

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE HOBOKEN : Tuesday 7 p.m.
ZONING BOARD OF ADJUSTMENT : June 23, 2020
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MEETING CONDUCTED VIA ZOOM

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Ann Graham
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Dan Weaver
- Commissioner Steven Firestone
- Commissioner Steven Smolyn

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

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BY: Frank Banisch, PP

BOSWELL ENGINEERING
BY: Christopher Nash, PE

Patricia Carcone, Board Secretary

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1 CHAIRMAN AIBEL: So let's kick it off.

2 It is 7:01.

3 MS. CARCONE: Okay. We really need
4 Frank Banisch.

5 Is Frank there, Frank Banisch here?

6 Oh, there he is. Okay. Perfect. We
7 have Frank Banisch. He is sideways. All right.
8 Okay. We can start now.

9 CHAIRMAN AIBEL: Are you going to start
10 the public notice?

11 MS. CARCONE: Yes, I will read it,
12 if you'd like me to.

13 CHAIRMAN AIBEL: Thank you.

14 MS. CARCONE: All right. I would like
15 to advise all of those present that notice of this
16 meeting has been provided to the -- did somebody say
17 something?

18 Oh, Ann -- I mean, Phyllis, are you
19 ready?

20 THE REPORTER: Yes.

21 MS. CARCONE: Okay. I'm sorry. I'm
22 starting over.

23 I would like to advise all of those
24 present that notice of this meeting has been
25 provided to the public in accordance with the

1 provisions of the Open Public Meetings Act, and that
2 notice was published in The Jersey Journal and the
3 city's website. Copies were also provided in The
4 Star-Ledger, The Record, and also placed on the
5 bulletin board in the lobby of City Hall.

6 This meeting is a judicial proceeding.
7 Any questions or comments must be limited to the
8 issues of what the Board may legally consider in
9 reaching a decision, and the decorum appropriate to
10 a judicial hearing must be maintained at all times.

11 CHAIRMAN AIBEL: Thank you very much,
12 Pat.

13 MS. CARCONE: Okay.

14 CHAIRMAN AIBEL: Just to repeat what
15 Pat said earlier, if you are not speaking, please
16 mute yourselves, so that we have a minimum of
17 background noise, and we can hear one person at a
18 time, so that Phyllis can record us all faithfully.

19 We are at a Special Meeting of the
20 Zoning Board of Adjustment. We have -- I guess we
21 are going to start with -- we are going to dispense
22 with our flag salute tonight. We will go to roll
23 call.

24 Thanks, Pat.

25 MS. CARCONE: Yes.

1 Commissioner Aibel?

2 CHAIRMAN AIBEL: Here.

3 MS. CARCONE: Commissioner Branciforte?

4 VICE CHAIR BRANCIFORTE: Here.

5 MS. CARCONE: Commissioner Graham?

6 COMMISSIONER GRAHAM: Here.

7 MS. CARCONE: Commissioner Grana?

8 COMMISSIONER GRANA: Here.

9 MS. CARCONE: Commissioner McAnuff?

10 COMMISSIONER MC ANUFF: Here.

11 MS. CARCONE: Commissioner Murphy is
12 absent.

13 Commissioner Weaver?

14 I didn't see Dan come on.

15 Commissioner Firestone?

16 COMMISSIONER FIRESTONE: Here,

17 MS. CARCONE: Commissioner Maganuco?

18 Okay.

19 THE REPORTER: Is he here?

20 MS. CARCONE: I don't see him on the
21 call, no, Phyllis.

22 And Commissioner Smolyn?

23 COMMISSIONER SMOLYN: Here.

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

25 CHAIRMAN AIBEL: Thank you.

1 MS. CARCONE: If anybody sees any of
2 the Board members pop up, please let me know.

3 CHAIRMAN AIBEL: We have several waiver
4 reviews, but my proposal is to hear them at the end
5 of the hearings.

6 Is anybody here for any of the waiver
7 reviews that we have listed, 154 Second, 602 Grand
8 and 628 Grand?

9 MS. CARCONE: Also 527 court.

10 CHAIRMAN AIBEL: Thank you.

11 MR. WINE: Mr. Chairman, Benjamin Wine,
12 attorney for 628 Grand Street, LLC. I am just here
13 in case there are any questions for that waiver
14 review. So I would request, if you don't mind, at
15 least addressing that one, I would appreciate that.

16 CHAIRMAN AIBEL: Which one are you here
17 on? I'm sorry, Mr. Wine.

18 MR. WINE: 628 Grand.

19 CHAIRMAN AIBEL: In deference to you,
20 and if we can do it very quickly, we will do that.

21 Frank, are you able to do a quick
22 review on 628 Grand?

23 We will have more time at the end.

24 MS. CARCONE: Frank?

25 Oh, he's connecting to audio.

1 MR. BANISCH: Can you hear me? I am
2 here.

3 CHAIRMAN AIBEL: Thank you.

4 MR. BANISCH: Would you like me to run
5 through this quickly?

6 CHAIRMAN AIBEL: Let's see if we can
7 get it done quickly.

8 MR. BANISCH: This is the completeness
9 review for 628 Grand Street, dated June 16th, 2020.

10 The applicant is proposing alterations
11 to an existing nonconforming structure, some of
12 which will bring some of the nonconforming
13 conditions into compliance.

14 It would be a three-story addition to a
15 two-story structure. A new roof deck and a lower
16 deck are also proposed, and there are a number of
17 variances associated with it.

18 The checklist items for which were
19 requested, the first one is Number 6, the resolution
20 of redevelopment designation. This is not a
21 redevelopment area.

22 The Flood Plain Administrator's review
23 letter was submitted to the city offices on June
24 14th, and the environmental conditions documentation
25 is not applicable because there is less than 5,000

1 square feet of disturbance. As a result, we
2 recommended that the Board grant the waivers and
3 find the application complete.

4 (Commissioner Dan Weaver present)

5 CHAIRMAN AIBEL: Board members, any
6 comments?

7 COMMISSIONER FIRESTONE: I will make a
8 motion, Jim, if you're ready for it.

9 It's Steve.

10 I motion that we deem 628 Grand Street
11 complete and schedule it on the next available date
12 that is appropriate.

13 CHAIRMAN AIBEL: Do I have a second?

14 COMMISSIONER MC ANUFF: Second.

15 MS. CARCONE: Who is the second?

16 COMMISSIONER MC ANUFF: Owen.

17 MS. CARCONE: Owen.

18 CHAIRMAN AIBEL: Thank you, Owen.

19 MS. CARCONE: Okay. All in favor, aye?

20 (All Board members voted in the
21 affirmative)

22 MS. CARCONE: Anyone opposed?

23 Okay.

24 MR. WINE: Thank you very much.

25 MS. CARCONE: Then I'll be in touch to

1 schedule that hearing.

2 MR. WINE: Perfect. Thank you very
3 much, all. Have a good night.

4 MS. CARCONE: Can I just check that
5 there is nobody here for 154 Second, 602 Grand or
6 527 Court?

7 COMMISSIONER MC ANUFF: Pat, I believe
8 Dan Weaver is on as well.

9 MS. CARCONE: Phyllis, did you see that
10 Dan is on the call now?

11 THE REPORTER: Yes, I did. Thank you.

12 MS. CARCONE: Okay.

13 CHAIRMAN AIBEL: Thanks. Thank you,
14 Frank.

15 (The hearings on 11 Willow, 119 Willow
16 and 18 Willow took place and are contained beginning
17 on Page 18 of this transcript)

18 CHAIRMAN AIBEL: Frank, can we come to
19 you --

20 MR. BANISCH: 154 Second?

21 CHAIRMAN AIBEL: That's great.

22 Thank you.

23 MR. BANISCH: This letter is dated May
24 15th, 2020. The applicant proposes again
25 alterations to an existing nonconforming structure

1 creating a third floor addition and roof deck and a
2 lower deck. The most significant variance here is
3 the lot coverage, where a hundred percent exists and
4 is proposed compared to the 30 -- 60 percent rather
5 that is permitted.

6 The variance waiver requests, the first
7 one related to the redeveloper designation, and it's
8 not in a redevelopment area.

9 MS. CARCONE: Frank, can I talk to you
10 for a second?

11 MR. BANISCH: Yes.

12 MS. CARCONE: Are we doing 154 Second?

13 MR. BANISCH: I am, yes.

14 MS. CARCONE: Oh, the Board had
15 previously reviewed this, and the only thing that
16 was missing was the flood plain review, which we had
17 received since the last review, so --

18 MR. BANISCH: Right.

19 So you got 6/14 --

20 MS. CARCONE: Yes. So that was --

21 MR. BANISCH: -- so there really are no
22 waivers required at that point, and the application
23 should be deemed complete.

24 CHAIRMAN AIBEL: Okay. I'm not sure we
25 need a vote. If it's complete, it is complete.

1 602 Grand?

2 MR. BANISCH: 602 Grand, the letter,
3 dated June 16th, indicates that they would be
4 demolishing a one-story garage to construct a new
5 five-story single-family residential building.

6 The nature of the variances are
7 fenestration and floor-to-floor heights.

8 The checklist items, Number 6, it's not
9 in a redevelopment area, so there is no need for a
10 waiver.

11 Item Number 8, photographs of the
12 building and property, they were actually included
13 in the applicant's planning and zoning reports, so
14 we have those.

15 Flood Plain Administrator's letter was
16 submitted via email.

17 The environmental conditions or
18 remediation documentation is not applicable.

19 The neighborhood impact statement was
20 received 6-20, so that is a completed item.

21 And the stormwater management plan is
22 not applicable, so again, this can be -- this
23 application can be deemed complete.

24 And in the paragraph that talks about
25 deeming it complete, we no longer need to require

1 the right to require a neighborhood impact report
2 because we have it, so that is the only change to
3 the report, which recommends it should be deemed
4 complete.

5 CHAIRMAN AIBEL: Okay. Can I have
6 motion?

7 COMMISSIONER GRAHAM: So moved.

8 COMMISSIONER GRANA: Second.

9 MS. CARCONE: All in favor?

10 (All Board members answered in the
11 affirmative)

12 MS. CARCONE: Anybody opposed?

13 Okay. So it is complete.

14 All right. 628 Grand we did
15 previously, so 527 Court is the last one.

16 MR. BANISCH: Right.

17 This letter is dated June 16th, 2020.

18 The applicant proposes a third floor addition with a
19 roof deck. The variance, the most significant
20 variances relate to the coverage. 90.9 percent
21 exists and is proposed to remain, where 60 percent
22 is permitted, and a 30 foot or 30 percent rear yard
23 is required, where two and a half feet exists.

24 With regard to the checklist waivers,
25 Item Number 6, it is not in a redevelopment area, so

1 there is no waiver needed.

2 The Flood Plain Administrator's letter
3 has been submitted.

4 The environmental conditions and
5 remediation documentation are not applicable, nor is
6 the stormwater management requirement.

7 So this application also has been
8 deemed complete, provided the Board approves any
9 waivers, and at this point the information has all
10 been submitted, so no waiver is required.

11 CHAIRMAN AIBEL: Could I have a motion
12 to accept or reject the --

13 THE REPORTER: Jim, I'm sorry, I can't
14 hear you.

15 CHAIRMAN AIBEL: My apologies.

16 Can I have a motion?

17 COMMISSIONER MC ANUFF: Motion to
18 accept.

19 COMMISSIONER WEAVER: Motion.

20 MS. CARCONE: Was that Antonio?

21 COMMISSIONER MC ANUFF: Owen.

22 MS. CARCONE: Owen, sorry.

23 A second? I need a second.

24 COMMISSIONER WEAVER: Second.

25 MS. CARCONE: All in favor?

1 (All Board members answered in the
2 affirmative)

3 MS. CARCONE: Anyone opposed?

4 No. Okay. Great.

5 CHAIRMAN AIBEL: Thank you, Frank.

6 Pat, are we --

7 MS. CARCONE: We have one resolution to
8 do. It will take a second.

9 CHAIRMAN AIBEL: Herschel, do you have
10 the resolution?

11 MS. CARCONE: I have it here.

12 The resolution for 1427-1429 Grand,
13 that want a final site plan. It was --

14 COMMISSIONER GRAHAM: I know I can't
15 vote --

16 MS. CARCONE: When did we approve this?
17 I am looking for the date.

18 COMMISSIONER GRAHAM: Last week, wasn't
19 it?

20 MS. CARCONE: May 26th.

21 Voting are Commissioners Branciforte,
22 Grana -- Graham, Grana, Murphy, McAnuff, Firestone.

23 Did anybody have any comments about
24 this resolution?

25 COMMISSIONER GRANA: Can you clarify,

1 because I just can't quite see the screen, Pat? Is
2 it an approval or denial?

3 MS. CARCONE: It is an approval. It
4 was a final site plan for 1427-1429 Grand. It was
5 approved in I think 2019.

6 COMMISSIONER GRANA: Okay. And all of
7 the people that you noted voted as below?

8 MS. CARCONE: Yes.

9 COMMISSIONER GRANA: Can I just see the
10 list of how people voted -- sorry.

11 MS. CARCONE: Can you see it?

12 COMMISSIONER GRANA: Let me minimize my
13 Zoom window. Sorry.

14 Okay. Thank you.

15 No questions -- no more questions.

16 VICE CHAIR BRANCIFORTE: Motion to
17 approve.

18 COMMISSIONER GRANA: Second.

19 MS. CARCONE: Mr. Branciforte?

20 VICE CHAIR BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner Graham?
22 Ann?

23 COMMISSIONER GRAHAM: Yes.

24 VICE CHAIR BRANCIFORTE: She is not
25 voting I think.

1 COMMISSIONER GRAHAM: No. I thought it
2 was the dog one. I apologize. This one, yes, I can
3 vote on.

4 MS. CARCONE: Commissioner Grana?

5 COMMISSIONER GRANA: Yes.

6 MS. CARCONE: Commissioner McAnuff?

7 COMMISSIONER MC ANUFF: Yes.

8 MS. CARCONE: Commissioner Firestone?

9 COMMISSIONER FIRESTONE: Yes.

10 MS. CARCONE: Okay.

11 That is it.

12 Thank you.

13 CHAIRMAN AIBEL: Thanks, everybody, for
14 a good night.

15 VICE CHAIR BRANCIFORTE: Motion to
16 adjourn.

17 COMMISSIONER WEAVER: Second.

18 CHAIRMAN AIBEL: All in favor, aye?

19 (All Board members answered in the
20 affirmative)

21 MS. CARCONE: See everyone in July.

22 COMMISSIONER GRAHAM: Good night.

23 MS. CARCONE: Good night.

24 MR. NASH: Stay safe.

25 MS. CARCONE: Drive safe.

1 MR. NASH: I said "Stay safe."

2 MS. CARCONE: I thought you said "Drive
3 safe."

4 MR. NASH: No. Walk safely to your
5 bedrooms.

6 (Laughter)

7 (Continue on the next page for 11
8 Willow Court)

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

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RE: 11 Willow Court : Tuesday 7:15 p.m.
Block 158, Lot 18, Zone R-1 :
Applicant: DeLoof, Daniel & Courtney : June 23, 2020
Continued from June 16, 2020 :
- - - - - X

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12 West Caldwell, New Jersey 07006
13 BY: ROBERT COSGROVE, ESQ.
14 Attorneys for the Applicant.

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WITNESS

PAGE

Jensen Vasil

19

1 CHAIRMAN AIBEL: Mr. Cosgrove, you are
2 up on 11 Willow.

3 MR. COSGROVE: Thank you, Mr. Chairman.

4 At this point, I think we will get
5 right into it. Mr. Vasil was previously sworn in,
6 so we will continue with his testimony.

7 CHAIRMAN AIBEL: Great.

8 MR. COSGROVE: Mr. Vasil, are you on?
9 Do you hear me?

10 MR. VASIL: Yes.

11 MR. COSGROVE: Okay. Now, following
12 last week's meeting, you submitted two additional
13 exhibits. Could you take the Board through those
14 two exhibits?

15 MR. VASIL: Yes.

16 J E N S E N V A S I L, Architect, having been
17 previously sworn, testified as follows:

18 MS. CARCONE: Do you want me to put the
19 plan up?

20 THE WITNESS: Either you could, or if
21 you could enable screen share.

22 MS. CARCONE: Yes. I can just throw
23 them up real quick. There we go.

24 THE WITNESS: Thank you.

25 Could you go to the --

1 MS. CARCONE: Do you want the elevation
2 or do you want the --

3 THE WITNESS: Yes. The elevation would
4 be great, please.

5 MS. CARCONE: There you go.

6 THE WITNESS: So per the discussion of
7 last week's meeting, we revisited the front facade
8 and items that could be done to increase the
9 esthetics of it and to bring it into greater
10 compliance with what we think is in scale with that
11 neighborhood and restoring specifically some items
12 that were discussed, the cornice, rebuilding the
13 cornice to replicate the cornice, the windows,
14 replacing the windows at the second floor, and we
15 are actually painting the existing frames to be
16 black, so that they are consistent all the way up,
17 painting -- replacing and painting the leader
18 coming down the front and replacing it with a round
19 smooth leader.

20 And additionally, I did some -- I made
21 the windows at the top floor slightly less narrow.
22 One of the things that might have been slightly
23 jarring is the -- typically the windows would get
24 either barer or shorter as you go up. Given the
25 fact that we are dealing with an existing mass,

1 having the windows too small I think would look like
2 portholes, so I thought narrowing them a bit less
3 than the scale of it as you went to the top of the
4 building.

5 I also had suggested removing the
6 shutters from either side of the second floor. Just
7 to reiterate, the bottom, the lower two floors, the
8 brick work, all of that had been done -- had been
9 worked on recently when the owner had done the
10 renovation a few years ago, so we are not touching
11 any of that work that had already been done, and
12 then --

13 MR. COSGROVE: And could you get into a
14 little more in terms of what you are trying to do
15 with the facade and how that kind of dovetails with
16 the accommodation that we are asking for on the
17 second floor?

18 THE WITNESS: So the -- we are trying
19 to make -- we are trying to, as best we can, redo
20 the front facade, so that it is more pleasing to the
21 street scape and more in line with other -- with the
22 other buildings on the block. And then we are doing
23 this -- yeah, with -- obviously working with the
24 massing that we have to work with. On the rear of
25 the building, we have -- can I show -- Pat, can you

1 show me both plans, please?

2 MS. CARCONE: The one that you
3 submitted?

4 THE WITNESS: Yes, that would be great.

5 MS. CARCONE: This sheet?

6 THE WITNESS: That is correct.

7 So on the left we have the floor plan
8 as submitted, which we understand extends further
9 out, but we would, you know, we would argue that the
10 mechanical room, making that smaller is very
11 difficult at this time because all of the duct work
12 that goes through that unit also goes into the first
13 floor, so just changing that out would be quite
14 difficult.

15 So on the right you can see the plan
16 comparison of making it -- of aligning it with the
17 building to the right. However, we feel like that
18 is not -- is definitely not the owner's preference,
19 and we feel that the -- the beautification or the
20 correcting of issues on the front facade is, you
21 know, outweighs the negative benefits of the
22 increased lot coverage in the rear of the building.

23 MR. COSGROVE: And I know you went into
24 it last time, but just to summarize, because I know
25 the Board has a lot to consider, from a cause

1 perspective and just a practicality perspective, you
2 know, what does that entail, the mechanical closet
3 in terms of having to move that?

4 THE WITNESS: So, I mean, the cost that
5 would be put into the front facade and the cost to
6 replace the duct work and the units and reconfigure
7 that would probably be about the same, so they're --
8 so it is a considerable -- it is not an
9 insignificant amount of work that we are proposing
10 on the front -- on the front, and it is not an
11 insignificant amount of work to reconfigure the
12 second floor.

13 MR. COSGROVE: Okay. Thank you.

14 At this time unless you have anything
15 more you want to address, I would open it up to
16 questions from the Board.

17 THE WITNESS: Yes.

18 CHAIRMAN AIBEL: Board members,
19 questions?

20 MS. CARCONE: Do you want me to go
21 through the list like we did last time, Jim, or --

22 CHAIRMAN AIBEL: Thank you, Pat.

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

25 VICE CHAIR BRANCIFORTE: You know, I am

1 looking at the new second floor option, so now the
2 new bedroom, the rear wall of the new bedroom is
3 aligned with the building next door on the west
4 side?

5 THE WITNESS: Correct.

6 VICE CHAIR BRANCIFORTE: Okay.

7 That is fine. Thanks.

8 MS. CARCONE: Commissioner Graham, any
9 questions?

10 COMMISSIONER GRAHAM: No.

11 MS. CARCONE: Commissioner Grana,

12 COMMISSIONER GRANA: Mr. Vasil, just --
13 just -- just clarifying, you are attempting to
14 restore the first two floors of the facade to make
15 it not only new, but make it fit in with the
16 existing street scape, and then refresh the third
17 floor, but not put anything that competes with the
18 historic first two floors, is that correct?

19 THE WITNESS: That's correct.

20 We are trying to leave the bottom two
21 floors, which do have historic detail intact as pure
22 as they can be.

23 COMMISSIONER GRANA: Thank you very
24 much.

25 MS. CARCONE: Commissioner McAnuff, any

1 questions?

2 COMMISSIONER MC ANUFF: Thank you.

3 MS. CARCONE: No?

4 COMMISSIONER MC ANUFF: No.

5 MS. CARCONE: Dan Weaver, Commissioner

6 Weaver, any questions?

7 COMMISSIONER WEAVER: Just a

8 clarification.

9 You are not restoring any detail to the
10 existing first and second floors. In fact, the
11 windows on the first floor are actually wider than
12 the arch top, the brick arch top. At some point
13 someone put a wider window in down there.

14 You are not actually restoring -- other
15 than taking the shutters off, you are not really
16 restoring any architectural details -- oh, and the
17 cornice --

18 THE WITNESS: We are replacing the
19 cornice. Correct. We are not -- you are correct.
20 We are not doing anything with any of the archways
21 or brick. That had recently been pointed and
22 redone.

23 COMMISSIONER WEAVER: But how are
24 you -- talk to us about this new cornice.

25 THE WITNESS: Sure. So --

1 COMMISSIONER WEAVER: Does it match the
2 other ones? I mean, what are we doing?

3 THE WITNESS: Yeah. So many of the
4 cornices I took pictures of, many of the cornices
5 with the original gable roof, and it is just a
6 simple fascia board, so there is not much depth to
7 it.

8 Now, when they built this third floor,
9 they built it out a little bit over the brick, so we
10 would need some depth in that cornice.

11 There are -- there's evidence of other
12 cornices that have been built out with brackets on
13 Willow Court, specifically 105 Willow Court. I know
14 it is not on the same block frontage, but it is
15 within that neighborhood, that are -- that does
16 successfully bring an element, that separation
17 element between the old original facade and what was
18 added in the new.

19 COMMISSIONER WEAVER: So what is the
20 relationship of the third floor to the property
21 line?

22 You are saying it sticks out below the
23 floor -- the brick facade below it?

24 THE WITNESS: It's the top floor, and
25 it could just be the sheathing -- the sheathing and

1 the vinyl, but it is about two inches proud of the
2 brick.

