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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE HOBOKEN : Tuesday 7 p.m.
ZONING BOARD OF ADJUSTMENT : July 21, 2020
----- X

MEETING CONDUCTED VIA ZOOM

B E F O R E:

Chairman James Aibel
Commissioner Antonio Grana
Commissioner Dan Weaver
Commissioner Nicola Maganuco
Commissioner Carol Marsh
Commissioner Steven Smolyn

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

BANISCH ASSOCIATES, INC.
BY: Frank Banisch, PP

BOSWELL ENGINEERING
BY: Christopher Nash, PE

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

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.

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1 MS. CARCONE: All right. Here we are.
 2 I'm sorry. Okay.
 3 I would like to advise all of those
 4 present that notice of this meeting has been
 5 provided to the public in accordance with the
 6 provisions of the Open Public Meetings Act, and that
 7 notice was published in The Jersey Journal and the
 8 city's website. Copies were also provided in The
 9 Star-Ledger, The Record, and also placed on the
 10 bulletin board in the lobby of City Hall.
 11 This meeting is a judicial proceeding.
 12 Any questions or comments must be limited to the
 13 issues of what the Board may legally consider in
 14 reaching a decision, and the decorum appropriate to
 15 a judicial hearing must be maintained at all times.
 16 CHAIRMAN AIBEL: Thank you, Pat.
 17 Good evening, everybody.
 18 We are at a Regular Meeting of the
 19 Hoboken Zoning Board of Adjustment.
 20 Pat, do you want to do a roll call?
 21 MS. CARCONE: Okay. Commissioner
 22 Aibel?
 23 CHAIRMAN AIBEL: Here.
 24 Commissioner Branciforte is absent.
 25 Commissioner Graham is absent.

1 Commissioner Grana?
 2 COMMISSIONER GRANA: Here.
 3 MS. CARCONE: Commissioner McAnuff is
 4 absent.
 5 Commissioner Murphy, she will be here
 6 later.
 7 Commissioner Weaver?
 8 COMMISSIONER WEAVER: Here.
 9 MS. CARCONE: Commissioner Firestone is
 10 absent.
 11 Commissioner Maganuco?
 12 COMMISSIONER MAGANUCO: Here.
 13 MS. CARCONE: Commissioner Marsh?
 14 COMMISSIONER MARSH: Here.
 15 MS. CARCONE: Commissioner Smolyn?
 16 COMMISSIONER SMOLYN: Here.
 17 MS. CARCONE: We have a quorum.
 18 CHAIRMAN AIBEL: Excellent. We have
 19 some resolutions, three actually on our agenda, but
 20 I am going to suggest that we start with our
 21 hearings first, and we will pick up the resolutions
 22 at the end of the hearings.
 23 Any objection?
 24 MS. CARCONE: Jim, do you want to start
 25 with 154 Second and have a conversation about that,

1 because I am not sure if there are people on the
 2 call for that project.
 3 CHAIRMAN AIBEL: Sure.
 4 Mr. Burke?
 5 MR. BURKE: Yes.
 6 Mr. Chairman, we sent a letter in today
 7 asking to carry. The neighbors claimed they had not
 8 received the notice.
 9 I checked the notice. It was sent
 10 properly and in accordance with the MLUL, so we are
 11 confident notice was given properly. But for
 12 whatever reason, they are saying they didn't get the
 13 notice. They now know about the meeting, so we
 14 asked to adjourn this until next week, which will
 15 give us time to speak with the neighbors and see
 16 what their concerns are, hopefully work something
 17 out, if possible, and in the meantime saving
 18 hopefully the Board's and everyone involved some
 19 time.
 20 CHAIRMAN AIBEL: That seems fine. I
 21 think a nonconforming side window was one of their
 22 issues.
 23 MR. BURKE: That is the one I am aware
 24 of. But other than that, I have had no
 25 conversations with the individuals.

1 CHAIRMAN AIBEL: Okay. Well, Pat, do
 2 we have time next week?
 3 MS. CARCONE: We do. We have a meeting
 4 scheduled next week. We have two matters on, so I
 5 don't know if we will get through all three, but we
 6 can try.
 7 CHAIRMAN AIBEL: Okay. Why don't we --
 8 can I have a motion to carry this matter until next
 9 Tuesday?
 10 Is that the 28th, Pat?
 11 MS. CARCONE: 28th. July 28th at 7
 12 p.m.
 13 CHAIRMAN AIBEL: And we will carry it
 14 without further notice, but just inform the
 15 neighbors that we --
 16 THE REPORTER: Jim, your voice is
 17 breaking up. I'm sorry.
 18 CHAIRMAN AIBEL: Sorry.
 19 THE REPORTER: What did you say?
 20 CHAIRMAN AIBEL: Mr. Burke is going to
 21 make sure that the neighbors are aware that we have
 22 it scheduled for next week.
 23 MS. CARCONE: Jim, did you get that?
 24 MR. BURKE: Yes, I got part of it.
 25 But I received a phone call. I did not

1 know about it until I got to my apartment from the
 2 neighborhood, so I have her phone number, and I will
 3 reach out to her tomorrow and hopefully we can
 4 start --
 5 CHAIRMAN AIBEL: Excellent. Thank you.
 6 Can I have a motion?
 7 I don't know if you are going to get a
 8 motion, Mr. Burke.
 9 COMMISSIONER MARSH: Oh, I will make a
 10 motion.
 11 CHAIRMAN AIBEL: Thank you, Carol.
 12 COMMISSIONER WEAVER: Second.
 13 MS. CARCONE: All right. Is everyone
 14 in favor?
 15 (All Board members answered in the
 16 affirmative)
 17 MS. CARCONE: Anyone opposed?
 18 All right. Seeing no one opposed, so
 19 this matter is carried to July 28th at 7 p.m. with
 20 no further notice required.
 21 MR. BURKE: Thank you, Mr. Chair.
 22 MS. CARCONE: Jim, I think we have
 23 to -- I don't -- there are a lot of people on this
 24 Zoom meeting that I think might have been here for
 25 154 Second, so if they are, there's really no

1 reason. Unless they wanted to stay on, I would ask
 2 if they are going to stay on for the meeting to
 3 please mute your audio because we are getting some
 4 backfeed here, and there are a couple of numbers, a
 5 couple dial-in people. Otherwise, I will just mute
 6 them myself.
 7 CHAIRMAN AIBEL: I am just going to
 8 repeat what Pat said.
 9 We are going to hear the Second Street
 10 matter next Tuesday. In the meantime, if you are
 11 here to hear it, you can listen in on the other
 12 applications that are being heard tonight, but it
 13 will have nothing to do with Second Street, and we
 14 ask that you mute your phones, so that we don't have
 15 any feedback.
 16 MS. CARCONE: Okay. Thank you, Jim.
 17 CHAIRMAN AIBEL: Thank you.
 18 (Continue on next page)
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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-20-3

RE: 11 Willow Court : Tuesday 7:15 p.m.
Block 158, Lot 18, Zone R-1 :
Applicant: DeLoof, Daniel & Courtney : July 21, 2020
Continued from June 23, 2020 :
----- X

MEETING CONDUCTED VIA ZOOM

B E F O R E:

Chairman James Aibel
Commissioner Antonio Grana
Commissioner Dan Weaver
Commissioner Nicola Maganuco
Commissioner Carol Marsh
Commissioner Steven Smolyn

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I N D E X

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BY: HERSCHEL ROSE, ESQUIRE
Attorney for the Board.

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

MS. CARCONE: All right. So it looks
like we are going to proceed now with 11 Willow
Court.

CHAIRMAN AIBEL: Mr. Cosgrove?

MR. COSGROVE: Thank you, Mr. Chairman.

This is a continuation. At this point
I would just call Mr. Jensen Vasil, the architect,
to continue his testimony.

CHAIRMAN AIBEL: Thank you.

