has hit my other questions.

25                   Thank you.

1 MS. CARCONE: Dan Weaver, is there any  
2 questions?

3 COMMISSIONER WEAVER: Can you hear me?

4 MS. CARCONE: Yes.

5 COMMISSIONER WEAVER: Hum, can you  
6 bring back the plan that you had up when you were  
7 showing the screen sharing?

8 MR. PEPE: Do you know the status of  
9 the other -- I mean, I don't believe the other  
10 doggie day care facility is open.

11 THE WITNESS: No. I had checked on  
12 some of the permits over the course of last year,  
13 and I never saw any permits open, and there was only  
14 construction on site so --

15 MR. PEPE: That has been close to a  
16 year now, correct?

17 THE WITNESS: I think that was a  
18 approved in February of last year, so it's been like  
19 15, 16 months now.

20 MR. PEPE: Yeah. So I don't know the  
21 likelihood that that facility is still a, you know,  
22 reality, but I mean, it is approved absolutely.

23 COMMISSIONER WEAVER: Do you have a  
24 plan on the application?

25 All we are seeing is the cover page.

1 THE WITNESS: Are you asking for the  
2 architectural drawings or are you talking about --

3 COMMISSIONER WEAVER: Yes, please.

4 Just while we are waiting for that,  
5 just a second, Mr. Branciforte, the hose bib outside  
6 is never a bad idea.

7 MR. PEPE: No, there may be one there.  
8 I mean, I don't know how you have a building front  
9 without a hose bib.

10 COMMISSIONER WEAVER: One of the first  
11 things I did when I bought this house.

12 THE WITNESS: Actually just to  
13 reaffirm, there is an existing hose connection near  
14 the driveway by the entrance to the garage.

15 COMMISSIONER WEAVER: Are you going to  
16 put the plan back up?

17 MS. BRINN: Is this what you want?

18 THE WITNESS: Actually I think they are  
19 looking for the drawings.

20 MR. PEPE: Yeah, the previous drawing.

21 THE WITNESS: The floor plan actually,  
22 correct?

23 COMMISSIONER WEAVER: Right now we are  
24 just looking at the website or something. I don't  
25 know what this is.

1 COMMISSIONER MURPHY: Camp Bow Wow.

2 COMMISSIONER WEAVER: Yeah.

3 MR. PEPE: Just imagery of other, you  
4 know --

5 COMMISSIONER WEAVER: I don't think you  
6 are sharing the right screen. You're not sharing  
7 the correct window

8 MS. BRINN: It was paused. Okay, okay,  
9 sorry.

10 Here we go. Sorry. It's paused again.

11 MS. CARCONE: You can't share your  
12 screen?

13 MS. BRINN: It keeps pausing me.

14 COMMISSIONER WEAVER: Sometimes when  
15 you bring another window up on top of the plan, it  
16 will -- (audio breaks up) the window that you are  
17 sharing.

18 Can you scroll down to the view from  
19 the street?

20 Yeah.

21 Maybe this is more of an architectural  
22 question, but it is an operational one. Is this  
23 part of the program that you can actually walk down  
24 the street and stare into the bathroom and see the  
25 bathroom fixtures?

1                   MR. PASZKIET: There is a door on the  
2 bathroom, of course.

3                   COMMISSIONER WEAVER: Is the door on a  
4 closer?

5                   MR. PASZKIET: A door and a closer. We  
6 didn't do one for code, plus you have to remember  
7 that level is lower, so you come up -- well, it  
8 turns higher than the street. We are at a different  
9 elevation rather.

10                  COMMISSIONER WEAVER: Yeah. So you can  
11 still see into that space from the street, or rather  
12 from the change of elevation. I think the change of  
13 elevation is more like four feet?

14                  MR. PASZKIET: Correct, yeah. You  
15 could see into it, but, you know, you are going to  
16 close the door before you use the restroom.

17                  COMMISSIONER WEAVER: No. But when the  
18 door is open -- look, if this is a retail facility,  
19 they would not -- you would not be walking down the  
20 street and staring at a bathroom.

21                         Can you move the door to the side?

22                  MR. PEPE: Can you move the door to the  
23 side?

24                  MR. PASZKIET: Yes. We can move the  
25 door.

1 COMMISSIONER WEAVER: Thank you.

2 I have no further architectural right  
3 now or operational questions.

4 MS. CARCONE: Commissioner Firestone,  
5 did you have questions for the applicant?

6 COMMISSIONER FIRESTONE: Well, I guess  
7 I was just going to pick up on the questions of  
8 Commissioners Aibel and Branciforte.

9 You know, the benefit I would think of  
10 having 175 locations and being a part of a larger  
11 operator is that you would have some data on, you  
12 know, specific times for when people would be doing  
13 dropoff and pickup.

14 Do you have any 2019 numbers you could  
15 share with us in terms of percentages by hour of  
16 dropoff and pickup you are likely to see?

17 Because I would assume it would be  
18 bunched up within specific times, but that is kind  
19 of the same issue that both Jim and John were  
20 raising.

21 THE WITNESS: Yeah. I don't have any  
22 specific data. But I do know from talking to  
23 headquarters operation, that the primary times for  
24 dropoff and pickup are 7 a.m. to 10 a.m., and then  
25 from 4 p.m. to 7 p.m., later in the day are the



1 prime times.

2 COMMISSIONER FIRESTONE: Okay. Thank  
3 you.

4 COMMISSIONER GRAHAM: Can I go back to  
5 ask another operational question?

6 CHAIRMAN AIBEL: Go ahead, Ann.

7 COMMISSIONER GRAHAM: The other  
8 facilities that you developed in other places, are  
9 they suburban, urban, what kind of locations are  
10 they?

11 THE WITNESS: A mix of all different  
12 city settings, suburban room and city setting.

13 COMMISSIONER GRAHAM: Of density like  
14 Hoboken, just examples of that?

15 THE WITNESS: Some, yeah.

16 COMMISSIONER GRAHAM: Where?

17 THE WITNESS: There's one in LA.  
18 There's some Long Island location, Hicksville.

19 COMMISSIONER GRAHAM: I wouldn't call  
20 Hicksville exactly a high density area.

21 MR. PEPE: I mean, Hoboken is unique in  
22 the density. Aren't you one of the densest cities  
23 in the state, if not --

24 COMMISSIONER GRAHAM: That is one of my  
25 points is that I don't see applicable applications

1 or other facilities that are similar to the type of  
2 environment of Hoboken.

3 MR. PEPE: But, again, because it is an  
4 inside operation, I think that just lends to the  
5 efficiencies of the operation. Again, we're more  
6 than likely a draw from a local --

7 COMMISSIONER GRAHAM: You mean on  
8 dropoff and issues like that?

9 MR. PEPE: Correct.

10 MS. CARCONE: Commissioner Maganuco, do  
11 you have any questions?

12 COMMISSIONER MAGANUCO: No, I don't.

13 MS. CARCONE: Commissioner Marsh?

14 COMMISSIONER MARSH: No, I am fine.

15 MS. CARCONE: Commissioner Smolyn?

16 COMMISSIONER SMOLYN: What was the peak  
17 employee count anticipated?

18 THE WITNESS: In terms of -- they are  
19 going to operate in shifts, so it's probably going  
20 to be about 6 to 8 employees during a shift.

21 My payroll will probably be 15 to 20,  
22 but at any one time it will probably be about 6 or 8  
23 people.

24 COMMISSIONER SMOLYN: And how many  
25 reserved off street parking spaces are being

1 provided for them?

2 THE WITNESS: Dedicated to my space,  
3 two.

4 COMMISSIONER SMOLYN: Two.

5 And those are in the basement level of  
6 1414?

7 THE WITNESS: Yes, sir.

8 CHAIRMAN AIBEL: So if you have other  
9 employees driving into town, and they don't have  
10 access to those two spots, where are they going to  
11 park?

12 THE WITNESS: It would be in the street  
13 parking or the public garages.

14 CHAIRMAN AIBEL: We would probably want  
15 to think about either you committing to pay for your  
16 employee parking or making everybody committed to  
17 using available public parking in the streets.

18 THE WITNESS: Yes. And, of course, I  
19 mean, obviously there is the potential to have  
20 people drive, but again, I think there is probably a  
21 fair chance of many employees actually using mass  
22 transit or walking.

23 CHAIRMAN AIBEL: We're all in favor of  
24 Hoboken hiring.

25 MS. CARCONE: Dan Weaver has his hand

1 raised, a question?

2 COMMISSIONER WEAVER: I do.

3 Can I share my screen?

4 MS. CARCONE: Yes, you can.

5 COMMISSIONER WEAVER: Awesome.

6 MS. CARCONE: Oh, Ashley, you have to  
7 probably stop sharing.

8 COMMISSIONER WEAVER: Yes.

9 MS. CARCONE: Okay.

10 COMMISSIONER WEAVER: Okay. Hold on.

11 So this is the location, correct?

12 MS. CARCONE: You can't see it. Oh,  
13 there it is. Got it.

14 COMMISSIONER WEAVER: Right. This is  
15 the location, correct?

16 THE WITNESS: Yes, sir.

17 COMMISSIONER WEAVER: My only comment  
18 would be there are two beautiful, essentially three  
19 on your property, beautiful street trees, and the --  
20 as well as for those of us that are worried about  
21 parking, although it is illegal to block a hydrant,  
22 there's typically a thing that they do with a -- a  
23 strategy that they do in the locations where they  
24 actually try to get to the hydrant in front of the  
25 building, a residential building primarily in

1 Manhattan, where you can actually -- where there is  
2 no parking for people to just like pull up, and you  
3 know, literally they are in and out. You know, they  
4 are not really leaving their vehicle unattended  
5 because they are right inside of the door, although  
6 I'm sure the traffic (audio breaks up) will have a  
7 different perspective on that.

8                   However, so there is some ability to  
9 potentially not clog traffic while you're dropping  
10 off your dog.

11                   The other one is: I believe the Shade  
12 Tree Commission has guidelines for protecting trees  
13 against pet urine because that is one of the major  
14 killers of street trees, so I would ask that they  
15 modify --

16                   MR. PEPE: We can have as a condition  
17 that we will research what those measures are and  
18 if --

19                   COMMISSIONER WEAVER: Thank you.

20                   That is it.

21                   Thank you, everyone.

22                   CHAIRMAN AIBEL: Are we through the  
23 Board's questions?

24                   MS. CARCONE: We are, and I don't see  
25 anybody requesting -- any other Board members

1 requesting to speak at this time.

2 CHAIRMAN AIBEL: Professionals, Chris,  
3 Frank, Dennis?

4 Let me open it up to the public. If  
5 anybody is on the call who wishes to ask questions  
6 of the operator, Mr. Myers, please put up your hand.

7 Seeing none, can I have a motion?

8 COMMISSIONER WEAVER: Motion to close.

9 COMMISSIONER MAGANUCO: Second.

10 CHAIRMAN AIBEL: All in favor?

11 (All Board members answered in the  
12 affirmative)

13 MR. PEPE: Thank you, Mr. Chairman.

14 So Ed Kolling, I would ask you to bring  
15 us home and provide the justifications for the  
16 request.

17 MR. KOLLING: I guess I have to be  
18 sworn.

19 CHAIRMAN AIBEL: Dennis?

20 MR. GALVIN: Sorry. It's like my job.

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

24 MR. KOLLING: Yes, I do.

25



1 a lot of the things, like the description of the  
2 project and the description of the location has  
3 really been covered for the most part, but we are  
4 aware it is on Grand Street. It is approximately  
5 mid block between 14th Street and 15th Street.

6 This particular block has seen a  
7 significant amount of redevelopment over the years.  
8 The Biergarten is at the corner of 15th Street.  
9 This building is a mixed-use building. There are  
10 two other buildings heading south towards 14th  
11 Street that are primarily residential and mixed use.

12 There is a newer residential building  
13 up on the opposite side of the street, a restaurant  
14 at the corner of 14th Street, so this is not  
15 necessarily typical of the I-1 Zone in general that  
16 we are located in.

17 The project has already been described,  
18 and the existing zoning is I-1, but as I mentioned,  
19 there had has been a lot of redevelopment that has  
20 been different than what the zoning is primarily.  
21 The permitted uses are manufacturing, office  
22 buildings, research labs and things of that nature.

23 This use is not permitted. It's a  
24 retail service use I would describe it as, so that  
25 is why we are here for the D-1 use variance.



1           The master plan has different sorts of  
2       recommendations in it. For a while now, the city  
3       has recognized that the economy of Hoboken is no  
4       longer driven by heavy manufacturing or the  
5       transportation sector. Great industrial areas have  
6       become more stagnant. A lot of this industrial zone  
7       is used for bus storage, things of that nature.

8           The 2018 Reexamination Report and Land  
9       Use Element also acknowledges that the land uses in  
10      the city's industrial zones are no longer  
11      predominantly having industrial, and the Section 6  
12      identifies some key community objectives, one of  
13      which is to provide for uses that do not presently  
14      exist within this particular area, such as requiring  
15      larger footprints and/or other kinds of uses,  
16      entertainment venues, restaurants, theaters, things  
17      of that nature.

18          I think that the doggie day care center  
19      could also be one of those uses that could utilize  
20      the commercial aspects of sites that would be in  
21      this area.

22          The 2018 Land Use Element proposes to  
23      rezone this area. That is referred to as the North  
24      End for a new commercial light industrial mixed-use  
25      district. The area here has been designated as an

1 area in need of rehabilitation. It was being  
2 considered to be an area in need of redevelopment,  
3 but the Council decided not to do that and instead  
4 adopted a designation as an area in need of  
5 redevelopment -- rehabilitation. I'm sorry. But to  
6 date, they have not adopted a redevelopment plan.

7 But the master plan talks about  
8 creating a mix of light industrial and creative  
9 industries, high technology commercial office space  
10 as well as used to compliment some of these other  
11 uses. And, in fact, in the C-LIMU district, animal  
12 boarding and day care uses are proposed as a  
13 conditional use. So this would be one of the uses  
14 that is envisioned within the master plan, if the  
15 area is ever rezoned.

16 So I think that the property is -- does  
17 have particular suitability for this type of use and  
18 it is in proximity to residential areas both on the  
19 block and adjacent to south of 14th Street.

20 Obviously, homeowners, residents who own and renters  
21 who own animals or own pets would use this facility.

22 I agree with the applicant that a lot  
23 of people would walk their dogs to this site, and  
24 the reason for that being dogs need exercise as well  
25 on the outside, so this would kill two birds with

1 one stone in being able to bring them here. You  
2 can't argue with the fact that the people will also  
3 drive.

4 My experience in this particular area  
5 is that there is some on the street parking that is  
6 typically available either on 15th Street, on Grand  
7 Street just north of 15th, even on this current  
8 block. When I have come to Hoboken to visit  
9 different architects' offices in this area, I  
10 typically have been able to find a parking spot in  
11 this immediate area.

12 I think the applicableness of the  
13 building really goes to or comes from the fact that  
14 this is an existing commercial storefront already.  
15 It was designed and approved for commercial use, and  
16 in the past it currently sits vacant, and I think  
17 that the use therefore could be easily adapted to  
18 the proposed use, so that I think goes to the  
19 particular suitability.

20 Notwithstanding the fact that, yes,  
21 there is another doggie day care or dog sitting  
22 facility that has been approved on Adams Street, but  
23 I think that we are back to back neighbors with that  
24 particular property. But notwithstanding that, I  
25 think that the fact that the master plan recognizes

1       that this type of use is appropriate in this  
2       location supports the idea that notwithstanding that  
3       fact, this still is an appropriate area and location  
4       for this type of use.

5               I think that granting the variance can  
6       be done because I think it will have the appropriate  
7       use and development of the site and in a manner that  
8       will promote the general welfare. It is an  
9       appropriate use in an appropriate location and  
10      there's sufficient space that's provided.