3 COMMISSIONER WEAVER: So the addition
4 is off the property?

5 THE WITNESS: It looks like the
6 cladding overlaps the brick, yeah, but it's by eye.
7 I didn't get up there, but by eye, it looks like
8 about two inches.

9 One of the pictures, Pat, if we could
10 look at --

11 MS. CARCONE: Do you want to share your
12 screen? Do you want to --

13 THE WITNESS: Yes.

14 MS. CARCONE: I am going to -- all
15 right. You should be able to show what you want to
16 show now. Share your screen.

17 THE WITNESS: So does everybody see
18 this?

19 A VOICE: Yes.

20 THE WITNESS: Okay. I am going to zoom
21 in on the front facade, and I can show you as best
22 as possible at this angle.

23 So do you see here, there is a shadow
24 line? So that existing -- it has to be the
25 cladding, you know, either they built out the

1 sheathing and put some insulation over it. You
2 know, I don't know, but it is definitely proud of
3 the brick.

4 COMMISSIONER WEAVER: Hum, Board
5 Counsel?

6 CHAIRMAN AIBEL: Go ahead, Dan.

7 COMMISSIONER WEAVER: What did we hear
8 about this? It is not on the property.

9 COMMISSIONER MC ANUFF: I passed by
10 there. It looks like it was furring out. It might
11 be possible to remove -- once the demo is underway
12 to remove the furring strips, but I honestly don't
13 know what is behind there until you remove the
14 siding.

15 COMMISSIONER WEAVER: Okay. I think
16 it's going to have to be -- I mean, after we approve
17 the application, I think it has to be a condition.
18 We can't certainly approve anything that is not on
19 the property. I think you understand that.

20 THE WITNESS: I understand.

21 I can see it here, too.

22 COMMISSIONER WEAVER: If my neighbors
23 break the law, then I can break the law --

24 THE WITNESS: I totally understand.
25 I'm just saying, it might have been an installation

1 that had to do with the vinyl.

2 CHAIRMAN AIBEL: Do we need a condition
3 that it will either be repaired or --

4 COMMISSIONER WEAVER: What is the -- he
5 already replaced all the Hardie Plank, but then
6 there was a comment -- could you go to the third
7 floor plans, Mr. Vasil?

8 THE WITNESS: Sure. Sure, here.

9 COMMISSIONER WEAVER: Yeah.

10 This is or is not depicting the brick
11 on the floor plan?

12 THE WITNESS: I don't -- it's the right
13 floor plan -- it is the proposed floor plan, but the
14 cladding thickness on the front is not broken over
15 the property line.

16 COMMISSIONER WEAVER: No, no. I am
17 actually talking about -- it happens to be the
18 second floor plan.

19 THE WITNESS: Oh.

20 COMMISSIONER WEAVER: Weren't we just
21 talking about the second floor plan, that it was
22 being pulled back, or is it not being pulled back?

23 THE WITNESS: There was an option for
24 both, so that is a decision for the Board to make,
25 but there was an option for both. This was the

1 original proposal. There was a --

2 COMMISSIONER WEAVER: You are not
3 showing the option. This is the original proposal,
4 not the option.

5 THE WITNESS: That's correct.

6 COMMISSIONER WEAVER: Okay. Thank you.
7 And then what is in the -- can we go to
8 the third floor now? Sorry.

9 THE WITNESS: Sure.

10 COMMISSIONER WEAVER: On the third
11 floor, we have a shower and a walk-in closet --

12 THE WITNESS: Correct.

13 COMMISSIONER WEAVER: -- on that wall,
14 and that is already existing and built out --

15 THE WITNESS: Correct.

16 COMMISSIONER WEAVER: -- I am just
17 wondering what would preclude you, you know, from
18 setting back that top, so it's not -- because you
19 are going to have to do something anyway presumably
20 because you are over the property line.

21 THE WITNESS: Setting back the front of
22 the building?

23 COMMISSIONER WEAVER: Yeah.

24 THE WITNESS: I mean, I tend to think
25 that it is a function of the cladding, but I

1 wouldn't know until I could, you know, we wouldn't
2 know for sure until we got into the --

3 COMMISSIONER WEAVER: Okay. That is
4 all of the questions I have right now.

5 Thank you.

6 CHAIRMAN AIBEL: Herschel, you might
7 want to think about how we can preserve the issue
8 and have the resolution subject to final review by
9 Chris and/or Frank.

10 MR. ROSE: I was just thinking that,
11 yeah. So I will put, if it gets approved in the
12 resolution, I will put that as a condition.

13 CHAIRMAN AIBEL: Okay. Thank you.

14 MS. CARCONE: Are you done, Dan?

15 COMMISSIONER WEAVER: Yes, thank you.

16 MS. CARCONE: Commissioner Firestone,
17 do you have any questions?

18 COMMISSIONER FIRESTONE: No.

19 MS. CARCONE: Commissioner Smolyn, any
20 questions?

21 COMMISSIONER SMOLYN: Only one.

22 What color is the cornice painted?

23 THE WITNESS: Black. We will have it
24 now consistent with the window frames, the fascia
25 board, the cornice and the gutter will all be

1 painted black.

2 COMMISSIONER SMOLYN: Great.

3 Thank you.

4 MS. CARCONE: Okay. Jim?

5 CHAIRMAN AIBEL: One quick question.

6 Mr. Vasil, would you confirm the lot
7 coverages for each of the three floors of the
8 building, proposed building?

9 THE WITNESS: At the -- for the new
10 comparison or just the original?

11 CHAIRMAN AIBEL: I want to know what
12 you are proposing for the final lot coverage on each
13 of the three floors.

14 THE WITNESS: Okay. So it would be
15 81.08 percent of the first floor, 69.79 of the third
16 floor, and then the second floor is really, you
17 know, we have shown the comparisons. It is really
18 at the mercy of the Board.

19 MR. COSGROVE: Mr. Vasil, could you
20 just tell them what it would be for each option?

21 THE WITNESS: Oh. So it would either
22 be -- in the original option, it would be the 81.08
23 percent for the first and second floors, and 69.79
24 percent for the third, or it would be 81.08 percent
25 for first floor, and then 69.79 percent for the

1 second and third floors.

2 CHAIRMAN AIBEL: Mr. Cosgrove, I am
3 going to be a little dense for you.

4 I am not entirely confident that we
5 should be selecting the option that is being
6 proposed, so --

7 MR. COSGROVE: Yeah. We were trying to
8 get some feedback from the Board. Essentially since
9 the last meeting, we took into account a lot of the
10 comments with regard to restoring the facade and the
11 esthetic improvements, so we obviously would like
12 the Board to consider granting the combination on
13 the second floor in terms of the total picture and
14 the cost that the applicant would incur, if we were
15 going to scale back the second floor.

16 By the same token, we don't want a
17 denial, so we want to do -- you know, if we could
18 get some feedback from the Board in terms of what,
19 you know, because I know there were some
20 deliberations the last time, and then after we hear
21 those, you know, kind of reactions to what we
22 presented now, that would make a determination as to
23 what plan to submit for a vote.

24 COMMISSIONER GRANA: Chairman?

25 CHAIRMAN AIBEL: Yes, Mr. Grana.

1 Thank you for your comments.

2 COMMISSIONER GRANA: I am still going
3 to go with the position that that is not our
4 decision. Negotiation is nice. The applicant has
5 made changes to the facade based on feedback, but I
6 do think they should either propose their lot
7 coverage, ask for relief and have us vote yes or no.
8 Any thoughts?

9 CHAIRMAN AIBEL: That is where I am
10 coming out.

11 COMMISSIONER GRAHAM: Same.

12 MR. COSGROVE: Okay.

13 Would it be possible if we took a
14 five-minute or seven-minute break, so I could confer
15 with my client as to what -- Mr. Vasil as to how we
16 are going to present this?

17 CHAIRMAN AIBEL: Yes, please. Join us
18 as quickly as you can, and we will continue with our
19 waiver reviews.

20 MR. COSGROVE: Thank you.

21 (Waiver reviews were heard and are
22 contained at the beginning of this transcript)

23 MS. CARCONE: I don't see them ready to
24 come back yet.

25 Mr. Cosgrove, are you back?

1 MR. COSGROVE: Yes, we are back.

2 MS. CARCONE: Okay.

3 So we're going back to 11 Willow. All
4 right.

5 Mr. Cosgrove?

6 MR. COSGROVE: Yes.

7 MS. CARCONE: Are you ready to proceed?

8 MR. COSGROVE: Yes, we are.

9 Thank you.

10 Mr. Chairman, I conferred with my
11 client, and we are going to submit the original
12 application as amended with the facade changes that
13 Mr. Vasil testified to this evening.

14 CHAIRMAN AIBEL: Thank you.

15 Let me go to public comment. Well, we
16 will finish Board questions of Mr. Vasil.

17 Is anybody in the public attending who
18 would like to ask questions of Mr. Vasil?

19 Hearing none, can I have a motion to
20 close the public portion?

21 COMMISSIONER MC ANUFF: So motioned,

22 VICE CHAIR BRANCIFORTE: Second. John
23 will second it.

24 CHAIRMAN AIBEL: Thank you, John.

25 (All Board members answered in the

1 affirmative)

2 CHAIRMAN AIBEL: Back to you, Mr.
3 Cosgrove.

4 MR. COSGROVE: Thank you, Mr. Chairman.
5 Just very briefly, as testified to by
6 Mr. Vasil, it is submitted this applicant is
7 attempting to significantly improve the property at
8 11 Willow Terrace.

9 It consists of a two-and-a-half-story
10 townhouse constructed at the turn of the century,
11 and these modifications will modernize it and allow
12 the building to be used for modern purposes. It
13 will be esthetically pleasing, and the applicant is
14 taking great efforts to make sure that this will be
15 an improvement to the neighborhood with minimal
16 impact regarding the surrounding properties. In
17 fact, you know, we've submitted it is going to be an
18 overall improvement and increase the value of the
19 entire neighborhood, and more importantly, the
20 esthetic beauty of the entire neighborhood.

21 With that, we would implore the Board
22 to vote yes on this application.

23 Thank you.

24 CHAIRMAN AIBEL: Thank you.

25 Let me go through the formality of

1 opening it up to the public for public comment.

2 Does anybody wish to comment on the
3 application?

4 Seeing none, can I have a motion to
5 close the public portion?

6 COMMISSIONER MC ANUFF: So motioned,

7 COMMISSIONER WEAVER: Second.

8 CHAIRMAN AIBEL: All in favor?

9 (All Board members answered in the
10 affirmative)

11 CHAIRMAN AIBEL: Thank you.

12 Okay. Let me open it up to the Board
13 members for discussion.

14 VICE CHAIR BRANCIFORTE: This is John.

15 If you are going to call on me first, I
16 am just going to say I will listen to everybody else
17 before I have any comments, so just bypass me.

18 MS. CARCONE: Commissioner Graham?

19 COMMISSIONER GRAHAM: I would like to
20 hear what the architects have to say, Mr. Weaver and
21 Mr. McAnuff.

22 CHAIRMAN AIBEL: And Mr. Smolyn.

23 COMMISSIONER GRAHAM: Oh, Mr. Smolyn,
24 I'm sorry. Right.

25 COMMISSIONER SMOLYN: That is fine.

1 MS. CARCONE: Commissioner Grana, do
2 you want to comment?

3 COMMISSIONER GRANA: I have no
4 additional comments.

5 Thank you.

6 MS. CARCONE: Commissioner McAnuff?

7 COMMISSIONER MC ANUFF: Nothing right
8 now. I am looking at the plan again still.

9 MS. CARCONE: Commissioner Weaver?

10 COMMISSIONER WEAVER: Wow.

11 (Laughter)

12 COMMISSIONER MC ANUFF: If I may
13 interrupt, I am correct in that we are going with
14 the original, second original floor plan, correct,
15 that was submitted?

16 MR. COSGROVE: Yes, that's correct.

17 COMMISSIONER MC ANUFF: Okay.

18 MS. CARCONE: The original second floor
19 plan.

20 COMMISSIONER MC ANUFF: I have it up on
21 my computer here.

22 MS. CARCONE: Okay. So not the second
23 floor plan of 69.79 percent.

24 COMMISSIONER MC ANUFF: Okay.

25 MS. CARCONE: Is that correct?

1 MR. COSGROVE: Yes.

2 MS. CARCONE: Okay.

3 COMMISSIONER WEAVER: You know, we are
4 often -- we are often tasked with, you know,
5 weighing the benefits and the detriments of any
6 application, and you know, these homes on Willow
7 Terrace, sort of a district -- a special district
8 which has been ignored by the city for way too long,
9 and I think there is irreparable damage to these
10 buildings.

11 I don't think they should necessarily
12 be frozen in time. Certainly they were built at a
13 different time with a different purpose in mind, and
14 they are being transformed and reused, and adaptive
15 reuse is a huge component of, you know,
16 reinvigorating districts which have their original
17 use -- they've surpassed their original use and the
18 original design.

19 So with that context, you know, looking
20 at a plan, which has way too much lot coverage,
21 which has -- could use architectural value even in
22 this state, you know, I think there has been an
23 effort on the part of the architect and his client
24 to clean up a lot of the mistakes that have been
25 made by previous owners, and you know, is it the

1 best solution?

2 Yeah. If money was no object, you
3 know, there is a lot of things we could do
4 certainly. But I think, you know, we are here to
5 balance, as far as I know, the detriments and
6 benefits of this application, and I believe there
7 are significant improvements to the street scape.

8 I would not maybe go so far as the
9 applicant's attorney has in describing the benefits.
10 But it is my perspective, especially given that
11 there are no other neighbors here to complain about,
12 you know, what will probably, you know, at some
13 point be an illegal roof deck off the back of the
14 building, you know, additional bulk in the back, any
15 blocked light, you know, those people have been --
16 do bear certain responsibilities to come to these
17 meetings, and I know we have to protect the future
18 owners of that building, you know, that change
19 hands, the neighbors to the left and right and even
20 all of the neighbors on this court, for instance.
21 But I do believe that there have been significant --
22 a limited budget. I believe there are going to be
23 significant improvements made in the building and
24 they need to resolve the issue of the fact that the
25 building is over the property line, so that needs to

1 be a condition.

2 One would think, you know, if you have
3 to remove that wall and actually build it back a
4 couple of inches, you know, there might be a change
5 in the massing, which would be a little bit more
6 appropriate to the setback, but an addition would
7 normally, you know, would normally build -- would
8 normally take, so that is kind of where I stand
9 right now.

10 Thank you.

11 COMMISSIONER MC ANUFF: If I can just
12 interrupt, Pat, I just have -- I know this budget is
13 a concern. I am just curious to hear what the
14 intent would be to fix that or what would be
15 proposed to fix that two-inch or three-inch overhang
16 on the front from the architect, if it's going to be
17 relocating the wall back because I know, like I
18 said, the budget is a concern on this, and I hate
19 to -- I hate to see it not get done.

20 THE WITNESS: I think the best case
21 scenario if we took it off and found that it was
22 packed out with rigid insulation and then furring
23 slips and then -- and then the vinyl done over that
24 so that it had some breathability, that would be the
25 best case that we could just take that off and then

1 just put the Hardie panel back. That would, you
2 know, save us, you know, the inch and change that
3 it's -- or two inches that it is, you know,
4 protruding.

5 To compensate for the insulation value,
6 we could spray foam between the existing studs,
7 taking the sheathing off and spray foam and gain as
8 much as we can on the front. That is the best case.

9 The worst case would have to be to
10 reframe that wall. I mean, I don't think the studs
11 themselves protrude, but the sheathing certainly
12 does. So if they had to reframe it out of smaller
13 metal studs or shave down LBLs, they could do that
14 and gain the extra two inches, it would be an
15 enormous job, but it's certainly possible.

16 COMMISSIONER MC ANUFF: Is that going
17 to do anything to your roof or -- I just don't want
18 to -- I know it was mentioned as a concern, but I
19 just don't want to, you know, see the owner have to
20 potentially spend a ton of money for this.

21 THE WITNESS: I think they are going to
22 have to -- they're going to have to do the flashing
23 at the top anyway. There is not an adequate fascia
24 board up there, so they're going to have to take off
25 the drip edge and all of that and just leave the

1 roof a little floppy, and then do the work on the
2 facade and rewrap and resecure the envelope at the
3 roof, so I think that there is going to be some work
4 that is entailed there.

5 COMMISSIONER MC ANUFF: Okay.

6 MS. CARCONE: Are you done, Owen?

7 COMMISSIONER MC ANUFF: Yes.

8 Thank you.

9 MS. CARCONE: Commissioner Smolyn?

10 COMMISSIONER SMOLYN: When I look at
11 these Willow Terrace applications, ground floor lot
12 coverage, I think it is a primary concern for a lot
13 of these properties that are vastly overbuilt, and I
14 think it is very positive that this applicant is
15 going from I think about 97 to 81 percent. That is
16 huge for the permeability of the site and in getting
17 floods, et cetera.

18 I would note if Mr. Vasil could go to,
19 or whoever is controlling the screen, could go to
20 the view from the southeast, that bird's eye
21 perspective that you had on maybe the third or
22 fourth page down, the aerial photo there.

23 MS. CARCONE: Is this it or --

24 COMMISSIONER SMOLYN: One more down.

25 MS. CARCONE: Okay.

1 COMMISSIONER SMOLYN: I think from that
2 view, it is very telling, this kind of fascinating
3 hodgepodge that has been built in this neighborhood,
4 and I think the plan on the right, I think it is
5 Plan 2 that maybe we are not considering any further
6 would align fairly logically with the property to
7 the west, the big white gray one, 13 Willow Terrace,
8 I believe, whereas Plan 1 that the applicant is now
9 advocating for would project considerably beyond
10 that, potentially the furthest, and the second floor
11 addition has gone on Willow Terrace. There are no
12 neighbors here tonight, as Commissioner Weaver
13 noted, but I think that is notable that we are
14 going -- we're going quite far on the second floor.

15 Does that affect how the site takes
16 water?

17 Probably not so much.

18 Like I said, the first floor is good,
19 and I applaud the efforts on the facade. I think
20 those are huge, and I am not sure what is driven by
21 resale, since I think the property is up on the
22 market right now, but I think it is a step in the
23 right direction for sure to really sort things out
24 on the front facade.

25 MS. CARCONE: Are you done, Steven?

1 COMMISSIONER SMOLYN: Yes.

2 Thank you.

3 MS. CARCONE: Okay.

4 Jim, I am going to cycle back up to the
5 top of the list.

6 CHAIRMAN AIBEL: Go ahead.

7 MS. CARCONE: Commissioner Branciforte?

8 VICE CHAIR BRANCIFORTE: Well, my
9 concern still is on the second floor that they are
10 going to protrude further than the building on the
11 left -- on the west, and I just see it opening up a
12 slippery slope down the entire block there. People
13 are going to want the same thing to go out further
14 than 70 percent on the property on their second
15 floor. So that was my original -- going back to the
16 last week, that was my original problem with this
17 plan, so I am just going to leave it at that.

18 Thank you. I am done.

19 MS. CARCONE: Ann Graham?

20 COMMISSIONER GRAHAM: My only comment
21 would be that I think that it is an improvement, but
22 I agree that it is a concern about this neighborhood
23 and what has happened to these homes, but I don't
24 think that we are in the position to change that or
25 to rue that happening because it has already

1 happened, and to be as careful as we can with what
2 we approve and what we don't approve, but I do think
3 this is an improvement.

4 MS. CARCONE: Commissioner Grana, did
5 you have a comment?

6 CHAIRMAN AIBEL: Antonio, are you on?

7 MS. CARCONE: Antonio, are you here?

8 COMMISSIONER GRANA: I am here. I
9 just -- I think I said that I didn't have any
10 additional comments. I could add some, if you'd
11 like.

12 (Laughter)

13 CHAIRMAN AIBEL: That is okay.

14 Is it up to me now?

15 MS. CARCONE: Yes, Jim.

16 CHAIRMAN AIBEL: Okay. I guess I am
17 going to have to say it in stark terms.

18 You know, we are weighing a situation
19 in which we are considering expanding the second
20 floor lot coverage to an amount that is far beyond
21 literally anything that we have done to date. Where
22 there are existing conditions, I understand, you
23 know, we can't change those. But I think we can and
24 need to be mindful that where there are objectors or
25 neighbors here, we are dealing with an area in town

1 that is constantly pressing at the limits of
2 variance relief, and I think at this point to me it
3 is pretty clear that aligning the second floor with
4 the building to the west was an easy and quick
5 solution. I commend the applicant for the
6 improvements that are being offered on the front of
7 the building, but the donut hole and the air and
8 light is absolutely critical as we know to all
9 areas, probably more than most Court Street and
10 Court Street or Court Terrace, Willow Court are
11 certainly in great need of preserving every air
12 molecule that we can afford to, you know, keep in
13 the rear yard.

14 I am -- unfortunately I am of the view
15 that, you know, seeing the flow of applications that
16 are coming in, pushing at, you know, limits of a
17 hundred percent lot coverage for ground floors and
18 then massive lot coverage on the upper floors, we
19 are in a situation which we could be (audio breaks
20 up) by our own petard, and I'm -- I feel, you know,
21 strongly that the detriments are substantial to the
22 neighborhood. They certainly are in conflict with
23 the zone plan, and I -- we have not received any
24 guidance in terms of master planing or other certain
25 relief that would I think allow us to be as

1 aggressive as we need to be tonight to grant the
2 proposal that's on the table.

3 So I would, with regret, because I
4 commend the owners to improve their property, but I
5 see the benefits as mainly accruing to the owners
6 and overweighing the detriments to the public.

7 COMMISSIONER GRAHAM: You made a good
8 point, Jim.

9 CHAIRMAN AIBEL: Anybody else want to
10 get a word in? I am happy to hear a different point
11 of view, if somebody wants to articulate it.
12 If not --

13 COMMISSIONER MC ANUFF: I think I find
14 myself in agreement with you, Jim --

15 THE REPORTER: Mr. McAnuff, I can't
16 understand you. What did you say?

17 COMMISSIONER MC ANUFF: I find myself
18 in agreement with Chairman Aibel.

19 Am I on mute? Okay.

20 COMMISSIONER GRAHAM: No, I can hear
21 you.

22 COMMISSIONER MC ANUFF: Am I on mute?

23 VICE CHAIR BRANCIFORTE: Now we can
24 hear you.

25 COMMISSIONER MC ANUFF: Okay. So I

1 find myself in agreement with Chairman Aibel in
2 looking at the building to the left. I think the
3 argument could have been made to go with the second
4 floor plan option. But looking at the option that
5 is proposed, what it is going to do to the building
6 on the right, I don't think -- I think I find myself
7 in agreement with Chairman Aibel, and I don't think
8 I could support the application as it is now.

9 That is it.

10 (Phone ringing)

11 VICE CHAIR BRANCIFORTE: Are we ready
12 for a motion?

13 (Phone ringing)

14 Jim, are we ready for a motion or --

15 CHAIRMAN AIBEL: I am sorry. I lost
16 the audio for the last minute and a half or two
17 minutes.

18 Owen, my apologies. Can you recap?

19 COMMISSIONER MC ANUFF: Yes.

20 I said I found myself in agreement with
21 you. I think in looking at the aerial photo which
22 had the second floor plan option at 69.79 percent,
23 where the two rear facades were in alignment, I
24 would have been in favor of that. But looking to
25 what is being proposed, what that would do to the

1 building on the right, I don't find myself
2 supporting the application as presented.