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

THE WITNESS: Good evening, all.

Pat, could I -- could you enable screen
sharing, please?

MS. CARCONE: Yes. Let me stop what I
am doing.

COMMISSIONER MARSH: Hey, Pat, can I
interrupt you? I just have a question.

MS. CARCONE: Okay.

COMMISSIONER MARSH: Do you need to
know that we -- do we need to indicate some place,
like I read the transcript, do you need --

MS. CARCONE: Yes.

COMMISSIONER MARSH: -- more than that,
or are you fine?

Jensen Vasil 14

1 MS. CARCONE: It is yourself and
2 Nicola, if you could certify that you read the
3 transcript for 11 Willow.
4 COMMISSIONER MAGANUCO: Yes.
5 COMMISSIONER MARSH: Yes, I can, too.
6 MS. CARCONE: Okay.
7 Is that good enough for you, Mr. Rose?
8 MR. ROSE: Yes. I heard their
9 certifications, and it sounds good to me.
10 Thank you.
11 MS. CARCONE: Thank you.
12 Are you okay? Can you share now?
13 Oh, let me -- go ahead, try it now,
14 Jensen.
15 THE WITNESS: I got it. Thank you.
16 Thanks so much, Pat.
17 Can everyone see this?
18 THE REPORTER: Yes.
19 MS. CARCONE: I can see it.
20 THE WITNESS: Great. Thank you.
21 So we are back for 11 Willow Court.
22 Based upon some concerns voiced by the Board
23 members, we had revised the plan to align with the
24 neighboring buildings at the second floor level
25 bringing it from what was 80 percent to 69 --

Jensen Vasil 15

1 69.19 -- 69 percent, so a few revisions were the lot
2 coverage at the second floor.
3 On the first page on the Z-004 floor
4 plan, the second floor plan, aligning are the rear
5 addition with the neighboring building to the west.
6 And then on the elevations on Page
7 Z-006 showing that there was no additional extension
8 of the second floor viewed from the east, and that
9 viewed from the west what was a small extension
10 towards the rear is now completely gone, and the
11 buildings are aligned with each other, and those
12 were the principle -- those were the only changes.
13 CHAIRMAN AIBEL: Thank you, Mr. Vasil.
14 You were previously sworn, so I will
15 just make that clear for the record.
16 Questions for Mr. Vasil, Board members?
17 COMMISSIONER WEAVER: Jim, are we going
18 to go in order, or are we going to, you know, chime
19 in?
20 MS. CARCONE: Do you want me to call
21 each person's name?
22 CHAIRMAN AIBEL: Thank you, Pat.
23 MS. CARCONE: Okay.
24 Commissioner Grana, do you have any
25 comments? Antonio?

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1 All right. We will go back to him.
2 Commissioner Weaver, do you have any
3 comments?
4 COMMISSIONER WEAVER: I would just --
5 it's -- I tried to turn my video off, because I'm
6 having a bad connection (audio breaks up).
7 Can we go back to the plan for a
8 second?
9 There was a conversation that I hope I
10 am remembering. We talked about the -- actually can
11 I see -- is there a way you can pull up the previous
12 plan, so we can have these side by side, or is
13 this -- we can flip back and forth?
14 THE WITNESS: Sure. Let me -- just a
15 second.
16 Can you see this plan?
17 COMMISSIONER WEAVER: Yes.
18 THE WITNESS: Okay.
19 So this was the previous plan with the
20 addition at the second floor extending beyond the
21 neighboring building to the west by approximately
22 five and a half feet.
23 COMMISSIONER WEAVER: And you have
24 pulled that back?
25 THE WITNESS: That's correct.

Jensen Vasil 17

1 And what was that low roof over the top
2 of the two-story addition is now just a low roof
3 over the one-story addition, which is --
4 COMMISSIONER WEAVER: And those are
5 really the only substantial changes, right?
6 THE WITNESS: That is it.
7 COMMISSIONER WEAVER: Thank you.
8 THE WITNESS: Thank you.
9 MS. CARCONE: Commissioner Maganuco, do
10 you have any questions?
11 Nicola?
12 COMMISSIONER MAGANUCO: No.
13 MS. CARCONE: Okay.
14 Commissioner Marsh?
15 Carol, do you have any questions?
16 COMMISSIONER MARSH: No, I don't. No,
17 I don't.
18 MS. CARCONE: Commissioner Smolyn, did
19 you have any questions?
20 COMMISSIONER SMOLYN: Just a quick
21 rapid question.
22 All of the revisions that were just
23 said, Jensen, are (audio breaks up).
24 THE WITNESS: Yes, with the bubble in
25 number two.

22

1 CHAIRMAN AIBEL: Thanks, everyone.
 2 MR. COSGROVE: Thank you.
 3 CHAIRMAN AIBEL: Phyllis, I am not
 4 going to take a break now.
 5 THE REPORTER: That's good.
 6 (Laughter)
 7 (The matter concluded)

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1 HOBOKEN ZONING BOARD OF ADJUSTMENT
 2 CITY OF HOBOKEN
 3 HOZ-20-5
 4 ----- X
 RE: 711 Monroe Street : Tuesday 7:25 p.m.
 4 Block 82, Lot 6, Zone R-3 :
 Applicant: R. Reginald Menos : July 21, 2020
 5 Variances :
 ----- X
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 7
 8 MEETING CONDUCTED VIA ZOOM
 9
 10 B E F O R E :
 11 Chairman James Aibel
 11 Commissioner Antonio Grana
 12 Commissioner Diane Fitzmyer Murphy
 12 Commissioner Dan Weaver
 13 Commissioner Nicola Maganuco
 13 Commissioner Carol Marsh
 14 Commissioner Steven Smolyn
 15
 16 A L S O P R E S E N T :
 17 BANISCH ASSOCIATES, INC.
 17 BY: Frank Banisch, PP
 18 BOSWELL ENGINEERING
 18 BY: Christopher Nash, PE
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 20 Patricia Carcone, Board Secretary
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 CERTIFIED COURT REPORTER
 CERTIFIED REALTIME COURT REPORTER
 25 (732) 735-4522

23

1 C E R T I F I C A T E
 2
 3 I, PHYLLIS T. LEWIS, a Certified Court
 4 Reporter, Certified Realtime Court Reporter, and
 5 Notary Public of the State of New Jersey, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the proceedings as taken
 8 stenographically by and before me at the time, place
 9 and date hereinbefore set forth.
 10
 11 I DO FURTHER CERTIFY that I am neither
 12 a relative nor employee nor attorney nor counsel to
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.
 17
 18 s/Phyllis T. Lewis, CCR, CRCR
 19 -----
 20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 21 My commission expires 11/5/2020.
 This transcript was prepared in accordance with
 22 NJAC 13:43-5.9.
 23
 24
 25

25

1 A P P E A R A N C E S :
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1 MS. CARCONE: I just want to note that
2 Diane Murphy has joined the meeting.
3 Did you get that, Phyllis?
4 THE REPORTER: Yes.
5 MS. CARCONE: Okay.
6 MR. ROSE: Again, Mr. Vasil, could you
7 please raise your right hand?
8 Do you swear or affirm the testimony
9 you are about to give in this matter is the truth,
10 the whole truth, and nothing but the truth?
11 J E N S E N V A S I L, having been duly sworn,
12 testified as follows:
13 THE WITNESS: Yes.
14 The first name is Jensen, J-e-n-s-e-n.
15 Last name Vasil, V, as in Victor, a-s-i-l.
16 MR. ROSE: Okay. And the Board is
17 aware of your qualifications.
18 Does the Board accept them?
19 CHAIRMAN AIBEL: We are and we do.
20 MR. ROSE: Thank you.
21 MR. BURKE: All right.
22 Jensen, what I would like you to do is
23 walk through the plans and focus on the issue
24 involving the facade because that is where the
25 variance is being asked.