11              The first argument would be part of  
12      Paragraph 2A, and the second comment there as part  
13      of Paragraph 2B, and I think that for those reasons  
14      we can meet the positive criteria.

15              In terms of the negative criteria, I  
16      don't see a substantial detriment to the general  
17      welfare. As I said, the area along the street has  
18      been redeveloped with many mixed-use buildings that  
19      lend commercial and residential uses.

20              The building itself has been approved  
21      and this commercial area has been approved for  
22      mixed-use ground floor commercial, office space  
23      above, residential as well, so this really fits in  
24      with that kind of a blend of uses, and what it has  
25      already been approved for, so I don't see any

1 substantial detriment to other uses or occupants on  
2 the block since it is pretty consistent with the  
3 character of the area, and I don't see a substantial  
4 detriment to the intent and purpose of the zone plan  
5 or the zoning ordinance.

6 This is a light industrial area  
7 obviously versus a commercial area, but still I  
8 think that a commercial use in an industrial area is  
9 not inconsistent, and the overall planning of  
10 Hoboken over the years with the master plan reviews  
11 and reexamination reports indicates or suggests,  
12 recommends that this area will be going more  
13 commercial and in nature over the years, and  
14 therefore, I think that this is consistent with  
15 that -- with that trend, and so I think we have met  
16 the positive and negative criteria for the granting  
17 of this variance.

18 CHAIRMAN AIBEL: Thank you, Mr.  
19 Kolling.

20 Any questions for the Board members?

21 VICE CHAIR BRANCIFORTE: Can I take a  
22 pass and just -- I want to hear all of the other  
23 questions before I start asking my own.

24 COMMISSIONER GRAHAM: I have a kind of  
25 comment/question.

1                   This is Ann.

2                   I do see in reference to the Master  
3 Plan Land Use Element that this could be a  
4 conditional allowed use. I am just wondering if  
5 this is the optimal conditional use for that area.

6                   The list that you referred to lists  
7 about 35 other possible uses in this area as well,  
8 so I am just wondering how you say that this is the  
9 optimal use for that particular spot given that  
10 there are -- it is one of many that is listed.

11                  THE WITNESS: Well, when it is  
12 recommended as a conditional use, it doesn't have to  
13 be the optimal one. It is one of the uses that is  
14 suggested within the master plan as being one of the  
15 uses that should be permitted as a conditional use.

16                  So you are right, there are other uses  
17 as well, but I don't necessarily believe that it has  
18 to be the optimal use in order to be an appropriate  
19 use.

20                  CHAIRMAN AIBEL: Anything else, Ann?

21                  COMMISSIONER GRAHAM: That's all I have  
22 for the moment.

23                  Thank you.

24                  MS. CARCONE: Ms. Murphy, you have any  
25 questions for the planner?

1                   COMMISSIONER MURPHY: I just -- I guess  
2 I want to ask him, he doesn't see this as being a  
3 little bit of too much dog in such a small space?

4                   THE WITNESS: Well, I think that the  
5 way the facility is laid out, it is being laid out  
6 consistent with what the -- this corporate entity  
7 has designed. They have done these many times. The  
8 architect has done the design. Probably he would be  
9 better to address that it is laid out appropriately.  
10 To me --

11                   COMMISSIONER MURPHY: I'm sorry. I  
12 kind of probably didn't say that correctly.

13                   THE WITNESS: Okay.

14                   COMMISSIONER MURPHY: With the other  
15 dog care facility being right in the area, is it too  
16 many of the same type industry or, you know,  
17 business right in the area back to back especially?

18                   THE WITNESS: Well, I think as the  
19 attorney had mentioned, the other facility hasn't  
20 been constructed. So notwithstanding the fact it is  
21 approved, there is no guarantee that it will be  
22 built, first of all.

23                   But other than that, you have to look  
24 at where are appropriate locations for a use like  
25 this, so maybe in the middle of a strictly

1 residential block elsewhere in Hoboken, it wouldn't  
2 be a good location.

3 In this location with buildings that  
4 are designed or this particular building, in fact,  
5 that is designed more contemporary, that has its --  
6 from what I understand, it is a concrete building.  
7 I think you can contain noise better. It has more  
8 modern ventilation systems, as the architect  
9 described. So the fact that there is another one or  
10 could be another one around the corner, I don't  
11 think is necessarily a negative.

12 COMMISSIONER MURPHY: Thank you.

13 MS. CARCONE: Commissioner Weaver?

14 CHAIRMAN AIBEL: Dan?

15 MS. CARCONE: Dan?

16 COMMISSIONER WEAVER: Yeah, I had to  
17 feed my dog.

18 (Laughter)

19 I mean, I do -- I do sympathize -- I  
20 don't know if this is the highest and best use for  
21 the property, but it sounds like it doesn't need to  
22 meet that. It is one of the permitted uses.

23 You know, I think we're a little bit of  
24 a rock in a hard spot between the fact that, you  
25 know, are we creating like a kind of a doggie day



1 care, hum, you know, hum, ghetto, if you will, you  
2 know, the old sense of the term. You know, this  
3 little district, but I don't know that we can  
4 necessarily -- we could deny this application based  
5 on that.

6 But it is -- you know, when you talk to  
7 the planner about, you know, when we talk about  
8 diversity in an area and the richness of experience,  
9 I don't think two doggie day cares side by side sort  
10 of meet that, you know, that benchmark, right?

11 I mean, it is not ideal. I think you  
12 understand what, you know, from what we would be  
13 coming at and from.

14 That is the only thing that I have to  
15 say, so it was really more of a comment, unless you  
16 want to discuss, you know, the doggie day care  
17 district and the lack of diversity on the street  
18 scape.

19 THE WITNESS: I think in this  
20 particular case, the building wasn't built  
21 necessarily to house a doggie day center. It has  
22 been adapted. It's a commercial use -- a commercial  
23 area has been adapted for this use. As time goes  
24 on, if the area diversifies in different ways, this  
25 particular space could be readapted for some other

1 use, so it is not like we are building a new  
2 building in a separate location that can only be  
3 used for a kennel and a doggie day care, and it will  
4 never be anything else.

5 I think what happens is that cities  
6 change. They grow. Their characteristics change,  
7 so at this point in time, I don't see that this is  
8 an issue or a problem, and as the economics change,  
9 as different demands grow, the use may morph into  
10 something else.

11 COMMISSIONER WEAVER: Thank you.

12 No further questions.

13 MS. CARCONE: Commissioner Firestone?

14 COMMISSIONER FIRESTONE: One of the  
15 things that you talked about was obviously  
16 satisfaction for negative criteria.

17 What I am trying to wrap my arms  
18 around, and maybe you could speak to it, and maybe  
19 this is for an earlier witness is you mentioned the  
20 limited impact to public detriment, and it was  
21 mentioned earlier in testimony that it was office  
22 space above, and I believe you or one of the earlier  
23 witnesses mentioned that it was the owner's office  
24 space.

25 Can anyone provide more specifics of

1 what type of office use is above this property?

2 MR. PEPE: Ken, I think you have  
3 firsthand --

4 MR. MYERS: It is the owner's corporate  
5 offices, as well as two commercial business. There  
6 is Dharma Suites offices and a yoga -- yoga studio.

7 COMMISSIONER FIRESTONE: Okay.

8 COMMISSIONER GRAHAM: There is also a  
9 physical rehabilitation therapy center there, too.

10 COMMISSIONER FIRESTONE: Okay. So it  
11 is split up between several types of uses, some of  
12 which have more people in them all the time versus  
13 others.

14 Okay. Then just have you had  
15 experience with residential being located directly  
16 above one of your other facilities?

17 MR. MYERS: Hum, not that I can  
18 specifically say, no.

19 COMMISSIONER FIRESTONE: Thank you.

20 MS. CARCONE: Commissioner Magnuco, do  
21 you have any questions for the planner?

22 COMMISSIONER MAGANUCO: No, I don't.

23 MS. CARCONE: Commissioner Marsh?

24 COMMISSIONER MARSH: Well, no, I guess  
25 not.

1 MS. CARCONE: Commissioner Smolyn?

2 COMMISSIONER SMOLYN: No further  
3 questions.

4 MS. CARCONE: I see Dan Weaver has his  
5 hand up -- oh, John Branciforte.

6 VICE CHAIR BRANCIFORTE: Thanks.

7 I am going to go back to the sound  
8 problem and the fact that there is another doggie  
9 cay care next door that has been approved.

10 I am just wondering what happens when  
11 the dogs start barking in one doggie day care if  
12 they are going to set off the other dogs.

13 And the other thing, too, it goes back  
14 to the whole sound proofing.

15 I just don't think it is a fair to  
16 allow this doggie day care center go in without  
17 putting some sort of sound proofing inside the, you  
18 know, on the interior. I have been inside this  
19 space years ago when it opened, and I remember it  
20 had very high ceilings and being all concrete.

21 It is fine that the landlord is  
22 upstairs, but the landlord's unit would be  
23 collecting rent, so he will be more likely to deal  
24 with the noise, but a yoga studio and a hotel lobby  
25 suite, whatever you want to call it, so I have to

1       insist that we get some kind of sound proofing  
2       inside of this building.

3                   MR. PEPE:  Commissioner, if we may, I  
4       mean, we don't know the conditions right now.  It is  
5       a concrete slab, which is significantly sound  
6       attenuating in and of itself.

7                   Would it be acceptable as a condition  
8       that we will measure the sound levels of operation?

9                   I mean, the municipality has a sound  
10      ordinance that we already have to comply with, but  
11      if we can take sound measurements and demonstrate  
12      that we are not impacting the adjacent uses, would  
13      that be sufficient?

14                  And if, in fact, we are, then we can  
15      take appropriate corrective measures?

16                  VICE CHAIR BRANCIFORTE:  Probably not,  
17      because that is like -- that could take years for  
18      you guys to battle it out in court if you need to  
19      really need to put this stuff up, and if the people  
20      in the -- are they condos or rentals upstairs?

21                  MR. PEPE:  Ken, do you know?

22                  MR. MYERS:  They are rentals.

23                  MR. PEPE:  I mean, it is separated by  
24      two floors.  I mean, it would be quite remarkable  
25      for the noise to travel through.

1                   VICE CHAIR BRANCIFORTE: All right. I  
2 will let the engineer discuss, if Chris wants to  
3 jump in or not.

4                   But we did make the people next door, I  
5 am pretty sure, put in some kind of sound proofing.

6                   So -- and the other thing, too, is you  
7 don't know what the future holds for the residents  
8 upstairs or the businesses upstairs.

9                   I know if I am doing yoga, I don't want  
10 to hear dogs barking downstairs. That is for sure,  
11 but I leave it up to you. I'm just putting it out  
12 there.

13                   COMMISSIONER WEAVER: John --

14                   CHAIRMAN AIBEL: Go ahead, Dan.

15                   COMMISSIONER WEAVER: -- Mr.  
16 Branciforte, I think you might also be remembering,  
17 hum, the unfortunately named veterinary emergency  
18 care -- no -- veterinary emergency group, the Veg on  
19 the corner of 14th and Willow, which I believe they  
20 were right below residential, and they also put in  
21 sound attenuation.

22                   And as far as your comment goes about,  
23 you know, I think it is more valid, you know, they  
24 are right besides each other, and one is, you know,  
25 one is very loud dogs, which are -- you know, the

1 sound is migrating outside of the building, that is  
2 a different sound attenuation problem than from  
3 floor to floor, because we also don't want, you  
4 know, the sound coming outside, right?

5 We don't want people walking past and,  
6 you know, hearing dogs barking.

7 I don't know. Maybe we could put  
8 something in the language that they will have to  
9 deal with it, if it is measurable, the same way we  
10 deal with lighting, because a lot of times you can't  
11 tell, you know, if certain foot candles or lumens  
12 are going to be too much at a certain location, like  
13 we did for Trader Joe's or we may have done that for  
14 Veg. But I think there is probably another way to  
15 skin that cat than just making them put in, and we  
16 don't even know what they need to put in, right?

17 I mean, what if there is no  
18 acquisition? We don't have enough suspicion to  
19 bring one in. They don't have one. They haven't  
20 brought one, so I think we can figure out as a group  
21 some language that we can put into the resolution,  
22 if we do vote in favor of the application that  
23 addresses that somehow, even if it is, you know, a  
24 retroactive fashion.

25 MR. PEPE: That's my point. I ask you

1 to bear in mind that we are a leasehold premises  
2 here, and our lease provisions require us not to  
3 create a nuisance for the adjacent tenant.

4 You know, imagine, if you will, a loud  
5 residential tenant. I mean, those things have a  
6 means of correcting themselves because the other  
7 tenants complain, the landlord comes to us and says  
8 fix it.

9 Now, that doesn't correct issues  
10 outside of the building, but again, we are a  
11 concrete building, and we are separated from  
12 adjacent businesses. I don't know that I see that  
13 as a big issue.

14 But if we were creating a problem for  
15 the building, you can rest assure the landlord would  
16 be looking to us to correct it as well.

17 COMMISSIONER WEAVER: And as far as  
18 density goes, the planner often -- the planner  
19 discusses, especially with residential, we talk  
20 about density and the amount of, you know, units  
21 that we have, and the people that will be there, and  
22 how much does it support.

23 And we have talked about before I think  
24 with other facilities, which is, you know, what is  
25 the square footage per animal that you have and how



1 does that compare to your other successful  
2 properties.

3 MR. MYERS: I don't think I could cite  
4 a specific statistic about, you know, dogs per  
5 square foot, but, you know, there are 175 locations,  
6 and this is precisely sized in terms of cabins and  
7 size of the play yard, based on how big this is and  
8 how other sites have been designed over the years.

9 COMMISSIONER WEAVER: All right. There  
10 was a question I have to go back to, but, Ken, since  
11 you were answering that one.

12 There will be a knock box on the other  
13 side of the building?

14 In the event of a fire, the fire  
15 department can get into the building to I would  
16 imagine rescue everyone's loved ones?

17 I mean, you are not going to -- you're  
18 not going to have any staff there, so am I just --  
19 it's just like a stable where all of the horses die?

20 (Laughter)

21 MR. PEPE: I can't imagine that there's  
22 not already a knock box on the building. I am  
23 really under the impression that it is required for  
24 virtually every -- every building, but if required  
25 by the fire code official, we will install it.

1                   MR. MYERS: There is a knock box there  
2 now.

3                   COMMISSIONER WEAVER: Just for  
4 everybody to know, a knock box is a locked hardware  
5 box -- steel box on the outside of the building,  
6 which the fire department has a key to, and only the  
7 fire department, and they can -- once inside that  
8 knock box is -- are the keys to the building, to get  
9 into the building. They don't need to use their axe  
10 to open the door.

11                  COMMISSIONER MURPHY: Thank you.

12                  I just had a comment or something.

13                  The dogs in the front of the building  
14 that you mentioned for the small dogs, you know,  
15 they happen to be usually the biggest barkers.

16                  MR. MYERS: Yeah. I mean, certainly, I  
17 mean, I think the question came up earlier about how  
18 many dogs we boarded overnight.

19                  You know, certainly, I can keep dogs  
20 away from the street, rather than bring them up into  
21 that last section. But, again, I mean, you know,  
22 the experiences over many years of this franchise  
23 and operating the business, the dogs are extremely  
24 quiet overnight. I mean, they play all day in these  
25 play yards, and they are exhausted during the day,

1 so they do sleep all night. I mean, I've seen it  
2 personally. I seen videos that they produced. They  
3 are really quite quiet at night.