3 CHAIRMAN AIBEL: Any other discussion,
4 Board members, or are we ready to vote --

5 COMMISSIONER GRANA: Yes.

6 MR. BANISCH: I would assume that the
7 applicant felt at this point in the process that he
8 might have heard enough to want to change from one
9 alternative to the second floor to the other. He
10 still has the option to do that at this point. I
11 guess I am really asking Herschel that one.

12 MR. DE LOOF: Is the applicant on that,
13 are you asking me? I'm sorry.

14 MR. BANISCH: No. What I was really
15 doing was asking if you wanted to take the
16 opportunity now before the vote to change your
17 application, despite the fact that you obviously
18 didn't want to change it, you have not yet had a
19 vote taken.

20 MR. DE LOOF: Yes, please, I would like
21 to change it, if possible.

22 VICE CHAIR BRANCIFORTE: Oh my God.
23 Come on, guys. We gave you five minutes to talk
24 about this, and you made your decision. We are not
25 here to make let's make a deal.

1 You gambled. You threw the dice. You
2 decided to go with the option that extended it out
3 past 69 percent.

4 MR. COSGROVE: Who is speaking right
5 now? I'm sorry.

6 VICE CHAIR BRANCIFORTE: It is John
7 Branciforte.

8 MR. COSGROVE: Okay.

9 VICE CHAIR BRANCIFORTE: It is kind of
10 crazy, Mr. Cosgrove. You made your decision. You
11 rolled the dice. Now you are going to have to deal
12 with what happens on the table. I mean --

13 MR. COSGROVE: With all due respect,
14 this isn't gambling. We don't roll the dice. This
15 is very common in zoning applications to hear
16 deliberations, and the planner brought it up, so you
17 know, it was specifically asked of my client whether
18 he wanted to change it.

19 So, you know, with all due respect, I
20 don't think it is as simple as a statement like
21 rolling the dice. This is a very serious matter.
22 My client has made an application and has advertised
23 and submitted architectural plans --

24 (People speaking at once)

25 MR. COSGROVE: -- made amendments and

1 listened to the Board's comments. So, you know, I
2 just think he deserves a little more respect than
3 it's a gamble of some sort.

4 CHAIRMAN AIBEL: Again, putting aside
5 John's language, I think his point is a valid one.
6 We basically resisted the possibility that the Board
7 decides now in effect you got your advisory opinion,
8 and you're permitted to decide -- I am just not
9 comfortable, Frank --

10 MR. BANISCH: Mr. Chairman, that is
11 certainly your option.

12 Once you make this decision, they
13 obviously can't come back with the same application
14 at any time in the future, and the only reason I
15 thought it might make sense to suggest this is
16 reinforcing the donut in the way that the 69 percent
17 coverage will do would be one more case where the
18 Zoning Board's action had reinforced rather than
19 broken into that element that we are talking about.
20 But I spoke out of turn, and I apologize for that.

21 CHAIRMAN AIBEL: That is all right.
22 That's really an option.

23 MR. COSGROVE: No, Mr. Chairman. The
24 question was posed to my client. Perhaps the Board
25 Attorney could chime in, you know, because I think

1 the goal is to get to a decision that will improve
2 the neighborhood.

3 So if you are asking him, you know, if
4 he would go with that lower lot size as suggested by
5 the other Board member, you know, he has indicated
6 that he would do that.

7 CHAIRMAN AIBEL: And, again, I'm
8 unhappy, though, that the financial hardship has now
9 suddenly disappeared after we heard that as the
10 principal reason for Option A as opposed to Option
11 B.

12 MR. COSGROVE: Well, it hasn't
13 disappeared, but it's, you know, he wants to improve
14 the property. This would be a more expensive way to
15 do it, but that being said, you heard his answer,
16 and the Board members specifically brought it up.

17 CHAIRMAN AIBEL: Let me --

18 COMMISSIONER WEAVER: Can I ask a
19 question?

20 So if there is -- you're claiming
21 financial hardship, but yet the property is up for
22 sale for a million dollars?

23 MR. COSGROVE: I am not aware if the
24 property is for sale or not, and it wasn't -- it
25 wasn't a hardship per se, like he couldn't afford

1 it. It is a hardship from the standpoint of it's
2 expensive to move that mechanical closet, you know,
3 in terms of, you know --

4 COMMISSIONER WEAVER: Sounds like a
5 hardship.

6 MR. COSGROVE: Yeah.

7 (People speaking at once)

8 COMMISSIONER WEAVER: Thank you. I'm
9 done. Thank you.

10 CHAIRMAN AIBEL: Let me ask the other
11 Board members. We have --

12 COMMISSIONER MC ANUFF: Mr. Chairman,
13 can we hear from counsel on this, because I find
14 myself -- I think Commissioner Branciforte is
15 correct, but can we hear from legal counsel, our
16 counsel?

17 MR. ROSE: Yes, yes.

18 I would tend to agree with Mr.
19 Branciforte. I mean, the applicant made its
20 application. It decided what it wanted to do and
21 presented it to the Board.

22 I understand that two options were
23 presented previously, but you decided to go with
24 one, that is the option we're voting on.

25 If it is possible to carry the

1 application and amend it to go with the second floor
2 plan, that might be another option.

3 MR. COSGROVE: Mr. Chairman, we would
4 ask to carry the application and amend.

5 CHAIRMAN AIBEL: Board members?

6 VICE CHAIR BRANCIFORTE: That is fine.

7 COMMISSIONER GRAHAM: Okay.

8 COMMISSIONER GRANA: Yes, that is fine.

9 CHAIRMAN AIBEL: We need a motion to
10 carry the application.

11 Pat, do we have time next month?

12 COMMISSIONER GRANA: I will motion, and
13 we just need a date.

14 COMMISSIONER GRAHAM: Pat? Pat?

15 COMMISSIONER GRANA: Pat?

16 CHAIRMAN AIBEL: Pat?

17 COMMISSIONER WEAVER: Pat, you are
18 muted. Patricia, you're muted, Patricia.

19 (Laughter)

20 CHAIRMAN AIBEL: You are still muted.

21 MS. CARCONE: I'm sorry.

22 All right. So July 21 is our next
23 meeting date, so I would need a motion to carry to
24 July 21st, with no notice and extending the time the
25 Board has to act to July 21st.

1 COMMISSIONER GRANA: That was very
2 clearly said, Pat.

3 I'd like to motion what just was said
4 now.

5 COMMISSIONER GRAHAM: Second.

6 COMMISSIONER FIRESTONE: Can I ask a
7 question on it, though?

8 Antonio, on your motion, and then this
9 could go to other Board members as well, what do you
10 expect to hear in a month that you have not heard
11 here this evening?

12 COMMISSIONER GRANA: I don't expect to
13 hear much different, but I do expect to see an
14 amended second floor plan.

15 COMMISSIONER FIRESTONE: But you have
16 already seen that.

17 COMMISSIONER GRANA: I have.

18 COMMISSIONER FIRESTONE: That's what
19 I'm kind of struggling with in terms of how the
20 applicant proceeded on this when they were
21 specifically given an opportunity to go with that
22 second plan this evening, so that's what I'm
23 grappling with.

24 COMMISSIONER GRANA: Steve, I don't
25 disagree with that component. And I think I said,

1 you know, I think we should go up or down, but I
2 think our counsel has said, you know, I am going to
3 say there is another option here, which is to let
4 them come back and amend. And I think the point of
5 that was to -- save an application is not the right
6 term -- but to see an application that improves the
7 neighborhood, but maintains the lot coverage that we
8 are looking for to preserve the donut in this
9 neighborhood.

10 But if you're asking me am I seeing a
11 lot different from what I've seen tonight, no.

12 COMMISSIONER FIRESTONE: I mean, I'm
13 just wondering the difference between acting tonight
14 versus acting in a month. That's all I'm trying to
15 get at.

16 I concede that the applicant made some
17 improvements to the property with respect to the
18 front facade, but I thought we were fairly clear in
19 our instructions to the applicant and their
20 attorneys about how we were going to proceed this
21 evening. So I appreciate what you're trying to do,
22 I just didn't necessarily -- I didn't think of that
23 as a viable option for them, because I would think
24 that others would also avail themselves of that
25 option on future applications after they heard Board

1 deliberations.

2 COMMISSIONER GRANA: So, Chairman,
3 based on what Commissioner Firestone is saying, I
4 think we need to know whether my motion is either
5 seconded or not, and if it's seconded, whether it is
6 accepted or not, because I think --

7 CHAIRMAN AIBEL: Thank you, Antonio.

8 Let me just add to Steve's point.

9 While I agree with you, there are a couple things
10 here. First of all, the amended floor plan showing
11 the pulled back second floor was submitted -- was it
12 yesterday or today, Pat?

13 MS. CARCONE: Yesterday -- yeah, hum --

14 CHAIRMAN AIBEL: Our ordinary practice
15 is to have significant modifications in advance of
16 the hearing. Theoretically, the public didn't have
17 an opportunity to review it.

18 And my other probably more pungent
19 point is: At this point, I feel that there is an
20 expense that goes along with our meetings, and I
21 think as a practical matter we are going to spare
22 the applicant some additional expense by having to
23 start over and renotice, so I am inclined to agree
24 with Antonio's motion and would ask if there is a
25 second for it.

1 COMMISSIONER SMOLYN: Well, I'll
2 second.
3 COMMISSIONER GRAHAM: I already did
4 second it.
5 CHAIRMAN AIBEL: Thank you.
6 Pat?
7 MS. CARCONE: Commissioner
8 Branciforte -- all right. So we are voting to --
9 CHAIRMAN AIBEL: Carry.
10 MS. CARCONE: -- carry --
11 COMMISSIONER GRANA: Carry.
12 MS. CARCONE: -- to carry.
13 Commissioner Branciforte?
14 VICE CHAIR BRANCIFORTE: Yes,
15 MS. CARCONE: Commissioner Graham?
16 COMMISSIONER GRAHAM: Yes.
17 MS. CARCONE: Commissioner Grana?
18 COMMISSIONER GRANA: Yes.
19 MS. CARCONE: Commissioner McAnuff?
20 COMMISSIONER MC ANUFF: No.
21 MS. CARCONE: Commissioner Weaver?
22 Commissioner Weaver?
23 COMMISSIONER WEAVER: Yes.
24 MS. CARCONE: Commissioner Firestone?
25 COMMISSIONER FIRESTONE: No.

1 MS. CARCONE: Chairman Aibel?

2 CHAIRMAN AIBEL: Yes.

3 MS. CARCONE: Okay. So we are carrying
4 it to July 21.

5 MR. COSGROVE: Thank you.

6 MS. CARCONE: So please get the site
7 plan in ten days in advance of the hearing.

8 MR. COSGROVE: Certainly.

9 Thank you.

10 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-20-2

- - - - - X
RE: 119 Willow Court : Tuesday 8:15 p.m.
Block 158.02, Lot 21, Zone R-1 :
Applicant: Gary & Jill Stout : June 23, 2020
- - - - - X

MEETING CONDUCTED VIA ZOOM

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Ann Graham
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Dan Weaver
- Commissioner Steven Firestone
- 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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9 Attorney for the Board.

10 BRIAN KAPPOCK, ESQUIRE
11 232 Madison Street
12 Hoboken, New Jersey 07030
13 Attorney for the Applicant.

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I N D E X

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WITNESS

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Jill Stout

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James Lalli, Architect

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Carolyn Worstell

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E X H I B I T S

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EXHIBIT NO.

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1 CHAIRMAN AIBEL: I am sorry for the
2 funky landing that we just had.

3 We are going to turn 119 Willow Court.
4 Mr. Kappock, are you on with us?

5 MR. KAPPOCK: Yes.

6 Can you see me?

7 CHAIRMAN AIBEL: Yes.

8 MR. KAPPOCK: I'm trying to see
9 everybody.

10 Good evening, Commissioners, and
11 Chairman.

12 I just have one quick housekeeping
13 question for the Board Attorney. Normally we would
14 have exhibits that would get marked into evidence on
15 this. I know the procedure has been because of the
16 Zoom calls, it doesn't seem that is working that
17 way. I just want to make sure that everything is
18 done properly on the plans that have been submitted
19 in here as well as the reports. And we will have
20 one new exhibit tonight we are going to bring in,
21 and at that time I will mention about marking it and
22 let me know how you want to proceed.

23 MR. ROSE: That sounds great. We can
24 mark them as it comes. So we will hear everything,
25 and we have the recordings, so it is going to be

1 there for the resolution in any case.

2 MR. KAPPOCK: Right.

3 The applicant, Gary Stout, and his
4 wife, Jill Stout, are here on their application for
5 their home at 119 Willow Court.

6 On that, they are proposing a rear
7 addition to each floor. They are also providing
8 additional living space and outdoor space. You will
9 have preexisting variances for lot area, lot depth
10 and lot width. Our new variances tonight we are
11 going to be asking for lot coverage, the rear yard
12 setback, lower roof deck clearance, fenestration,
13 floor to height -- floor-to-floor height, sorry, and
14 masonry.

15 The witnesses that we are going to have
16 testify tonight will be -- first will be Jill Stout,
17 the owner, and in addition to that I will then move
18 to the architect, as well as the planner.

19 If we are ready, Mr. Chairman, I'd like
20 to call my first witness.

21 CHAIRMAN AIBEL: Go right ahead.

22 MR. KAPPOCK: Thank you.

23 I would like to call Jill Stout.

24 MR. ROSE: Ms. Stout, please raise your
25 right hand.

1 MS. STOUT: I'm on.

2 MR. ROSE: All right. Okay.

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

6 MS. STOUT: It is.

7 J I L L S T O U T, having been duly sworn,
8 testified as follows:

9 MR. ROSE: And can you state your name
10 and spell your last name for the Board?

11 THE WITNESS: Sure. My name is Jill
12 Stout, last name S-t-o-u-t.

13 MR. ROSE: Thank you.

14 MR. KAPPOCK: Thank you.

15 Jill, good evening.

16 THE WITNESS: Good evening.

17 MR. KAPPOCK: Could you tell the Board
18 a little bit about yourself and the project you are
19 bringing forth?

20 THE WITNESS: Sure. Hi.

21 I just wanted to first thank the Board
22 for hearing my case tonight. I am a ten-year
23 resident. This is my third residence in Hoboken,
24 the second residence I've owned. I am a local yoga
25 teacher, so I teach all around Hoboken, and in my

1 ten years in Hoboken, I got married and I have a
2 three-year-old, so that's a little bit about me.

3 MR. KAPPOCK: Great. Thank you.

4 THE WITNESS: My husband, Gary Stout,
5 is here.

6 MR. STOUT: I have no chair in the
7 room, so I am standing, but hi.

8 (Laughter)

9 MR. KAPPOCK: That is understandable,
10 Gary.

11 And when did you purchase the property,
12 119 Willow? When did you purchase that?

13 THE WITNESS: We purchased it January
14 of this year, January 2020.

15 MR. KAPPOCK: And when you purchased
16 the property, what were your plans for the property?

17 THE WITNESS: Well, when we purchased
18 the property, we had three main goals. The first
19 was to have three bedrooms. We have a growing
20 family. We have one child. We'd like to have one
21 additional child.

22 We wanted some outdoor space. We're
23 coming from a condo. We did have outdoor space, but
24 we find outdoor space to be important with kids, so
25 that was a big goal of ours.

1 And then we also really liked the
2 history with Willow Terrace. When we dug a little
3 bit deeper, we actually had one of the family
4 members, the Kenning family, who has passed this
5 down for generations come to our closing, and she
6 told us a lot about just the Irish imprints and some
7 of the history of the home. So those were our main
8 goals there, which were to find something that we
9 could have three bedrooms in, so we could grow our
10 family. We could have some outdoor space to enjoy
11 and something that we could preserve the history.

12 We have received the Zoning Board --
13 we've perceived the beauty in Hoboken, so we
14 listened to a few meetings and we've taken
15 everything you've said very seriously, and we hope
16 that you like the plan that we have come up with.

17 MR. KAPPOCK: And, Jill, can you tell
18 the Board a little bit about the plans that you
19 considered, the different options you guys
20 considered?

21 THE WITNESS: Yeah, absolutely.

22 There were a lot of plans that we saw.
23 When we were viewing the property, we were able to
24 just take a peak at some other homes around us that
25 we could kind of see what other people were able to

1 do, and we liked a lot of the plans, but we had some
2 things that were important to us.

3 So the first floor in our home right
4 now is -- the two neighbors next to us have taken
5 their properties back 100 percent. So the little
6 bit of outdoor space that we have on the first floor
7 right now is kind of a concrete jungle. It is dark.
8 It's hard to enjoy, so that area we didn't really
9 think was ideal for outdoor space.

10 We like the next door neighbor's
11 outdoor space on the second floor, so we have kind
12 of mirrored them, also considering, you know, not
13 wanting to affect their homes, so we wanted to
14 extend our second floor and create our outdoor space
15 on the second floor, so that it works for our
16 neighbors and it works for us.

17 We also wanted to add a few bathrooms
18 and things of that nature. So the first floor we
19 thought the least impact on the neighbors would be
20 to kind of mirror what they had done.

21 The second floor, after hearing the
22 Board, we decided to also mirror what the neighbors
23 had done, keep our second floor. We understood the
24 idea of protecting the donut, and we appreciate that
25 as well, so we have pulled the second and third

1 floor back to mirror our neighbors as well.

2 MR. KAPPOCK: Great.

3 And I think you explained now what
4 design is important to you. Are there any last
5 points that you want to point out?

6 THE WITNESS: Yeah.

7 The one other part of the design that
8 was important to us was we are planning on using
9 these bedrooms as children's bedrooms, so a lot of
10 what we saw in blueprints was that they use that
11 third bedroom as kind of a railroad style bedroom,
12 so they used -- they put a door in that third
13 bedroom.

14 Well, we were pretty adamant about not
15 wanting a child's bedroom to have a door that went
16 outside, so we got a little more creative. We
17 wanted to keep a hallway, so it's not just a third
18 bedroom now after pulling it back and creating that
19 hallway, it's smaller than we anticipated or what we
20 would like. That was more imperative to us to be
21 able to kind of keep that bedroom a bedroom and
22 create the hallway to the outside, so that's what I
23 have to say.

24 MR. KAPPOCK: Great. Thank you.

25 Mr. Chairman, I have no further

1 questions for the witness.

2 CHAIRMAN AIBEL: Great.

3 Board members, questions for Ms. Stout?

4 COMMISSIONER GRAHAM: Not at this time.

5 CHAIRMAN AIBEL: Thank you, Ms. Stout.

6 MS. STOUT: Thank you.

7 CHAIRMAN AIBEL: What I will do is open
8 it up to the public however.

9 If anyone is on the call who wishes to
10 ask Ms. Stout questions, now is the time.

11 Hearing none, thank you.

12 COMMISSIONER GRANA: Motion to close
13 public portion.

14 CHAIRMAN AIBEL: Thank you.

15 MR. KAPPOCK: My next witness I would
16 like to call is the architect, James Lalli.

17 MR. LALLI: Can you hear you?

18 MR. ROSE: I'm sorry. I can't see you,
19 but could you please raise your right hand?

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

23 MR. LALLI: I do.

24 J A M E S L A L L I, Architect, having been duly
25 sworn, testified as follows:

1 MR. ROSE: Okay. And can you state
2 your name and spell your last name?

3 THE WITNESS: James Lalli, last name
4 L-a-l-l-i.

5 MR. ROSE: Can you provide some
6 qualifications?

7 THE WITNESS: Yes.

8 I have a bachelor degree of
9 architecture from the New York Institute of
10 Technology. I am a licensed architect in the State
11 of New Jersey for about 20 years. I am also
12 licensed in 23 other states.

13 MR. ROSE: And have you appeared before
14 this Board or other Boards in New Jersey?

15 THE WITNESS: I haven't appeared before
16 Hoboken, but I have appeared before numerous Boards
17 throughout the State of New Jersey.

18 CHAIRMAN AIBEL: Thanks, Herschel.

19 I think we will accept Mr. Lalli's
20 credentials as an expert.

21 THE WITNESS: Thank.

22 MR. KAPPOCK: Mr. Lalli, can you please
23 explain the plan that the applicant submitted?

24 THE WITNESS: Sure, will do.

25 Patricia, am I able to share --

1 MS. CARCONE: You can share --

2 THE WITNESS: Pardon?

3 MS. CARCONE: You can share your
4 screen.

5 THE WITNESS: Okay.

6 Can everybody see that okay?

7 MS. CARCONE: Yes, I can.

8 CHAIRMAN AIBEL: Yes.

9 MR. KAPPOCK: Yes.

10 THE WITNESS: Okay. These are the
11 plans that have been currently submitted, so I am
12 going to go through them for the Board.

13 We are talking about 119 Willow Court,
14 which is located in the R-1 zone, and I am going to
15 just kind of go through the plans here and talk
16 about the floor plans and the elevation.

17 The first sheet here, looking at the
18 property survey, so the existing building right now
19 covers about 70.5 percent of the lot, and as Mrs.
20 Stout mentioned, there is some outdoor space in the
21 back, which is basically a concrete patio surrounded
22 by the two adjacent properties on the east and west
23 of us, which do extend back 100 percent of the lot
24 area.

25 The proposed property survey, the

1 bottom of the sheet, and we will talk about the
2 floor plans, not to mention that we are looking to
3 extend the first floor 100 percent of the property
4 similar to the -- to our neighbors to the east and
5 west of us, with -- and extending the second and
6 third floor to the line of the second and third
7 floor of the adjacent residences on the east and
8 west, which you would also see, you know, throughout
9 the block here.

10 So the first floor being a hundred
11 percent, the second and third floors being 70.5
12 percent.

13 The neighbors to the east of us do have
14 a roof deck that extends back to the rear property
15 line.

16 The neighbor to the west of us, they
17 don't have a roof deck. Their building does extend
18 back to the property line, but it is just a roof.
19 It's not a roof deck.

20 This sheet here, these are the existing
21 floor plans. I'll just run through these real quick
22 for you.

23 The first floor plan, the upper left
24 corner, existing floor plan for 444 square feet.
25 There is a living room, dining room. The kitchen,

1 there's a small kitchen, which just has a sink, a
2 hot water heater and a freestanding stove, and there
3 is a small bathroom in the back of the house with a
4 water closet and a shower. There is no sink in the
5 bathroom. You see the kitchen sink right outside
6 the bathroom. This is the only bathroom in the
7 house currently today.

8 Then in the back you have the courtyard
9 patio that was discussed.

10 This property does have a small entry
11 vestibule on the front of the structure, similar or
12 the same as the property to the west of us, and you
13 actually see some of these more often on this block.

14 On the second floor, there two
15 bedrooms, and I will use the term loosely. As you
16 come up, you have a bedroom in the front of the
17 house, and there is a bedroom in the rear of the
18 second floor, but you actually have to go up through
19 this bedroom to get to the bedroom, which is on the
20 third floor, which is a pretty small bedroom with
21 the roof line and a small dormer.