1 CHAIRMAN AIBEL: All right. Mr. Burke,
2 you're up on 711 Monroe.
3 MR. BURKE: Thank you, Mr. Chairman.
4 Jim Burke representing the applicant.
5 We have two witnesses tonight, Jensen
6 Vasil who is here and has already spoken, and
7 Carolyn Worstell is filling in for Ed Kolling. She
8 also works at the same planning firm.
9 So one thing, there is a lot going on
10 in this building, but the reality is there aren't
11 many variances requested, and in fact, the roof --
12 I'm sorry -- the deck variance on the roof, I
13 believe Mr. Vasil will address that. I think we've
14 addressed it, and it's been eliminated. But right
15 now it is only a masonry variance and also a very
16 technical variance because the building is
17 nonconforming, so there are some nonconforming
18 conditions, and with that, requires some technical
19 variance, but it is very small.
20 For the Board's sake, the building is
21 not expanding. Everything is being done in the
22 framework of the existing pad of the building.
23 So with that, I would just introduce
24 Mr. Vasil. He has been sworn in once, but he should
25 be sworn in for a separate application.

1 THE WITNESS: Sure.
2 So this application has -- it's for --
3 the variance is for the masonry, the facade
4 materials. The masonry is under the 75 percent that
5 is stipulated in the code.
6 It is an existing four-story building
7 with the lowest level being parking and right now it
8 was currently or is currently living space.
9 They are doing an interior renovation
10 in conjunction with this -- this variance
11 application. It is two units currently. It would
12 remain two units, and the living space that
13 currently exists at the lowest level would be
14 removed, and flood plain mitigation measures, such
15 as the flood vents, the removing of an impervious
16 deck at the existing rear of the property would be
17 removed and relocating electrical service outside of
18 the second floor are all included in conjunction
19 with this -- with this variance application.
20 On the upper levels, as Mr. Burke
21 pointed out, the renovation has to do with the
22 interior reconfiguration of the owner's unit, which
23 comprises the second, third and fourth floors of the
24 building. So the first floor that is currently
25 there now, that living space would be removed.

Jensen Vasil 30

1 CHAIRMAN AIBEL: Jensen, I am sorry.
2 Do you need our approval for anything
3 other than the facade and the masonry?
4 THE WITNESS: I will move through it
5 quickly. My apologies.
6 No. We need the -- the facade is the
7 only variance, correct.
8 MR. BURKE: Well, actually there is a
9 technical variance --
10 THE WITNESS: Oh, that's right.
11 MR. BURKE: -- which is a very small
12 technical variance.
13 MR. MYERS: Well, we can sit here and
14 talk until I hear that they're going to call me, but
15 it's, you know, these hearings can go on for 30 or
16 40 minutes, and there was one hearing that actually
17 just carried to the next meeting.
18 MS. CARCONE: Mr. Myers, you are
19 talking into our meeting.
20 MR. MYERS: They just started talking
21 about this one. I don't know how long it's going to
22 be --
23 MS. CARCONE: Ken. Ken Myers.
24 MR. MYERS: -- I mean, they put it
25 last --

Jensen Vasil 31

1 MR. ROSE: Mr. Myers --
2 MS. CARCONE: Mr. Meyers.
3 I don't even -- where is he?
4 MR. ROSE: He's on the bottom left.
5 MS. CARCONE: I'm going to mute him.
6 All right. He is muted
7 MR. ROSE: Thank you.
8 THE REPORTER: Oh, he wasn't supposed
9 to be in our meeting?
10 (Laughter)
11 MS. CARCONE: He's waiting. Mr. Myers
12 is waiting for a memorialization of his resolution.
13 (Laughter)
14 THE WITNESS: So I'll focus on --
15 MS. CARCONE: Sorry about that, Jensen.
16 THE WITNESS: No, no, no. That is
17 fine.
18 I will focus on the facade variance
19 first.
20 So the front facade at Monroe Street
21 would be substantially altered. Currently it is a
22 stucco facade with a low -- a lower roof deck in the
23 front of the third level, and we would be proposing
24 to replace that facade with a brick -- brick masonry
25 throughout the entirety of the first floor, as well

Jensen Vasil 32

1 as the upper portion of the roof and also the side,
2 the south side of the facade, and to replace the
3 existing -- really a porch because it's covered,
4 though technically a lower roof or a lower roof deck
5 any more. It would be a glass railing that would
6 face out, and then the main facade on the upper
7 levels of three and four would be set back five feet
8 to have a covered -- a covered porch.
9 The floors would be raised such that
10 they are ten foot floor to floor, so they would
11 bring them into compliance with the code, and as far
12 as the masonry is concerned, the masonry, the brick
13 masonry would -- there is a diagram here that shows
14 the brick masonry shaded.
15 The other materials that are set back
16 would be wood along with the glass set back at the
17 porch, the porch facade, which is recessed back from
18 the front of the building.
19 The rear of the building would also be
20 altered with larger windows, a glass railing around
21 the lower roof deck at the rear, and the glass
22 windows with aluminum -- aluminum panels on the
23 rear.
24 Also in conjunction with this, other
25 than the interior renovation, there is a roof deck

Jensen Vasil 33

1 that has a pool and a hot tub that is located on the
2 main roof, on the upper roof, and some discussions
3 with -- as per the flood plain manager's
4 recommendations, we have substantially revised this
5 from our initial filings to bring the green roof
6 into compliance and the proposed roof deck into
7 compliance eliminating that variance.
8 So this newer layout has a lower roof
9 deck as you come up from the -- this is in a private
10 interior stair accessible only through the owner's
11 unit, and there would be a lower roof deck, a small
12 outdoor sink, and then an upper roof deck or upper
13 pool deck, as it would be called, that has a pool
14 and a hot tub.
15 At the front rear of the property,
16 there would be green roof, and that green roof would
17 be at the lower level, so that from the -- so it
18 minimizes the impact of the building height on the
19 street, so it is not -- so it fits in. It is lower
20 in character from the adjacent buildings.
21 Here is a street diagram showing the
22 same, so you can show -- you can see our building
23 set in next to the five-story building further to
24 the north, an existing three-story building that is
25 to our south, and then the elevator bulkhead or the

Jensen Vasil **34**

1 elevator shaft that extends to the roof is set far
2 back from the front of the facade, so it would not
3 be seen from Monroe Street.
4 There are some aerial photographs here,
5 which show the existing bulk of the building, which
6 again does not change the rear walls at the lower
7 levels, and the upper levels are the same.
8 And this shows -- on this page we have
9 the configuration of the stair bulkhead coming up,
10 the doors going down and also the in-ground pool.
11 The pool filter and pump would all be
12 located underneath in the void -- the truss
13 basically of the -- between the swimming pool deck
14 and the lower -- and the main roof, the existing
15 roof.
16 MR. BURKE: Hold on a second.
17 Do you have a sample or a photograph of
18 the brick that would be used on the facade?
19 THE WITNESS: Sure.
20 MR. BURKE: Let's get that up.
21 THE WITNESS: Sure. I will bring up
22 the facade picture.
23 I am sorry. Just give me one second.
24 I just had this.
25 So the front brick facade would be a

Jensen Vasil **35**

1 red masonry brick, standard brick, in a stacked
2 pattern with a light gray Portland cement grout,
3 and then they would have the glazing. Again, the
4 glazing would be set back from the -- from Monroe
5 Street, the brick at the front facade.
6 There is a-- the garage door will be
7 replaced with a wood door and to match the wood on
8 the -- next to the -- adjacent to the windows at the
9 upper levels, and also there is a brick cladding
10 that surrounds the windows of the second floor.
11 That is the rental unit that faces out to Monroe
12 Street.
13 You can see the -- the flood vents that
14 would be installed into the -- into that garage
15 door.
16 MR. BURKE: And let's talk about that.
17 The building has not really met the
18 requirements of the flood ordinance regulations, but
19 you will now be substantially in compliance?
20 THE WITNESS: That is correct.
21 The building, the current -- the
22 existing building has no -- was done with no -- no
23 compliance for flood plain, and this would bring it
24 into full compliance.
25 MR. BURKE: You also mentioned the