4 COMMISSIONER MURPHY: Thank you.

5 CHAIRMAN AIBEL: Would any of the other  
6 franchise facilities actually be on site overnight?

7 MR. MYERS: Yeah. It is, you know, a  
8 policy that the franchise has that they do not allow  
9 overnight staff.

10 CHAIRMAN AIBEL: Okay. Thanks.

11 So while I'm sitting here, let me ask  
12 you: Have you spoken with any neighbors about your  
13 application?

14 MR. MYERS: You mean the -- the lateral  
15 or --

16 CHAIRMAN AIBEL: In the building on top  
17 of you, there were a number of neighbors who were  
18 very vocal about making sure that the facility  
19 operator was going to operate consistent with their  
20 enjoyment of their premises.

21 MR. MYERS: I think that was -- I had  
22 not spoken to that.

23 MR. PEPE: I would ask you to consider,  
24 though, I believe having read that resolution, that  
25 there was a different operation there, that they

1       contemplate outdoor uses and outdoor walking. It is  
2       contrary to what our program is here, which is  
3       entirely 100 percent inside.

4               CHAIRMAN AIBEL: Thank you.

5               Anybody else, questions for Mr.

6       Kolling?

7               VICE CHAIR BRANCIFORTE: One -- couple  
8       of question, Jim, if I might?

9               CHAIRMAN AIBEL: Sure.

10              VICE CHAIR BRANCIFORTE: I think it's  
11       going to be a question maybe for the architect or  
12       for the owner, although I am sorry.

13              In the southeast corner of the store,  
14       you have those kennels or whatever you call them,  
15       cabins, those go right up to the glass of the  
16       building, right?

17              I mean, there is nothing really between  
18       those cages, cabins, whatever you call them, and the  
19       glass front of the building, is there?

20              MR. PASZKIET: There is a sound proof  
21       glass wall that goes between the glass, and again,  
22       that we install to help with sound.

23              VICE CHAIR BRANCIFORTE: Hum, the --  
24       that is the question that goes back to sound hitting  
25       the street, but is light still going to be able to

1 get through that glass?

2 I mean, I am afraid that every time a  
3 car goes by only or there is a lightning storm or  
4 something, and the dogs start freaking out, they are  
5 going to set off all of the other dogs.

6 So I am kind of leery of having those  
7 cages so close to the street like that.

8 You're going to have to prove to, I  
9 guess, to the engineer -- our engineer, that that  
10 sound proofing that you are putting up between the  
11 glass and the cages is really going to work.

12 MR. PASZKIET: Okay.

13 I mean, are you open to tinting the  
14 glass with some kind of a shade to help alleviate  
15 that startle of the dogs?

16 VICE CHAIR BRANCIFORTE: Well, I mean,  
17 if a car drives down the street, and a dog can see  
18 the headlights passing by in the middle of the  
19 night, or let's face it, if the drunks are coming  
20 out of the -- of the Biergarten at night at three in  
21 the morning, are they going to set off those dogs  
22 that are so close to the street?

23 MR. MYERS: Probably set off everybody.

24 COMMISSIONER WEAVER: Are those the  
25 sleeping -- are those 6 or are those 8 units

1 sleeping cabins?

2 MR. MYERS: They are, but again, as I  
3 was saying earlier, you know, typically we are going  
4 to be, you know, boarding probably, you know, say 30  
5 or 40 dogs typically, so those cabins wouldn't be  
6 used as often, but they are overnight cabins, yes.

7 COMMISSIONER WEAVER: And if I may  
8 offer a personal experience, there is a similar  
9 operation to this on 42nd Street in Manhattan, and I  
10 think there is quite a lot of sidewalk traffic, and  
11 it got to the point where people including me would  
12 walk by and want to look at the dogs. You know,  
13 they are entertaining. But it was such a  
14 distraction and I think a nuisance, but they wound  
15 up crossing almost the entire facade because  
16 Branciforte is right, it's sort of set off the  
17 dogs --

18 MR. MYERS: It's quite a bit over the  
19 street level, though.

20 VICE CHAIR BRANCIFORTE: But you are  
21 right over the garage entrance there.

22 Is that true?

23 Isn't that where the garage entrance is  
24 before over those cages?

25 MR. PEPE: I can't tell if it's beyond

1 the last set of windows or over the garage.

2 MR. MYERS: I think it is over the  
3 garage.

4 COMMISSIONER WEAVER: Yeah.

5 If it becomes a problem, they could  
6 just frost the glass. It is just a film that they  
7 put on the glass.

8 COMMISSIONER MURPHY: Could they move  
9 the luxury cabins there, which sounds like they are  
10 more for, you know, periodical -- period -- like  
11 shorter use. I don't know.

12 Do you have dogs that actually stay in  
13 there, or if you move, you know, those up, it might  
14 mitigate some of this because maybe --

15 MR. PEPE: If I could volunteer a  
16 condition, because I think Mr. Myers has already  
17 stipulated to the fact that we will utilize those  
18 last, I think given the elevation, it's not going to  
19 be an issue for cars driving down the street or  
20 pedestrians walking down the street. It is ten feet  
21 up in the air.

22 VICE CHAIR BRANCIFORTE: But you still  
23 have cars pulling in and out of the driveway  
24 beneath, won't you?

25 MR. PEPE: We will, and we are going to

1       have to contend with that.  If it becomes a problem,  
2       I mean, listen, operationally we are not looking to  
3       create a nuisance.  I mean, this assumes that we  
4       wouldn't take more active measures on our own.  We  
5       care about the welfare of the animals.

6                   I mean, you know, I'm on the Board of  
7       the Liberty Humane Society.  I wouldn't take part in  
8       anything that didn't look out for the best interest  
9       of the animals.  But we can stipulate that they will  
10      be utilized last, and, you know, if it becomes a  
11      problem, we are going to have to address it, but we  
12      have the sound attenuating glass.  We'd be happy to  
13      frost it proactively or, you know, put a tinting on  
14      it proactively.

15                   You know, I just don't know that it is  
16      going to be a problem yet, and I hate to take  
17      measures supposing it would be a problem.

18                   MR. NASH:  So with regard to the noise,  
19      if I can jump in, Mr. Chairman.

20                   My bigger concern would be vertically  
21      to the floor above versus to the adjacent buildings,  
22      just because it is a separate building, so the  
23      vibration noise doesn't transfer too easily.

24                   So the other thing that Mr. Galvin  
25      always tells us is that the this application once



1       they are approved, that it runs the course of time.  
2       So the tenant above may not be a nice owner in the  
3       future, so I think we have to take care of what we  
4       have to take care of here, and I think, you know,  
5       providing whatever sound attenuation in the ceiling,  
6       you know, to maximize that, I think that is the most  
7       prudent thing to do, along with the -- I liked the  
8       idea of frosting the glass and those measures.  
9       Those are good suggestions.

10                     That is all I have.

11                     MR. PEPE:  Dennis, is there a specific  
12       measure?

13                     I mean, I am still at a loss as to how  
14       we determine when we have successfully met a  
15       condition to provide sound attenuation.  I just  
16       don't know how you measure that.

17                     I just want to be clear on the record.  
18       I mean, we are amenable, we're absolutely amenable,  
19       but I don't know how you measure it.

20                     MR. GALVIN:  All right.  Mr. Chairman,  
21       where are we at this point?

22                     We have asked questions.

23                     Are we going to open to the public?

24                     CHAIRMAN AIBEL:  We are going to open  
25       to the public and deliberate.  I guess I just wanted

1 to discuss with you, Dennis, whether we can, and I  
2 am comfortable doing this, move forward with a vote  
3 tonight on the use variance, and then worry about  
4 the withheld conditions that we will need to have  
5 memorialized in the resolution.

6 MR. GALVIN: The other thing that we  
7 can do, too, Don, are you there? I lost you.

8 CHAIRMAN AIBEL: Mr. Pepe?

9 MR. GALVIN: Actually did Don fall off?

10 THE REPORTER: No. He's below. He is  
11 the third one.

12 MS. BRINN: I think it's just his video  
13 might be muted.

14 MR. PEPE: Oh, no. I'm here. I'm  
15 sorry. My wife --

16 A VOICE: He turned his video off.

17 MR. PEPE: -- my wife walked in behind  
18 me, and she didn't want to be seen.

19 MR. GALVIN: Yeah, I get that.

20 All right. So we are having a problem  
21 right now with the conditions. Normally I have  
22 conditions. I can figure them out, and I got them  
23 Johnny on the spot. But I am having a pretty  
24 difficult time tonight. I think there are some  
25 things we need to sort out and figure out before we

1 have the conditions finalized.

2 I don't know if we need a knock box. I  
3 don't know if there is a bib existing. You know,  
4 there's stuff. I got like 8 or 9 things. I think  
5 we can work them out, but I don't have them on the  
6 spot to make it final.

7 One of the things we could do is vote  
8 on the use variance and the second component of the  
9 site plan is bifurcated, and we will decide that at  
10 the next meeting.

11 MR. PEPE: I mean, listen, you know, I  
12 mean, it is not certainly this Board's fault, but we  
13 are six months here --

14 MR. GALVIN: (Audio breaks up)

15 MR. PEPE: -- no, I know you don't  
16 care. Can we be specific about the conditions?

17 MR. GALVIN: (Audio breaks up)

18 MR. PEPE: Put a knock box --

19 A VOICE: No, there is a knock box.

20 MR. PEPE: -- I know, but I am saying,  
21 I am not so clear that there are conditions that  
22 we --

23 MR. GALVIN: Well, we can wait until  
24 next month.

25 MR. PEPE: I just want to be specific,

1 Dennis. What are the conditions that are uncertain?  
2 If you want to put a condition that I will put sound  
3 attenuation to --

4 MR. GALVIN: Don --

5 MR. PEPE: -- whatever municipal  
6 ordinance there are, I will agree to that. That  
7 that -- and it needs to be attenuated, so I am not  
8 interfering with the neighbors in accordance with  
9 the municipal ordinances.

10 There are decibel levels in the  
11 township ordinances that my uses cannot exceed when  
12 measured from an adjoining property. That is the  
13 way sound ordinances work.

14 So listen, I will do whatever you need  
15 to do, but I think, you know, based on the  
16 conditions that I heard, I am prepared to address  
17 them in a meaningful way.

18 CHAIRMAN AIBEL: Mr. Pepe, it is Jim  
19 Aibel. I want to just tell you exactly what is  
20 concerning me.

21 I have no problem frankly with the use  
22 variance. We have been through this before. But in  
23 the other application we had a very detailed list of  
24 conditions in the resolution everywhere from  
25 conditioning parking, validation. There probably

1       were 10 or 20 different terms that I would like to  
2       have us at least consider. I don't think anything  
3       that really would represent a deal breaker for you  
4       guys, but it is 8:30. We have two other  
5       applications sitting behind you, and I think the  
6       most efficient way to proceed is in my view taking a  
7       vote on the use variance, and then in effect  
8       addressing the conditions, and it can be a  
9       conference call.

10               MR. PEPE: I will yield, Mr. Chairman.

11       And, again, it has nothing to do with this Board,  
12       but the frustration is that because of COVID and  
13       other circumstances, I have a client who is into a  
14       lease on premises that he can't operate, and that is  
15       just, you know, that's unfortunate, but --

16               CHAIRMAN AIBEL: Pat, we are meeting  
17       next week?

18               MS. CARCONE: Yes.

19               CHAIRMAN AIBEL: Do we have room for  
20       Mr. Pepe?

21               MS. CARCONE: Yes, we do.

22               MR. PEPE: A week is great. That is  
23       perfectly acceptable. I was concerned about a  
24       month, and we will try to work out any conditions  
25       between now and then.

1                   CHAIRMAN AIBEL: Dennis, does that work  
2                   for you?

3                   MR. GALVIN: Yeah. I have stuff that I  
4                   legitimately don't know, you know. I like  
5                   specifics. We are going to definitely do this. And  
6                   there are -- I have nine things. Some of them are  
7                   silly and easy, and one or two of them we need  
8                   confirmation, and, you know, I need -- we are going  
9                   to need -- our professionals are going to need  
10                  something about the proof elimination, as stupid as  
11                  that sounds (audio breaks up).

12                  We got to add an exterior hose bib.  
13                  Then I heard maybe there is a hose bib.

14                  We need a knock box. Then I heard  
15                  there might be a knock box. It's like, you know, we  
16                  either need them or we don't.

17                  The glass is to be tinted or frosted.  
18                  I think you guys have to decide. You know, you  
19                  figure out what you want to do for that potential  
20                  light coming in.

21                  The applicant will use the cabins along  
22                  the street only once the other cabins are utilized.  
23                  I don't know how we are going to enforce that.

24                  Let's see. The bathroom door has to be  
25                  moved, so I guess that is pretty simple enough, but

1 I don't know where it gets moved to.

2 The applicant is to submit a protocol  
3 to protect the street trees from dog urine. We need  
4 something. Why wouldn't we approve that?

5 Then the sound attenuation measures  
6 should be proved to the professional staff. I mean,  
7 I think you have to come back and tell us -- you are  
8 telling us that we shouldn't be worried about the  
9 sound. Come give us some proof or something, figure  
10 something out.

11 COMMISSIONER WEAVER: I have a  
12 question. Excuse me. I have a question for Mr.  
13 Nash.

14 Does Boswell have someone who could  
15 address the acoustics as far as like, you know, what  
16 is -- so we could give some definition to what we  
17 are asking of the applicant?

18 I mean, you know, is it five feet away,  
19 at a certain decibel, or if it's ten feet, it's  
20 another decibel because as you go away further from  
21 the building, or there is no transmission. I mean,  
22 I am an architect. I'm not a statistician, so but I  
23 know that they know -- they know what they're  
24 talking about, right?

25 So does Boswell has some -- can it lend





1 the cart before the horse here?

2 We haven't even approved this as a use  
3 variance. I am not comfortable saying yes to a use  
4 variance without anything -- without all of these  
5 other issues worked out. I am not convinced that  
6 this is a use that I would approve, so we are  
7 spending all of this time talking about conditions  
8 on something that we haven't agreed that could go  
9 forward in the first place.

10 CHAIRMAN AIBEL: That is why we could  
11 bifurcate. Let's figure out whether the Board is in  
12 agreement with the use and then the conditions next  
13 week.

14 MR. PEPE: Thank you for the  
15 consideration.

16 MR. VILLAMAR: Isn't there an ability  
17 for the public to speak?

18 CHAIRMAN AIBEL: Right now.

19 MR. VILLAMAR: Good evening, everyone.

20 I am Mark Villamar. I am the managing  
21 member of the owner of 1414 Grand Street, and I have  
22 worked very carefully and over --

23 MR. GALVIN: Mark, are you going to  
24 comment on this?

25 MR. VILLAMAR: I am.

1 MR. GALVIN: Raise your right hand.

2 MR. VILLAMAR: I tried to put my camera  
3 on, but somebody disabled me.

4 MS. CARCONE: Try it now.

5 MR. VILLAMAR: I know I am scary, but  
6 here is my right hand.

7 MR. GALVIN: And listen, we have to  
8 control how we are using the screen, sir.

9 MR. VILLAMAR: Understood.

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

14 MR. VILLAMAR: I do.

15 MR. GALVIN: Mark, spell your last  
16 name, please.

17 MR. VILLAMAR: V, as in Victor, i -  
18 double l-a-m-a-r.

19 MR. GALVIN: All right. Go ahead.

20 MR. VILLAMAR: When we built 1414 and  
21 considered what we wanted to do, we had the vision  
22 of having a mixed-use building that would include a  
23 residential portion, a commercial portion, and we  
24 had thought at the time a restaurant or a food venue  
25 on the first floor. It could have been a market.

1 It could have been something like that.

2 As it turned out, there wasn't much  
3 demand for a 6500 square foot food market or  
4 restaurant, and that is even before the COVID  
5 pandemic kind of made restaurants less than most  
6 desirable tenants.