22 So the applicant, you know, plans to
23 make some significant changes here that will run
24 through. But as you can see, the existing floor
25 plans are not really set up for, you know, a growing

1 family here.

2 So the proposed first floor plan, we
3 have the existing entry vestibule, a living room and
4 a dining room similar to what is there today.

5 We are going to have a new staircase
6 that goes up to the second and third floors, that's
7 more in line with the current staircase today, have
8 a width and riser and tread height.

9 We have a kitchen that's open to the
10 dining room, a full kitchen.

11 We have moved the laundry down here,
12 and we'll talk about that and what changes we made
13 to the second and third floors.

14 We have a half bathroom here, a powder
15 room, and then we have a utility room at the rear.
16 This is the floor that is being extended to the rear
17 lot line.

18 And as Ms. Stout mentioned, you know,
19 they're looking to get three bedrooms in this home
20 for their growing family. We have two bedrooms on
21 the second floor and a full bathroom and also access
22 to the roof deck from the second floor hallway.

23 You know, our original application or
24 plan, we had the second floor and third floor
25 extending out past the line of the adjacent

1 residence about five feet. That was really in order
2 to give us a better size for bedroom number two here
3 in the rear. The bedroom is on the smaller size.
4 Based on feedback and previous meetings that we --
5 you know, last week that we, you know, were privy
6 to, we decided to change the -- change the design of
7 the second floor -- second floor and third floor and
8 pull those backs to the line of the existing
9 residence, which is just about 14 feet 6 inches from
10 the rear property line.

11 MR. KAPPOCK: Mr. Lalli --

12 THE WITNESS: And then we have --

13 MR. KAPPOCK: -- sorry. You can
14 finish. Go ahead.

15 THE WITNESS: Okay. No, go ahead.

16 Do you have a question?

17 MR. KAPPOCK: Yes. I was going to ask
18 you, you had mentioned about changes. Do you have
19 an additional exhibit?

20 THE WITNESS: For the elevation I do,
21 which we will get to in a minute.

22 MR. KAPPOCK: Okay.

23 THE WITNESS: So these second floor and
24 third floor plan changes were made a while ago and
25 were submitted for this application, so this is not

1 a new plan here or an exhibit.

2 The second floor plan also has the roof
3 deck I discussed.

4 The third floor plan is the master
5 bedroom and master bathroom, because it's a full
6 master bedroom with a closet and, you know, enough
7 space for Mr. Stout, we got to set up a little home
8 office up there, which will be part of the intent of
9 the master bedroom.

10 I mean, the roof plan, you know, we are
11 talking about having a flat roof on this
12 application. We will talk about that a little when
13 we talk about the elevations, but we just plan to
14 have the connecting unit for the mechanical units on
15 the roof with the proper screening.

16 This is the existing elevation today.
17 This is our Unit 119. You can see the entry
18 vestibule.

19 From the street, it looks like it's a
20 brick facade, but this is actually a stucco facade
21 made to appear as brick, probably done some time, I
22 don't know, in the eighties or nineties, but it was
23 actually a stucco facade that was I guess applied
24 over the existing brick.

25 You can see something similar to the

1 neighbor on the right here. You know, we have gone
2 through a couple of different iterations of these
3 renderings in terms of, you know, do we take the
4 second -- do we take the third floor straight up, do
5 we do some kind of a roof line up there, or what
6 kind of material should we use.

7 Obviously we don't want to keep what is
8 there. Do we do a new stucco?

9 Do we introduce a new material?

10 So we went through a couple of
11 different designs. The design that was submitted to
12 the Board -- I'm sorry -- and this is the rear of
13 the residence. I'll just talk about this real
14 quick.

15 So this view and the lower left corner
16 is a view from the second floor looking down into
17 the courtyard. You can see the residence on the
18 left here with the roof deck, and the residence on
19 the right here with the roof. You can see that in
20 two photos beyond.

21 This photo here, Number 5, so you can
22 see our residence with the red siding. We are
23 trying to extend that out to the line of this
24 residence, which is both sides of residences.

25 The center photo, Number 4, our

1 residence, which is the red siding, and this is the
2 residence to the right of us with the roof deck.

3 So the original plan that we submitted
4 was this facade essentially taking it straight up.
5 Mr. And Mrs. Stout did like the idea of, you know,
6 removing the stucco, you know, and going back with
7 another type of stucco, different colors, that kind
8 of thing.

9 You know, we were able to listen to the
10 Board and the application last week for the other
11 Willow Court application, and it was continued
12 tonight, so based on some feedback there and
13 listening to the Board, we decided to make some
14 changes. So we actually reworked the elevations and
15 resubmitted a revised elevation today, and that is
16 the exhibit, this is revised drawing EL-1 dated
17 6/22/20, and I don't know if we should mark this in
18 as Exhibit A-1 or something? I don't --

19 MR. KAPPOCK: Mr. Rose, I would like
20 the -- obviously the original plans, I would ask for
21 A-1 for an exhibit, and this would be A-1.

22 MR. ROSE: Pat, is that good?

23 MS. CARCONE: We usually -- I mean, if
24 it's plans that were submitted, we don't usually
25 mark them. Herschel can speak to that, and the

1 elevation that was submitted today, that is fine.

2 You can mark that as A-1.

3 MR. KAPPOCK: All right. A-1.

4 Thank you.

5 THE WITNESS: I will mark this A-1.

6 (Exhibit A-1 marked)

7 So taking the -- you know, listening to
8 the application last week and the Board's kind of
9 comments, and also looking at the -- looking at the
10 street scapes in this area, we decided to make some
11 changes to the elevation.

12 The homeowner would like to remove the
13 existing stucco on the residence. It appears that
14 the existing brick is still there. I have a photo
15 here that I could probably bring up. Just a second.
16 I'll look for that photo in a minute.

17 So the intent here, which the homeowner
18 would like to do, is remove the existing stucco and
19 restore the existing brick. We don't know the exact
20 condition of the brick that is underneath. There
21 are a couple of sections that were able to be
22 removed that appears to be in okay condition, so --
23 but we really won't know until we honestly pull
24 everything off and see what the condition is.

25 I don't believe there is brick on the

1 little entry vestibule. That was probably just
2 stucco put on there to match what they did over the
3 brick.

4 So for that, we are looking to
5 obviously remove the stucco as well and to probably
6 change the Hardie board vertical siding with the
7 vertical trim boards on the corners.

8 Up on the third floor, we decided to
9 not go straight up, but to take the roof line back
10 on an angle, as you can see here on the two side
11 elevations, which creates two dormers for the third
12 floor, which is, you know, kind of similar to the
13 style that, you know, with the small kind of dormers
14 throughout the neighborhood when these homes were
15 originally built. We're looking to kind of update
16 those dormers to, you know, two dormers here, kind
17 of a dog house dormer style with two windows in
18 there for the master bedroom.

19 We would like to trim those dormers out
20 with same type of vertical Hardie board siding as
21 the entry vestibule on the first floor.

22 Then for the roof, we still want to
23 kind of accent the vertical of the property. We are
24 proposing a standing seamed metal roof there, as you
25 can see, which is drawn up in this elevation.

1 For the side and the rear of the
2 residence, the homeowner is, you know, proposing to
3 remove the vinyl siding that is there today on the
4 rear and proposing to use a stucco or EIFS material
5 on the sides and rear of the residence.

6 You can see in the rear elevation here,
7 we have our second floor roof deck. The neighbor to
8 the right has a very similar second floor roof deck,
9 and the neighbor to the left has the roof line, and
10 that is all of the exhibits I have.

11 Going back to the front elevation with
12 the changes that we made here with the roof line and
13 the windows and the dormers, this actually takes our
14 masonry now from zero percent to 56 percent, which
15 seems to be the character, you know, of the
16 neighborhood. When you look at some of the third
17 floors that were expanded, most of them are, you
18 know, vinyl siding, that type of thing. You know,
19 the 50 to 60 percent masonry seems to be what the
20 neighborhood is consistent with.

21 For the first and second floors, they
22 will be masonry, and the little vestibule and the
23 two dormers would be the Hardie board siding. With
24 the roof change and the dormer change also the
25 fenestration, where 45 percent is required, it takes

1 us up to 24 percent, and existing was 23 percent.

2 MR. KAPPOCK: Mr. Lalli, anything else?

3 THE WITNESS: No. I just want to say
4 that, you know, we worked hard to bring this
5 elevation to within the character of the
6 neighborhood.

7 When we remove our brick, you see a lot
8 of residents here have this kind of articulation of
9 the brick at the second floor level. We are
10 thinking we probably have that. Obviously we won't
11 know until we remove everything, but, you know, we
12 are looking to -- we are thinking that because this
13 is pretty consistent, this brick and this brick work
14 down the street, that we probably have that look
15 underneath the stucco, so, you know, we would like
16 to restore that as best as possible.

17 If I may, there are a couple of other
18 residents down the street which do have the
19 vestibules as you see with kind of the horizontal
20 siding. We are looking to do more of a vertical as
21 I stated.

22 There are some I think rather well done
23 third floors here, where they did pitch the roof
24 back and created some dormers, so these two here,
25 111 and probably 107 -- kind of similar to what we

1 are proposing, especially 111 with the two dormer
2 look and the roof line is kind of what we are
3 looking to do there. I think it fits into the
4 character of the neighborhood and compliments the
5 street.

6 MR. KAPPOCK: Mr. Lalli, I just want to
7 clarify a couple points. One being is, I know you
8 said it will depend on, you know, what is behind,
9 you know, when the -- when the front facade is
10 removed. But is the applicant committed to what
11 this new plan is and those changes?

12 THE WITNESS: They are. I mean, we are
13 going to do our best to refurbish the brick that is
14 underneath there, but the homeowner really wants to
15 be consistent with the neighborhood and really
16 restore that brick to what we see here in this
17 street view.

18 MR. KAPPOCK: Okay.

19 In addition to that, can you also touch
20 base on the zoning officer regarding the flood
21 plain? I know we have an exception on our waiver, I
22 should say, but it doesn't cover everything. We
23 also have to deal with the first floor and the flood
24 materials that we are using. Can you touch on that
25 and how this will comply with those requirements?

1 THE WITNESS: Yeah.

2 I mean, we will adhere to the
3 requirements of the flood resistant materials and
4 the mechanical units. If, you know, we need to
5 elevate those units above the flood plain, so you
6 know, we will have to, and we will adhere to, you
7 know, those conditions.

8 MR. KAPOCK: You know, one of the
9 things just to circle back to, you know, on this
10 application, it is going back to a hundred percent
11 lot coverage on the ground floor.

12 Can you talk at all about why in this
13 case, it should be a hundred percent versus maybe
14 something else that that would be appropriate for?

15 THE WITNESS: Well, I think Mrs. Stout
16 did touch upon it as well, but, you know, the two
17 properties on either side of us are a hundred
18 percent, and you know, the courtyard space that is
19 there today, it's really -- it's not very inviting.
20 It is literally all concrete, all -- and ground. It
21 is kind of locked in by the other two residences.

22 Even if we were to pull this thing back
23 slightly five feet or so, it is space that is not
24 really going to be usable space for the homeowner.
25 I am not sure really what we will be getting out of

1 that, so, you know, we decided to kind of come in
2 and, you know, stick with the hundred percent, talk
3 to the Board about it. So it does seem for this
4 property, it seems appropriate given what is blocked
5 in by the east and west side.

6 MR. KAPPOCK: Mr. Chairman, I have no
7 further questions at this time.

8 CHAIRMAN AIBEL: Quick question.

9 Mr. Lalli, what is the condition in the
10 rear yard abutting your property? Closing it up to
11 a hundred percent lot coverage, is that going to
12 create a wall, a ten foot wall for your -- in the
13 rear --

14 THE WITNESS: Yeah.

15 It will be, you know, so you see this
16 on the left corner, so there is an existing block
17 wall that runs across the property. You could see
18 the neighbor behind us has an even higher fence
19 behind there.

20 Looking at the elevations, I will just
21 zoom in here a little bit, you can see the block
22 wall here, and then obviously we will be above that
23 block wall. Very similar to what is not only next
24 to us, but, you know, throughout this area.

25 So there has been a lot of talk even in

1 the preapplication meeting to -- about the -- really
2 the open space is kind of quickly becoming the, you
3 know, second floor in these residences. You see it
4 a lot when you look at the block, the donut so to
5 speak is becoming the open space feature.

6 You know, there still are some
7 properties with the first floor like you see, but
8 this seems to be consistent with kind of the trend
9 that is there today and the character of that second
10 floor today.

11 CHAIRMAN AIBEL: Would a small setback
12 on your first floor property provide some additional
13 privacy?

14 THE WITNESS: For the residents behind
15 us, possibly. I mean, I did talk to the homeowner.
16 We have discussed this. You know, a small setback,
17 whether it is three or four or five feet kind of
18 creates a well back there that honestly wouldn't be
19 used. So, you know, it is probably, you know, more
20 advantageous to use that space for livable space.
21 In terms of space, that is kind of just going to be
22 a well outside.

23 CHAIRMAN AIBEL: Thank you.

24 I see Mr. Nash has his hand raised.

25 MR. NASH: Yes. Thank you, Mr.

1 Chairan.

2 Question: During construction, for you
3 to build that rear wall to the property line, how is
4 it going to impact the existing rear yard of that
5 neighbor that you are backing against?

6 THE WITNESS: Well, we are going up to
7 the rear wall, the concrete wall. We have to use
8 flood plain resistant materials, so, you know, that
9 whole structure down there is going to be most
10 likely constructed of block as well, similar to the
11 wall, so basically it will abut the wall, and then
12 we will finish that off with like a parch coat.

13 MR. NASH: And you don't see impacting
14 that, their block wall?

15 THE WITNESS: The block wall, no. We
16 are not going to touch that block wall. You can see
17 from the survey plan, that block wall is partially
18 on our property and partially on their property, but
19 we are kind of going to build up to that wall. We
20 are not going to touch the wall.

21 MR. NASH: Okay.

22 COMMISSIONER WEAVER: If I could
23 piggyback on Mr. Nash, so there is no cellar, right?

24 THE WITNESS: No.

25 COMMISSIONER WEAVER: So you don't need

1 to have a supportive excavation to build the
2 foundation for your wall, correct?

3 THE WITNESS: Well, we will have to
4 excavate three feet down for our footings, so there
5 will be a small crawlspace like there is today, but
6 there will be no cellar.

7 COMMISSIONER WEAVER: But you will do
8 some sort of support for the building next door,
9 though, I mean the east and west, right?

10 THE WITNESS: Yeah. We will have to --
11 we'll have to, you know, we will address that in our
12 construction drawings, but we have already engaged a
13 structural engineer to help us out with the
14 detailing of that.

15 COMMISSIONER WEAVER: Okay. Your
16 application, is that -- so the variance is also for
17 a roof deck?

18 THE WITNESS: Yeah. A second floor
19 roof deck, I think, you know, the code requires a
20 three foot setback. You know, we are proposing a
21 roof deck on the second floor similar to what is
22 next door to us, and, you know, honestly other
23 residences that are in the donut.

24 COMMISSIONER WEAVER: If you look to
25 your neighbor I think to the east, their roof deck

1 does a little jog around some object. What is that?

2 THE WITNESS: That is a small skylight,
3 so they have actually jogged the roof deck around
4 the skylight that is there.

5 MR. KAPPOCK: Commissioner, do you want
6 that picture brought back up again?

7 COMMISSIONER GRAHAM: Yes. Can we see
8 that?

9 THE WITNESS: Sure.

10 COMMISSIONER WEAVER: I don't know that
11 it is that clear on the picture board, but we can
12 take a look.

13 Yeah. You can't really see the --
14 right. It's sort of -- what you are looking at in
15 photo number 5, right, that is the corner of the jog
16 that we are coming back, I think, right?

17 THE WITNESS: Correct.

18 COMMISSIONER WEAVER: Yeah. So the
19 skylight would be like over that railing.

20 That photo is actually taken from the
21 adjacent residence, right?

22 THE WITNESS: Yes. Give me a second.
23 I might be able to find the photo that will better
24 illustrate that.

25 COMMISSIONER WEAVER: And what is the

1 height of the -- you know, I see a seaming wall in
2 the back of your property, your client's property,
3 and then there is sort of a decorative fence on top
4 of that, or is that -- like what is the height of
5 that fence? It looks like it's higher than --

6 THE WITNESS: It is. The fence is on
7 the neighbor's behind us property. It abuts the
8 wall. The CMU wall is about 6 feet tall, and I
9 think that fence is about 9 feet tall.

10 COMMISSIONER MC ANUFF: Who owns the
11 wall?

12 THE WITNESS: It is half on their
13 property and half on our property according to the
14 survey, if you look here.

15 COMMISSIONER WEAVER: Will you be just
16 leaving it and building up against it?

17 THE WITNESS: We are not touching that
18 wall. We are going to leave it and build up against
19 it.

20 COMMISSIONER MC ANUFF: Is there an
21 opportunity to remove it and build new?

22 THE WITNESS: Well, we don't own all of
23 it according to this, so I don't know if we could
24 remove all of it and do work that is not on our
25 property.

1 COMMISSIONER MC ANUFF: It seems like
2 an opportunity to correct something that was not
3 properly done.

4 COMMISSIONER WEAVER: And where does
5 the water go right now?

6 Right now in the back of your property,
7 there is -- I assume there's an area drain that goes
8 to the storm sewer?

9 THE WITNESS: There is. It's an area
10 drain. I think it is down in this area over here.

11 COMMISSIONER WEAVER: So in essence,
12 you are not increasing the pervious surface --

13 THE WITNESS: The what?

14 COMMISSIONER WEAVER: -- you're just
15 moving it up?

16 THE WITNESS: Correct. It is a hundred
17 percent pervious to them.

18 COMMISSIONER WEAVER: And the wall with
19 this illegal extension above 6 feet, to bring it to
20 9 feet is -- and how tall is your addition in the
21 back?

22 THE WITNESS: Our addition in the back
23 is going to align with the other residences. We are
24 at roughly 9 feet, 9 feet 2 inches.

25 COMMISSIONER WEAVER: So if we -- would

1 it be fair to say -- would it be fair to say if you
2 count the -- if you count that illegal fence
3 extension -- I say "illegal," because I don't think
4 they got a variance for it. The highest you can go
5 is 6 feet. If you count that fence extension, you
6 are no higher than that.

7 THE WITNESS: Roughly I would say I
8 don't have an exact measurement on it, but I would
9 say it's roughly in that area.

10 COMMISSIONER WEAVER: But your roof
11 deck, you would be then looking down directly into
12 their back yard?

13 THE WITNESS: Correct. The
14 condition --

15 COMMISSIONER WEAVER: Yeah --

16 (Commissioner Weaver and the witness
17 speaking at the same time)

18 THE WITNESS: -- condition that occurs
19 too often. I think that's next to us as well as
20 other residences throughout.

21 COMMISSIONER WEAVER: So then you are
22 getting a variance basically on all three sides.
23 Typically we get a variance, it's only like one side
24 of the deck, or maybe on at most two sides of the
25 deck. You are asking for the variance on all three

1 sides of the deck.

2 THE WITNESS: Correct.

3 COMMISSIONER WEAVER: Okay.

4 THE WITNESS: I mean, I have had
5 conversations with the homeowner about this. We
6 were thinking of maybe pulling the roof deck -- I
7 think to give some privacy to the neighbor behind us
8 and as well as the homeowner, pulling the roof deck
9 back that three feet set back at the rear yard, I
10 think this would still give us a decent enough
11 outside space for the homeowner.

12 If we pulled it back three feet, you
13 know, we could -- that would give some more privacy.
14 We were thinking about going in and doing that three
15 feet area, doing some kind of roof garden or
16 shrubbery to give even more privacy.

17 So I've been talking to the homeowner
18 about that over the past week, and it is something
19 that we might be, you know, looking into if the
20 Board, you know, really prefers it or if they're
21 going all the way to the rear.

22 CHAIRMAN AIBEL: Mr. Smolyn?

23 COMMISSIONER WEAVER: Thank you. No
24 further questions.

25 COMMISSIONER SMOLYN: Yeah. I have a

1 couple questions for the architect.

2 Did you say you are licensed in 20
3 states?

4 THE WITNESS: I'm licensed -- New
5 Jersey is my state of licensure, and I'm also
6 licensed in 23 other states.

7 COMMISSIONER SMOLYN: Oh, that is
8 interesting.

9 Piggybacking on Mr. Nash's and then Dan
10 Weaver's inquiry about where the water is going on
11 the site, do you have a revised roof plan for the
12 application that you are presenting today?

13 THE WITNESS: The roof plan really
14 won't change. I mean, with the little bit of change
15 to the facade in the front, the front will change.
16 You know, if this were to be approved tonight, you
17 know, we would, you know, submit that as part of the
18 compliance. So, yeah, there would be a little
19 change to the -- you'd see the -- you'd see the roof
20 angle in the front here with the dormers, et cetera.
21 Other than that, the roof plan would remain intact
22 here.

23 COMMISSIONER SMOLYN: So the majority
24 of the water on the flat portion or near flat
25 portion of the roof is captured by those two water

1 drains on the north side --

2 THE WITNESS: Correct. Yeah, we'll --

3 COMMISSIONER SMOLYN: -- and where
4 would those go to --

5 (The witness and Commissioner Smolyn
6 speaking at the same time)

7 THE WITNESS: -- yeah, we would have
8 tapered insulation for the roof drains. I mean,
9 right now, a fair amount of water runs off the front
10 of the roof to the gutter down to the sidewalk
11 level, and a fair amount runs to the rear to that,
12 you know, that inlet that is in the backyard.

13 So, you know, we have to kind of look
14 at it closely to see how, you know, to drain
15 probably some of it to the front and some of it to
16 that rear.

17 COMMISSIONER SMOLYN: Okay. But the
18 roof drains are definitely going to the stormwater
19 system, and it is not a scupper system?

20 THE WITNESS: Yeah. I think we're
21 going to tie them into the -- we try to tie them
22 into the stormwater system in the back. Probably
23 have -- there is minimal runoff. There is some
24 runoff with all of the residences to the sidewalk
25 today. I think we could probably eliminate most of

1 that with the facade changes here and take this back
2 to the stormwater system.

3 COMMISSIONER SMOLYN: Yeah. That was
4 my next question sort of, because I have walked on
5 this block before in the winter, and it is
6 treacherous, like ice forms and everything. It's
7 also kind of underlit at night, so it is pretty easy
8 to slip on black ice here. Everyone's down leaders
9 for the most part are just pouring out onto the
10 sidewalk presently.

11 Are you proposing to remediate that and
12 tie it into your stormwater system properly?

13 THE WITNESS: You know, our main roof
14 is going to tie in. There will probably be some
15 minimal here from the pitched roof and the dormers.
16 You know, I can certainly look at that and work with
17 the homeowner, but right now we are proposing that
18 minimal runoff would still come down to the sidewalk
19 here.

20 COMMISSIONER SMOLYN: Are there any
21 additional water retention or runoff mitigation
22 strategies proposed as part of the application?

23 THE WITNESS: No.

24 COMMISSIONER SMOLYN: Any partially
25 permeable surfaces in the back or detention areas?

1 THE WITNESS: Just what we mentioned,
2 possibly pulling the roof deck back, you know, three
3 feet and essentially having a roof deck garden
4 there, shrubbery screenery.