Jensen Vasil **36**

1 floors. Let's talk about that a little.
2 The floors were not -- the distance was
3 not in regulation, but now it will be?
4 THE WITNESS: That's correct.
5 The floor-to-floor heights prior were
6 below. They were 8 feet floor to ceiling, so it was
7 a 9 foot floor to floor, so those would be brought
8 up to the ten foot floor-to-floor ceiling --
9 floor-to-floor heights with a 9 foot --
10 MR. BURKE: That raises the building a
11 little, but it doesn't create a variance.
12 THE WITNESS: It's still -- the overall
13 building height is still below the 40 feet, which is
14 the -- 40 feet above the design flood elevation,
15 which is the requirement for the district.
16 MR. BURKE: Anything else, Mr. Vasil?
17 Any other --
18 THE WITNESS: No, not at this time.
19 MR. BURKE: Questions from the Board?
20 CHAIRMAN AIBEL: Board members,
21 questions for the architect?
22 COMMISSIONER GRANA: So I guess I will
23 direct this to Mr. Vasil.
24 What is the technical compliance that
25 was issued that was just mentioned?

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1 So it was mentioned as a technical
2 issue, so the masonry -- the masonry --
3 MR. BURKE: If I may, Commissioner --
4 COMMISSIONER GRANA: -- as I
5 understand, what's the technical release?
6 MR. BURKE: -- Commissioner, if I may,
7 Carolyn who is the planner, she is equipped to
8 address that. Jensen can, but she is really
9 prepared to talk about that in her testimony.
10 COMMISSIONER GRANA: Okay.
11 And secondly, I am going to try to
12 frame this question the right way.
13 So, Jensen, what is the current lot
14 coverage on the site right now?
15 THE WITNESS: 92 percent.
16 COMMISSIONER GRANA: And then on the
17 first floor only or that looks -- that's on the
18 first floor only?
19 THE WITNESS: It is the lower two
20 floors.
21 COMMISSIONER GRANA: The lower two?
22 THE WITNESS: That's correct.
23 So right now there is a double height
24 space in the rear of the building, where the lowest
25 level is being used for living space, and that would

Jensen Vasil 38

1 be brought up to be above the design flood
2 elevation.
3 COMMISSIONER GRANA: Okay.
4 So what -- I am going to try to ask
5 this question the right way, and some of my
6 colleagues or the Commissioners are going to ask it
7 probably better than I will.
8 So if that is so, and you don't need a
9 variance for lot coverage, then what percentage of
10 this building are we changing that would remove the
11 need for a request for relief on the lot coverage?
12 THE WITNESS: So I think you are
13 getting at exactly what --
14 COMMISSIONER GRANA: Is that a
15 planner's question?
16 THE WITNESS: Yes, you hit it. Yeah,
17 correct.
18 COMMISSIONER GRANA: Okay. I will wait
19 for the planner. That is the end of my questions.
20 CHAIRMAN AIBEL: Thank you.
21 Board members?
22 Steve?
23 COMMISSIONER WEAVER: If I may, thank
24 you, Mr. Vasil. I think this is a great application
25 so far.

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1 Can you talk about the facade for a
2 moment?
3 THE WITNESS: Yes.
4 COMMISSIONER WEAVER: The -- you have a
5 wood garage door --
6 THE WITNESS: Yes.
7 COMMISSIONER WEAVER: -- and then a lot
8 of stack bond red brick with a light gray mortar,
9 right?
10 THE WITNESS: Correct.
11 COMMISSIONER WEAVER: What is -- there
12 is additional wood cladding, which is on the second
13 floor, which projects plus or minus 12 inches?
14 THE WITNESS: Correct.
15 COMMISSIONER WEAVER: What is that?
16 What kind of wood is that?
17 THE WITNESS: So that is also Epy that
18 would project, the same -- same material, and it is
19 really a minor bay just to give some -- some depth
20 to the facade, so it is not -- so it is not so -- so
21 it has a little bit of play with depth. It is more
22 interesting,
23 COMMISSIONER WEAVER: Okay.
24 And then if we could just -- maybe I
25 don't understand it. If we could go to the Sheet

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1 004.
2 THE WITNESS: Uh-huh.
3 COMMISSIONER WEAVER: On the first
4 floor, what is that sort of single line on Drawing
5 Number 1, the first floor plan?
6 Is that a gate that you are trying to
7 reference?
8 THE WITNESS: There is a gate. Yeah,
9 correct. There is a fence that extends out
10 currently into the public right-of-way.
11 COMMISSIONER WEAVER: And there is also
12 a wall there?
13 It looks like the fence ends in a wall,
14 so the thick rectangle on the left-hand side.
15 THE WITNESS: We were -- there is a --
16 it is not well noted, but they were planning on
17 putting planting in that piece there, where the gate
18 returns. The owner would like to have added
19 planting in the public right-of-way, but there
20 really -- it became small strips.
21 COMMISSIONER WEAVER: Okay.
22 And what is the surface on the Drawing
23 3, the same page, what is the surface that you --
24 what are you putting where you have the required
25 three foot setback?

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1 THE WITNESS: This is the white roof,
2 the exposed white roof.
3 COMMISSIONER WEAVER: This is the white
4 roof?
5 THE WITNESS: Correct.
6 COMMISSIONER WEAVER: And that is
7 reflected on your -- on the next page. Hold on.
8 What did the -- it looks like you have
9 a -- I am talking about Drawing 4 on Z-005.
10 THE WITNESS: Yes.
11 COMMISSIONER WEAVER: Hum, is that a --
12 you have a continuous glass railing, which goes
13 across the entire back, property line to property
14 line. What is that -- what's that -- is that a wall
15 there on the left, the far left and the far right,
16 is that a roof deck?
17 THE WITNESS: On this drawing?
18 COMMISSIONER WEAVER: No, the next
19 drawing. We can come back to that one. It would
20 show up on this that one, too.
21 THE WITNESS: So there is a low roof
22 below, which would be below this -- this open area,
23 so the back of the building is here, and if you are
24 looking down on this roof deck.
25 COMMISSIONER WEAVER: Let's go to the

Jensen Vasil 42

1 next drawing.

2 COMMISSIONER MURPHY: What is that

3 little bump-out?

4 THE WITNESS: A balcony.

5 COMMISSIONER MURPHY: Oh.

6 COMMISSIONER WEAVER: Which we will see

7 in the next drawing --

8 THE WITNESS: Correct.

9 COMMISSIONER WEAVER: -- not the next

10 drawing, the next sheet. Sorry.

11 THE WITNESS: The next sheet, correct.

12 COMMISSIONER WEAVER: Mr. Vasil?

13 THE WITNESS: Yes.

14 Would you like me to go to the next

15 sheet, Mr. Weaver?

16 COMMISSIONER WEAVER: Yes, please.

17 THE WITNESS: Okay. So --

18 COMMISSIONER WEAVER: Yeah, the rear

19 elevation. Thank you.

20 Right there, just to the left of your

21 cursor, what is that?

22 Yeah. That is not on the plan.

23 THE WITNESS: No --

24 COMMISSIONER MURPHY: Privacy screen?

25 THE WITNESS: -- yes. It was the

Jensen Vasil 43

1 beginnings of a privacy screen. We don't have it.

2 We don't -- I do not have a detail for it, but we

3 would have -- we have the continuous glass from

4 around the deck.

5 COMMISSIONER WEAVER: Can you go back

6 to the -- okay -- and then above that, I don't know

7 that small balcony, if you look directly above, it

8 says glass railing, yeah. There is a little -- I

9 think that is a little bigger than a Juliette

10 balcony.