7 So at some point even before the COVID  
8 crisis, Ken Myers came and proposed putting his dog  
9 facility, Camp Bow Wow, which we vetted very  
10 carefully and we looked at and considered as a  
11 potential tenant.

12 Some of you may know, we have my  
13 company, Pegasus Partners, has a number of  
14 facilities in the area, including The Biergarten  
15 building and the building that houses Bell  
16 Chancelotto on 11th and Grand and a couple of  
17 redevelopment zones on the western edge. We are  
18 trying to create a neighborhood that is  
19 family-friendly and that services the needs of the  
20 community, especially the community that is coming  
21 sooner or later to the northwest part of Hoboken.

22 And dogs are a very important part of  
23 Hoboken. I think if you want to consider that Paris  
24 is supposed to be a very dog friendly city, I don't  
25 think Paris has nearly as many dogs per capita as

1 Hoboken.

2 I am a dog person myself, and if you  
3 just walk around town, you can see dogs everywhere.  
4 We felt Ken's business approach was very prudent and  
5 wise, but we also were concerned about the same  
6 issues that members of this Commission have been  
7 concerned about.

8 We were concerned about the noise. We  
9 were concerned about odor. We were concerned about  
10 how to move things around, and we vetted this very  
11 carefully.

12 We are engaging an HVAC specialist who  
13 deals with the kind of facilities that Ken is  
14 running that will be able to vet, no pun intended,  
15 and I should say the air from the facility, so that  
16 nobody will be, especially us, we're right above  
17 them, would be adversely affected.

18 We are concerned about the residential  
19 side, and at one point because we didn't have dogs  
20 to put there, I got a You Tube recording of a bunch  
21 of barking dogs, and I played it as loud as I could  
22 in the facility, and I could not hear a single sound  
23 in the first floor of the residential, which  
24 satisfied me, that even before there is any  
25 insulation or noise attenuation, we were not going

1 to have a problem.

2 This is a very solid building, very  
3 well insulated. We pride ourselves on having  
4 buildings that people do not get disturbed by sounds  
5 from their neighbors, so this is not something that  
6 we took as owners lightly. We are very cautious of  
7 making sure that our other tenants are going to be  
8 comfortable.

9 Mr. Galvin, I can assure you there is a  
10 knock box on the front of the building, and I can  
11 assure you that there is a hose cock within easy  
12 reach of the front of the building. We use that to  
13 water our trees and wash down the sidewalk even  
14 before the first dog walks in there.

15 MR. GALVIN: Duly noted.

16 MR. VILLAMAR: Excuse me? You're  
17 muted,

18 MR. GALVIN: Duly noted.

19 MR. VILLAMAR: Okay. I would be happy  
20 to answer any other questions that anybody has  
21 concerning our vetting of Mr. Myers and his  
22 operation.

23 We actually visited two facilities in  
24 New Jersey that doggie Bow Wow or Camp Bow Wow had,  
25 so that we could be comfortable that whatever

1 happens there is going to be consistent with our  
2 objectives to the neighborhood.

3 VICE CHAIR BRANCIFORTE: I do have a  
4 question for you, Mr. Villamar.

5 This is John Branciforte.

6 What is Dharma Suites?

7 MR. VILLAMAR: Dharma Suites is a  
8 furnished apartment operation that operates the  
9 apartments above the commercial area.

10 VICE CHAIR BRANCIFORTE: Do you have  
11 any tenants living there as rentals? I mean, rather  
12 than just the short-term Dharma Suite tenants?

13 MR. VILLAMAR: There are people renting  
14 in those apartments for periods of years, and there  
15 are people renting in those apartments for shorter  
16 periods of time of weeks and days.

17 VICE CHAIR BRANCIFORTE: But how many  
18 of those units are set aside for Dharma Suites?

19 MR. VILLAMAR: All of the units are set  
20 aside for Dharma Suites.

21 VICE CHAIR BRANCIFORTE: Didn't we --  
22 is this a building we approved for work-live space?

23 MR. VILLAMAR: Correct.

24 VICE CHAIR BRANCIFORTE: Dharma Suites  
25 counts as work-live space?

1                   MR. VILLAMAR: I am not sure if any of  
2                   those unites are used as offices or work space. I  
3                   am not involved in the day to day operation of  
4                   Dharma.

5                   VICE CHAIR BRANCIFORTE: All right.  
6                   It's just -- all right. It seems like the reason  
7                   we -- and I agree with you, I would have rather seen  
8                   a restaurant here, too, because I think it is a  
9                   beautiful spot for a restaurant, and I understand, I  
10                  used to own commercial real estate myself, that you  
11                  have to, you know, deal with the market and go with  
12                  the tenant you feel good about, and it's nice that  
13                  you feel good about this tenant, but now I am more  
14                  curious about if you are even up to code -- even to  
15                  what the resolution said originally when we approved  
16                  your building, that you are renting some work-live  
17                  space and not short-term rentals.

18                  MR. GALVIN: John?

19                  VICE CHAIR BRANCIFORTE: Yes.

20                  MR. GALVIN: Dennis.

21                  Somehow they got relief from that  
22                  condition --

23                  VICE CHAIR BRANCIFORTE: Okay.

24                  MR. GALVIN: -- along the way, and I  
25                  don't know how. We investigated this, and we didn't

1 think it was fair to hold up Mr. Pepe's client over  
2 this.

3 VICE CHAIR BRANCIFORTE: All right.  
4 But Mr. Villamar kind of opened himself up to  
5 questions when he said, I will gladly take  
6 questions.

7 So I -- this was the time to ask it.

8 MR. GALVIN: Yeah. I don't know how we  
9 got from Point A to Point B, but what you (audio  
10 breaks up) and what happened isn't the same.

11 VICE CHAIR BRANCIFORTE: Is this --  
12 this tenant, they're not going to have any access to  
13 the roof deck, correct, the Bow Wow Camp?

14 MR. VILLAMAR: Correct.

15 VICE CHAIR BRANCIFORTE: Okay. I have  
16 nothing else then. Thanks.

17 CHAIRMAN AIBEL: Anybody else have  
18 questions for Mr. Villamar?

19 Thank you, sir.

20 MR. VILLAMAR: Thank you all.

21 CHAIRMAN AIBEL: Now is the time for  
22 anybody on the call to make comments on the  
23 application, your opportunity.

24 I see no hands being raised. Can I  
25 have a motion to close public comment?



1 COMMISSIONER MURPHY: Motion to close.

2 CHAIRMAN AIBEL: Second, anybody?

3 COMMISSIONER WEAVER: Second.

4 CHAIRMAN AIBEL: All in favor?

5 (All Board members answered in the  
6 affirmative)

7 CHAIRMAN AIBEL: Mr. Pepe, you can get  
8 a closing statement. I just think it is probably  
9 worthwhile that we agree on a process that gets us  
10 probably concluded earlier than later.

11 MR. PEPE: Yeah. Well, as suggested by  
12 the Board's counsel, if you want to bifurcate this  
13 application, so that we can get a vote this evening  
14 on the use variance, I would welcome that, and over  
15 the course of the next week I can work out with  
16 counsel language with respect to the conditions that  
17 have been commented on and raised by the  
18 Commissioners.

19 There are good comments, and I think  
20 that we could find a path to addressing them. If  
21 not, concrete solutions and language would provide  
22 discretion to the Board's professionals at a future  
23 date to confirm that there are no issues.

24 (Audio breaks up)

25 If I could summarize quickly, I would

1 respectfully request that you approve the  
2 application. I think it is appropriate for a  
3 neighborhood use. Again, I am on the Board of  
4 Directors for the Liberty Humane Society. We hold  
5 several events throughout Hoboken, and it is a very  
6 dog -- a very, very dog friendly city.

7 I think that per capita, we are going  
8 to find the demand far exceeds the supply from both  
9 dog day care facilities, even should the other one  
10 open, and to date, I see no indication that they're  
11 going forward with their approval after 18 months,  
12 so I respectfully, I invite the Board to approve  
13 this application.

14 CHAIRMAN AIBEL: Thank you, Mr. Pepe.

15 Board members, I am going to open it up  
16 for deliberation.

17 MR. GALVIN: Chairman, one question.

18 CHAIRMAN AIBEL: Yes, go ahead, Dennis.

19 MR. GALVIN: All right.

20 I got a question for Mr. Kolling.

21 Can you hear me, Mr. Kolling?

22 MR. KOLLING: Yes, I can.

23 MR. GALVIN: All right.

24 Now, I understood your planning  
25 testimony, but I had a thought while you were making

1 it.

2                   Isn't it possible that in accordance  
3 with Medici, the governing body at the time it  
4 created the industrial zone never considered this  
5 type of a use?

6                   MR. KOLLING: I would say yes, because  
7 the I-1 Zone has been in place probably close to 50  
8 years, and it's geared towards heavy industrial  
9 transportation types of uses. It's the transition  
10 to have some of these more residential or  
11 commercial --

12                   MR. GALVIN: Let me just say it to you  
13 this way. The Medici case, the Court said there  
14 were uses out there that the governing bodies hadn't  
15 considered, but they might have put them here.

16                   Do you think they might have put this  
17 use here, if they had known about it?

18                   MR. KOLLING: I'll go a step further.  
19 I don't know that these uses existed when the  
20 Council was considering what types of uses to put  
21 here.

22                   Today, if the Council would look at it,  
23 I think there's a good chance they would say yes,  
24 this is the type of place where you would put this  
25 use because you have the ability to cap these larger

1           footprints. 6,000 square feet is a pretty big  
2           commercial space in this area versus other  
3           locations, so this would be an appropriate location.

4                   MR. GALVIN: Thank you very much. That  
5           is all I had.

6                   Sorry, Mr. Chairman.

7                   CHAIRMAN AIBEL: No. Thanks, Dennis.

8                   Anybody wish to kick off from the  
9           Board?

10                   MR. BANISCH: Mr. Chairman, Frank  
11           Banisch here.

12                   Can I just ask one clarifying question?

13                   CHAIRMAN AIBEL: Sure.

14                   MR. BANISCH: There is no application  
15           that I saw that requests relief from parking  
16           standards, and I didn't hear Mr. Kolling testify in  
17           favor of a variance like that. Am I right about  
18           that?

19                   MR. KOLLING: There isn't a parking  
20           standard for this use, and I think that is because  
21           again it's something that wasn't thought about, this  
22           type of use wasn't thought about, so there is no  
23           specific parking requirement. I mean --

24                   MR. BANISCH: The code does say you  
25           look for the closest approximation, and I think

1           there is a retail service category and one for 400.

2                         MR. KOLLING:   Okay.

3                         What I was also going to mention is  
4           that in -- you know, there had been some recent  
5           amendments to the zoning ordinance creating  
6           commercial districts C-1, C-2, C-3.  In those  
7           districts this use is permitted as a conditional  
8           use, and under the -- the transportation  
9           requirements in that zone, it says:  Parking or  
10          specified under sub section (g), and (g) is what  
11          lists all of the different uses and the specific  
12          criteria for those uses, standard specific uses  
13          shall be provided as required.  Where there is no  
14          parking mandated, none shall be required.

15                        And for this particular use, animal  
16          boarding and day care, there is not a parking  
17          standard, so I think if you look at that parking  
18          requirement for guidance, I think it would say that  
19          you can get away with -- or you don't have to  
20          provide the parking.

21                        So to your point, the one for 400, this  
22          use, or this property was approved with a ground  
23          floor commercial use.  It could have been a  
24          restaurant, as Mr. Villamar mentioned.  It could  
25          have been a retail service use.  It could have been

1 a retail goods use.

2 So I think that must have been  
3 considered at the time of the approval, and parking  
4 is provided on site. So when the approval was  
5 granted, I think you can look there, too, and say,  
6 well, there was some consideration given and there  
7 are two parking spaces within the garage that have  
8 been dedicated to this space.

9 So I think in that case as well, the  
10 parking that is provided and the availability of the  
11 on-street parking and for additional employees,  
12 there is the parking facility a couple of blocks  
13 away to the -- I guess it's the northwest.

14 So I think there is an adequate supply  
15 for what this demand will be, and I think that was  
16 taken into consideration at the time of the initial  
17 approval for this property, as well as the Council's  
18 more recent commercial district criteria for parking  
19 for this type of use.

20 MR. BANISCH: But those don't apply to  
21 this zone, right, Ed?

22 MR. KOLLING: No, they don't. They  
23 don't apply. I think you just have to look to those  
24 as guidance.

25 MR. BANISCH: My question really, and

1           maybe it was more for Dennis was: Is there a  
2           parking variance required here, and if so, are you  
3           going to testify to it?

4                         MR. PEPE: This is Don Pepe.

5                         We are not creating any new floor  
6           space. Parking is based on floor space.

7                         This building was already approved with  
8           this particular amount of floor space, and to the  
9           extent that there is no more strenuous requirement  
10          for doggie day care as opposed to commercial  
11          service, like a barber shop or a restaurant, which  
12          would be a more intensive parking use, certainly  
13          virtually in every ordinance I've ever -- parking  
14          ordinance I've ever read, it's already been  
15          approved. The parking necessary to serve this  
16          square footage has already been approved.

17                        MR. BANISCH: If that is Dennis'  
18          opinion, I don't have any other questions about it.

19                        CHAIRMAN AIBEL: Dennis?

20                        Dennis, you're on mute,

21                        MR. GALVIN: I know. I was trying to  
22          draft the conditions.

23                        Look, it is an excellent point that  
24          Frank is raising. I don't see it as a problem in  
25          this case. What Mr. Pepe is suggesting that we

1       previously commended the -- and considered the  
2       parking for this building and we granted it. I  
3       think there are situations where a new use could  
4       trigger a parking variance.

5                If there is a parking variance here, I  
6       believe that the proofs have been made based on the  
7       use variance testimony. I believe it would be  
8       included in the use variance because it is not a use  
9       that is permitted in the zone. Therefore, under the  
10      Peluso case, it would just be included, so I am not  
11      worried about it. Let's go into deliberations and  
12      let's get this matter concluded.

13               CHAIRMAN AIBEL: Board members,  
14      anybody -- well, who is going to kick off here?

15               Dan Weaver, are you available?

16               COMMISSIONER WEAVER: Yes, I am  
17      available.

18               VICE CHAIR BRANCIFORTE: Can I start?

19               CHAIRMAN AIBEL: Sure. John, go ahead.

20               VICE CHAIR BRANCIFORTE: Okay. I  
21      really see no problem with the use. It is probably  
22      not the best use for this neighborhood. I thought  
23      the entire -- my understanding about the  
24      neighborhood was they were supposed to make it more  
25      of a night life sort of district, where people go



1 and have dinner and whatnot at these beautiful  
2 restaurants and see something at the theater around  
3 the corner, but it is what it is. If they have a  
4 doggie day care center, that is fine.

5 I would just like to see something in  
6 the conditions about the tenants, the applicant,  
7 agreeing to have someone available 24/7 to be there  
8 to make it there fast in case of an emergency.

9 And my biggest problem is how do we  
10 deal with complaints, if they start rolling in and  
11 about noise. That is my one concern.

12 That is all I have to say.

13 CHAIRMAN AIBEL: I think Mr. Pepe's  
14 response is that is why there is a noise ordinance,  
15 but --

16 VICE CHAIR BRANCIFORTE: Yeah. But you  
17 know as well I do, Jim, that --

18 (Chairman Aibel and Vice Chair  
19 Branciforte speaking at the same time)

20 VICE CHAIR BRACIFORTE: -- I'm' sorry,  
21 Jim -- I think we all know that just because there  
22 is an ordinance doesn't mean that it's going to be  
23 constantly enforced and, you know, and calling the  
24 zoning officer during the morning that the dogs are  
25 barking isn't really feasible, is it?