5 COMMISSIONER SMOLYN: Something that
6 maybe permeable and retain stormwater?

7 THE WITNESS: A small amount, but yeah.

8 COMMISSIONER SMOLYN: Okay. Just
9 quickly on the facade, is the existing condition, I
10 think you described it as a sort of Garden State
11 Brickface. Is that correct?

12 THE WITNESS: Correct.

13 COMMISSIONER SMOLYN: And have you
14 conducted probes to determine the kind of current
15 state of the underlying brick in a few areas?

16 THE WITNESS: It has been tough to do
17 with, you know, the pandemic, but we were able to
18 get somebody over there to conduct a couple of
19 probes.

20 I mentioned earlier, the brick is
21 there. It looks to be in okay condition. We really
22 won't know until we pull everything off to see the
23 full extent of the brick. What we did seemed to be
24 in fair condition, though.

25 COMMISSIONER SMOLYN: It sounds

1 positive. I was kind of initially alarmed when we
2 received the application materials, such a large
3 facade in EIFS was proposed fronting the street. It
4 is too good to see now that I think it improved
5 esthetically. In the event that the underlying
6 brick is deteriorated beyond restoration, would you
7 be willing to use just hand set brick for the first
8 and second levels?

9 THE WITNESS: I'd have to discuss that
10 with the homeowner. I don't think that would be an
11 issue, but --

12 COMMISSIONER SMOLYN: In any event, you
13 wouldn't revert to EIFS stucco --

14 THE WITNESS: No, yeah. I think the
15 homeowner -- yeah, the homeowner would be okay with
16 that. We would not revert to stucco, no.

17 COMMISSIONER SMOLYN: Okay.

18 THE WITNESS: They really want -- I
19 mean, they really want to do everything they can to
20 bring the brick back.

21 COMMISSIONER SMOLYN: Sure. And
22 restore the facade, so part of that I think you are
23 proposing 6 over 6 windows on that front facade. Is
24 that correct?

25 THE WITNESS: Yeah, that's what is

1 there today. We will probably, you know, we'll
2 replace -- replace those windows as well. I mean,
3 they are not even -- they don't have the grill, but
4 we are going to utilize -- utilize those openings
5 and replace those windows with the 6 over 6, like
6 you see, as well as introduce the windows on the
7 third floor.

8 COMMISSIONER SMOLYN: Again, I think
9 that is very positive esthetically for those --

10 COMMISSIONER WEAVER: But, Steve --
11 but, Steve, 6 over 6 -- is the 6 over 6 actually
12 restored -- most of the time in Hoboken they were
13 like two over one or two --

14 COMMISSIONER SMOLYN: Yeah. For this
15 area, I would have to dig back through maybe some of
16 the historical photographs. The block, as I am
17 looking at it right now, is kind of a hodgepodge of
18 different things. None appear at least in the
19 immediate vicinity to be original. I don't think
20 the 6 over 6 look out of place.

21 The neighbors have one over six -- you
22 know, one over six effectively, and the only comment
23 I was going to make on the windows was just that it
24 would be a great detail, and it would improve the
25 esthetics, and it would be referential to history,

1 if we could just honor the existing kind of
2 fenestration opening and have a curved arch top to
3 the upper window similar to sort of what 125 Willow
4 did, but maintain the kind of split like you are
5 doing, I think that would really improve the curb
6 appeal quite a bit.

7 THE WITNESS: We are presenting that on
8 the third floor windows, that slight arch.

9 COMMISSIONER SMOLYN: The slight arch,
10 but on the first and second floor, I don't think --

11 THE WITNESS: Yeah, the first and
12 second floor have the slight arch. We are going to
13 maintain that.

14 COMMISSIONER MC ANUFF: Not the
15 windows.

16 COMMISSIONER SMOLYN: The windows,
17 though, I'm saying, yeah, like the daylight opening.

18 COMMISSIONER MC ANUFF: None of the
19 windows currently shown on the facade are arched.

20 THE WITNESS: Well, they have the
21 arched top -- they have the arched top. Again, the
22 windows are flat, but, yeah, I don't think the
23 homeowner would be opposed to that, or even looking
24 at a more historic or a grill pattern as well, I
25 don't really see that as an issue.

1 COMMISSIONER SMOLYN: Okay.

2 THE WITNESS: But we can honor -- we
3 can honor the arch.

4 MS. STOUT: We are okay with that.
5 That's a great suggestion, so I am good.

6 COMMISSIONER SMOLYN: Great. Thank
7 you.

8 CHAIRMAN AIBEL: Antonio?

9 COMMISSIONER GRANA: Thanks, Chairman.
10 Thank you for this design, Mr. Lalli.

11 Could I ask my questions referring back to the side
12 view that you had up just a moment ago?

13 THE WITNESS: Sure.

14 COMMISSIONER GRANA: Good. Thank you.

15 So I would like to, you know, when
16 there is a lot of detail, I would like to summarize,
17 and I am going to just kind of summarize it as I
18 heard it and ask for your validation or further
19 clarification.

20 So the lot coverage on the first floor,
21 there is going to be a delta. I don't know what it
22 is or I can't see what it is right now. It would
23 move from its existing state to a hundred percent,
24 and I think it is your testimony that that area is
25 roughly -- do you have the rough dimensions of the

1 area that would be built on the first floor?

2 If you don't, I will just keep going.

3 THE WITNESS: I do. The lot is 12.48
4 feet wide, and the steps right now is basically what
5 we are proposing on the other floors, which is, you
6 know, about 14 feet five inches.

7 COMMISSIONER GRANA: Okay. So the
8 delta between what exists, which I know it is really
9 hard to say because it is already an impervious
10 surface. Let's talk about in terms of like how much
11 further the wall -- the back -- the rear wall will
12 extend, shall we say.

13 THE WITNESS: Well, the current rear
14 wall of the residence, the back portion would be
15 five inches from the property line.

16 COMMISSIONER GRANA: Okay.

17 So in the well, right, it is the well
18 that we are covering, and I am going to use your
19 term, the well we are covering.

20 And it would be your testimony that
21 that is already an impervious surface, and it
22 doesn't really have any beneficial use to a
23 homeowner or to this homeowner, so it would be
24 better used as livable space on the first floor.

25 On the second floor --

1 THE WITNESS: That is --

2 COMMISSIONER GRANA: -- on the second
3 floor, we are not significantly changing the massing
4 of that second floor nor the lot coverage, if I
5 understand it correctly. What we are adding is the
6 roof deck, and so really all of the massing changes
7 and lot coverage changes exist on the third floor,
8 and that is in alignment with neighbors -- do you
9 think I have that summary correct?

10 THE WITNESS: So the second floor does
11 sit back further today. Let me bring up the plan.

12 This area of the first floor, whereas
13 the kitchen is the bathroom, that is a sloped roof
14 area today.

15 So the second floor actually sits back
16 here, where this blue is. We are proposing to
17 extend that to the line of these two adjacent
18 residences right here.

19 Same thing with the third floor. That
20 has a sloped roof to that point, and we are
21 proposing to bring that to the adjacent residences
22 as well.

23 COMMISSIONER GRANA: Thank you for the
24 clarification.

25 So the additional lot coverage by

1 making it not slope as a usable area, so you are
2 going to put those in alignment with your two
3 neighbors?

4 THE WITNESS: Correct.

5 COMMISSIONER GRANA: Thank you very
6 much.

7 CHAIRMAN AIBEL: Thanks, Antonio.

8 Any other Commissioners have questions
9 of Mr. Lalli?

10 COMMISSIONER GRAHAM: Can I just go
11 back to the picture, the outside picture, looking
12 back to the neighbor's deck?

13 It seems like you were discussing
14 privacy to the neighbor. It looks like they have a
15 third floor roof deck that would look down on their
16 roof deck, so you're both -- so the privacy seems to
17 be obliterated to me. Is that true? It's not
18 important, but --

19 THE WITNESS: That is, yeah, our
20 residence is here, where you see the red siding.
21 This is the residence next to us. That residence is
22 two floors over, so, yeah, it looks like they do
23 have a third floor roof deck as well as a first
24 floor roof deck, which you can see down here, the
25 lower right picture, that does extend all the way to

1 the rear.

2 COMMISSIONER MC ANUFF: I believe
3 Commissioner Graham is referring to the property
4 behind the wall.

5 COMMISSIONER GRAHAM: Yeah. It's not
6 that important. I am just saying the issue of
7 privacy is just relative in those blocks of houses.

8 THE WITNESS: Sorry. They do have a
9 third -- correct. They do have a third floor roof
10 deck that does overlook.

11 COMMISSIONER GRAHAM: Right.

12 That is all.

13 But I think you buy a house -- if you
14 are going to buy one of those houses, you are going
15 to know what you are getting. The privacy is not
16 going to be the most important issue.

17 CHAIRMAN AIBEL: Any other
18 Commissioners?

19 VICE CHAIR BRANCIFORTE: Just a quick
20 question. I'm John Branciforte. Just a quick
21 question about that third floor extension you are
22 going to do. What is the lot coverage then? I
23 mean, what is that coverage compared to the entire
24 footprint of the property?

25 THE WITNESS: The lot coverage, I think

1 I mentioned it earlier, for the second and third
2 floor is 70.5 percent, which seems to be within the
3 character of the other residences.

4 VICE CHAIR BRANCIFORTE: Okay. Got
5 you. Thank you.

6 CHAIRMAN AIBEL: Okay. Let me --
7 professionals, any questions of Mr. Lalli?

8 MR. BANISCH: No, Mr. Chair.

9 CHAIRMAN AIBEL: Thanks.

10 Let me open it up to the public.
11 Anybody on the call wish to ask questions of Mr.
12 Lalli?

13 Seeing none?

14 COMMISSIONER MC ANUFF: Motion to close
15 public portion.

16 COMMISSIONER GRAHAM: Second.

17 CHAIRMAN AIBEL: All in favor?

18 (All Board members answered in the
19 affirmative)

20 CHAIRMAN AIBEL: Thank you very much.

21 MR. KAPPOCK: Thank you, Mr. Chairman.

22 I would like to call my next witness,
23 which is Carolyn Worstell, our planner.

24 MR. ROSE: Ms. Worstell, are you here?

25 MS. WORSTELL: I'm here. Can you hear

1 me?

2 MR. ROSE: Yes, I can.

3 Can you please raise your right hand?

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

7 MS. WORSTELL: I do.

8 C A R O L Y N W O R S T E L L, Planner, Dresdner
9 Robin, having been duly sworn, testified as follows:

10 MR. ROSE: Can you state your name and
11 spell your last name, please?

12 THE WITNESS: My name is Carolyn
13 Worstell. Last name W-o-r-s-t-e-l-l.

14 MR. ROSE: Okay. And can you state
15 your qualifications as a planner?

16 THE WITNESS: Yes. I'm a member of the
17 American Institute of Professional Planners.

18 I have my professional planners
19 license --

20 THE REPORTER: I'm sorry, but can you
21 slow down? You're talking too fast.

22 THE WITNESS: Sorry.

23 I'm a member of the American Institute
24 of Professional Planners. I have my professional
25 license, Number 33L100645000.

1 I have a masters in city and regional
2 planning from the Edward J. Bloustein School of
3 Planning and Public Policy.

4 I have five years experience as a
5 planner, and I work at Dresdner Robin. I work with
6 Mr. Ed Kolling and Mr. Charles Heydt. I've worked
7 on several projects with them in Hoboken including
8 two projects within the Willow Court neighborhood.

9 MR. ROSE: Have you appeared before
10 this Board or other Boards in New Jersey?

11 THE WITNESS: I have not appeared
12 before this Board. I have appeared before Boards in
13 New York State, where I've practiced previously,
14 including Westchester and Rockland Counties.

15 MR. ROSE: Okay.

16 Does the Board accept her
17 qualifications?

18 CHAIRMAN AIBEL: We accept her
19 qualifications.

20 Thank you.

21 THE WITNESS: Great. Thank you.

22 MR. KAPPOCK: Thank you, Mr. Chairman.

23 Ms. Worstell, you as the planner, can
24 you speak to the benefits, the pros and the cons of
25 the weight of this project and how you see it as an

1 expert?

2 THE WITNESS: Of course.

3 This neighborhood is very unique in
4 Hoboken. You know, it's got lots of these small
5 lots characterized with, you know, these two and
6 three-story single-family homes on these undersized
7 lots, and I believe one of the Board members
8 mentioned, you know, this is a very unique
9 neighborhood, and the city's most recent master plan
10 did recognize that it was unique and that there
11 were -- was a need for -- to address the
12 characteristics that affected this neighborhood in
13 particular.

14 As was mentioned, we need variances for
15 a nonconforming structure and lot, lot width, lot
16 depth. These are all preexisting conditions due to
17 the size of this lot. You know, to change this
18 would be a hardship. It's, you know, the lots are
19 what they are. The buildings are here. It is the
20 character of the neighborhood that makes it so
21 unique and special.

22 We are proposing, you know, to increase
23 that lot coverage to 100 percent with the rear yard
24 setback.

25 As has been mentioned, it is already at

1 a hundred percent impervious coverage, so we are not
2 increasing that impervious coverage. What we are
3 increasing is the usability of the site for the
4 residents, and we are matching what is happening
5 next to us on either side to the east and the west.

6 There is an existing fence and wall,
7 you know, at the rear of the property, which we are,
8 you know, going to mimic, and we will have, you
9 know, continue that donut with the pull-backs at
10 those second and third stories.

11 The lower roof and, you know, as
12 mentioned, you know, we got this lower roof deck.
13 There will be, you know, outdoor space. This is the
14 outdoor space for the neighbor -- for the homeowner.
15 It creates that donut hole and that outdoor space,
16 which is characteristic of this neighborhood as seen
17 in some of these neighboring properties including
18 the property to the east of us and several
19 properties to the west of us, which have these sort
20 of outdoor spaces on this first floor.

21 One of the things that was mentioned,
22 and we will need a variance for the floor-to-floor
23 heights. What we are proposing matches the existing
24 floor-to-floor heights. We can't do the ten percent
25 or the ten foot floor-to-floor, it just doesn't

1 match what's there currently. By matching the
2 existing floors, we are maintaining the scale of the
3 neighborhood.

4 We also need that variance for allowing
5 the residential use on that ground floor, which is
6 below the design flood elevation, but as noted,
7 there is a letter from the Flood Plain Administrator
8 indicating that it would not be appropriate to try
9 and elevate the building to address those -- address
10 that in that way.

11 We have also mentioned, you know, the
12 building facade, we are going to improve the facade.
13 We are, you know, pulling down that non masonry
14 facade trying to expose the original brick.

15 And this third floor has been, you
16 know, pulled back. It is going to be coming at an
17 angle with the metal facade, with the dormer
18 windows, which mimics the character of the
19 neighborhood with the dormers.

20 We are increasing the glazing from 23
21 to 24 percent of this facade, so while we still need
22 variances, we are definitely improving the street
23 scape with these improvements and becoming more in
24 compliance than the current facade.

25 Overall the benefits of this project,

1 we are renovating a historic home to modern
2 standards. You know, they are getting an actual
3 bathroom. It is going to be consistent with the
4 character of the adjacent homes, consistent with the
5 setbacks of the adjacent homes. We are exposing
6 that original brick, and all of these benefits
7 outweigh the detriments of the project.

8 We are advancing the Land Use Law. You
9 know, promoting the general welfare, the provision
10 of improving housing, maintaining appropriate
11 density. It is a single-family home. It will
12 remain a single-family home. We are proposing a
13 desirable and visual environment with the
14 improvements to the facade, and just the granting of
15 this will not result in any sort of a substantial
16 detriment to the public good. You know, we are not
17 increasing density.

18 The project is consistent with the
19 character of the neighborhood. The variances will
20 not result in substantial impairment to the intent
21 and purposes of the zoning plan and ordinance. You
22 know, it is consistent with the uses of the R-1
23 District. We are preserving the architecture and
24 scale of the neighborhood, and again, the city's
25 master plan does recognize the unique

1 characteristics of this neighborhood in allowing
2 there to be some more flexibility because of the
3 smaller nature of the sites.

4 MR. KAPPOCK: Great.

5 I want to just circle back to one
6 point, and that goes to what the city planner
7 brought up in their report.

8 The city planner, you know, speaks
9 about -- you touched on this, but I would like to
10 just highlight specifically what the planner
11 mentioned. And that is the neighborhood character
12 and how the proposed additional height, coverage in
13 the rear yard intrusion will impact the surrounding
14 uses that are there.

15 Can you touch on that a little bit just
16 if it went to uniqueness, not only just this
17 location, but the uniqueness of this particular
18 home?

19 THE WITNESS: Right.

20 We have been talking about this well.
21 You know, the well that is what we are filling in.
22 So that is where, you know, the setbacks, the
23 coverage is filling in that well, which is not
24 really a usable space, but it is more characteristic
25 in this neighborhood to raise sort of that outdoor

1 space, to raise that up to that first floor -- above
2 that first floor on a roof deck, you know, similar
3 to the building to the east, and there are several
4 residents to the west, and it is very
5 characteristic, you know, of this neighborhood for
6 people to have this almost communal outdoor space,
7 you know, looking down upon one another from various
8 heights.

9 So we are preserving that actual
10 character by raising the roof and allowing the
11 homeowner to have actual usable outdoor space that
12 they would like to use and continuing that character
13 of that donut hole within the neighborhood.

14 MR. KAPPOCK: Thank you.

15 Mr. Chairman, no further questions at
16 this time.

17 CHAIRMAN AIBEL: Thank you.

18 Board members, any questions for the
19 planner?

20 COMMISSIONER GRAHAM: It seemed like
21 she covered well the issues that the architect
22 raised as well, so it's reinforcing those factors.

23 CHAIRMAN AIBEL: Thank you, Ann.

24 Anyone else?

25 VICE CHAIR BRANCIFORTE: Well, just I

1 was going to say I think the only detriment is the
2 fact that they are asking for a higher ceiling in
3 the rear.

4 Is that true?

5 Is that how I understand it?

6 But it is not enough to make me want to
7 ask them to do anything with it, but if there is any
8 detriment, it would be that the people behind might
9 be losing some light and some more air, some light,
10 but it is not enough for me to make a big stink out
11 of.

12 That is all. Thanks.

13 MR. KAPPOCK: The architect may be just
14 able to clarify that for us.

15 MR. LALLI: If I may --

16 VICE CHAIR BRANCIFORTE: Before you
17 start also, I am also a little bit confused about
18 the layout and where the sun is and east and west is
19 on the elevation, too. It is hard to read such a
20 small plan. Sorry, guys.

21 MR. KAPPOCK: Mr. Lalli?

22 MR. LALLI: Yeah. Let me go to the
23 right plan here.

24 So the front elevation, the front
25 facade, that is the north elevation. West is the

1 top of the page. East, bottom. South to the left
2 of the page, so the rear of the residence gets the
3 southern sunlight, so the sun is actually going
4 around the back of our residence.

5 MR. KAPPOCK: Okay. Mr. Lalli, what
6 about the Commissioner's question regarding the
7 height and the floor-to-ceiling in the -- Mr.
8 Commissioner, can you ask that again regarding what
9 section?

10 VICE CHAIR BRANCIFORTE: Now, the
11 extension that you are putting out on the first
12 floor --

13 MR. LALLI: The first floor extension.

14 VICE CHAIR BRANCIFORTE: -- that is
15 where you are asking for the floor to height -- and
16 now, I mean, you just have to cover it quickly. I
17 am not that concerned about it, but...

18 MR. LALLI: I mean, the existing
19 ceiling height on the first floor is 8 feet 5
20 inches. We are maintaining that.

21 The other two floors are 8 foot ceiling
22 heights, so pretty standard ceiling heights.

23 VICE CHAIR BRANCIFORTE: Okay.

24 I was just curious. If we didn't give
25 you the variance for the floor-to-ceiling height,

1 how would that effect the actual height of the
2 extension, where it meets the property line at the
3 back?

4 MR. LALLI: Well, we have a higher
5 ceiling height in the back, which I don't think
6 improves a condition. It gives us a higher
7 elevation at the rear there, so, you know, we would
8 like to, you know --

9 COMMISSIONER MC ANUFF: If I may just
10 ask --

11 (Commissioner McAnuff and other people
12 speaking at the same time as Mr. Lalli)

13 MR. LALLI: -- we're up a couple of
14 more feet.

15 VICE CHAIR BRANCIFORTE: It would be
16 more of a concern for me, if we were cutting off
17 southern light to that property behind you, but
18 we're not. You're talking about northern light. It
19 is not direct sunlight that you're cutting out, so I
20 am okay.

21 MR. LALLI: Correct.

22 COMMISSIONER MC ANUFF: Am I correct in
23 saying the only floor that the ceiling height is
24 being changed on is the third floor, correct?

25 MR. LALLI: Right. The third floor is

1 kind of --

2 COMMISSIONER MC ANUFF: It's going from
3 17 currently to 18.

4 MR. LALLI: Yeah. It is all sloped
5 roof line in that third floor. You know, it is an
6 average of 7 feet there, but, yes, we are going --

7 COMMISSIONER MC ANUFF: (Audio breaks
8 up) the variances.

9 MR. LALLI: Correct.

10 COMMISSIONER MC ANUFF: Okay.

11 CHAIRMAN AIBEL: Mr. Grana?

12 COMMISSIONER GRANA: Mr. McAnuff has
13 asked my question.

14 CHAIRMAN AIBEL: Well done, Owen.

15 COMMISSIONER MC ANUFF: Thank you.

16 COMMISSIONER WEAVER: Chairman?

17 CHAIRMAN AIBEL: Go ahead, Dan.

18 COMMISSIONER WEAVER: It's a question
19 for the planner.

20 It seemed like you were advocating
21 because everybody has raised -- they have a hundred
22 percent lot coverage, and they have effectively
23 raised the datum of outdoor space to the, you know,
24 the second floor level, that that is a good thing,
25 and therefore, everybody should do that.

1 MR. BANISCH: No.

2 COMMISSIONER WEAVER: Was I
3 misinterpreting it?

4 MR. BANISCH: Yes. You are certainly
5 misinterpreting it because I don't think everybody
6 necessarily wants 100 percent coverage on the first
7 floor, so I don't think that should be standard.
8 But what I was saying was in a neighborhood where
9 there is 100 percent coverage on many first floors,
10 to the donut, to the extent that it exists, happens
11 from the second floor up, and that is what I
12 suggested to the Board last time we talked about one
13 of these applications, that that is the meaningful
14 part of the open space and what everybody's rear
15 yard can offer.

16 So looking at what has been done with
17 this application, it certainly sounds to me like the
18 applicant paid a lot of attention to pretty much
19 everything the Board said about managing change in
20 this neighborhood.

21 I do like the idea that that roof deck
22 could be pulled back a little bit. With some
23 landscaping, it would be beneficial on both sides,
24 but I am not sure that that is critical. I think
25 that is for, you know, whether the Board thinks that

1 is an important thing or not.

2 COMMISSIONER WEAVER: I do.

3 Thank you.

4 And then I guess it is a quality of
5 life issue. Mr. Smolyn brought up the fact that the
6 roof gutters deposit directly on the sidewalk.