11 THE WITNESS: Yes.

12 COMMISSIONER WEAVER: That's what you

13 see in the plan.

14 Can you go back to -- can you go back

15 one sheet?

16 THE WITNESS: Sure.

17 COMMISSIONER WEAVER: On that deck --

18 no, the next -- the other deck, the lower one, the

19 roof deck.

20 THE WITNESS: The lower. Got it.

21 COMMISSIONER MURPHY: I see it's bigger

22 than a Juliette.

23 COMMISSIONER WEAVER: So I don't see

24 the glass railing going property line to property

25 line. I see it just bounding the --

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1 THE WITNESS: This piece?

2 COMMISSIONER WEAVER: Yes.

3 THE WITNESS: It should match the -- it

4 should match the deck.

5 COMMISSIONER WEAVER: And is there a

6 privacy fence then?

7 THE WITNESS: No, there is not. There

8 is glass on the three sides.

9 COMMISSIONER WEAVER: Okay.

10 i don't have any further questions.

11 COMMISSIONER MURPHY: Is that a grill

12 or some kind of -- excuse me -- on that deck, water

13 or what's going on there?

14 THE WITNESS: There is an outdoor sink.

15 There is a grill, and then there is an undercounter

16 refrigerator, which is the dashed -- the dotted

17 line.

18 COMMISSIONER MURPHY: Are we allowed to

19 have grills above ground level in Hoboken in a

20 rental building?

21 MR. BURKE: To my knowledge, you can

22 have an electric grill. You can't have a gas.

23 That's what I --

24 COMMISSIONER MURPHY: Okay. Okay.

25 MR. NASH: We have had gas grills on

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1 other applications on roof decks.

2 MR. BURKE: Roof decks, but not on --

3 maybe the roof, but not the side.

4 MR. NASH: Yeah.

5 MR. BURKE: I know in my building, 14th

6 Street, we are allowed electric grills, so --

7 COMMISSIONER WEAVER: Might I --

8 sorry -- if we do give a variance -- if we do

9 approve the application, then we just say that, you

10 know, we obviously have no jurisdiction over whether

11 it is a propane natural gas, or if the grill can

12 even be there, you know, purely limited to the scope

13 of, you know, facade composition and the

14 technicality.

15 I know what you are getting at,

16 Commissioner. It sort of fits into, you know, even

17 propane tanks, which are like little mini bombs

18 because the potential is there. So I don't want to

19 go too far into the weeds on this, and I am

20 definitely not an expert, but I think we would just

21 limit our approval to just zoning issues.

22 COMMISSIONER MURPHY: Right.

23 MR. NASH: I have a question for the

24 architect, Chairman.

25 CHAIRMAN AIBEL: Please go ahead.

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1 MR. NASH: Sure.

2 On Z-004, the third floor, fourth floor

3 have what is called the front loggia.

4 THE WITNESS: Yes.

5 MR. NASH: Why -- why is that not a

6 lower roof deck? Doesn't it meet the definition of

7 a lower roof deck, which are not permitted --

8 THE WITNESS: We do not -- we do not

9 believe it does, because it is covered. It's

10 covered by the main roof, so there is already an

11 upper roof on the top floor, and those two floors

12 are covered by that.

13 MR. NASH: Okay. I don't -- I find it

14 hard -- I would be hard pressed to say that that

15 is -- because all you did was call it a loggia, but

16 you could have called it anything, but you didn't

17 call it a lower roof deck.

18 It's a lower roof deck. I think it

19 meets the definition of a lower roof deck, and if it

20 does, then you need a variance for it, or you

21 shouldn't have it at all because it is functioning

22 as a lower roof deck, which is what the ordinance

23 prohibits. They don't want people out in a loggia

24 sitting in the front yard leaning out over the

25 street. It is not what is permitted in the

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1 ordinance.

2 CHAIRMAN AIBEL: Is this an existing

3 condition?

4 THE WITNESS: There is one on the third

5 floor that is. Like I said, we -- I discussed it

6 with the planner and the attorney, and that is what

7 we -- we -- they had thought differently or we had

8 thought differently. But if you so deem it that it

9 is a roof deck, we would have to request that.

10 MR. BURKE: Let me hear from Mr.

11 Banisch on that question.

12 MR. BANISCH: Well, yeah, I would think

13 that you would look to whether or not there is a

14 reason not to provide that on the back side of the

15 building instead of the front.

16 I agree with Mr. Nash about the logic

17 of how you would need a variance for this.

18 COMMISSIONER WEAVER: I think if you

19 look at the sheet -- what is this -- sorry -- this

20 is Sheet 006 I believe. You can see that perhaps

21 the reason why they didn't put them on the back is

22 because it is rather an unflattering environment and

23 view, and I think just a slight correction, the,

24 quote, unquote, loggia, which preexisted is actually

25 a roof deck because it is open to the sky using Mr.

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1 Vasil's logic.

2 COMMISSIONER MURPHY: But they are

3 already putting a big deck on top of the, you know,

4 the build-out anyway in the back, so they don't

5 really have a problem with the back, you know, in

6 terms of esthetics.

7 COMMISSIONER WEAVER: You mean the

8 view -- the view to the back of the property?

9 COMMISSIONER MURPHY: Yeah. They are

10 putting -- they're putting a deck on top of the

11 second floor there, right?

12 And a large Juliette balcony outside

13 off of the bedroom there to look out in the back, so

14 it is like they are already doing stuff in the back,

15 so it is not like --

16 COMMISSIONER WEAVER: There is a roof

17 deck in the back. Yeah, no, I hear your point.

18 Okay. I don't want to get into deliberations, but

19 yeah, I get your point.

20 COMMISSIONER MURPHY: Yeah.

21 I have a question because I guess I am

22 not really clear about the -- the ordinance for roof

23 things, but I don't know if we have seen very many

24 pools on top of the roof.

25 Is that something that Hoboken is

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1 allowing now?

2 Does anyone -- I mean, obviously, you

3 know, the planner must not have said anything,

4 but -- because they are not really into them when

5 they are on the ground. I can't imagine that they

6 are into them on a roof.

7 Does anyone have any information?

8 CHAIRMAN AIBEL: We have seen them.

9 The Wonder Bread Building, for example, has one.

10 I just don't --

11 COMMISSIONER MURPHY: It is a very big

12 building.

13 CHAIRMAN AIBEL: -- I don't recall

14 whether there were variance requests along with

15 that.

16 COMMISSIONER MURPHY: Right. But that

17 was also a much larger building than this.

18 This building is what, 20 feet wide,

19 20-something? So okay.

20 CHAIRMAN AIBEL: Do we need a variance?

21 MR. BURKE: I don't believe we do for

22 that, but, you know, it is an unusual thing. I have

23 seen other small pools in certain backyards. I have

24 seen aerial pictures and so forth, so I know they

25 exist, not just in large, but smaller buildings,

1 but, you know, it is an unusual feature.
2 COMMISSIONER SMOLYN: The Ordinance
3 196-29 seems to strongly imply that it needs to be
4 in the rear yard and an accessory use within a
5 residential district. So I am not sure what
6 happened at like the Wonder Bread project, but I am
7 not sure on top of the building would qualify as a
8 rear yard.

9 MR. BURKE: The ordinance talks about a
10 pool, if it's in a rear yard. I don't believe it
11 says it has to be in the rear yard.

12 Most of the regulations surrounding
13 that are to ensure safety, you know, the height of
14 the fence and so forth. So I don't believe it is
15 prohibiting the pool being put on a roof. In fact,
16 I think it is safer up there because you don't have
17 the concerns that you would have with a pool in the
18 backyard.