1 CHAIRMAN AIBEL: Totally understood.

2 Anybody else wish to comment?

3 COMMISSIONER WEAVER: I will. I am  
4 back.

5 CHAIRMAN AIBEL: All right.

6 COMMISSIONER WEAVER: Yeah, I'm back.

7 So, yeah, I mean, I have a couple of  
8 concerns, which is the number of animals at the  
9 facility especially overnight potentially. You  
10 know, we're talking about I guess something like 60  
11 animals, which are unsupervised, you know, but I  
12 don't think -- that is outside -- I think that is  
13 outside the purview of a remit, which is, you know,  
14 this type of use, is it acceptable or not.

15 Is it being run properly?

16 I mean, would I leave my dog there?

17 No chance, but that is just me. So  
18 it's like, you know, we are not here to legislate  
19 what a safe kennel is. We are here to sort of say,  
20 you know, well, what is the street scape like, and  
21 what is -- you know, there is any adverse impact to  
22 the neighbors.

23 And I think, you know, we have raised  
24 the concern with the sound attenuation, which I  
25 think we are going to address later with Nash,

1 right, and we talked about modifying the tree pits,  
2 so that the urine doesn't go into the -- you know,  
3 across the sidewalk and into the tree pit. We  
4 talked about the hose bib. These are sort of  
5 quality of life issues, which I think we need to be  
6 concerned with.

7 I would certainly rather, you know, we  
8 talked about the fitness club, the fact that, you  
9 know, they are not necessarily ideal, because they  
10 are sort of places where people go in and they come  
11 out. They don't really invigorate the street scape,  
12 but, you know, in that same way, people will be here  
13 at seven in the morning.

14 Is that going to make it any safer?

15 It's just going to increase more --  
16 more traffic, more pedestrian traffic, which I think  
17 is a good thing. From that respect, there's a  
18 benefit, which it currently doesn't have because  
19 it's vacant.

20 So is this better than nothing?

21 I think it is.

22 Are we going to legislate what a good  
23 kennel is?

24 No, we are not.

25 And we can ask these things, but, you

1 know, you could have someone there. I don't know  
2 that they could actually do anything about the  
3 noise. We should make sure that this thing is like  
4 a vault and, you know, and if they all bark  
5 simultaneously, it has no impact to anyone around  
6 them and let them deal with it and, you know,  
7 let unhappy people come and pick their wired puppy  
8 up in the morning. They didn't get any sleep  
9 because the Chihuahua kept them awake. I mean, you  
10 know, we have to -- I think we have to draw a line  
11 between their operation and the use.

12 I think that's good enough.

13 CHAIRMAN AIBEL: Thanks, Dan.

14 Anyone else, Board members?

15 COMMISSIONER SMOLYN: What was the  
16 address of the other application that we have been  
17 referencing a lot this evening?

18 CHAIRMAN AIBEL: I want to say it's  
19 1412 or 1413 and 1415 Adams, 1412 Grand.

20 COMMISSIONER SMOLYN: Just to make sure  
21 that is on the record clearly.

22 I think that we are judging this  
23 application based on telemetrics, et cetera, but I  
24 think an important point of reference is, and maybe  
25 it's the medium of doing this all over Zoom or

1 something, but for that application, I think we  
2 heard a very convincing set of different design  
3 parameters and operational functionalities. We were  
4 looking at roof section with the insulation below it  
5 and how it attached to the adjacent building, and I  
6 think over all it was a very rigorous application,  
7 and likewise the conditions and criteria at the end  
8 of that hearing came quite naturally.

9 I think based on the testimony we've  
10 heard from the applicant and the architect and  
11 everyone else, a uniquely suited site for this type  
12 of use is probably a basement bunker space. I'm not  
13 sure a street, a double height street level  
14 storefront space that's entirely glazed is entirely  
15 appropriate for a dog kennel, with, you know,  
16 bathrooms plugged up against the storefront, and a  
17 couple problematic, and we haven't heard much of a  
18 great resolution for those eight kennels in the  
19 southeast corner. At least I wasn't convinced by  
20 the concessions made there that it's the right site  
21 for this type of operation.

22 COMMISSIONER GRAHAM: I will second  
23 that. I agree with Steve.

24 I also go back to Commissioner Weaver's  
25 comments earlier. I mean, perhaps I misused the

1 word "optimal," but I think the word diverse and  
2 kind of neighborhood addition is a very important  
3 issue here, and I just question whether I cannot  
4 bifurcate the use variance with all of the  
5 conditions, and I find many things, as Steve just  
6 mentioned, very questionable about how this will  
7 operate.

8 We're forcing something in a space that  
9 may be not optimal for other uses, so this is  
10 something that perhaps is or perhaps not is, but  
11 we're going to put it in there anyway, because we  
12 need to fill that space, so I am not convinced.

13 CHAIRMAN AIBEL: So, Ann, the way I  
14 would respond to that is I think the fact that this  
15 space is being considered for a doggie day care  
16 reflects the wisdom that we all learn when we went  
17 through the Pack Leader application. It is a use  
18 that is going to be complimentary for some of the  
19 residential units. It's in the I-1 Zone where there  
20 aren't first uses, and I think we will see a little  
21 more of those.

22 So I think we need to make sure that we  
23 don't use the Pack Leader as the reason to deny  
24 because, in fact, I see it as a positive. They have  
25 certainly broken the ground for me at least. I feel

1 comfortable that it is a good use and a good  
2 location. You know, is it the perfect one? But we  
3 can all design something different.

4 But I see it as something that is  
5 needed and would -- and if Pack Leader ever gets  
6 going and builds, they will be a healthy  
7 competition, and there will be some healthy, you  
8 know, hiring opportunities for we would hope Hoboken  
9 residents, and that I think goes to fulfilling what  
10 people see as the vision for the market. So I am  
11 comfortable that we've done the ground work on the  
12 use.

13 As I said before, I am not so  
14 comfortable that we've done every operation and  
15 detail and condition picked in time, but I'm going  
16 to trust that, you know, smart lawyers and good  
17 businessmen are going to get those taken care of.

18 Finally, I was very persuaded that we  
19 had the landlord who is most immediately affected by  
20 the use, a rental of his space, come in and testify  
21 that this is something that he would like to see  
22 happen. The fact that Mr. Villamar is a store owner  
23 is a neutral consideration. He I'm sure is not  
24 going to get a very big discount on (audio breaks  
25 up).

1                   COMMISSIONER GRAHAM: Let me say I  
2 wasn't basing my concerns totally on the fact that  
3 the other application had more dotted "I"s on it and  
4 "T"s crossed. It was, you know, what I heard  
5 tonight that concerns me.

6                   COMMISSIONER SMOLYN: We also heard  
7 some very convincing testimony in support of the  
8 other application.

9                   I think like every realtor in town was  
10 out for that evening. I was not convinced  
11 personally by the notion of barking dogs offered on  
12 You Tube as accurately assimilating what it will be  
13 like to have 65 German Shepherds, worst case  
14 scenario, directly below you. I don't think that's  
15 how sound words.

16                   CHAIRMAN AIBEL: Steve, I think what  
17 I'm going to suggest, again, depending on how the  
18 vote goes, you can participate with Chris and, you  
19 know, come up -- develop what you think or what we  
20 can agree on are acceptable sound attenuation steps  
21 that will be taken.

22                   MR. GALVIN: Hey, Jim?

23                   CHAIRMAN AIBEL: Yes, sir.

24                   MR. GALVIN: I now have conditions.

25                   Jim? Jim?



1 MR. BANISCH: Yeah, you are on, Dennis.

2 MR. GALVIN: Okay. Should I read the  
3 conditions, Jim?

4 Where are you?

5 CHAIRMAN AIBEL: I am still here.

6 MR. GALVIN: One: We need confirmation  
7 that the proof elimination plan is consistent with  
8 the law.

9 Two: There is to be no dog training  
10 conducted within the facility.

11 Three: The plan is to be revised to  
12 move the bathroom door and to show the exterior  
13 windows will be tinted or frosted. These changes  
14 are to be approved by the Board's Engineer and  
15 Planner.

16 Four: The applicant must submit a  
17 procedure to protect the street trees from dogs that  
18 might urinate on those trees. In the event a tree  
19 perishes as a result, the tree is to be replaced by  
20 the building owner.

21 Five: The applicant is to supply data  
22 to the Board's Engineer to show that the sound  
23 attenuation does not impact other tenants. In the  
24 event, the engineer finds it is inadequate, the plan  
25 is to be revised to make it adequate.

1                   And six: The applicant agrees that in  
2                   exchange for this approval, it will use the cabins  
3                   closest to the street only once all of the other  
4                   cabins are used.

5                   VICE CHAIR BRANCIFORTE: But there is  
6                   another, Dennis, about the staff being available  
7                   after hours.

8                   MR. GALVIN: We can do that, John.

9                   There will always be a staff member  
10                  available. A contact person shall be available 24  
11                  hours.

12                  MR. PEPE: Absolutely.

13                  Dennis, just to put a finger point, the  
14                  tinting on the windows would be just the windows  
15                  near those 8 front facing cabins, and the urine  
16                  measures would be in keeping with municipal  
17                  requirements?

18                  MR. GALVIN: Well, you know, I want  
19                  proof -- I want some kind of legal proof what you  
20                  are proposing is proper.

21                  MR. PEPE: Okay.

22                  MR. GALVIN: I am sure you can. There  
23                  must be a way to prove that.

24                  MR. PEPE: No. I mean, with respect to  
25                  waste disposal, yes. I was talking about the

1 protection from the trees.

2 I think you had mentioned that the  
3 municipality already has some measures in place,  
4 or are we presenting measures?

5 MR. GALVIN: You are going to present  
6 them.

7 COMMISSIONER WEAVER: It was actually  
8 me. It was actually -- Dan Weaver -- it was  
9 actually me that suggested that, and I have been  
10 looking online to see if I could find it. I know I  
11 have seen it some place, the Shade Tree Commission,  
12 and I'm still looking for it, but I can't readily  
13 locate it, so --

14 MR. PEPE: We will provide that --

15 COMMISSIONER WEAVER: -- we need to  
16 come up with something --

17 MR. PEPE: -- we will find that,  
18 Commissioner. We will find it for you and we'll  
19 propose it.

20 VICE CHAIR BRANCIFORTE: One other --

21 MR. GALVIN: We would -- Don, my plan  
22 would be that you and I, we have now moved you  
23 instead of having to wait for a week or a month,  
24 whenever we do the memorialization, which is a month  
25 away, that in the meantime we will work out -- we

1 have a rough draft of conditions. You and I can  
2 tweak them between now and memorialization.

3 MR. PEPE: Absolutely. And we are in  
4 agreement with all of those conditions.

5 VICE CHAIR BRANCIFORTE: One more  
6 condition: The tenant won't be allowed access to  
7 the roof.

8 MR. PEPE: Oh, that's fine.

9 The only thing, I don't know if there  
10 is an emergency -- I don't even know what is on the  
11 roof, but would the employees not be allowed to go  
12 up there and eat lunch or -- I just don't want to  
13 create a condition that's -- I get it, no dogs on  
14 the roof. Is that enough?

15 I don't really know what's up there.

16 MR. VILLAMAR: May I speak to that?

17 MR. PEPE: Yes, go ahead.

18 MR. VILLAMAR: The roof is a finished  
19 roof with a community room and some areas for people  
20 to sit and enjoy the Manhattan skyline and other  
21 areas to the north and south, and our lease will  
22 contain a provision that will prevent or prohibit  
23 any animals from being on the roof. Members of the  
24 staff are welcome and able to use the rooftop.

25 (People talking at once and the audio

1 breaks up).

2 VICE CHAIR BRANCIFORTE: I would still  
3 like to see in the resolution as a condition, no  
4 dogs on the roof.

5 MR. GALVIN: I got it. I got it.

6 MR. PEPE: Agreeable.

7 MR. GALVIN: I got it.

8 Go ahead, guys. You can deliberate.

9 CHAIRMAN AIBEL: I think we may have  
10 deliberated.

11 MR. GALVIN: All right. Then you can  
12 vote.

13 CHAIRMAN AIBEL: Is there anyone  
14 prepared to make a motion either to approve or to  
15 deny, subject to the conditions that Dennis just  
16 read out, subject to tweaking?

17 COMMISSIONER MAGANUCO: Motion to  
18 approve subject to the conditions.

19 CHAIRMAN AIBEL: Thanks, Nicola.

20 CHAIRMAN AIBEL: Do I have a second?

21 COMMISSIONER WEAVER: Second.

22 MS. CARCONE: The second is Dan?

23 COMMISSIONER WEAVER: Yes.

24 MS. CARCONE: Commissioner Branciforte?

25 VICE CHAIR BRANCIFORTE: Yes.

1 MS. CARCONE: Commissioner Graham?

2 COMMISSIONER GRAHAM: No.

3 MS. CARCONE: Commissioner Murphy?

4 COMMISSIONER MURPHY: Yes.

5 MS. CARCONE: Commissioner Weaver?

6 COMMISSIONER WEAVER: Yes.

7 MS. CARCONE: Commissioner Firestone?

8 COMMISSIONER FIRESTONE: Yes.

9 MS. CARCONE: Commissioner Maganuco?

10 COMMISSIONER MAGANUCO: Yes.

11 MS. CARCONE: Commissioner Aibel?

12 CHAIRMAN AIBEL: Yes.

13 MS. CARCONE: Approved.

14 CHAIRMAN AIBEL: Thank you very much,  
15 gentleman.

16 MR. PEPE: Thank you, and thank you for  
17 your time. I know it is all volunteer work, but I  
18 am eternally grateful to the efforts that Board  
19 members such as yourselves perform. I don't appear  
20 here often, but you do have my gratitude.

21 MR. GALVIN: Well said. Good evening,  
22 everyone. Stay safe.

23 MR. MYERS: Thank you very much.

24 (The matter concluded at 9:20 p.m.)

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN  
HOZ-20-3

- - - - - X  
RE: 11 Willow Court : Tuesday 9:30 p.m.  
Block 158, Lot 18, Zone R-1 :  
Applicant: DeLoof, Daniel & Courtney : June 16, 2020  
- - - - - X

MEETING CONDUCTED VIA ZOOM

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Ann Graham
- Commissioner Diane Fitzmyer Murphy (recused)
- Commissioner Dan Weaver
- Commissioner Steven Firestone
- Commissioner Nicola Maganuco
- Commissioner Carol Marsh
- Commissioner Steven Smolyn

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



## 1           A P P E A R A N C E S:

2                   DAVISON, EASTMAN, MUNOZ,  
3                   LEDERMAN & PAONE, PA  
4                   Monmouth Executive Center  
5                   100 Willow Brook Road  
6                   Freehold, New Jersey 07728  
7                   (732) 462-7170  
8                   BY: DENNIS M. GALVIN, ESQUIRE  
9                   Attorney for the Board.

10                   DURKIN & DURKIN  
11                   1120 Bloomfield Avenue  
12                   West Caldwell, New Jersey 07006  
13                   BY: ROBERT COSGROVE, ESQ.  
14                   Attorneys for the Applicant.

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WITNESS

PAGE

Daniel DeLoof

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Jensen Vasil

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1                   CHAIRMAN AIBEL: Before we go, Dennis,  
2 it is 9:20. I am prepared to start with 11 Willow.