7 So maybe it is a question for the
8 architect and not the planner. I am sorry. But as
9 far as the quality of life goes, does that really --
10 do the gutters deposit on the public property?

11 MR. LALLI: Yeah. You can see that
12 here today with the sloped roof, and that's
13 indicative of all of the residences here. There's
14 gutters on the front here, and they do spill onto
15 the sidewalk, as you see here.

16 COMMISSIONER WEAVER: So I would only
17 ask, Mr. Nash, if you could do some research.
18 It is -- if you could do a little research on
19 Hoboken Ordinance 136-2, prohibit act, Item 13,
20 to keep drains, leaders, gutters, sewers and drains
21 of any structure, dwelling or place --

22 THE REPORTER: I'm sorry, Dan. You're
23 reading way too fast. Dan, you're reading way too
24 fast.

25 COMMISSIONER WEAVER: You're going to

1 need to look it up.

2 Sorry, Pat -- sorry, Phyllis.

3 It is Item 13. Basically it says you
4 can't -- you can't dump water onto the sidewalk.

5 COMMISSIONER SMOLYN: If I could just
6 briefly add to that.

7 I think it is unfortunate, but kind of
8 a prevalent act in the Willow Terrace neighborhood.
9 However, we are dealing with Willow Terrace North
10 here, and it has significantly higher foot traffic
11 than I think a lot of the other two roads -- two
12 courts to the south that are effectively closed to
13 outside pedestrian traffic.

14 COMMISSIONER WEAVER: Effectively 7th
15 Street, right?

16 COMMISSIONER SMOLYN: Yes.

17 COMMISSIONER WEAVER: We are calling it
18 Willow Terrace, but it is 7th Street.

19 COMMISSIONER SMOLYN: Correct.

20 COMMISSIONER MC ANUFF: Just a
21 question. I know you have the bump-out for the
22 front door there. Am I correct that some of the
23 other residents that have that bump-out have a
24 little fenced in area to the bump-out or no?

25 MR. LALLI: Not in this area here. I

1 mean, some of them do. You see something here.

2 COMMISSIONER MC ANUFF: I'm just
3 mentioning, is there some way to contain, if that is
4 permitted, and there is some way to contain your
5 rainwater, but then in a closed area somehow get rid
6 of it through an area drain or something?

7 COMMISSIONER WEAVER: Owen, that is
8 public property.

9 COMMISSIONER MC ANUFF: Next to the
10 bump-out --

11 COMMISSIONER WEAVER: The bump-out
12 itself is on, I believe, it's on public property.

13 COMMISSIONER MC ANUFF: Right. But you
14 see like some of them on the photographs, they also
15 have the railing, where they have a little yard in
16 there next to the bump-out?

17 COMMISSIONER WEAVER: Well, I think
18 that's a whole other question -- that brings up a
19 whole other question about, you know, can they do
20 any work without going to the City Council.

21 COMMISSIONER MC ANUFF: No. I'm just
22 saying if that set up on there -- at their -- I
23 think there's some sort of containment in there for
24 rainwater.

25 COMMISSIONER WEAVER: I just don't know

1 why they can't connect to the storm sewer.

2 But, Mr. McAnuff -- Mr. Nash, if you
3 could do the research for me, I would appreciate it.

4 MR. NASH: Not a problem.

5 COMMISSIONER WEAVER: Obviously not
6 tonight.

7 MR. NASH: Thank you.

8 COMMISSIONER WEAVER: No more
9 questions.

10 CHAIRMAN AIBEL: Last call, Board
11 members, any questions?

12 COMMISSIONER GRAHAM: No.

13 CHAIRMAN AIBEL: Let me open it up to
14 the public. Is there anybody who wishes to ask the
15 planner questions?

16 Seeing no hands.

17 COMMISSIONER MC ANUFF: Motion to close
18 public.

19 VICE CHAIR BRANCIFORTE: Second.

20 CHAIRMAN AIBEL: We have a motion and a
21 second.

22 All in favor?

23 (All Board members answered in the
24 affirmative)

25 CHAIRMAN AIBEL: Anybody opposed?

1 CHAIRMAN AIBEL: Mr. Kappock?

2 MR. KAPPOCK: Mr. Chairman, I just want
3 to just circle back on the question regarding --
4 because I don't know the answer to it, so I am going
5 to ask the architect.

6 Is there an ability at all with the
7 gutters of doing anything further inside? I don't
8 know what is involved in that or the costs
9 associated with these homes that may or may not have
10 that ability.

11 MR. LALLI: We will have to look into
12 it. It seems like most of these or all of these are
13 draining to the sidewalk. I think we can look into
14 it and, you know, try to do that, if we can.

15 We do want to keep in mind costs and
16 things likes that, but it probably is a good -- a
17 good solution. I just don't know. I just can't say
18 for sure if we can do it, all of it or not.

19 MR. KAPPOCK: Mr. Chairman, I just have
20 some closing remarks. I don't have any other
21 witnesses at this time, if that is appropriate.

22 CHAIRMAN AIBEL: Certainly. Go right
23 ahead.

24 MR. KAPPOCK: Thank you.

25 So we heard tonight starting off with

1 the applicant, Jill Stout, who talked about, you
2 know, the desire of being at different properties,
3 rentals, owning, not having that outdoor space,
4 trying to be able to work on finding, you know,
5 their dream home, and I talked to the applicant at
6 length about it. She has spoken about it tonight.

7 What they want to do building their
8 family in a lot of ways is what Hoboken is all
9 about. At the same time understanding with these
10 homes, the uniqueness of it, and listening very
11 carefully to the Board, as well as the previous
12 meeting, on some of the feedback that came in about,
13 you know, concerns and what to do.

14 You know, that starts on, you know, the
15 ability on the first floor to say: Okay. If there
16 is a need to do some pull back, privacy issues, that
17 is a possibility.

18 But looking at the uniqueness here of
19 how that space really becomes not really usable
20 space, which is rather something that is just there,
21 and, you know, whether that is in, you know, the
22 best interests that is here.

23 The architect went in and went back to
24 the drawing board when it came to the front. You
25 heard a lot about that, and it concerns the Board to

1 try to really get something that fit more into the
2 period, what could, you know, bring about the street
3 scape that has been a little bit, using some of the
4 Board members, a mishmash, to make that more, you
5 know, clearly laid out, you know, for what could be
6 there.

7 We then -- we then bring in the
8 planner. The planner speaks to, and my opinion has
9 always been, really just pulling it all together,
10 looking at what an applicant wants, what an
11 architect is going to build, and how that really all
12 fits in and touches on, you know, and speaks
13 specifically, you know, about the positive and
14 negative criteria and the need for taking something
15 that is old and bringing it into something that is
16 new for the modern age.

17 You know, we are dealing in a city that
18 is obviously inherently an old city, as most cities
19 are, and we are touching on an area that, you know,
20 has been brought up before, that, you know, the city
21 has been dealing with in terms of how to do this.

22 So how do we take this, bring this into
23 something that can really be something to grow off
24 of and be able to develop on for not only this
25 applicant, but as I know, the Board has to look for

1 in the future.

2 Thank you, Mr. Chairman.

3 CHAIRMAN AIBEL: Thank you, Mr.
4 Kappock.

5 Let me open it up to the public for
6 comment.

7 Does anybody on the call wish to make a
8 comment on the application?

9 Seeing none?

10 COMMISSIONER MC ANUFF: Motion to
11 close.

12 VICE CHAIR BRANCIFORTE: Second.

13 CHAIRMAN AIBEL: All in favor?

14 (All Board members answered in the
15 affirmative)

16 CHAIRMAN AIBEL: Great. Thank you.

17 VICE CHAIR BRANCIFORTE: One quick
18 question before we get too far into this.

19 Are we going to be asking the applicant
20 to pull that roof deck three feet back from the rear
21 property line, because I would like to see that.

22 COMMISSIONER MC ANUFF: I think that we
23 should discuss some options. I don't know that
24 everybody on the Board is in favor of doing that.

25 VICE CHAIR BRANCIFORTE: Yeah. I was

1 deck, Ann, because I feel like they're going right
2 up --

3 (Commissioner Graham speaking at the
4 same time as Vice Chair Branciforte)

5 COMMISSIONER GRAHAM: I don't --

6 VICE CHAIR BRANCIFORTE: What's that?

7 COMMISSIONER GRAHAM: -- I know. I
8 don't mean the roof deck, but I -- I --

9 VICE CHAIR BRANCIFORTE: -- there's a
10 roof deck going right up to the property line like
11 that, it is almost as though they could look into
12 the rear courtyard of the --

13 COMMISSIONER GRAHAM: I think if you
14 put some greenery there, some -- some plants and
15 shrubs along there, that would effectively --

16 COMMISSIONER WEAVER: Ann, that is why
17 we're pulling -- that's why we are asking -- we're
18 asking to pull it back, so you have room to put
19 plantings there.

20 COMMISSIONER GRAHAM: Okay. As long as
21 they can do that, then that is okay. That's okay.

22 CHAIRMAN AIBEL: Mr. Kappock, is that
23 something you can agree to?

24 MR. KAPPOCK: Yes. I mean, is it okay
25 if I can just confer with my client for just one

1 second, Mr. Chairman?

2 CHAIRMAN AIBEL: Sure.

3 MR. KAPPOCK: Thank you.

4 (Counsel confers)

5 MR. KAPPOCK: Yes. They are okay with
6 that, Mr. Chairman.

7 CHAIRMAN AIBEL: Great.

8 Thank you.

9 MS. CARCONE: Commissioner Grana?

10 COMMISSIONER GRANA: The same thing. I
11 think this is a really fine application. I think
12 everyone that wants to live in this neighborhood
13 comes to this neighborhood seeing that there are
14 some built-in challenges, which is if you want to
15 keep the charm of this neighborhood, and yet it sits
16 in R-1, so it always comes with a built-in conflict
17 of requiring a variance to do any kind of adaptive
18 reuse to these properties, and adaptive reuse is
19 what is required when we look at something that's
20 very old and has some charm, but needs to be livable
21 for a homeowner that wants to invest in it in the
22 21st Century, and I think the homeowner and the
23 professionals have done a fine application here, and
24 I would support the application.

25 Thanks.

1 MS. CARCONE: Commissioner McAnuff?

2 COMMISSIONER MC ANUFF: Yes.

3 I am also in support of the
4 application. I have actually been in this property
5 before, and the architect has done an outstanding
6 job with a tough situation.

7 I am fine with the roof deck as is,
8 especially since the other property can see into it
9 as well, and I do hope they do -- are able to
10 restore the brick on the front facade. The only
11 (Audio breaks up) it's a bit too much stucco for me,
12 but I am okay with it, and I would support the
13 application.

14 That is it.

15 MS. CARCONE: Commissioner Weaver?

16 COMMISSIONER WEAVER: Am I on mute?

17 MS. CARCONE: No, we can hear you.

18 COMMISSIONER WEAVER: I am assuming
19 that the application is for the restoration of the
20 brick masonry facade and not the stucco, and that
21 the stucco is not on the table, and that that is not
22 what we are voting for tonight.

23 Can we confirm that?

24 MR. KAPPOCK: Yes. That is correct.

25 The modified version that the architect on Exhibit

1 A-1 that we provided, was the updated drawing.

2 COMMISSIONER WEAVER: Thank you.

3 COMMISSIONER MC ANUFF: Yeah. I was
4 only referring to the sides and the rear.

5 COMMISSIONER WEAVER: I do think, you
6 know, as we said before on the previous application,
7 you know, Willow Terrace, this isn't a very
8 difficult site, and, you know, especially given
9 the -- the immediate site conditions to the north --
10 I'm sorry -- to the east and the west with a hundred
11 percent lot coverage, it really creates in my mind
12 the open space. The traditional open space at grade
13 creates a negative outdoor space for the owner, and
14 I believe that elevating it up to the -- you know,
15 the second floor level, eventually it will be, you
16 know, it could become a race to the top, that's roof
17 deck, over roof deck, over roof deck. Everyone is
18 always wanting to be higher than each other.

19 I think a solution for that is, in
20 fact, privacy and screening, and I mean, I would
21 argue that cutting back the railing at the southern
22 side of the property the three feet to have say a
23 three foot planter with, you know, a three foot tall
24 shrub, that actually is going to be a net benefit
25 for both the owner of this property and the owner of

1 the property to the south, because, you know, often
2 we say, well, they have a roof deck that is higher,
3 too. But, you know, that roof deck is actually set
4 back from the property line a number of feet. They
5 are not right on top of the property line looking
6 down on these people and vice versa.

7 So I think somehow you need to
8 ameliorate the additional density and the lack of
9 buffer zone between you and your neighbors, right?

10 And then we talk about the donut. The
11 donut, generally when we talk about the donut is a
12 completely -- it's a completely different
13 environment, right?

14 We have full grown trees back there.
15 We have wider walks, you know. You are not
16 necessarily right on top of each other.

17 When we wrote the ordinance to have the
18 roof decks pulled back three feet from the property
19 line, you know, that was a reason to have some
20 buffer. And I can't say why to the east and west of
21 this applicant, yeah, they were allowed to build
22 their deck right up to the property line.

23 In fact, there have been times when
24 variances have not been sought and then granted
25 anyway the ability to do that. So just because it

1 has been done doesn't mean that it was done with
2 proper forethought and government supervision.
3 Let's just say that.

4 So I would be in favor of this
5 application with, you know, the few modifications
6 which we suggested, you know, pulling back the deck
7 on the south side, putting the three foot planter --
8 the three-foot planting, connecting the stormwater
9 to the stormwater system.

10 I mean, my gutter goes into the
11 stormwater system. I don't know why everyone else's
12 doesn't have to, especially when the gutter is
13 actually creating, you know, a hazard on the
14 sidewalk. And I think, you know, if we allow that,
15 or we don't even mention that as a condition, then
16 we are -- I don't know, giving them tacit approval,
17 but that is okay, and, you know, we are helping to
18 continue a bad situation. I don't know how the
19 planner would address that, but, yes, it is a bad
20 situation, and we are continuing to keep it that
21 way.

22 The other one, which I think legal
23 needs to bring up, which is we can approve changes
24 to this entry portico on the front of the building,
25 but it is not on their property, so I don't know how

1 we get around that.

2 You know, we have had these things come
3 up before, but it just has to somehow be tracked.

4 So I appreciate the thought that went
5 into this. Thank you for investigating and saving
6 the original masonry facade and making it an
7 attractive amenity and, you know, continuing to
8 cover it up.

9 And with those conditions, I would be
10 in favor.

11 Oh, also, I would -- yes, please review
12 the windows, the muttoms for the windows, because I
13 stand by that the 6 over 6 is not -- it's more
14 colonial. It is pre 1865, and I think these dates
15 after that date. So if you could please do some
16 research on that. I know you are trying to be as
17 sensitive as possible, and that would help to go a
18 long way.

19 Thank you.

20 MS. CARCONE: Commissioner Firestone?

21 COMMISSIONER FIRESTONE: Yes.

22 I think I would agree with
23 Commissioners Branciforte and Weaver on this three
24 foot in the back.

25 The applicant overall has done a

1 terrific job with respect to, you know, preserving
2 and enhancing actually the front facade, and overall
3 the application is well thought through.

4 I would just suggest when I look at
5 applications, I ask: Is this particular variance
6 absolutely necessary, and when I see the three foot
7 not that variance to me, that variance does not seem
8 like it is absolutely necessary in order for this
9 application to be complete. And, in fact, it would
10 be better in order to have that additional buffer
11 space that Commissioner Weaver was suggesting and
12 putting planters there.

13 So I would be in favor of it absent
14 that, voting positively on that particular variance
15 request.

16 MS. CARCONE: Commissioner Smolyn?

17 COMMISSIONER SMOLYN: I would only add
18 that I looked at some historic photographs in the
19 last half hour, and I do I think agree with
20 Commissioner Weaver that maybe a one over one would
21 be more appropriate for the windows. The 6 over 6
22 is a bit more colonial or Greek Revival. Otherwise
23 best of luck getting the Garden State Brickface off
24 this property, and that is all.

25 Thank you.

1 MS. CARCONE: Commissioner Aibel?

2 CHAIRMAN AIBEL: I think the applicant
3 has done a terrific job being sensitive to the
4 neighbors, what we are looking for, and I think the
5 effort was successful.

6 So thanks for a thoughtful application.

7 Herschel, do we have conditions that
8 you managed to extract?

9 MR. ROSE: Yes.

10 Well, the first condition to pull the
11 roof deck back three feet, to allow space for
12 greenery and plants for screening for the rear
13 property.

14 The second condition, that the windows
15 on the front facade have an arched top in line with
16 the historic nature of the neighborhood.

17 As a third condition, I believe, was to
18 confer with the Board Engineer to connect the
19 drainage to the best extent possible with the public
20 sewer system.

21 COMMISSIONER FIRESTONE: Wouldn't that
22 first condition not be necessary, if we didn't vote
23 to approve the variance, because they need a
24 variance for the roof deck, right?

25 MR. ROSE: Right. But if their

1 application is asking for the variance, if you don't
2 approve it, then --

3 COMMISSIONER WEAVER: But, Steven,
4 there is actually -- you have to be set back three
5 feet from the property line, so it would be three
6 feet to the north -- sorry -- three feet from the
7 south, and three feet from the west, and three feet
8 from the east --

9 COMMISSIONER FIRESTONE: I see what
10 you're are saying.

11 COMMISSIONER WEAVER: -- so we would be
12 granting -- we'd be granting the two variances for
13 the east and west, but denying the variance for the
14 south. I think what we are saying is we would want
15 it to be a condition that they actually put
16 plantings there for screening, not that it is an
17 option they could do it, Herchel, but that they need
18 to put planting there and they need to maintain the
19 planting.

20 MR. ROSE: Is there a specification for
21 what kind of planting?

22 COMMISSIONER WEAVER: Evergreen
23 tree --

24 MS. CARCONE: Usually --

25 (Ms. Carcone and Commissioner Weaver

1 speaking at the same time)

2 COMMISSIONER WEAVER: -- feet tall.

3 MS. CARCONE: Usually Dennis puts in
4 that it's to be reviewed by the planner.

5 MR. ROSE: Perfect.

6 COMMISSIONER MC ANUFF: Question
7 regarding conditions.

8 Do we need some language in there about
9 the front facade, if the brick is not able to be
10 restored, or cannot be restored, what the
11 alternative would be?

12 MR. ROSE: Yes. I could put in: In
13 the event that the brick is deteriorated beyond
14 repair, bricks will be replaced and restored as
15 needed.

16 COMMISSIONER SMOLYN: In kind with the
17 adjacent properties.

18 MMR. ROSE: In kind with the adjacent
19 properties.

20 COMMISSIONER MC ANUFF: And then I
21 think Commissioner Smolyn had mentioned about arched
22 top windows, if possible. Is that correct?

23 MR. ROSE: So I believe I mentioned
24 that windows would have an arched top --

25 (Commissioners speaking at once)

1 COMMISSIONER WEAVER: Number two.

2 COMMISSIONER MC ANUFF: Got it.

3 My only other question is the condition
4 regarding tying into the storm sewer. If that is --
5 are we giving the owner a choice on that, if it can
6 be done, but it's not economically feasible, or what
7 are we saying on that?

8 COMMISSIONER WEAVER: Well, Mr. Nash is
9 also going to say it's a requirement from the city.

10 COMMISSIONER MC ANUFF: Okay. If it is
11 not, though, are we -- but it still can be done,
12 what are we saying?

13 (Pause)

14 I mean, I agree, it should be tied into
15 the storm sewer, but are we leaving them an option
16 at some point to not tie into it?

17 MS. CARCONE: Can we figure this out
18 between now and memorialization?

19 COMMISSIONER WEAVER: Okay. So let's
20 say that we make it a condition, and they have to do
21 it. If they determine that it is a hardship, can
22 they come back to us and ask for relief?

23 COMMISSIONER GRANA: So here is where I
24 struggle. If we are -- if we as a Board, or we as a
25 city do not require this of other homeowners, then I

1 struggle to require this homeowner -- I understand
2 it is a quality of life issue, but that would force
3 the applicant to stop, freeze and come back to this
4 process all over again.

5 I guess I personally am more
6 comfortable with leaving it in the hands of the
7 professionals, other than me, to determine what the
8 best solution is to improve the safety of the
9 pedestrian area, but not make this particular
10 applicant go through a process that anybody would
11 not go through, and the city would not require them
12 to go through, and I am not sure we can require that
13 of them tonight.

14 COMMISSIONER MC ANUFF: Understood.

15 MR. ROSE: If it is required by
16 ordinance, then they will be required to provide it
17 insofar as it is required.

18 CHAIRMAN AIBEL: So Pat had a good
19 idea.

20 Chris, can you work on this as an issue
21 that we determine between now and the resolution and
22 do memorialization?

23 COMMISSIONER MC ANUFF: Yes, that was a
24 good suggestion.

25 MR. NASH: Yes, yeah, not a problem.

1 MR. KAPPOCK: Mr. Chairman, just so I
2 understand that, it would be just to determine what
3 the feasibility is to be able to tie it in?

4 CHAIRMAN AIBEL: It would be to
5 determine what -- It would be to determine a
6 solution, if it happens to be a requirement, that is
7 one thing. If it is not a requirement, if there is
8 an economic feasibility issue, then maybe that is
9 something that we'd bring back, but I think probably
10 it can be sorted out by the professionals.

11 MR. KAPPOCK: Okay. I understand.

12 COMMISSIONER GRANA: With that,
13 Chairman, do we need a motion now?

14 CHAIRMAN AIBEL: Yeah. I think we are
15 ready for a motion.

16 COMMISSIONER GRANA: And I will so
17 motion to approve.

18 COMMISSIONER MC ANUFF: Second.

19 CHAIRMAN AIBEL: Pat?

20 MS. CARCONE: Commissioner Branciforte?

21 VICE CHAIR BRANCIFORTE: Yes,

22 MS. CARCONE: Commissioner Graham?

23 COMMISSIONER GRAHAM: Yes.

24 MS. CARCONE: Commissioner Grana?

25 COMMISSIONER GRANA: Yes.

1 MS. CARCONE: Commissioner McAnuff?
2 COMMISSIONER MC ANUFF: Yes.
3 MS. CARCONE: Commissioner Weaver?
4 COMMISSIONER WEAVER: Yes.
5 MS. CARCONE: Commissioner Firestone?
6 COMMISSIONER FIRESTONE: Yes.
7 MS. CARCONE: Chairman Aibel?
8 CHAIRMAN AIBEL: Yes.
9 Thanks very much, everybody.
10 COMMISSIONER GRANA: Good Luck.
11 MR. KAPPOCK: Thanks so much.
12 MS. STOUT: Thank you so much,
13 everybody.
14 CHAIRMAN AIBEL: Good luck.
15 MS. STOUT: Thank you.
16 MR. KAPPOCK: Thanks for all of your
17 help tonight.
18 CHAIRMAN AIBEL: Phyllis, do you need a
19 break?
20 THE REPORTER: Yes, please.
21 CHAIRMAN AIBEL: It is 9:42. Let's try
22 to get back on the call at 9:50, and we will turn to
23 our last application, 18 Willow.
24 Thank you.
25 MS. CARCONE: Eight minutes. See you

1 in eight.