19 COMMISSIONER WEAVER: And I don't want
20 to -- I'm sorry -- Dan Weaver -- I don't want to
21 pile on the speculations, but I think there have
22 also been a number of pools in Hoboken that are in
23 basements, and we -- I know we granted, I believe, I
24 think it was on the Planning Board, you know, the
25 buildings on Hudson that just went up. You know,

1 they have -- there is one in Maxwell, and there is
2 one in -- North of 14th, and they have roof -- they
3 have rooftop pools. So I think there is definitely
4 a history of it in Hoboken, not just in backyards.

5 COMMISSIONER MURPHY: My concern is I
6 understand that there are plenty of buildings with
7 the roof -- not plenty, but there are a few in town,
8 and most of those except for perhaps that one
9 brownstone in -- on Hudson Street are much larger
10 buildings, you know, where the pools are almost
11 encompassed around it. So this is a much smaller
12 building, I don't know. I am just throwing it out
13 there. I feel like it's unusual. I can't imagine
14 that the code says it is okay, but maybe they do.

15 COMMISSIONER WEAVER: What would -- if
16 I may, Diane, what would be the -- from a planing --
17 it could be safety. It could be a number of what
18 triggers -- what would be -- what would be wrong
19 with having a roof on your -- I'm sorry -- a roof on
20 your pool -- a pool on your roof?

21 COMMISSIONER MURPHY: Well, just like
22 think about it. One of the things that we were
23 worried about was just having decks on roofs was
24 noise, you know, various different things like that.

25 So now, you know, this will become the

1 new trend of everybody putting a roof pool, and I
2 don't know. I can just see it just kind of -- I
3 mean, don't get me wrong. I think on one level it
4 is nice, but on another level I think it invites a
5 different kind of --

6 COMMISSIONER WEAVER: Nuisance?

7 COMMISSIONER MURPHY: -- yeah, yeah.

8 COMMISSIONER WEAVER: Not a quiet
9 introspective enjoyment.

10 COMMISSIONER MURPHY: Right.

11 And, you know, there are like people
12 who have like a plunge pool in their backyards, and
13 now if you, you know, try to put one of those into
14 the backyard, the restrictions on how much footage
15 you need around it, it's so strict that they're
16 almost prohibited to put a pool in in a backyard, so
17 it is like how is it happening on a roof.

18 I just -- I don't know. I just guess I
19 just don't know. I am very curious. I can't
20 imagine three feet in or five feet in on each side
21 would be enough to let that be okay on a roof, so --
22 but maybe it is something that our ordinance doesn't
23 really completely address either way.

24 MR. BURKE: Just a couple of comments.
25 One is the safety issue. It is

1 private. It's only for the owner, and it is a
2 smaller -- it's a small pool. It's a small
3 building, small --

4 COMMISSIONER MURPHY: Uh-huh.

5 MR. BURKE: -- being up in the air
6 actually I think creates a safer environment. No
7 one can access that pool really except the owner.

8 COMMISSIONER WEAVER: So the only
9 person that can access the pool is the owner. It's
10 not available to the tenant?

11 MR. BURKE: The pool is not available
12 to the tenant. It is a private entrance.

13 CHAIRMAN AIBEL: Has there been a
14 discussion with the zoning officer?

15 MR. BURKE: The zoning officer?

16 CHAIRMAN AIBEL: Yes.

17 MR. BURKE: Jensen, I have not had one.
18 Have you?

19 THE WITNESS: I mean, she has reviewed
20 it for the flood plain and she commented on the
21 other issues for as far as the green roof, but
22 nothing was mentioned about this, no.

23 MR. BURKE: That is true, though. We
24 have a two or three-page review letter for flood
25 regulations, but nothing was discussed as far as the

1 pool.

2 MR. NASH: If the pool floods, we are

3 all in trouble. Anything that leaks, we're in

4 trouble.

5 MR. BURKE: It's going to go into his

6 property. It's the same, you know, it is his house.

7 CHAIRMAN AIBEL: So, Chris, do you have

8 a path in mind to resolve this?

9 I thought (audio breaks up) made it

10 uncomfortable about the discussion.

11 MR. NASH: What, regarding the pool?

12 CHAIRMAN AIBEL: Yes.

13 MR. NASH: Wel, It is not prohibited.

14 So I mean, there are pools, like you said, there are

15 pools on the Wonder Lofts. Commissioner Weaver

16 mentioned uptown on Maxwell, there are pools. We

17 are seeing them pop up here and there. It is not

18 something that you can easily add, because you can't

19 add it to an existing building easily because of the

20 structural implications. So, you know, they

21 certainly would be adding them to new buildings as

22 they are presented.

23 COMMISSIONER MURPHY: I have a

24 question.

25 Is this building getting basically

1 gutted so that they can redo the floor heights?

2 THE WITNESS: Yes. I mean, because

3 they are reframing, they would have to remove what

4 is there.

5 COMMISSIONER MURPHY: Okay. So if

6 they're -- how much of a, like a demolition or

7 whatever can a building do without having to kind of

8 like perhaps bring their backyard in a little bit to

9 become more conforming, because they are at 92

10 percent lot coverage right now.

11 So if they are gutting, I mean, is that

12 okay to just completely gut an inside and not --

13 CHAIRMAN AIBEL: I guess my question,

14 Mr. Vasil, is: Are they gutting or are they demoing

15 the extension?

16 Are they demoing anything beyond the

17 rear wall of the building?

18 THE WITNESS: So at the back portion

19 right now, it is a strange configuration, but right

20 now it is a big open -- there's a big open space.

21 There is a steel stair that goes up with a sort of

22 balconette that goes around, and it's open below.

23 So it is a double -- it's a two-story space in the

24 back.

25 This you can see is the back of the

1 building, so if you follow it across, that two-story

2 space actually extends inside of the upper floors.

3 It is a strange building.

4 CHAIRMAN AIBEL: So you're demoing that

5 back portion?

6 THE WITNESS: We would be -- we'd be --

7 yeah, correct. So we would be filling this in.

8 We originally planned on leaving it,

9 but then there were concerns from the flood plain

10 administrator about if you leave it, you have got

11 this secondary stair inside of the building, and

12 that somebody is going to -- now these people are

13 going to be driving with their car here. They are

14 going to have a secondary stair inside, and it is --

15 basically they are going to be using this as a

16 living space right away.

17 So in order to alleviate that problem,

18 we framed in the back portion at 13 feet, which is

19 the design flood elevation, and then left a

20 crawlspace at the whole back half of the building.

21 So we did that for compliance, otherwise we would

22 have left the double height.

23 There were originally a lot of

24 questions why have a double height space, why do you

25 have that, you know?

1 I really think that that was -- so

2 this, you know, we are doing it -- we were asked to

3 do it, or we were -- it was suggested to do it to

4 eliminate the possibility of habitation on the

5 ground floor, to take the living space out of the

6 ground floor.

7 CHAIRMAN AIBEL: So is there

8 structure -- or are you using an existing structure?

9 THE WITNESS: Not for the pool. We

10 would have to -- we would have to drop steel columns

11 and get -- do piles for the pool, but the rest of

12 the structure -- the building is actually fairly not

13 new, but it is, you know, within the last 40 years,

14 the side walls of the building and the footings, et

15 cetera.

16 CHAIRMAN AIBEL: You are using existing

17 side walls and footings?

18 THE WITNESS: That is correct. That is

19 correct.

20 CHAIRMAN AIBEL: Board members,

21 anything else on this topic or anything else for Mr.

22 Vasil?

23 MR. BANISCH: Not from me, Chair.

24 CHAIRMAN AIBEL: Okay. Mr. Burke?

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

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1 The next and final witness will be

2 Carolyn Worstell.

3 CHAIRMAN AIBEL: Before we get to

4 Carolyn, let me just open it up to the public.

5 Is there anybody on the call who would

6 like to ask Mr. Vasil questions about the

7 application?

8 MR. CASELLA: Yes, I would.

9 CHAIRMAN AIBEL: Who is this speaking,

10 please?