3                   MS. CARCONE: 11 Willow.

4                   MR. GALVIN: Well, I may have to go to  
5 the little boy's room.

6                   THE REPORTER: And I need a break, too.

7 (Discussion held off the record)

8                   CHAIRMAN AIBEL: It's 9:20. At 9:30 we  
9 will resume.

10                  MS. CARCONE: We should try, let's go.

11                  COMMISSIONER MURPHY: I have a  
12 question. I have to recuse myself, so do you have a  
13 quorum?

14                  MS. CARCONE: We do. 11 Willow, you  
15 are recusing?

16                  COMMISSIONER MURPHY: Both Willows.

17                  MS. CARCONE: Okay. Yes, we have a  
18 quorum.

19                  MR. GALVIN: And you will come back?

20                  COMMISSIONER MURPHY: Yes. Dan Weaver  
21 is going to call me when you are finished with those  
22 two. I will be back for the resolution and then  
23 back for the next.

24                  MR. GALVIN: Okay.

25                  Mr. Cosgrove, 11 Willow, we will start

1           you, but probably we won't finish you.

2                       Mr. Kappock, I am sorry, but can we see  
3           you next week?

4                       Or, Pat, when are we next up for  
5           resuming these applications?

6                       MS. CARCONE: Next week, next Tuesday.

7                       MR. GALVIN: I will probably have to  
8           send Hershel, though, Mr. Chairman.

9                       CHAIRMAN AIBEL: That is fine.

10                      I took two minutes off of our time.  
11           9:30, we'll see everybody.

12                      Thank you.

13                      COMMISSIONER MURPHY: Thank you.

14                      (Commissioner Murphy recused)

15                      MR. GALVIN: Brian, you are on mute.

16                      MR. KAPPOCK: I said I will just wait  
17           until you guys come back on. I just wanted to reset  
18           for next week.

19                      MR. GALVIN: Okay. Thank you.

20                      MR. KAPPOCK: No problem. We will wait  
21           around.

22                      Thank you.

23                      MR. GALVIN: Thanks, sorry about that.

24                      MR. KAPPOCK: I understand.

25                      (Recess taken)

1                   CHAIRMAN AIBEL: Well, it is 9:30.

2                   We can start.

3                   MR. GALVIN: We have to make sure we  
4                   have all of the Board members back, right?

5                   CHAIRMAN AIBEL: Oh, I'm sure of that.  
6                   We need Phyllis.

7                   THE REPORTER: I'm right here.

8                   MS. CARCONE: We have Phyllis.

9                   CHAIRMAN AIBEL: She was about to kill  
10                  me.

11                  (Laughter)

12                  THE REPORTER: No. I just needed a  
13                  break.

14                  MS. CARCONE: Is John back, John  
15                  Branciforte?

16                  VICE CHAIR BRANCIFORTE: Sorry. There  
17                  was a line for the bathroom.

18                  MS. CARCONE: Dan, you are back?

19                  CHAIRMAN AIBEL: We thought you were  
20                  hosting a party, John.

21                  VICE CHAIR BRANCIFORTE: Yeah. Got the  
22                  Rolling Stones that are going to play later. Okay.

23                  MS. CARCONE: Okay. It looks like  
24                  everyone is back.

25                  CHAIRMAN AIBEL: Okay. Are we all

1 back? We're back on the record, Phyllis?

2 THE REPORTER: Yes.

3 CHAIRMAN AIBEL: Great.

4 Before we start with 11 Willow Court,  
5 Mr. Kappock, you would like to be heard on 119  
6 Willow Court.

7 MR. KAPPOCK: Yes. Thank you, Mr.  
8 Chairman.

9 I know it has been asked based upon the  
10 time and where we are, and it is unlikely that the  
11 Board is going to be able to hear the two  
12 applications. Our application being in the third  
13 position for this evening, we are asking that it be  
14 carried to the next meeting, which I believe is next  
15 Tuesday, the 23rd, and my client just asked me if it  
16 could be heard first that evening. I just don't  
17 know where that is. I am just asking the question  
18 because my client asked for that.

19 MS. CARCONE: Yeah. We have one other  
20 matter scheduled for next week, so you would be  
21 first, Mr. Kappock.

22 MR. KAPPOCK: Great. And I would just  
23 ask, Chairman, that the notices that I had for this  
24 meeting be allowed to be carried on to the next  
25 meeting, so we don't have to renotify.

1                   CHAIRMAN AIBEL: That is fine. We will  
2                   make a motion and have an approval.

3                   Do I have a motion to carry 119 Willow  
4                   Court to next Tuesday without further notice?

5                   MR. KAPPOCK: Thank you very much,  
6                   and I will see you next -- I'll see you next week.  
7                   I'll be staying on for a little bit, but I will be  
8                   waiting to meet with you all next week.

9                   CHAIRMAN AIBEL: Mr. Kappock, just a  
10                  slight -- a fine point. If we don't get through 11  
11                  Willow Court tonight, we may try to finish that up  
12                  before we get to your client, but we hope --

13                  MR. KAPPOCK: I understand.

14                  MR. GALVIN: Mr. Kappock, you waive the  
15                  time in which the Board has to act at least until  
16                  next week?

17                  MR. KAPPOCK: Yes. I do.

18                  MR. GALVIN: Thank you.

19                  MS. CARCONE: Do we have a motion?

20                  VICE CHAIR BRANCIFORTE: Motion to  
21                  carry until next week with no further notice and an  
22                  extension of time.

23                  COMMISSIONER FIRESTONE: Second.

24                  CHAIRMAN AIBEL: All in favor?

25                  MS. CARCONE: All in favor?

1                   (All Board members voted in the  
2 affirmative)

3                   MS. CARCONE: Anybody opposed?

4                   None. Okay.

5                   MR. KAPPOCK: Thank you very much.

6                   MS. CARCONE: Thank you.

7                   CHAIRMAN AIBEL: Mr. Cosgrove, are you  
8 ready for 11 Willow Court?

9                   MR. COSGROVE: Yes, Mr. Chairman.

10 Thank you.

11                   Robert Cosgrove with the firm of Durkin  
12 & Durkin appearing for the applicant, Mr. DeLoof,  
13 with regard to 11 Willow Court South.

14                   This evening I will have two witnesses.  
15 I am just going to try to go quickly with the hope  
16 of finishing tonight, if we can. If not, I  
17 understand we will be on for the next meeting.

18                   I am going to call Mr. DeLoof, who is  
19 just going to briefly testify as to what he is  
20 trying to achieve with this proposed renovation and  
21 then the bulk of the testimony will be the  
22 architect, Mr. Vasil, who will go through the plans  
23 and address a lot of the questions -- not questions,  
24 but the items listed in Mr. Banisch's report.

25                   With that, I'd ask that the Board --



1 should I swear both witnesses in, Mr. Galvin, at the  
2 same time?

3 MR. GALVIN: I prefer, if it is okay, I  
4 would prefer to do them one at a time.

5 So who is your first witness going to  
6 be?

7 MR. COSCROBE: Mr. DeLoof.

8 MR. GALVIN: All right. Mr. DeLoof,  
9 raise your right hand.

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

13 MR. DE LOFF: I do.

14 MR. GALVIN: Thank you.

15 D A N I E L D E L O O F, having been duly sworn,  
16 testified as follows:

17 MR. GALVIN: Spell your last name --  
18 state your full name and spell your last name for  
19 the reporter.

20 THE WITNESS: It's Daniel DeLoof,  
21 D-e-L-o-o-f.

22 MR. COSGROVE: Mr. DeLoof, this Board I  
23 know is very familiar with your neighborhood, and  
24 just before we move on to -- to Mr. Vasil, I'm going  
25 to ask if you could tell the Board in short just

1        what you are trying to achieve with this renovation,  
2        proposed renovation.

3                    THE WITNESS:    Yes.

4                    So currently our row home on Willow  
5        Terrace is built all the way to the back on the  
6        first floor, there is no space at all, and half on  
7        the second and half on the third.

8                    What we would like to do is pull back  
9        the rear of the first floor about 9 feet, have a  
10       paver patio, which would help with some of the  
11       drainage issues.

12                   We would match that to the second floor  
13       as well, which would give us the ability to add a  
14       third bedroom on the second floor, third bedroom  
15       total, second on the second floor.

16                   And then on the third floor to add 9  
17       additional feet, which would match up with the  
18       adjacent house and give us some space for a master  
19       bedroom.    Currently the master bedroom is very  
20       small.

21                   Then on the exterior of the front of  
22       the house, we currently have siding and no windows  
23       on the third floor, so we would put exterior windows  
24       there that would align with the street, and this  
25       would also put the air conditioning condenser on top

1 of the roof as it is a little bit noisy for the  
2 neighbors currently when they are enjoying their  
3 back patio.

4 MR. COSGROVE: And as you worked with  
5 the architect, you made efforts to make sure that  
6 the renovation would be esthetically pleasing and  
7 fit in with the neighborhood?

8 THE WITNESS: Yes.

9 MR. COSGROVE: With that, if the Board  
10 has any questions of Mr. DeLoof, we could open that  
11 up now.

12 CHAIRMAN AIBEL: Board members,  
13 anything for Mr. DeLoof?

14 VICE CHAIR BRANCIFORTE: I will start,  
15 I suppose.

16 On the front facade, you are going to  
17 put two windows in there, the street facade?

18 THE WITNESS: Yes. So right now the  
19 third floor in the front of the house is actually  
20 the shower on the third floor and a walk-in closet,  
21 so there are no windows currently --

22 VICE CHAIR BRANCIFORTE: Right.

23 THE WITNESS: -- which, you know,  
24 doesn't necessarily fit in perfect with the rest of  
25 the street. The rest of the street only had one

1 window or two -- two windows like we are going to  
2 put in there.

3 VICE CHAIR BRANCIFORTE: It says new  
4 Hardie siding panel -- new Hardie panel siding  
5 there, where the windows are going to go into. What  
6 is Hardie siding?

7 MR. COSGROVE: Mr. Commissioner, if I  
8 may, maybe we could hold that question for the  
9 architect.

10 VICE CHAIR BRANCIFORTE: That is fine.

11 THE WITNESS: Yes, please.

12 MR. NASH: I can tell you, John. It's  
13 just a -- it's a clapboard siding, but it's like  
14 made out of concrete almost. It is a cementitious  
15 material, very durable versus wood or something like  
16 that.

17 VICE CHAIR BRANCIFORTE: Okay.

18 MR. NASH: It's a high product.

19 VICE CHAIR BRANCIFORTE: All right. I  
20 am good with that.

21 Thank you, Chris.

22 I have no other questions.

23 Thank you, Jim.

24 CHAIRMAN AIBEL: Thank you.

25 Anyone else?

1                   Okay. I am sure Mr. DeLoof is not  
2 going to go anywhere, and he will be available, if  
3 we have things that come up.

4                   THE WITNESS: Thank you.

5                   CHAIRMAN AIBEL: Thank you.

6                   MR. COSGROVE: With that, I would like  
7 to call the architect, Jensen Vasil.

8                   MR. GALVIN: Jensen, you are on mute.

9                   Raise your right hand.

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

13                  MR. VASIL: Yes.

14                  J E N S E N   V A S I L, Architect, having been duly  
15 sworn, testified as follows:

16                  CHAIRMAN AIBEL: State your full name  
17 for the record and spell your last name.

18                  THE WITNESS: Jensen, J-e-n-s-e-n, is  
19 first name, Vasil, V, as in Victor, a-s-i-l.

20                  MR. GALVIN: Mr. Chairman, will you  
21 accept Mr. Vasil's credentials?

22                  CHAIRMAN AIBEL: We do.

23                  MR. GALVIN: Awesome. Fire away.

24                  MR. COSGROVE: Mr. Vasil, could you  
25 just take the Board through your plans in this

1 matter?

2 MR. GALVIN: Can we put the plan up?  
3 We are going to share the screen.

4 MS. CARCONE: Jensen, do you want to do  
5 it yourself, or do you want me to put it up?

6 THE WITNESS: I can do it.

7 MS. CARCONE: Okay. Go ahead.

8 THE WITNESS: It says it's still  
9 disabled for participants.

10 MS. CARCONE: Mold on.

11 You should be able to share the screen.  
12 Try it again.

13 THE WITNESS: It keeps showing me as  
14 locked, and it's disabled.

15 I don't know why this won't work -- oh,  
16 I got it. That is perfect.

17 MS. CARCONE: Okay.

18 THE WITNESS: So this property, 11  
19 Willow Terrace, it is in the middle of the block on  
20 Willow Court South. The property is an existing  
21 three-story structure, frame structure, frame on one  
22 side and brick party wall on the other. It is a  
23 single-family residence.

24 We are proposing to decrease the lot  
25 coverage from the first floor. Currently the first

1 floor extends to the rear lot line. There is a  
2 small area way in the south, the southeast corner,  
3 which really is just a step out sort of bathtub kind  
4 of area. There is a wall. There is a little  
5 retaining wall on either side that prevents -- that  
6 it butts the chimney of the building, so that the  
7 grade is lower in the adjacent buildings than on 11  
8 Willow Terrace than the properties behind it.

9           So we are proposing to decrease the lot  
10 coverage of the first floor back to 80 -- 91  
11 percent, I believe. On the upper two floors, the  
12 second and third floors, we would be expanding them.  
13 So the second floor would be expanded to match the  
14 new reduced first floor, and the third floor would  
15 be -- would be enlarged to match the adjacent  
16 building to its -- to its neighbor to its west.

17           This is the current layout of the  
18 interior of the property. There is a kitchen in the  
19 middle, a living room in the front, a powder room  
20 and a small den and closet that exists in the back  
21 of the property, so that would be removed back to  
22 the existing powder room. That den and the closet  
23 space would become a small courtyard, and then on  
24 the upper floor currently there is the bedroom,  
25 bathroom and a laundry mechanical room, so that

1 would be extended out, and on the top floor there is  
2 a master bedroom, master bath and a walk-in closet.

3 There is currently a gabled roof on the  
4 front that has a dormer -- it is a dormer -- it's a  
5 dormer in the front, so that it's complete. It's  
6 full height in the front, and in the back it is  
7 sloped back the way they typically have them.

8 On our proposed plan, we are not doing  
9 any -- not proposing any work to the existing  
10 kitchen or living room. That has been recently  
11 renovated.

12 The powder room would be reconfigured,  
13 so the door would be right off the kitchen through  
14 the short end of the powder room wall, and we would  
15 relocate the sink just for a small hand sink. We  
16 have a new door that goes out to that small court,  
17 as I discussed, put a small window in the powder  
18 room.

19 On the upper floor, there would be a  
20 creation of a new bedroom in the rear, and on the  
21 top floor with the closet, and on the top floor  
22 there would be an expansion of the master bedroom  
23 towards the back with an additional closet --  
24 additional walk-in closet proposed.

25 There is a low roof on the back of that



1 over the second floor, over the setback between the  
2 second and third floors. Nothing is proposed. It  
3 would be just open roof, no deck or anything like  
4 that.

5 On the roof of that structure we would  
6 have the two condensing units. We would relocate  
7 them. Currently the condensing units sit over the  
8 small addition or the existing rear low roof in the  
9 back. Those would be brought up to the main roof,  
10 and there would be a sound proof enclosure that  
11 would be -- that would be added around them, and a  
12 new roof hatch would be added to access those units  
13 for maintenance replacement, things of that nature.

14 On the street scape, you can see the  
15 absence of windows on the 11 Willow Terrace front  
16 facade, which is not consistent with the block  
17 frontage and not particularly -- it's unsightly, so  
18 we would propose to add two windows, which is the --  
19 a more typical paradigm for that block frontage on  
20 the top floor. Those could be cut into the existing  
21 frame wall that is in the front, and we are  
22 proposing to replace the siding that is there.

23 The siding was done, but the  
24 workmanship was not done quite very well, so we  
25 would be replacing it with the Hardie panel siding,

1       which is a clapboard looking siding, but out of a  
2       cementitious material, as Mr. Nash pointed out, and  
3       with corner boards and better detailing as far as  
4       fascia board and, like I said, corner boards on the  
5       addition.