2 CHAIRMAN AIBEL: Thank you.

3 (Recess taken)

4 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-20-4

- - - - - X
RE: 18 Willow Court : Tuesday 9:50 p.m.
Block 158.01, Lot 8, Zone R-1 :
Applicant: Battoni, Sean & Catherine : June 23, 2020
Renovation to one-family home :
- - - - - X

MEETING CONDUCTED VIA ZOOM

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Ann Graham
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Dan Weaver
- Commissioner Steven Firestone
- 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: HERSCHEL ROSE, 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

Jensen Vasil

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1 CHAIRMAN AIBEL: Are you ready to get
2 back on the record, Mr. Cosgrove?

3 MR. COSGROVE: Yes, Mr. Chairman. I
4 switched -- Pat, I switched devices, so I think I'm
5 showing up as Charlie Cosgrove now, but I ran out of
6 power on my other device.

7 MS. CARCONE: All right. So I'm going
8 to rename you as Robert. All right.

9 MR. COSGROVE: Thank you.

10 MS. CARCONE: I was wondering about
11 that. You got me all confused there for a second.

12 MR. COSGROVE: Yes. I ran -- during
13 the other application, my battery went out.

14 CHAIRMAN AIBEL: So, Mr. Cosgrove, 18
15 Willow.

16 MR. COSGROVE: Are we ready to go?

17 CHAIRMAN AIBEL: The floor is yours.

18 MR. COSGROVE: Okay.

19 MS. CARCONE: Do we have all of our
20 Board members back?

21 VICE CHAIR BANCIFORTE: I'm here.
22 John's here.

23 MS. CARCONE: Okay.

24 COMMISSIONER GRAHAM: I am here.

25 COMMISSIONER MC ANUFF: Want to do a

1 roll?

2 MS. CARCONE: Okay.

3 Commissioner Branciforte?

4 VICE CHAIR BRANCIFORTE: Here.

5 MS. CARCONE: Commissioner Graham?

6 COMMISSIONER GRAHAM: Here.

7 MS. CARCONE: Commissioner Grana?

8 COMMISSIONER GRANA: Here.

9 MS. CARCONE: Commissioner McAnuff?

10 COMMISSIONER MC ANUFF: Here.

11 MS. CARCONE: Commissioner Weaver?

12 Here, but you're muted.

13 Commissioner Firestone?

14 COMMISSIONER FIRESTONE: Here.

15 MS. CARCONE: And Commissioner Smolyn?

16 COMMISSIONER SMOLYN: Here.

17 MS. CARCONE: Okay. Good. Everyone's

18 back.

19 Chairman Aibel?

20 CHAIRMAN AIBEL: Thank you. Here.

21 MR. COSGROVE: Thank you, Mr. Chairman,

22 and Commissioners. It's late, so I will try to be

23 brief.

24 This is another application with regard

25 to Willow Court. This one being 18 Willow Court,

1 again, another two-and-one-half-story townhome from
2 the turn of the century that is looking to be
3 updated.

4 The applicant proposes a rear addition
5 to all three floors with a third floor addition to
6 include a full floor and a roof deck. I will rely
7 upon the architect with regard to the details of the
8 plans, which will provide additional living space
9 and a new front facade.

10 I will note that the applicant is not
11 here to testify because she is actually scheduled to
12 give birth this evening, so she wanted to send her
13 apologies, but she didn't want to adjourn, so here
14 we are.

15 With that, I would like to call the
16 architect, Mr. Vasil.

17 MR. ROSE: Yes, Mr. Vasil.

18 MS. CARCONE: Jensen?

19 Do we have Jensen on?

20 MR. VASIL: Yeah, I'm here. I'm here,
21 Pat. Sorry.

22 MS. CARCONE: Oh, sorry. I didn't see
23 you up there.

24 CHAIRMAN AIBEL: We need to have you
25 sworn in.

1 MR. ROSE: Okay. Can you please raise
2 your right hand?

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

6 MR. VASIL: I do.

7 J E N S E N V A S I L, Architect, having been duly
8 sworn, testified as follows:

9 MR. ROSE: Can you state your name and
10 spell your last name?

11 THE WITNESS: Sure. It is Jensen,
12 J-e-n-s-e-n, is my first name. Last name is Vasil,
13 V, as in Victor, a-s-i-l.

14 MR. ROSE: Does the Board accept Mr.
15 Vasil's qualifications?

16 CHAIRMAN AIBEL: We do.

17 THE WITNESS: Pat, may I do screen
18 share?

19 MS. CARCONE: Go for it.

20 THE WITNESS: Thank you.

21 Can everyone see this?

22 COMMISSIONER MC ANUFF: Yes.

23 THE WITNESS: So 18 Willow Terrace, as
24 Mr. Cosgrove mentioned, it is an existing
25 two-and-a-half-story single-family residence. They

1 are looking to expand the second and third floors of
2 the residence and maintain -- at the rear of the
3 property, and the third floor at the front of the
4 property, maintain a single-family occupancy.

5 On the site plan, the building
6 currently has an L-shape at the first floor, so the
7 first floor lot coverage is -- I have this -- the
8 first floor lot coverage is 80 -- sorry -- my eyes
9 are bad. It's a little low light now.

10 The first floor lot coverage will
11 remain. It is currently -- it's currently 80.13
12 percent, so that would be -- we would keep the first
13 floor lot coverage. The second floor would be --
14 would mimic that, the same footprint with the
15 L-shape on the back.

16 There would be on top of that, there
17 would be a small roof deck that faces the rear yard
18 over just the small addition.

19 And the third floor would extend to be
20 even with the building to its west, which is 20
21 Willow Terrace. That's right. I'll just double
22 check this. That is correct, 20.

23 The building -- there is a living room,
24 dining room, kitchen in the back, and the small
25 one-story addition has a bathroom in it.

1 Going upstairs, there are two bedrooms,
2 front and back, with just a hallway between them.
3 The top floor is one big open master suite and the
4 roof has the pitch with the dormer, which is
5 indicative or typical of the original Willow Terrace
6 projects, the original structures.

7 Our proposed structure would maintain
8 the front facade at the two lower floors. Have the
9 same kitchen, dining and living room, keep the
10 bathroom in the rear, have two bedrooms separated by
11 a bathroom now at the second floor. Use the
12 addition at the second floor, the small rear
13 addition, to be a closet for the bedroom, a walk-in
14 closet, and the top floor would have a master suite
15 with a bedroom facing Willow Court, a walk-through
16 closet, a master bathroom in the back, and the small
17 roof deck that I mentioned earlier over the second
18 floor addition.

19 On the roof, there would be the two
20 condensing units, which would be enclosed in
21 soundproofing, and a roof hatch to add access for
22 maintenance and repair.

23 The existing front facade has siding on
24 it with shutters, which were -- the time period, I
25 can't place, but I would like to say it is the

1 middle of the 20th, that it was put over the brick,
2 so we would be removing that siding and then
3 restoring the front facade, repointing it, you know,
4 uncovering the brick, keeping the arches that were
5 there, putting new windows in throughout the lower
6 portion.

7 There also is an entry vestibule that
8 is there that's also clad in the same siding. We
9 would remove that siding and replace it with Hardie
10 panel with corner boards.

11 And then this will replicate or save
12 the cornice that's there, the cornice to be saved,
13 which is consistent with the other buildings on the
14 block frontage.

15 Then at the third floor, it would be a
16 Mansard roof with a synthetic slate shingle and two
17 dormers for the windows in the front.

18 At the rear of the property, we would
19 extend -- this is the small addition -- we would
20 extend the addition up to the second floor. The --
21 clad all of this in Hardie panel, add new and larger
22 windows at the rear that are double, double hungs,
23 or double casements with a thick check rail, and
24 also a patio door that exits out to the low roof
25 over the second floor. On the side you can see --

1 oh, go ahead.

2 MR. COSGROVE: Was somebody else asking
3 questions?

4 THE WITNESS: Oh, I thought somebody
5 was.

6 On the side, you could see the window
7 into the closet, the walk-in closet on the second
8 floor.

9 The door that's going out to the rear
10 yard, the railing for the small roof deck, and on
11 the opposite side there would be the soundproofing
12 enclosure around the AC units, the small bit of
13 siding that is there. There is a roof deck that is
14 adjacent to us on the south side at 16, and then
15 there would be an exposed Hardie panel that would be
16 along between 16 and 18.

17 There is a panoramic in the rear, so
18 this shows 20 going up. This is our structure at
19 18, so we would match the structure at 20 for the
20 second and third floors, and then for 16 we would
21 match the -- we'd actually be less than 16, which is
22 extended further out almost to the rear property
23 line. We would just be the partial addition that
24 would extend up the two stories to match the height
25 with the adjacent neighbor at 16.

1 Here is an aerial showing 20. This is
2 18, and then you could see 16, that is the roof deck
3 at the adjacent property.

4 COMMISSIONER WEAVER: Where's the roof
5 deck --

6 THE WITNESS: Pardon?

7 COMMISSIONER WEAVER: -- where's the
8 roof deck on the adjacent property?

9 THE WITNESS: It's right here.

10 COMMISSIONER GRAHAM: Where?

11 THE WITNESS: Can you see my cursor?

12 COMMISSIONER GRANA: I can see your
13 cursor, Jensen.

14 THE WITNESS: It's right here.

15 COMMISSIONER GRAHAM: Okay.

16 THE WITNESS: Can you see it?

17 COMMISSIONER GRANA: Yeah.

18 COMMISSIONER MC ANUFF: Quick question:
19 Does the walk-in closet addition on the proposed
20 second floor, does that block the neighbor's window,
21 if you go to the photograph?

22 THE WITNESS: Let me see.

23 Yes, it would.

24 COMMISSIONER MC ANUFF: Just, I can't
25 point to it, but that, yes.

1 THE WITNESS: Correct. Yes, it would
2 go, or it would go straight up. It would be aligned
3 with what is here, and it would continue straight
4 up.

5 COMMISSIONER GRAHAM: You're saying --

6 COMMISSIONER WEAVER: That's an illegal
7 lot line window, right?

8 THE WITNESS: That's correct.

9 VICE CHAIR BRANCIFORTE: And, again, I
10 just wanted to double check on the elevations.

11 Which way is north and which way is south and --

12 THE WITNESS: Sure.

13 So this is south. This is north. 20
14 is west -- this is looking from the west, and this
15 is the east.

16 COMMISSIONER MC ANUFF: Can you refer
17 to the panoramic or the photo of the existing street
18 scape?

19 THE WITNESS: Sure. Oh, the -- yes,
20 this, the front.

21 COMMISSIONER MC ANUFF: Can you just --
22 where is the roof line of your proposed addition in
23 relation to the existing neighbor's?

24 THE WITNESS: So our roof line would
25 match the height of the peak of the adjacent

1 neighbor's.

2 COMMISSIONER MC ANUFF: Got it.

3 COMMISSIONER WEAVER: Maybe if I could
4 just for the Board of professionals who reviewed
5 these plans, I guess it actually is shown on -- it's
6 shown on Drawing 2 on your Z-005 -- oh, I take it
7 back. It's shown on -- I don't know that the
8 elevation is correct on the one to the -- no, I take
9 that back -- hum -- Mr. McAnuff, he is showing -- at
10 least you had the question, if you look on Z-005,
11 Drawing 2, although most of the plans have no
12 information on the sites to the east and west, the
13 elevation itself, Drawing 2 on Z-005 actually has
14 the height of the addition or the reclud of the
15 third floor in relationship to the property --
16 behind the property on the east and the west.

17 COMMISSIONER MC ANUFF: Okay. You mean
18 the front facade and the roof line, the question I
19 just asked?

20 COMMISSIONER WEAVER: Yes, exactly.
21 It's on the drawing.

22 COMMISSIONER MC ANUFF: So it is going
23 to be -- it is going to match -- I see it's going to
24 match the gray building or the gray top one, and
25 it's also going to match the one to the -- what

1 would that be, the west?

2 THE WITNESS: Yes. I don't have a view
3 that shows it, but it slopes back to a peak, a range
4 that is here.

5 COMMISSIONER MC ANUFF: Okay.

6 COMMISSIONER WEAVER: It is just a cork
7 in the photograph, the way they are put together
8 that looks like the one on the west is shorter than
9 the one on the east?

10 THE WITNESS: Correct.

11 COMMISSIONER WEAVER: But from the
12 drawings, they appear to be, you know, the same
13 elevation.

14 THE WITNESS: Yeah, they're aligned.

15 COMMISSIONER MC ANUFF: The ridges line
16 up.

17 THE WITNESS: Yes, they are aligned.

18 COMMISSIONER WEAVER: Okay.

19 Go ahead, Mr. Vasil.

20 THE WITNESS: That was all I had as far
21 as the presentation.

22 MR. COSGROVE: Mr. Vasil, can you
23 provide some testimony regarding the neighborhood
24 character and how this proposed renovation will fit
25 in with the neighborhood and impact the surrounding

1 uses?

2 THE WITNESS: Yes.

3 So on this block frontage in
4 particular, there are a number of buildings that
5 have substantial lot coverage on both the first,
6 second and the third floors, so our -- we aim to
7 align with the building to our west, 20, and then we
8 definitely did not want to go further than the
9 building to our east at 16, so we tried to keep the
10 existing building footprint. We didn't square it
11 off the rear, keep what was there for lot coverage,
12 extend up and -- and maintain the -- and maintain as
13 much as we could the character of the block
14 frontage.

15 MR. COSGROVE: Thank you.

16 No further questions, Mr. Chairman.

17 CHAIRMAN AIBEL: Thank you.

18 Pat, want to read us out?

19 MS. CARCONE: We are going to comments
20 from the Board members?

21 CHAIRMAN AIBEL: Questions from the
22 Board members.

23 MS. CARCONE: Okay.

24 Commissioner Branciforte, want to
25 start?

1 VICE CHAIR BRANCIFORTE: No, I don't
2 really have any questions, not right now.

3 Thanks.

4 MS. CARCONE: Commissioner Graham?

5 COMMISSIONER GRAHAM: I wonder if you
6 could just please review what the -- it is hard for
7 me to read it on here -- what the variances are that
8 you are requesting?

9 THE WITNESS: Sure.

10 So we have the expansion of the
11 nonconforming structure, the lot area, lot width and
12 lot depth, just by nature of what is there.

13 COMMISSIONER GRAHAM: Right.

14 THE WITNESS: The lot coverage, because
15 it is existing. The lot coverage currently with the
16 asterisk is 80.13, so we would be maintaining that
17 at the first floor and second floor, and then 70.08
18 at the third floor.

19 We are also requesting a variance for
20 the rear yard. We're not changing it, but it is
21 existing nonconforming --

22 COMMISSIONER GRAHAM: Right.

23 THE WITNESS: -- and we are also
24 requesting a variance for fenestration.

25 We have a -- we have the same, as we

1 are keeping -- I count the fenestration as the lower
2 two portions, the portion that is vertical, so with
3 the actual window openings are the same in
4 proportion to their facade.

5 The lower roof decks have a variance
6 because there is no three foot setback on the one
7 side on that small addition, and the floor-to-floor
8 heights have a variance because they are matching
9 existing nonconforming.

10 COMMISSIONER GRAHAM: Right.

11 And can you just do me one more and
12 compare some of the variances to what is on the east
13 and the west sides, how those are different?

14 THE WITNESS: Sure.

15 So on the west, I can -- it will be
16 easier to show you, I guess, on the --

17 VICE CHAIR BRANCIFORTE: Maybe you can
18 show it.

19 THE WITNESS: Pardon?

20 VICE CHAIR BRANCIFORTE: I'm sorry. I
21 just wanted to piggyback on that.

22 If you go to Z-4 quickly --

23 THE WITNESS: Okay. Got it, yes.

24 VICE CHAIR BRANCIFORTE: Okay. So
25 which is east and which is west quickly? I'm sorry.

1 THE WITNESS: So this is west going to
2 the left, and east is to the right.

3 VICE CHAIR BRANCIFORTE: Got you.
4 Thank you.

5 COMMISSIONER GRAHAM: So if you could
6 stay here and compare, that would be helpful.

7 THE WITNESS: Sure.

8 So there is the hatched area that you
9 can see here --

10 COMMISSIONER GRAHAM: Right.

11 THE WITNESS: -- so it goes floor by
12 floor as you go up, so at this level, the next door
13 neighbor, we are aligned with the next door neighbor
14 at this portion.

15 And at the first floor, we are set back
16 from the neighbor. You know, we're further back
17 from the rear property line at the first floor.

18 COMMISSIONER GRAHAM: Okay.

19 THE WITNESS: On the second floor we
20 are also set back from the neighbor from the rear
21 property line, and we are aligned with the neighbor
22 to the west.

23 On the top floor, the neighbor to the
24 east is set all the way back, and then they have --
25 there is a note here that says "existing roof deck."

1 Their roof deck extends further out, and then we are
2 aligned with -- with 20, the edge of that building
3 at the third floor.

4 COMMISSIONER GRAHAM: Okay. Thank you.

5 THE WITNESS: You are welcome.

6 MS. CARCONE: Commissioner Grana, do
7 you have a question?

8 COMMISSIONER GRANA: So I just have one
9 quick question because we asked it earlier. I will
10 try to ask it the right way.

11 What is your confidence level that you
12 can do restoration work on that front facade?

13 Do you have a sense of what the
14 condition is underneath the current layer?

15 THE WITNESS: For the brick work, I
16 have a high confidence that the brick will be in
17 good shape. I think that that more than likely it
18 was easier at the time period for them to clad it in
19 the aluminum, or it could have even been a style
20 thing at the time period to clad it versus using the
21 exposed brick, but I don't see why we would have an
22 issue.

23 Even if we -- even if some of the brick
24 had been deteriorated, you know, you can always
25 spot, take a brick out, flip it around, you know,

1 and put it back without too much trouble, so I don't
2 see an issue with restoring that.

3 COMMISSIONER GRANA: Thank you.

4 MS. CARCONE: Commissioner McAnuff?
5 Owen, do you have any questions?

6 COMMISSIONER MC ANUFF: Quick question
7 for you.

8 The building two doors over with the
9 square window openings, I guess that would be to the
10 west --

11 THE WITNESS: Yes.

12 COMMISSIONER MC ANUFF: -- is that --
13 what is that finish? Is that brick or Garden State
14 Brickface or --

15 THE WITNESS: This is Garden State
16 Brickface.

17 This building?

18 COMMISSIONER MC ANUFF: Yes, and the
19 one to the right of that one.

20 THE WITNESS: Yes. It's both Garden
21 State.

22 COMMISSIONER MC ANUFF: Okay.

23 That is really all I had. You answered
24 my question regarding the roof. That is it for me.

25 MS. CARCONE: Commissioner Weaver?

1 Dan?

2 COMMISSIONER WEAVER: Thank you.

3 Where does the gutter deposit its
4 rainwater?

5 THE WITNESS: In the front. Our
6 gutter, let's see, our gutter in the front will
7 connect to the stormwater, so this gutter in the
8 front will go back inside the building and then will
9 "Y" into the combined sewer.

10 COMMISSIONER WEAVER: Thank you, Mr.
11 Vasil.

12 THE WITNESS: You are welcome.

13 COMMISSIONER WEAVER: If you just go to
14 the plan, where is your roof deck in relation -- the
15 corner of your roof deck in relation to the corner
16 of the property adjacent?

17 THE WITNESS: So at 16, theirs actually
18 ends at the edge of this building line, so we would
19 protrude further out, so they would be -- they are
20 at, you know, an oblique right here. They would be
21 blocked by our building.

22 Where their roof deck is, they would
23 have a priv -- if you want to call that a privacy
24 screen or privacy screening from our side building
25 wall here, and then this would be our roof deck.

1 COMMISSIONER WEAVER: Got it.

2 COMMISSIONER MC ANUFF: So your roof
3 deck has a railing on three sides, correct?

4 THE WITNESS: That is correct.

5 COMMISSIONER MC ANUFF: Okay.

6 COMMISSIONER WEAVER: Yeah. It
7 doesn't -- the plan doesn't make it look like it has
8 a railing on the --

9 THE WITNESS: Yeah. It is not clear
10 that it is on the east side, but it is definitely on
11 the side elevations.

12 COMMISSIONER WEAVER: Yeah. I am sure
13 you have one.

14 And all of your lights are shielded
15 and -- the only thing we would say, you know, we
16 just talked to the last applicant. I don't know if
17 you were listening to that.

18 Is there new windows?

19 THE WITNESS: Yes.

20 COMMISSIONER WEAVER: The 6 over 6
21 isn't really accurate historically. It is kind of
22 overkill. This is like you are doing pre 1850
23 windows.

24 THE WITNESS: Right.

25 COMMISSIONER WEAVER: Is your client

1 married to that?

2 THE WITNESS: It could be -- she would
3 be agreeable to change them to either single or two
4 over two or two over one.

5 COMMISSIONER WEAVER: Are you sure you
6 don't want to call her right now and ask?

7 (Laughter)

8 VICE CHAIR BRANCIFORTE: Can we ask?

9 THE WITNESS: It might be a little
10 difficult at the moment.

11 (Laughter)

12 COMMISSIONER WEAVER: Hum, okay. I
13 guess those are my only comments, the windows --
14 yeah, just the windows.

15 Thank you for connecting the gutter to
16 the stormwater.

17 Thank you.

18 THE WITNESS: You are welcome.

19 COMMISSIONER MC ANUFF: An additional
20 point on the windows. We discussed it with the last
21 applicant. In addition to the grills, what about
22 the arch tops?

23 THE WITNESS: I didn't hear what you
24 had said to the other applicant.

25 Were you asking to fill the opening as

1 far as here with the variation 6 windows?

2 COMMISSIONER MC ANUFF: No. The last
3 time -- the last applicant we talked about making
4 the windows arch top to match the masonry openings.

5 THE WITNESS: Yeah. So like this, the
6 low arch is like a variation 6, that's what they're
7 termed, so if -- the variation 6, I don't have a
8 problem filling the masonry opening with the arched
9 top.

10 COMMISSIONER MC ANUFF: Okay.

11 COMMISSIONER WEAVER: What would you do
12 down below then?

13 THE WITNESS: I didn't even ask that.
14 On the fly -- on the fly, I don't know.

15 COMMISSIONER WEAVER: Okay.

16 THE WITNESS: One of the -- I mean --
17 (Commissioner Weaver and the witness
18 speaking at the same time)

19 THE WITNESS: Go ahead.

20 COMMISSIONER WEAVER: I'm sorry.

21 You are going to have to I think,
22 historically that opening is not that big.

23 THE WITNESS: I don't think so, but I
24 don't know. I don't know for sure.

25 COMMISSIONER WEAVER: Right. So when

1 you take the siding off, there might be a little bit
2 of brick work --

3 THE WITNESS: Right.

4 COMMISSIONER WEAVER: -- that arch top
5 header.

6 THE WITNESS: That is correct.

7 COMMISSIONER MC ANUFF: Yeah. Looking
8 at the other facades, it may not even be arch top on
9 there. You may get lucky, if it is just square.