11 MR. CASELLA: Stephen Casella. I'm a

12 resident next door. I certainly appreciate the

13 Board's accommodation today.

14 And, Mr. Burke, good to see you again.

15 CHAIRMAN AIBEL: Could you state your

16 name, please, and give us your address?

17 MR. CASELLA: 715 Monroe Street.

18 CHAIRMAN AIBEL: And the spelling of

19 your name, sir?

20 MR. CASELLA: Casella, Stephen. C-a-s-e-l-l-a. Stephen

21 Casella, resident of 715

22 Monroe Street.

23 CHAIRMAN AIBEL: Thank you.

24 MR. CASELLA: Thank you.

25 May I ask a question?

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1 CHAIRMAN AIBEL: Questions, yes.

2 MR. CASELLA: Okay. Great. Thank you.

3 I appreciate it. Very informative,

4 certainly -- certainly love the design.

5 A couple of questions from myself and

6 for my own edification.

7 What is the construction type of the

8 perimeter walls of the building currently and what

9 year was the building built?

10 THE WITNESS: I don't know the exact

11 date of the building, but we -- myself and the

12 structural engineer believe it was built in the

13 eighties, and then it's CME block masonry side walls

14 with wood framing for the floors.

15 MR. CASELLA: Okay. So it is block

16 perimeter walls, timber construction joists, right?

17 And you want to raise the floors, right?

18 THE WITNESS: Correct.

19 MR. CASELLA: You want to do steel to

20 support the pool?

21 THE WITNESS: Yes.

22 MR. CASELLA: Right, and you want to

23 drive that down on piles?

24 THE WITNESS: Correct.

25 MR. CASELLA: Okay. I think it's

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1 just, you know, from my own education and just a --

2 just another dumb guy in the business, right, it

3 seems to me it's a little bit misleading, a

4 renovation. I would call it a --

5 THE WITNESS: Renovation.

6 MR. CASELLA: -- I would call it a bit

7 more than a renovation.

8 So -- so my question is: What is going

9 to be done on the perimeter walls to resupport the

10 structure as you would elevate it?

11 And then this is really a question for

12 the structural engineer: And then what impact would

13 that have to me next door on my walls?

14 And I say that knowing not that I care

15 for the condominium board, because they have to have

16 their own license agreement, but it concerns me from

17 a noise and vibration standpoint, so you understand,

18 you know, my perspective, right?

19 THE WITNESS: Sure.

20 I may have some pictures for you, but I

21 believe there is some -- there's some gaps between

22 our buildings and the neighbors. That is why these

23 side walls are so wide.

24 But, again, the engineer is not here

25 unfortunately but could speak to this more in-depth,

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1 but the way that they would generally reframe this

2 building is to remove a floor, reframe, and then

3 remove the floor and reframe, so that you don't have

4 any adverse effect either to the building to the --

5 to our structure or the adjacent structures. That

6 is generally how it is done --

7 MR. CASELLA: I'm sorry --

8 THE WITNESS: -- and the piles would

9 (Audio breaks up).

10 MR. CASELLA: I'm sorry -- "and the

11 piles" -- what was that?

12 THE WITNESS: And the piles wouldn't be

13 driven piles. They would be maybe helical piles

14 that would be done with a small machine to minimize

15 vibration, and then they also have to do vibration

16 gauges while they are doing it to make sure that

17 there is no -- that it doesn't vibrate the adjacent

18 properties or it does it under a certain acceptable

19 level.

20 MR. CASELLA: Yeah. Maybe some

21 monitoring equipment, and I assume that the attorney

22 for the applicant, Mr. Burke, has contacted the

23 adjacent properties and is seeking an agreement of

24 some type of monetary (audio breaks up).

25 I worry about it only from the

1 standpoint that I am a neighbor, but I love the
2 building industry, so, of course, I welcome things
3 that would improve the neighborhood. That's my
4 perspective.

5 I think the pool presents a quiet
6 enjoyment issue, but I would just leave it at that.

7 I appreciate the time given by the
8 Board today.

9 Thank you.

10 CHAIRMAN AIBEL: Mr. Casella, thank you
11 for your comments, and I guess what I think is a
12 great thing to me is that there will be a new use.
13 There will be an expansion of the nonconforming
14 (Audio breaks up) -- and that sort precipitates our
15 view of the detrimental impact on the pool just like
16 you.

17 So when you say that there is a quiet
18 enjoyment issue, do you care to elaborate?

19 Are you concerned that there will be
20 pool parties and unregulated --

21 MR. CASELLA: You know, I will make
22 it -- I'll make it brief.

23 Here is my position. There is a lovely
24 neighbor across the street in the Monroe Center. It
25 is the gymnasium. It's on the third floor, and they

1 love to have gym when it is open pre COVID, okay.
2 They open up their lovely banded windows on their
3 old architectural windows, and they blast their
4 music on Saturday morning, and all I ask is that
5 they close the windows.

6 Are they above the 85 decibel reading
7 that the code -- I don't know what the code is in
8 New Jersey. I'm more of a New York City guy. You
9 know, that would require over the 40 second medium.
10 Does it violate that?

11 Sure, it is does.

12 Is it a big issue for me?

13 No.

14 Does it wake up my baby?

15 Yes, it does.

16 If you are asking me what I think about
17 a pool on top of a building adjoining my property
18 when I am basically nine or ten feet, you know, in a
19 different direction, angled direction, I would say,
20 you know, to say that the pool is safer higher up is
21 not an accurate statement factually.

22 To say that the pool is only going to
23 be operated by the owner, and therefore, what are we
24 expecting, two people in the pool?

25 That just doesn't happen that way.

1 That's not reality. But I wouldn't preclude
2 somebody from wanting to build a pool. That is my
3 personal opinion.

4 But to say it in such a way in reality,
5 its use, you can expect more than two people,
6 assuming this is a husband/wife type of ownership
7 space. I don't know. But I think that it is about
8 what is the expectation and what is reasonable in
9 that space, and so from my vantage point it is
10 already loud here.

11 To add a pool to it could mix it up,
12 but I am all for people having the right to build
13 and their entitlement, so I wouldn't want to
14 preclude, you know, my testimony to say that I'm
15 against it, right?

16 I do believe that people have the right
17 to build and they're entitled to ask for it.

18 CHAIRMAN AIBEL: Is there any
19 mitigation that might help?

20 MR. CASELLA: You know, privacy screens
21 are regularly used in this business. I don't know
22 if I heard something earlier about that, but I am
23 not an architect or an engineer by trade. That is
24 not my specialty, but something along those lines
25 perhaps. But I was concerned merely with what it

1 would mean for my, you know, my adjoining space in
2 terms of noise and vibration, and that is really
3 where it ends.

4 You have to let people know. That is
5 my personal opinion. People have to truck in and
6 out just to complete demo, but there is
7 significantly more structural work here than meets
8 the eye, and that is what I wanted to draw the
9 attention of the Board here.

10 This is not an interior renovation by
11 any means, and we know it here simply by the weight
12 of the pool. The load of the pool is significant,
13 and that requires steel. Steel requires piles.
14 We're talking about block.

15 How is the block wall going to be
16 supported?

17 We have rebar and, you know, there are
18 a thousand questions you could ask, and I just
19 wanted to know what it meant for me in the adjoining
20 property.

21 But, listen, I like improvements to my
22 neighborhood, so I wouldn't preclude it. It's just
23 a question about how that is addressed. And, of
24 course, you know, Mr. Burke, I respect you deeply
25 and, you know, I appreciate you representing the

1 applicant. I know that you probably have a lot of
2 interest in this in getting it right, so I
3 appreciate that.

4 CHAIRMAN AIBEL: Thank you, Mr.
5 Casella.

6 MR. BURKE: Thank you, Mr. Chairman.
7 If I may, I want to address one thing.
8 The question I think Mr. Weaver posed to me was the
9 access of the pool -- to the pool private to the
10 owner, and my answer was yes.