6                       In the rear of the structure, the rear  
7       and sides, we would do the same Hardie panel siding,  
8       so the lower -- the lower two-story portion would  
9       have a patio door, a hinged patio door, the window  
10      into the powder room, a light fixture outside, a  
11      shielded light fixture, two windows, double hung  
12      windows in the rear bedroom that we are creating,  
13      and then on the master bedroom above that, two more  
14      windows to the rear yard.

15                      On the sides, as I mentioned, we would  
16      have the Hardie panel siding at whatever areas were  
17      exposed here between 9 Willow Court South. There is  
18      an outline of the building adjacent, so we would  
19      fill all of this in with siding.

20                      And on the neighbor to the west, there  
21      is only a small portion that would be exposed, and  
22      that also would have the same siding.

23                      This shows a nice metric photo of the  
24      existing conditions, so this is our property. The  
25      building next to us, as you can see, has levels two

1 and three which have been built out. Level one is  
2 extended pretty far.

3 There is a repetitive nature on -- for  
4 the properties further to the west for them to be  
5 two-story structures that are -- that are built out  
6 fairly consistently all the way along, and then  
7 there is a gap to the east, and then 5 Willow  
8 Terrace juts out even further as a three-story  
9 structure.

10 This is a close-up photo of the front  
11 of the building. You can see the absence of windows  
12 and whatnot.

13 Then this is the rear of the structure  
14 showing the adjacent neighbor at 13 Willow Terrace,  
15 our -- the subject property, 7 and then 5 Willow  
16 Terrace as you work from west to east.

17 CHAIRMAN AIBEL: So, Mr. Vasil, I am  
18 sorry, would you go back?

19 THE WITNESS: Sure.

20 CHAIRMAN AIBEL: What is the lot  
21 coverage of the second and third floors on 13 Willow  
22 Terrace?

23 THE WITNESS: So the second and third  
24 floors are the same as our third floor. We are  
25 aligning with that, which is 69.79 percent or 70

1 percent.

2 CHAIRMAN AIBEL: That is the third  
3 floor?

4 THE WITNESS: That's the second and  
5 third floor. These two at 13 Willow are the same.

6 CHAIRMAN AIBEL: And so under your  
7 proposal, the second floor would be at 81 percent  
8 lot coverage?

9 THE WITNESS: Yes. Our second floor  
10 would extend beyond their -- their current addition.  
11 Yes, that is correct.

12 CHAIRMAN AIBEL: Did you give any  
13 consideration to shortening the lot coverage on the  
14 second floor?

15 THE WITNESS: We did, and just to go  
16 back to the plan here, the client and I discussed  
17 that this mechanical -- the mechanical room that is  
18 there, all of the equipment that is there had been  
19 recently renovated.

20 If you pull this back, that extra space  
21 doesn't -- wouldn't necessarily get you a full  
22 bedroom. It would get you the closet, but the  
23 bedroom would be diminutive -- diminutive, and we  
24 had discussed that the -- that this was preferred.  
25 The preferred option would be to align with the --

1 for the client would be to align it with the first  
2 floor addition rather than the building that was  
3 adjacent to it.

4 CHAIRMAN AIBEL: Thank you. Apologies  
5 for interrupting.

6 THE WITNESS: No, that is fine.

7 I was complete with my presentation. I  
8 just would like to point out the -- these are the  
9 pervious pavers. The yard is -- the court is pretty  
10 small. It is bounded by not only the buildings that  
11 are to the -- that are on either side, but also in  
12 the -- to the rear there is -- there are retaining  
13 walls and fences that are -- that enclose the space,  
14 so it's a fairly -- it's a fairly private little  
15 court that is created there.

16 MR. COSGROVE: Mr. Vasil, could you  
17 address, and you did this somewhat already, but  
18 because it is specifically mentioned in Mr.  
19 Banisch's report, could you provide some testimony  
20 regarding the neighborhood character and how the  
21 proposed additional height coverage in your yard  
22 extensions will impact the surrounding uses?

23 THE WITNESS: So our proposed addition  
24 is consistent with other -- with other buildings on  
25 to that block frontage, both the use, the height,

1 and -- and the scale, we do -- most of the -- many,  
2 many of the Willow Terrace houses do not exceed the  
3 lot coverage that is permitted in that zone, so it  
4 is not uncommon to see lot coverage that extends  
5 that far out, so it is consistent with the other  
6 buildings on that block in that area.

7 MR. COSGROVE: Could you also address  
8 Ms. Holtzman's letter, the Flood Plain  
9 Administrator?

10 THE WITNESS: Yes.

11 In Ms. Holtzman's letter, she mentions  
12 the -- any new or -- new or upgraded utilities would  
13 have to be brought up to flood damage prevention  
14 code. We are not providing any -- we're not  
15 proposing new utilities, but all of our mechanical  
16 units are on the second floor, so those do comply  
17 with the current flood plain regulation.

18 We would not be able to bring them  
19 downstairs because of the -- because of the -- how  
20 low lying it is, and we would -- we would -- we  
21 comply. The rest of the use of flood resistant  
22 materials would all be complied with for the  
23 proposed work in the backyard -- or in the back  
24 wall, excuse me, so we do comply with her -- with  
25 the requirements from the flood prevention code.

1 MR. COSGROVE: Thank you.

2 Mr. Chairman, at this point I would  
3 open it up to questions from the Board and the  
4 public.

5 CHAIRMAN AIBEL: Thank you.

6 Board members, first, anybody wish to  
7 start off?

8 VICE CHAIR BRANCIFORTE: Just to be  
9 clear, on the proposal you have for the second  
10 floor, it goes out further than the third floor?

11 THE WITNESS: I said it goes out  
12 further than the third floor, correct. The second  
13 floor is aligned with the first floor, and the third  
14 floor is brought back to align with the building  
15 that is adjacent. That is correct.

16 VICE CHAIR BRANCIFORTE: So if you go  
17 down to your photograph that you have, say the  
18 second photograph there all the way at the end,  
19 yeah, just to the left there, you see 11 or 13  
20 Willow Terrace?

21 THE WITNESS: Correct.

22 VICE CHAIR BRANCIFORTE: So where is  
23 your building going to come, you know, in comparison  
24 to that 13 Willow?

25 THE WITNESS: It extends five feet from

1 the back of this corner out, so it is about midway  
2 through this on their first floor. It would be  
3 about halfway -- halfway about as covered on that  
4 level only, and then it would align again on the  
5 third floor above it.

6 VICE CHAIR BRANCIFORTE: Is that -- it  
7 seems to me that's the only building, that 11 Willow  
8 Terrace will be the only building that has an  
9 extension that far out. Is that true?

10 THE WITNESS: 5 -- no. There are  
11 others on that block frontage. I have to look for  
12 it. I don't have it handy, but there are others  
13 that are further towards the west side of that block  
14 frontage that have deeper -- that are not the  
15 corner. The corners definitely have it, no matter  
16 what, but there are more interior lots that have  
17 deeper lot coverage.

18 VICE CHAIR BRANCIFORTE: Well, I am  
19 looking at the photo. I brought the photo up on my  
20 other computer and --

21 THE WITNESS: Yeah. I am looking --  
22 I'm looking on that photo as well, and I don't see  
23 it.

24 VICE CHAIR BRANCIFORTE: Seeing as all  
25 of those rear facades on the second floor seem to



1 line up with each other, that this one is really  
2 going to stick out a little bit further than the  
3 rest.

4 THE WITNESS: Let me see if I can find  
5 a better picture.

6 VICE CHAIR BRANCIFORTE: Well, you  
7 have -- you have the Google photo --

8 THE WITNESS: Yeah, I am looking at it.

9 VICE CHAIR BRANCIFORTE: -- why -- and  
10 that seems to show --

11 THE WITNESS: Yeah.

12 5 seems to be deeper than 13, but it  
13 goes all the way up to three stories, yes.

14 VICE CHAIR BRANCIFORTE: And all the  
15 way to that -- in that aerial photo number one, I  
16 think the building all the way to the right, all the  
17 way to the east might be the corner.

18 THE WITNESS: Yes, yeah. That is  
19 correct.

20 VICE CHAIR BRANCIFORTE: So your second  
21 floor that you are proposing is going to stick out  
22 further than everybody else. Is that correct?

23 THE WITNESS: It looks to be correct,  
24 yes.

25 VICE CHAIR BRANCIFORTE: I don't know

1 if I am happy with that. I wish you would consider  
2 pulling it back a little bit, but I will leave it up  
3 to the other Board members to ask questions about it  
4 and see if they have any questions.

5 Thank you, Jim.

6 CHAIRMAN AIBEL: Thank you, John.

7 Anybody else want to ask questions at  
8 this point?

9 I will jump in because I think John  
10 just put his finger on what concerns me most about  
11 the application, and it is not fair to you, Jensen,  
12 because nobody asked you to go and do this research,  
13 but because we have seen so many of Willow Court --  
14 Willow Terrace applications, most of which we have  
15 approved, the only one that we didn't approve or the  
16 only one that I found on a quick pass that we didn't  
17 approve had lot coverage elements that are similar  
18 to your own.

19 Neighbors objected, but it was anything  
20 beyond 70 percent in that case that I am remembering  
21 was way too much, and many of the applications we  
22 granted obviously with variances for different  
23 existing conditions were in the 60 to 70 range  
24 across the second and third floors.

25 So I guess my major concern is you are

1 basically eating up light and air that is really  
2 unusual in your particular circumstances, and as  
3 Dennis would say, we are evaluating it on your  
4 particular circumstances, but I also don't want to  
5 do something that is, you know, totally inconsistent  
6 with the way we approached these applications for  
7 the past X years. It may be that we should have  
8 some proper zoning -- special zoning for this area,  
9 but the cow is out of the barn or whatever the  
10 expression is, and so we are dealing with it, but I  
11 am concerned about the lot coverage on the second  
12 floor.

13 THE WITNESS: That is a fair -- it's a  
14 fair point.

15 CHAIRMAN AIBEL: I wish there were some  
16 way to accommodate your client's desires, and we all  
17 understand the desire for extra space, but we got to  
18 be very careful that we are not cutting off light  
19 and air, we are not impairing the neighbor, you  
20 know. That is our job as a Board, so I would be  
21 interested in seeing if there were some other  
22 creative solutions that you could bring to the  
23 table.

24 THE WITNESS: Okay. I am happy to, you  
25 know, review it with my client and look and see what

1 we can do.

2 CHAIRMAN AIBEL: I'm not -- so let me  
3 ask my other Board members, do you want to ask  
4 questions?

5 Would you prefer to make some comments  
6 here, just to get us in the right direction?

7 COMMISSIONER WEAVER: I have a question  
8 about the low roof.

9 THE WITNESS: Yes.

10 COMMISSIONER WEAVER: What is the low  
11 roof, and could it be converted to a roof terrace?

12 THE WITNESS: There is nothing in the  
13 ordinance that would prohibit it being a low roof  
14 rear terrace in the future. Right now it would just  
15 be a roof membrane that would drain to a gutter in  
16 the back.

17 COMMISSIONER WEAVER: As long as it  
18 follows the prescriptive requirement for a roof.

19 THE WITNESS: Yeah, the three foot  
20 setbacks on either side.

21 COMMISSIONER WEAVER: Yeah. You are  
22 familiar with that, right?

23 THE WITNESS: Correct.

24 COMMISSIONER WEAVER: Yeah.

25 VICE CHAIR BRANCIFORTE: I am sorry.

1                   Jensen, what is the width of the  
2                   building?

3                   THE WITNESS: The building is 12 --  
4                   12.41 feet is the entire lot width, so, yeah. So if  
5                   you took away three on either side, it would only  
6                   leave you about 6 feet in the middle.

7                   COMMISSIONER MARSH: I have a question.

8                   VICE CHAIR BRANCIFORTE: No, go right  
9                   ahead. I'm sorry.

10                  COMMISSIONER MARSH: Dan or me?

11                  MR. GALVIN: Go ahead, Carol.

12                  COMMISSIONER MARSH: Well, I just want  
13                  to say I kind of agree with Chairman Aibel and John  
14                  Branciforte about, you know, maybe it's too big, but  
15                  I also wanted to comment on the windows in the  
16                  front.

17                  THE WITNESS: Yes.

18                  COMMISSIONER MARSH: While I appreciate  
19                  you wanting to have windows on the first floor, I  
20                  don't think they blend in with the building instead  
21                  of the windows next door. I actually think that is  
22                  one of the nicer looking ones on the block, and I  
23                  think the windows on the third floor have a lot to  
24                  do with that.

25                  THE WITNESS: So to make them blend in

1 with the two --

2 COMMISSIONER MARSH: No, with the  
3 building itself.

4 THE WITNESS: Oh, got it. With --  
5 okay, so --

6 COMMISSIONER MARSH: I mean, which  
7 buildings -- which third floor windows would you  
8 pick out as being really attractive in those  
9 pictures?

10 THE WITNESS: Not a whole bunch. This  
11 block doesn't have a great -- doesn't have a great  
12 inventory of third floor windows.

13 (Commissioner Weaver and the witness  
14 speaking at the same time)

15 THE WITNESS: Yeah, correct.

16 COMMISSIONER WEAVER: There's not many  
17 examples --

18 THE WITNESS: That's correct.

19 COMMISSIONER MARSH: I just hope you  
20 pick a better example.

21 THE WITNESS: Hum, I mean, I think  
22 aligning them with the windows below certainly  
23 making sure that they are, you know, the same width  
24 and -- and I think that is going to be a lot better  
25 than introducing another element, larger windows or

1       whatnot, and there's not -- you know, without having  
2       to remove the bathroom and the closet to do what we  
3       would traditionally do, which is like a Mansard  
4       roof, you know, that wasn't really in the -- in the  
5       request, so we could -- you know, to deal with  
6       making it better than it was, we tried to -- we  
7       tried to make it -- make the -- made lemonade out of  
8       lemons, to use that phrase.

9                       MR. COSGROVE: The idea, Mr. Chairman,  
10       is we know there is an issue on the second floor,  
11       but that has to be done to accommodate that utility  
12       closet. You know, we are trying to compensate for  
13       that, you know, by making it really esthetically  
14       pleasing with the front windows and obviously it is  
15       going to add the rear yard.

16                      So I understand, you know, what I am  
17       hearing is maybe, you know, we will put this off to  
18       finish it up next -- next week, but those are kind  
19       of the ideas, that the second floor is an issue. I  
20       guess Jensen can elaborate on that a little bit  
21       more, but we are trying to accommodate that utility  
22       closet that's already there.

23                      THE WITNESS: Yes. I am happy to go  
24       back to the owner and look at doing that.

25                      For the front, I mean, I really

1       didn't -- I offered that as -- I thought that would  
2       be a net benefit for the application because it  
3       would correct -- it -- the statement otherwise  
4       wouldn't be addressed. I mean, I felt like the  
5       double window is something that they could do  
6       fairly -- fairly easily without -- without major  
7       reconstruction at the side, which would be  
8       problematic for the client.

9                   VICE CHAIR BRANCIFORTE: Would it be --  
10       I am going to step in here a little bit, but just to  
11       get rid of that siding that you have all together  
12       and go back to a brick or something more esthetic  
13       than what looks to be just, you know, nothing more  
14       than vinyl paneling, I know it is going to be  
15       different once you replace it with this other  
16       material, but we have three architects here tonight,  
17       so I would like to get their opinions on what they  
18       think. Steve, Dan?

19                   THE WITNESS: I mean, they're bringing  
20       back the cornice for a clear separation between what  
21       was there and what is above would be -- would be  
22       another -- would be another element that we can -- I  
23       can discuss with my client about doing. That would  
24       be something that I think would be, you know, a  
25       benefit to the -- to the, you know, the overall



1 street scape. Those, you know -- typically those  
2 bottom two floor structures, that cornice line, you  
3 know, had a consistent pattern.