10 COMMISSIONER WEAVER: Okay. I trust
11 Mr. Vasil.

12 Thank you.

13 THE WITNESS: You're welcome.

14 MS. CARCONE: Commissioner Firestone?

15 COMMISSIONER FIRESTONE: No, I am good.
16 Thanks.

17 MS. CARCONE: Commissioner Aibel?

18 CHAIRMAN AIBEL: Well, I guess I want
19 to confirm that we have the adjoining neighbor at 16
20 Willow, Mr. Shukofsky. Are you with us tonight?

21 MR. SHUKOFSKY: Yes.

22 CHAIRMAN AIBEL: Let me ask you this:
23 Do you want to be heard on the application?

24 MR. SHUKOFSKY: Yes, I would, if I can.

25 CHAIRMAN AIBEL: Herschel, what I am

1 going to suggest is that you swear in Mr. Shukofsky,
2 and we can then -- he can ask both questions of the
3 architect and comment, and we can compress it
4 somewhat.

5 MR. ROSE: Okay. That is fine.

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

10 MR. SHUKOFSKY: Yes, sir.

11 MR. ROSE: Can you state your name and
12 spell your last name for the record, please?

13 MR. SHUKOFSKY: Sure. It's Jason
14 Shukofsky, and the last name is spelled
15 S-h-u-k-o-f-s-k-y.

16 CHAIRMAN AIBEL: And you reside at 16
17 Willow?

18 MR. SHUKOFSKY: Yes, sir. My wife and
19 my three children moved in just over three years
20 ago.

21 CHAIRMAN AIBEL: So the floor is yours.
22 You can ask questions of Mr. Vasil, and if you have
23 comments that you prefer to make, you have your
24 chance right now.

25 MR. SHUKOFSKY: Great. Thank you very

1 much.

2 Just an overall commentary: When I
3 moved into Willow Terrace, the side of my house was
4 similar to this one. It was old. It was that brick
5 on brick. I forget what term you used earlier to
6 describe it -- Garden State maybe the term, but it
7 was old. It was ugly.

8 We ripped it down and went back to
9 original brick. All of the neighbors were very
10 appreciative of it, and I think everybody is going
11 to be extremely appreciative when this project gets
12 underway, and we have another house on the terrace
13 that, you know, goes back to more historical
14 standards. So, you know, most people are very
15 enthused, myself included and my family included
16 when, you know, a home in our neighborhood is
17 upgraded.

18 We do know Catherine and her son Brady.
19 Our children have been to her son's birthday party,
20 so, you know, they're very -- you know, Willow
21 Terrace is a very communal area.

22 The only reason I am here, and I will
23 stop babbling on, is just to, I don't know if
24 contest is the right word or just voice my concern
25 with Slide 7 of 8, where the it shows the second

1 floor expansion going back and covering the window
2 that we have on our wall.

3 I understand that this is, you know,
4 our window is not a conforming use. Speaking to my
5 neighbor who has been here his whole life just on
6 the other side of 14, this expansion was built 40
7 years ago. I don't know, and I don't claim to know
8 the law and the stipulations and what went on with
9 that place, you know, this house has traded, you
10 know, multiple times since then.

11 You know, we heard just -- you know,
12 for the space that was here, because we had a
13 growing family and, you know, luckily we did,
14 because of COVID, we've been stuck in here for the
15 past few months, but, you know, covering that window
16 would be a hardship for us. It would stop light
17 into the house. We would have to reconfigure,
18 potentially put another window in somewhere else,
19 and I just would like that to be considered.

20 CHAIRMAN AIBEL: Thank you, sir.

21 I will just comment and then I will
22 turn it over to the people who really know what they
23 are talking about.

24 But if is a lot line, illegal lot line
25 window, it could be covered up. So as a matter of

1 right, it can be covered, assuming the variances are
2 granted.

3 I would say that if the Board were
4 inclined to grant the application and your window
5 was covered, that we should make a condition that it
6 is covered at the expense of the applicant, but I
7 can turn it over to Dan or one of the other guys who
8 have expertise.

9 COMMISSIONER WEAVER: Frank, Mr. Vasil
10 could easily speak to this or Mr. Nash, or Mr.
11 Smolyn, but it is -- I mean, we all have these, Mr.
12 Shukofsky, am I saying that correctly?

13 MR. SHUKOFSKY: Closer and closer
14 you're getting.

15 COMMISSIONER WEAVER: In fact, I have
16 one. My neighbors in my north actually had one of
17 these that look out on my roof, and you know, it --
18 we don't know how these came in, the same way we
19 don't really know how roof decks appeared out of
20 nowhere, you know.

21 Obviously you didn't put the window in.
22 I know you come to rely on the window, but, you
23 know, a lot line window, you know, sometimes we have
24 in this group, we have in order to encourage some
25 variation of the facade, we have actually encouraged

1 an applicant to put zero lot line windows in because
2 they have -- you know, then they have the permission
3 of the neighbor next door, but it is always with the
4 caveat that, yes, you may put it in, however, it is
5 at your risk, and it can be covered up at any time.

6 You didn't know this when you bought
7 the house?

8 You know, certainly my neighbor doesn't
9 know that they aren't allowed to have that window
10 either. And if I add another floor to my house, it
11 is going to be news to them.

12 I don't know how else to, you know, to
13 stop the blow, but the windows in your lot line,
14 just as a fire hazard, you know, it is considered an
15 unprotected opening by the building department. So
16 a fire in your residence could then very easily jump
17 to another property. That is really part of the
18 reasoning behind it, so I just don't know if anyone
19 has something to add.

20 MR. SHUKOFSKY: Right.

21 And my only contention to it is the
22 fact that, you know, it is not an as of right
23 addition to their house. I mean, they'd be applying
24 for a variance. They'd have, you know, I think more
25 than, you know, I think 80 percent lot coverage.

1 I think, you know, the most recent laws
2 that we saw that go around to govern these
3 properties, they're trying to limit things of this
4 nature, and now, you know, you are causing harm to a
5 neighbor by covering their windows on the one floor,
6 and then on the third floor getting another variance
7 for excessive lot coverage and, you know, blocking
8 light to my roof deck.

9 So if it was as of right, I hear you
10 loud and clear, but, you know, giving a variance to
11 do something, you know, outside of the current code
12 to cause harm to a neighbor, and I am no expert on
13 it, so I will be quiet.

14 COMMISSIONER WEAVER: Can you explain
15 the loss, the potential loss of light to your roof
16 deck?

17 MR. SHUKOFSKY: Yeah. In the
18 afternoons, from the front I saw it would cover the
19 roof deck up on the west side, which would block the
20 light coming in the afternoons, the sunsets. That
21 is how I would explain it.

22 Maybe you think I'm wrong, but I think
23 it would come -- the expansion would come and cover
24 our roof deck.

25 COMMISSIONER MC ANUFF: Can I ask what

1 the room is behind that window?

2 MR. SHUKOFSKY: The room, that is my
3 daughter's bedroom. It is a master, but we put the
4 two girls in there just so they have like a big room
5 with a playroom.

6 COMMISSIONER MC ANUFF: Is there
7 another window in that room as well?

8 MR. SHUKOFSKY: There's another window
9 on the other side.

10 What the previous owner did was to -- I
11 guess if you are looking at the side 7 or 8 to the
12 left of the window or to the rear of the house are
13 two fully built out closets and then the windows are
14 right next to them.

15 COMMISSIONER MC ANUFF: So there is no
16 windows on the rear, but there is two zero lot line
17 windows one on either side of the building?

18 MR. SHUKOFSKY: That's correct.

19 COMMISSIONER MC ANUFF: Okay.

20 MR. NASH: Chairman, if I may.

21 CHAIRMAN AIBEL: Please.

22 MR. NASH: I think the window is a
23 legal issue, and it is a matter of fact. It is not
24 supposed to be there, and it can be covered up, and
25 it is not the -- they are not asking for a lot

1 coverage variance. They are expanding an existing
2 nonconformity, so they are not expanding the lot
3 coverage. It is staying the same, so that is really
4 not a good argument to use for keeping the window.

5 COMMISSIONER SMOLYN: Chris, would an
6 as of right building, though, with maybe 60 percent
7 lot coverage and bulk straight up from that still
8 cover this window, though?

9 That may be more of a question for the
10 architect.

11 THE WITNESS: No. Certainly a 60
12 percent building lot coverage building would not,
13 no.

14 COMMISSIONER SMOLYN: Okay.

15 CHAIRMAN AIBEL: 70 percent lot
16 coverage on the extension, would that cover the
17 window?

18 THE WITNESS: No, because it is 80
19 percent with this L-shape that extends out, so, no,
20 they could do full width at 70 percent, and it would
21 be less -- less of the size.

22 But I mean, I will say, if she -- I
23 mean, I agree that it is unfortunate. It is
24 technically a fire hazard. You shouldn't have your
25 kids in there because it doesn't have a viable

1 egress window, and that is a problem.

2 MR. NASH: There's also there a creepy
3 factor, too, because if you are going to have a deck
4 right above the kids' bedroom, so that is an
5 engineering term by the say, "creepy."

6 (Laughter)

7 COMMISSIONER GRAHAM: Could you explain
8 that, Chris?

9 MR. NASH: No. I am just saying,
10 you're going -- they are going to have a deck. If
11 they were to keep the window and move the building
12 back, they are going to have a deck right above the
13 window, so there is no privacy there either.

14 COMMISSIONER GRAHAM: Yeah.

15 MR. SHUKOFFSKY: We had the Hoboken Fire
16 Department all through our house. They were
17 conducting training of their probationary officers,
18 and, you know, we happened to be out and about, and
19 they asked if they could walk through, just have a
20 training thing, and obviously, you know, we let them
21 in and they walked through, and started to have a
22 conversation with them about the configuration of
23 the room, and they thought it was -- what they told
24 us was that it was, you know, satisfactory because
25 we did have these roofs adjacent to these windows,

1 that that could be used as a point of egress in the
2 event of a fire.

3 VICE CHAIR BRANCIFORTE: That was on
4 the second floor.

5 CHAIRMAN AIBEL: Do we have any
6 questions from the Board for Mr. Shukofsky?

7 Great.

8 I will ask it as a pro former. Is
9 anybody else in the public here and would like to
10 ask questions of this witness?

11 Seeing none?

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

14 COMMISSIONER WEAVER: Second.

15 CHAIRMAN AIBEL: All in favor?

16 (All Board members answered in the
17 affirmative)

18 CHAIRMAN AIBEL: Great. Thanks, Mr.
19 Shukofsky. I appreciate it.

20 MR. SHUKOFSKY: Thank you for
21 listening.

22 CHAIRMAN AIBEL: Mr. Cosgrove?

23 MR. COSGROVE: Mr. Chairman, again, I
24 will be brief. I know you have had a long evening
25 with multiple applications, and this is actually a

1 special meeting, so I know the Board has been
2 working very hard, so I thank everyone for your time
3 and attention.

4 This is, again, a unique neighborhood.
5 It is a renovation to bring a turn of the century
6 home up to modern standards. It has been presented
7 in an esthetically pleasing way, and I would submit
8 that the benefits of this application would outweigh
9 any negatives, and with that I would ask that the
10 Board approve this application.

11 Thank you.

12 CHAIRMAN AIBEL: Thank you.

13 Board members, does anybody wish to
14 kick off deliberations?

15 VICE CHAIR BRANCIFORTE: I have a
16 question about something. I wanted clarity for me.

17 Just to clarify, the second floor new
18 walk-in closet is at 80 percent lot coverage because
19 it says right over the existing first floor
20 extension.

21 They don't need any sort of variance to
22 build that second floor walk-in closet, do they?

23 THE WITNESS: I think it's just because
24 it is an expansion of a nonconformity that they
25 would need a variance no matter what, but otherwise

1 the lot coverage is not changing. It's not
2 increasing.

3 MR. NASH: So adding a nonconforming
4 use, I think that is where it would be, John.

5 VICE CHAIR BRANCIFORTE: Okay. That is
6 the C variance we are looking at, expansion of a
7 nonconforming use.

8 On the second floor, and then I guess
9 the roof deck is also part of that, but it doesn't
10 matter. It's the same variance. If they don't get
11 the C variance for the second floor, they don't get
12 the roof deck anyway.

13 MR. BANISCH: It is not a nonconforming
14 use, though. It's a nonconforming structure.

15 VICE CHAIR BRANCIFORTE: Okay. I'm
16 sorry. Yeah.

17 I guess that would be the only problem
18 I have is that this new walk-in closet and the roof
19 deck, it's quite a luxury to have a walk-in closet
20 that big off your bedroom, and it reminds me of
21 another application we saw like 15 years ago, where
22 basically it was the same thing. They just wanted
23 to build a walk-in closet, and it was blocking out
24 their neighbor's light and air.

25 So with that, I am kind of skeptical

1 about, if I really want to go along with that C
2 variance for the expansion.

3 That is all I have to say.

4 COMMISSIONER MC ANUFF: Well, let me
5 ask Jensen this or Mr. Vasil this.

6 Is it possible to pull it in a bit and
7 leave that window exposed?

8 THE WITNESS: Could you repeat that,
9 Owen? You broke up.

10 COMMISSIONER MC ANUFF: Is it possible
11 to pull that walk-in closet in and leave that window
12 exposed for the neighbor? You will have a smaller
13 walk-in closet, a smaller deck, but the neighbor
14 will have their window?

15 THE WITNESS: Yeah. From a -- it is
16 definitely feasible. I --

17 COMMISSIONER WEAVER: I thought it was
18 a code violation.

19 THE WITNESS: -- yeah, there is that.
20 There is also the fact that I --

21 COMMISSIONER MC ANUFF: I didn't
22 understand what Dan had said.

23 COMMISSIONER GRAHAM: I didn't either.

24 COMMISSIONER WEAVER: I thought it was
25 a code violation.

1 COMMISSIONER GRAHAM: The window you
2 mean?

3 COMMISSIONER WEAVER: Yeah. The window
4 is a building code violation.

5 COMMISSIONER GRAHAM: You understand
6 that?

7 COMMISSIONER MC ANUFF: No, I get it.

8 COMMISSIONER GRAHAM: So you would be
9 okay with covering the window up, because it is a
10 code violation. Is that what you are saying?

11 COMMISSIONER WEAVER: Yes. I mean,
12 architects, we live by the code. The code is a
13 rule. The code is not based on -- it's not based on
14 firemen walking through, you know, just casually
15 having a look around. It is built on years and
16 years of life safety and fire code research and
17 disaster studies, you know. There are certainly
18 ways you could probably make it and get a variance
19 for it, but that seems like a burden on this
20 applicant.

21 COMMISSIONER GRANA: So I am going to
22 add something to what Commissioner Weaver just said
23 and just go a little bit further.

24 So I appreciate that there is an
25 unfortunate scenario that we would close a window.

1 So far I'm seeing this as what I'll call a
2 relatively modest expansion. The window that is
3 being covered is to a neighbor. I agree it is
4 unfortunate, but that already exists on the
5 substantial expansion, and so why would we -- from a
6 (audio breaks up) perspective allow one neighbor to
7 keep his expansion because it provides a window and
8 not allow the applicant to expand?

9 COMMISSIONER MC ANUFF: Well, I hear
10 what you're saying. It was just a question.

11 CHAIRMAN AIBEL: And, Antonio, I guess
12 the other way to think about it, though, if you
13 pulled back that floor a little bit, leaving the
14 window open as a consequence, you do improve light
15 and air in the, quote, upper story donut.

16 COMMISSIONER GRAHAM: Yes.

17 COMMISSIONER GRANA: My question really
18 related to fairness.

19 COMMISSIONER WEAVER: And mine related
20 to enabling a building code violation.

21 CHAIRMAN AIBEL: Well, let's, you know,
22 keep that in mind.

23 Pat, want to read us off?

24 MS. CARCONE: Commissioner Branciforte,
25 any comments?

1 VICE CHAIR BRANCIFORTE: Not right now.

2 Thanks.

3 MS. CARCONE: Commissioner Graham?

4 COMMISSIONER GRAHAM: Not at the
5 moment. This is a complicated issue. I am
6 thinking.

7 MS. CARCONE: Commissioner Grana?

8 COMMISSIONER GRANA: I think the
9 application is a modest enhancement to the property,
10 and I think the improvements to the front will be
11 significant.

12 I do understand the impact to the
13 neighbor, and I care for that, but I also heard from
14 that same witness that the work that will be done to
15 the front of this building is actually going to
16 significantly enhance the neighborhood, so I would
17 be willing to support what I think is a modest
18 expansion.

19 MS. CARCONE: Commissioner McAnuff?

20 COMMISSIONER MC ANUFF: Yes.

21 I agree with the comments I heard so
22 far. I think it is a modest request what they are
23 asking, and I like the design of the front facade.
24 It's certainly an improvement over what's there now,
25 and I would be happy to support the project as is.

1 MS. CARCONE: Commissioner Weaver?

2 COMMISSIONER WEAVER: I will be short.

3 The improvements -- echoing what Mr. McAnuff has
4 said before, it's modest. It sort of has the same
5 lot coverage as we've seen before.

6 THE REPORTER: Dan, could you please
7 take your hand away from your mouth or talk louder?

8 Thank you.

9 COMMISSIONER WEAVER: How's that?

10 THE REPORTER: It's better.

11 COMMISSIONER WEAVER: Okay.

12 The improvements to the front I think
13 are definitely a benefit to the block, especially if
14 we can get those windows fixed, so they are more in
15 keeping with, you know, the rest of the block and
16 not the 6 over 6.

17 I think it is, you know, just basically
18 extruding the existing lot coverage up, you know, I
19 think it is -- I think it is appropriate. You know,
20 it fits in with a lot of the other goals and
21 entities that we see still in keeping with, you
22 know, minimal impact to the neighbors.

23 You know, my heart goes out to Mr.
24 Shukofsky, but it is just, you know, it is really a
25 matter of safety and, you know, what is permitted

1 by the building code, and you know, I mean, I really
2 wish people were more educated in some of these
3 really tricky nuances. There is no way, and you
4 know, unfortunately real estate agents will -- I
5 heard them time and time again, say things to people
6 that are just stretching the truth a little bit too
7 much in what they are allowed to do and, you know,
8 there are no problems, and all of the roof decks
9 have been permitted and everything was done, you
10 know, properly, and you know, sometimes they are
11 right, and sometimes they are not, so I would
12 generally be in favor of this project.

13 COMMISSIONER GRAHAM: I would just go
14 back, and didn't Owen ask if there was a window on
15 the other side of the children's bedroom, and there
16 is?

17 COMMISSIONER MC ANUFF: Yes, there is.
18 There are no windows on the rear facade. They were
19 on the east and west facade.

20 COMMISSIONER GRAHAM: Well, then I
21 think I am supportive of the project and covering
22 the window at this point.

23 VICE CHAIR BRANCIFORTE: Okay. I
24 didn't know that there was a window on the opposite
25 side either, so that somehow got by me on that

1 (Audio breaks up).

2 COMMISSIONER MC ANUFF: According to
3 the neighbor, the rear wall had a closet and then
4 there is a window on either side.

5 VICE CHAIR BRANCIFORTE: Okay.

6 MS. CARCONE: Commissioner Firestone?

7 COMMISSIONER FIRESTONE: I am in
8 support of this application as well, and I think it
9 would probably be a better application if it were a
10 little bit further back, so that it would allow to
11 address the neighbor's concern over the window, but
12 I do support it in its current form.

13 MS. CARCONE: Commissioner Smolyn?

14 COMMISSIONER SMOLYN: I have not much
15 to add on 18 Willow Terrace.

16 I home that the 16 Willow Terrace
17 neighbor seriously considers adding a window on that
18 rear facade, though, for compliance egress from that
19 bedroom.

20 COMMISSIONER GRAHAM: I agree.

21 VICE CHAIR BRANCIFORTE: Well, I am not
22 sure if they can add a window to the back, if it is
23 on the property line still.

24 COMMISSIONER GRAHAM: No. I don't
25 think we can discuss that. I mean, that is a

1 different --

2 VICE CHAIR BRANCIFORTE: Yeah. That is
3 a different -- I understand. A different discussion
4 for a different time.

5 Thanks, Ann. I'm sorry.

6 COMMISSIONER GRAHAM: I was thinking
7 that, but I don't think we can go there.

8 MS. CARCONE: Chairman Aibel?

9 CHAIRMAN AIBEL: I think I just want to
10 make sure we have any conditions captured.

11 Herschel, do you have anything?

12 MR. ROSE: Yes.

13 The windows on the front change from 6
14 over 6 to I believe it was 1 over 1, something along
15 those lines?

16 MR. COSGROVE: Yes, 1 over 1.

17 MR. ROSE: 1 over 1.

18 And I didn't quite catch the windows
19 also on the front. They're going to make it curved
20 like on the other application to match the masonry?

21 COMMISSIONER MC ANUFF: Correct.

22 MR. ROSE: Okay. And the last one that
23 Mr. Aibel said, the window on the neighboring
24 property is to be covered at the expense of the
25 applicant.

1 COMMISSIONER MC ANUFF: We also have a
2 (audio breaks up) for tying into the storm sewer.

3 VICE CHAIR BRANCIFORTE: He said it
4 already was.

5 COMMISSIONER MC ANUFF: Okay. I didn't
6 see that on the plan, but okay, that's fine.

7 COMMISSIONER WEAVER: Which makes it
8 why the other one isn't, so, Mr. Nash?

9 VICE CHAIR BRANCIFORTE: Well, you know
10 what, I didn't realize that they were just going to
11 be tapping right into sewer line coming out of the
12 house. It didn't even occur to me that they would
13 be doing that, so now the other application doesn't
14 seem as financially a hardship as I thought it once
15 was.

16 COMMISSIONER WEAVER: Exactly. Sorry,
17 different application.

18 VICE CHAIR BRANCIFORTE: Yeah. I will
19 make a --

20 COMMISSIONER WEAVER: Anyone else?

21 VICE CHAIR BRANCIFORTE: -- I'll make a
22 motion, if we are ready, if there is no more
23 discussion.

24 CHAIRMAN AIBEL: Go, John.

25 VICE CHAIR BRANCIFORTE: We are done

1 with conditions, correct?

2 MR. ROSE: Correct.

3 VICE CHAIR BRANCIFORTE: Motion to
4 approve with those stated conditions.

5 COMMISSIONER MC ANUFF: Second

6 MS. CARCONE: Commissioner Branciforte?

7 VICE CHAIR BRANCIFORTE: Yes,

8 MS. CARCONE: Commissioner Graham?

9 COMMISSIONER GRAHAM: Yes.

10 MS. CARCONE: Commissioner Grana?

11 COMMISSIONER GRANA: Yes.

12 MS. CARCONE: Commissioner McAnuff?

13 COMMISSIONER MC ANUFF: Yes.

14 MS. CARCONE: Commissioner Weaver?

15 COMMISSIONER WEAVER: Yes.

16 MS. CARCONE: Commissioner Firestone?

17 COMMISSIONER FIRESTONE: Yes.

18 MS. CARCONE: Chairman Aibel?

19 CHAIRMAN AIBEL: Yes.

20 Thank you all very much

21 MR. COSGROVE: Thank you.

22 CHAIRMAN AIBEL: Have a great night.

23 MR. COSGROVE: Thank you.

24 (The matter concluded)

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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