4                   What you did above it as a second means  
5 of brick, I am always a little bit reticent to add  
6 brick with the brick down below because I feel like  
7 it ends up being like this, where you got -- where  
8 it just never matches, and it's like unless you did  
9 something that was, you know, quite a bit different,  
10 you are never going to make it look like the  
11 historic brick, and you almost don't want to. Like  
12 it would be better off to have a cornice, the  
13 cornice that was matched and then what is above it  
14 is separated, but I -- I welcome comments from the  
15 other Commissioners as well.

16                   VICE CHAIR BRANCIFORTE: Well, even  
17 the -- I guess it's stucco at 13 Willow Terrace.

18                   THE WITNESS: Yes.

19                   VICE CHAIR BRANCIFORTE: That seems to  
20 be pretty nice to me at least. I don't know how the  
21 other members really feel about it, but I'm just  
22 throwing it out there. It looks like -- you only  
23 have one shot to really make this facade right, and  
24 yeah, that is all.

25                   COMMISSIONER WEAVER: A lot of it has

1 to do with matching and scale and what is successful  
2 about 13 is that it sort of breaks that down and  
3 makes a more vertical element versus, you know,  
4 unfortunately the Hardie plank -- Hardie plank wall,  
5 which is for horizontal and really sticks out proud  
6 of the brick wall below it, which in itself is  
7 troublesome.

8 I mean, obviously as Mr. Vasil was  
9 saying, the go-to would be a Mansard roof that sort  
10 of steps back, and it's more in keeping with the  
11 language of an addition put on top of an existing  
12 masonry building. But, you know, if we can't do  
13 that, then I mean, I wouldn't presume to disband the  
14 design for Mr. Vasil. I don't know what the owner's  
15 budget is. I do think that 13 is more successful  
16 than almost any other facade on this block.

17 Unfortunately, Willow Terrace has  
18 become a bit of a hodgepodge of additions and  
19 materials, and if you look, you know, there is the  
20 Hardie plank with the vinyl siding. There is the  
21 plaster, you know, there is a different plaster in a  
22 different color. There is the original roof. I  
23 think that is what that gable that's further down on  
24 the right, those are actually where the stair comes  
25 up. I am not really sure.

1                   But I mean, it is just like, it is  
2                   difficult. It is not -- it is not that expensive to  
3                   do it right. It's not an expensive endeavor.

4                   VICE CHAIR BRANCIFORTE: And that is  
5                   why I am kind of hesitating to ask if they could do  
6                   anything that isn't asking them to break the bank on  
7                   it. But like I said, you only get one opportunity  
8                   to right this wrong, and this might be it.

9                   COMMISSIONER WEAVER: But 15, I mean, I  
10                  want to say 15 isn't right either. I mean, just  
11                  because there are two windows there doesn't make it  
12                  right. It's just, you know, there are two windows.

13                  VICE CHAIR BRANCIFORTE: Well, one down  
14                  from there, there's an air-conditioning through a  
15                  wall unit, so, I mean, the third floor, I'm just  
16                  throwing it out there.

17                  COMMISSIONER WEAVER: It is a  
18                  challenge. I know it is a challenge.

19                  And unfortunately, some of the backs of  
20                  these houses are much more interesting than what is  
21                  on Willow Terrace, because I don't know if they had  
22                  more freedom or, you know, they don't have to deal  
23                  with this sort of, you know, they think it is a  
24                  historical fabric left when, in fact, you know,  
25                  there is actually very little of that left.

1                   I think even the neighbor at Willow  
2           13-15 has added a, you know, brick vestibule, which  
3           just makes my skin crawl on the face of their  
4           building. So I mean, Mr. Smolyn is on the  
5           Historical Preservation Board. I am sure he has some  
6           key comments to make.

7                   This Willow Terrace area unfortunately,  
8           it's just not received the TLC that it should have  
9           probably going on, you know, 20, 30, 40 years ago  
10          because it really could be quite a gem in the city.  
11          It really could be an asset.

12                   VICE CHAIR BRANCIFORTE: Got you.

13                   COMMISSIONER SMOLYN: Yeah. I was  
14          quickly searching for the historical images of the  
15          property maybe to guide us as a sort of precedent  
16          here, but I think the sort of topology traditionally  
17          of Willow Terrace is not so much like a standard  
18          city Mansard roof, but it's more of what you're  
19          seeing on the left portion.

20                   I think Jensen mentioned this as a  
21          front gable roof with the off-set dormer, and I  
22          don't think such a monolithic frontage of Hardie  
23          Plank, which durable it is, but it's not offering  
24          much in the way of depth of appearance is  
25          appropriate for this third floor, and I'd also say

1       its stucco I think adjacent to it is probably  
2       further in the wrong direction, but that is just a  
3       personal opinion.

4                    COMMISSIONER WEAVER:  If we could just  
5       have a little architectural between you and I --

6                    (Laughter)

7                    -- and we're going to go back, I don't  
8       mean to do this.  I'm sorry.

9                    But, yeah, it's like -- I think what  
10       they do -- what the plaster does at 13 is yes, I  
11       don't particularly like the plaster material, but it  
12       breaks up the scale, and I mean, what you just said  
13       it doesn't -- the horizontal Hardie Plank, it  
14       doesn't add much in the way of -- what was the word  
15       that you used?

16                   COMMISSIONER SMOLYN:  I'm sorry, I lost  
17       it, but --

18                   COMMISSIONER WEAVER:  Yeah.  It's just  
19       one surface.  It's one plane that is not broken up  
20       at all, and I think that's where the plaster is  
21       successful -- it's not that it is plaster.  It's  
22       just that it breaks up the scale of it so much,  
23       because when you look at the next building over, it  
24       is just sort of -- it's very flat, undefined.

25                   So if there was like -- I mean, like a

1 metal or something that would be -- but I think it  
2 is a scale issue. It's not necessarily a material  
3 issue.

4 COMMISSIONER SMOLYN: I think we are  
5 storing that cornice data between the second and  
6 third floor, and then as Mr. Vasil was saying,  
7 providing a kind of clear break between the old  
8 brick and new, what we are doing above will help,  
9 and that will be I think a lot more successful,  
10 cohesive.

11 Like three or four properties to the  
12 right in that picture, where it is kind of a jumbled  
13 mess between stuff added in the eighties and the  
14 nineties and stuff that was there in the 1880s and  
15 '90s.

16 I didn't completely understand the  
17 mechanical room relocation issue, where that needs  
18 to be. So is there a potential, is there a  
19 compromise here, Jensen, between that and the  
20 possible off-set dormer?

21 THE WITNESS: I'm sorry. I'm sorry.  
22 Can you repeat that question?

23 COMMISSIONER SMOLYN: Can the property  
24 to the left be mirrored over to the right  
25 conceptually, or is that out of the question here

1 for what the client is looking at 11 Willow Terrace?

2 THE WITNESS: Yes. One of -- one of  
3 the things that they had when they moved into the  
4 property three or four years ago, they did -- they  
5 did do a renovation. They didn't go for the  
6 variance because of the cost and also the time and  
7 effort that it takes to do such, so they renovated  
8 within the envelope and then added this piece. I  
9 think that it is -- it would be a lot of taking  
10 apart of what was already done.

11 COMMISSIONER SMOLYN: Does your current  
12 drawing package restore the cornice line?

13 THE WITNESS: No. I was discussing as  
14 I -- that was something I felt that was, you know,  
15 as I was looking at it, with talking to you, that  
16 that would be, you know, something that would --  
17 might help to alleviate a concern.

18 COMMISSIONER SMOLYN: Yeah. I think it  
19 would clarify the facade quite a bit.

20 Did this building originally have  
21 shutters, do you think? It seems to be --

22 THE WITNESS: No. It was added. They  
23 were definitely added because they are not the right  
24 size either.

25 COMMISSIONER SMOLYN: And are those

1 being taken off as part of this application?

2 THE WITNESS: Again, we were -- I  
3 probably more than my client wanted to do -- I  
4 formed the front facade because I felt it was an  
5 opportunity to benefit the street without having to,  
6 you know, redo all of this stuff, I would have to  
7 clear it with him, but, no, I was not proposing to  
8 take the shutters off.

9 COMMISSIONER WEAVER: Are you changing  
10 any of the windows, because on the bottom it looks  
11 like there is a black frame and then there's the  
12 white vinyl for the second floor?

13 THE WITNESS: I know. There were  
14 mistakes that were made that -- I would, you know, I  
15 wasn't -- I wasn't involved in the project when they  
16 were done, but I know that window is new. There  
17 were no other -- there were no other that I know of  
18 unless my client has a different answer, there were  
19 no other modifications to the windows that I am  
20 aware of.

21 COMMISSIONER WEAVER: I guess my  
22 question is: Are you making any modifications to  
23 the windows?

24 THE WITNESS: No. We were only  
25 proposing to do the third floor. That is it.



1                   COMMISSIONER WEAVER: And those third  
2 floor windows would be what frame color?

3                   THE WITNESS: They would be white to  
4 match the second floor.

5                   I think the first floor is a different  
6 shade and a completely different -- it's a picture  
7 window, so that matching that would be almost a  
8 little too jarring. I thought the white -- the  
9 white, because we are not replacing the second, the  
10 white would make more sense.

11                  MR. BANISCH: Can I make a suggestion,  
12 Mr. Chair?

13                  CHAIRMAN AIBEL: Please.

14                  MR. BANISCH: I think that the  
15 suggestion Steve had to put the cornice line back  
16 probably gives an opportunity for some creativity  
17 there that might not be an expensive solution.

18                  I am a little more concerned about the  
19 rear yard because I think the Chairman's point  
20 before about essentially the donut occurs from the  
21 second floor up in this neighborhood, and that I  
22 think the principle that we tried to maintain was  
23 that even though there is going to be a lot of  
24 coverage on the first floor because of the very  
25 small size of these lots, we are still looking to

1 try to maintain that openness from the second floor  
2 level up. So it would seem like the most important  
3 adjustment to be made here would be a way that the  
4 second floor coverage steps back enough that it's in  
5 the zone that we have been willing to approve in the  
6 past, and I am only cutting to the chase like that  
7 because it seems like if that can't work, some of  
8 these other details might not be important.

9 CHAIRMAN AIBEL: I wish I had said it  
10 like you, Frank.

11 Thank you.

12 THE WITNESS: Thank you.

13 MR. GALVIN: What are we going to do  
14 next?

15 MR. COSGROVE: Mr. Chairman, could we  
16 pick this up again next week?

17 In the meantime, Mr. Vasil and the  
18 client and myself could confer and then finish this  
19 up next week.

20 CHAIRMAN AIBEL: I think that is a good  
21 proposal.

22 MR. COSGROVE: I would ask that we  
23 adjourn with no further notice and, of course, we  
24 would waive any time limitations.

25 MR. GALVIN: Sounds good.

1                   Was there anybody from the public that  
2                   wanted to be heard on this case?

3                   THE WITNESS: Thank you, Dennis.

4                   MR. GALVIN: No. We are good. I  
5                   didn't see anybody.

6                   VICE CHAIR BRANCIFORTE: So should I  
7                   make a motion to move this to next week then?

8                   MR. GALVIN: Good job.

9                   VICE CHAIR BRANCIFORTE: Okay. Motion  
10                  to move 11 Willow Terrace, no further notice,  
11                  extension of time is granted, and that is my motion.

12                  CHAIRMAN AIBEL: Do I have a second?

13                  COMMISSIONER WEAVER: Second.

14                  MR. GALVIN: Thank you.

15                  CHAIRMAN AIBEL: All in favor?

16                  (All Board members answered in the  
17                  affirmative)

18                  COMMISSIONER MARSH: Can I make a  
19                  comment? Am I going to mess up the quorum here?

20                  CHAIRMAN AIBEL: No. I think we are  
21                  concluding for the evening.

22                  COMMISSIONER MARSH: No, no, no. What  
23                  I'm saying is that I can't be there next week, so I  
24                  just wanted to make sure if I need to vote on it, I  
25                  want to make sure that another Board member could be

1           there.

2                         CHAIRMAN AIBEL:   Phyllis --

3                         THE REPORTER:   Yes.

4                         CHAIRMAN AIBEL:   -- how many -- Pat, my  
5           apologies, how many Board members do we have sitting  
6           right now?

7                         COMMISSIONER GRAHAM:   Six because Diane  
8           left.

9                         MR. GALVIN:   We could decide this with  
10          five, right?  It is not a D variance.

11                        Am I wrong, Frank?  Is this a D  
12          variance?

13                        MR. BANISCH:   No.

14                        MR. GALVIN:   So we are fine.

15                        Carol, we will miss you, but we will be  
16          okay.

17                        COMMISSIONER MARSH:   I will be right  
18          here at another Zoom meeting.

19                        (Laughter)

20                        CHAIRMAN AIBEL:   Dennis, are we  
21          resuming on a separate line?

22                        MR. GALVIN:   Well, let's do this first.

23                        Mr. Cosgrove, and, Mr. Vasil, you guys  
24          are kind of excused.  You can leave.

25                        Thank you.

1                   CHAIRMAN AIBEL: Thank you. See you  
2 next week.

3                   MR. GALVIN: Then all of us are going  
4 to get off and then get back on the other line.

5                   CHAIRMAN AIBEL: Very good.

6                   MR. GALVIN: And Dan is going to reach  
7 out for Ms. Murphy.

8                   COMMISSIONER WEAVER: Yes, yes, I am.  
9 Thank you.

10                  MR. GALVIN: Nicola, man, you are like  
11 sitting in the dark.

12                  COMMISSIONER MAGANUCO: I know.

13                  MR. GALVIN: Way to go, big guy.  
14 You're enjoying the outside.

15                  All right. I'm going out. I'll see  
16 you in the other room.

17                  (Laughter)

18                  CHAIRMAN AIBEL: Thank you.

19                  (Discussion held off the record)

20                  MR. GALVIN: Pat, here's what we're  
21 going to do.

22                  MS. CARCONE: Yes.

23                  MR. GALVIN: Phyllis doesn't join us  
24 because really theoretically, you know, we are  
25 messing up, because we have to move into executive

1 session --

2 MS. CARCONE: Right.

3 MR. GALVIN: -- but we are going into  
4 executive session anyway.

5 So, Phyllis, you are not going to  
6 record the executive session.

7 Jim, I will get you the resolution to  
8 sign via Pat tomorrow --

9 CHAIRMAN AIBEL: That's fine.

10 MR. GALVIN: -- that we went into --  
11 and I am telling the public right now, that the  
12 Board is authorizing us to go into executive  
13 session. We are going in to discuss litigation.

14 When the litigation is concluded, we  
15 will provide the minutes of the executive session.

16 Phyllis, we will call you if we want to  
17 go back on the line, but we will call you either way  
18 and let you know that we're done.

19 THE REPORTER: Okay.

20 MS. CARCONE: I'll text you, Phyllis,  
21 when we are finished.

22 THE REPORTER: Okay.

23 MS. CARCONE: Oh, we did not do the  
24 resolution also, the 1427 resolution.

25 MR. GALVIN: Oh, we are going to come

1 back on to the record to do that?

2 MS. CARCONE: Do you want to do that  
3 next week?

4 MR. GALVIN: Pat, hold it for next  
5 week.

6 MS. CARCONE: Hold it to next week.

7 MR. GALVIN: Yes.

8 (Discussion held off the record)

9 MR. GALVIN: As of right now, we think  
10 we are not going to do any more public business, but  
11 we will let you know.

12 THE REPORTER: Okay.

13 MS. CARCONE: Okay. So I am ending  
14 this meeting.

15 (The matter concluded at 10:25 p.m.)

16 (Executive Session was held off the  
17 record)

18 (The meeting concluded at 11 p.m.)

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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.