11 I didn't mean to indicate that only the
12 owner would be using the pool or that it would be
13 limited to one or two people. I didn't say that. I
14 don't know how many people will use that pool, but
15 it was simply the other unit in the building would
16 not have access to that pool.

17 MR. CASELLA: How many rental units is
18 the building?

19 MR. BURKE: There's one rental unit in
20 addition to the owner.

21 MR. CASELLA: So it is two prior
22 nonconforming uses, and you're looking to do the
23 interior renovation to conform with the prior
24 nonconforming. Is that the -- is that the tact that
25 we are going with this application?

1 MR. BURKE: I am not following. Can
2 you say that again?

3 MR. CASELLA: Yeah.

4 It is prior nonconforming use on the
5 building (audio breaks up) for Hoboken, what is
6 the -- you are below the 40 foot height?

7 MR. BURKE: Yes. Again, the only
8 variance requested here is a masonry variance.
9 Everything else is in compliance except Ms. Worstell
10 will get into the technical variance which Mr.
11 Grana, Commissioner Grana, had talked about as well.

12 MR. CASELLA: I didn't want to detract
13 from the -- I wasn't looking to distract from the
14 hearing today. I just wanted to know about the rear
15 walls and what the intention was of the structural
16 engineer and what that meant for me as the neighbor.
17 But that was my only -- only aspect of this, not to
18 take away from your initial reasoning for the
19 hearing.

20 CHAIRMAN AIBEL: Thank you, Mr.
21 Casella.

22 Any other --

23 MR. BURKE: I can mention for the
24 Board, Mr. Chairman, that any damage done to any
25 building adjacent as a result of the work done is

1 the responsibility of the owner and his insurance
2 carrier. So notices do go out to adjacent owners
3 stating that work is going to be done, and that puts
4 them on notice, so they can send that to their
5 carrier in case anything does happen.

6 MR. CASELLA: Mr. Burke, have you ever
7 had damage to an adjoining property, because I have,
8 and it is not pleasant to go through a carrier.

9 I would want to make an effort to try
10 to preclude those type of experiences.

11 MR. BURKE: I concur. I concur, but
12 that is the way to do it. I concur if you work it
13 out, that is even better.

14 MR. CASELLA: Yeah, I agree.
15 Thank you very much.

16 CHAIRMAN AIBEL: We have made a virtual
17 introduction for you two to continue the discussion
18 at some other point, but let's finish the hearing.

19 Is there anybody else from the public
20 that would wish to ask Mr. Vasil questions during
21 the questioning portion?

22 Hearing none, can I have a motion to
23 close the public portion?

24 COMMISSIONER GRANA: Motion to close
25 public portion.

1 COMMISSIONER MURPHY: Second.

2 CHAIRMAN AIBEL: All in favor?
3 (All Board members answered in the
4 affirmative)

5 CHAIRMAN AIBEL: Thank you.
6 Mr. Burke?

7 MR. BURKE: Thank you, Mr. Chairman.
8 My other witness is Carolyn Worstell,
9 and first, Counsel, would you please swear her in?

10 MR. ROSE: Yes, I will.

11 Ms. Worstell, would you please raise
12 your right hand.

13 Do you swear or affirm the testimony
14 you are about to give in this matter is the truth,
15 the whole truth, and nothing but the truth?

16 MS. WORSTELL: I do.

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

19 MR. ROSE: Okay. And can you state
20 your name and spell your last name for the record,
21 please?

22 THE WITNESS: Carolyn Worstell. Last
23 name is W-o-r-s-t-e-l-l.

24 MR. ROSE: Okay. Can you state your
25 qualifications and the last three Boards you

1 appeared before in New Jersey?
 2 THE WITNESS: I have been previously
 3 qualified before this Board.
 4 Professional Planner's License No.
 5 33LI00645000.
 6 I am a member of the American Institute
 7 of Professional Planners. I have my masters in city
 8 regional planning from the Edward J. Bloustein
 9 School for planning and public policy.
 10 I have more than five years experience
 11 as a planner both in New York and in New Jersey.
 12 I work at Dresdner Robin and I work
 13 with --
 14 MR. BANISCH: I'm sorry. Frank Banisch
 15 here.
 16 I certainly can recommend that we
 17 accept Carolyn's credentials for the purposes of
 18 this hearing.
 19 CHAIRMAN AIBEL: Agreed.
 20 Thank you, Mr. Banisch.
 21 MR. ROSE: Thank you.
 22 MR. BURKE: Carolyn, I would like you
 23 to just walk through the proofs regarding the
 24 variances requested, and you heard Commissioner
 25 Grana was concerned about the more technical --

1 so-called what I call technical variance, so please
 2 go into some detail on that.
 3 THE WITNESS: Correct.
 4 So this is sort of a technical
 5 variance. The building is a nonconforming structure
 6 with regard to the building rear yard setback, which
 7 is 8 feet 9 inches existing, and its lot coverage
 8 which was, as stated before, 92 percent.
 9 The technical variance is because the
 10 building -- the proposed alterations will not bring
 11 the building into conformance.
 12 The project itself does not propose any
 13 alterations that would increase those
 14 nonconformities. We are going to be within the same
 15 footprint that the building currently occupies,
 16 especially on that first and second floor, which is
 17 where the variance is.
 18 The project really won't have an
 19 increased impact to the rear yard and the adjacent
 20 residential properties. It is still an existing --
 21 the setback is there. There is an existing roof
 22 deck on top of that bumpout in the back.
 23 There were proposed changes, you know,
 24 there is a pergola there now. It would be removed,
 25 and there would be increased, you know, with the

1 privacy by pulling the setback -- pulling the roof
 2 deck back those three feet, which is required, and
 3 from the two side lot lines, and we would also be
 4 removing -- there is a wood deck on the ground at
 5 the rear, which would be removed, and gravel would
 6 be replaced.
 7 So, again, the technical is that we are
 8 not bringing the building into conformance, but we
 9 are also not increasing our nonconformity.
 10 Additionally, originally when we were
 11 looking at this, we had a rooftop coverage variance.
 12 That has been eliminated.
 13 We are in compliance with 50 percent of
 14 the roof is a green roof, and obviously as we
 15 discussed before, we do have the building facade
 16 variance, where I believe it is 58 -- 8.9 percent
 17 masonry, where we are required to have 75 percent.
 18 The facade as proposed, you know, it is in a
 19 neighborhood that has a variety of materials that is
 20 not the typical Hoboken neighborhood with all of the
 21 brick. There is stucco nearby. There's stone,
 22 brick, metal, wood all within just a couple
 23 buildings on either side of this property, so it
 24 would be consistent with the neighborhood with that
 25 facade.

1 And then as Mr. Vasil testified, you
 2 know, it was designed to bring up and enliven that
 3 facade, to lighten it, to make it, you know, with a
 4 mixture of the materials.
 5 The project is consistent with the
 6 master plan, which recommended that, you know,
 7 ensuring a variety of varied housing stock, a
 8 mixture of unit sizes to support an array of
 9 household types.
 10 The project advances the Municipal Land
 11 Use Law, promotes the general welfare and
 12 provides -- and provides improvised -- housing. It
 13 maintains the appropriate density. We are at two
 14 units now. Given the lot size, I believe that four
 15 units could be built on this site, but there is two
 16 now, and it is going to be maintained as a
 17 two-family home, and it promotes the visual
 18 environment with the facade improvements.
 19 Overall, the benefits of this project
 20 would outweigh the detriments. You know, we are
 21 removing that deck at the rear yard, and we are, you
 22 know, replacing it with gravel which would help with
 23 some of the infiltration.
 24 We are providing 50 percent of the roof
 25 to be a green roof. There is no green roof now, so

1 that would be 50 percent more than what is there.
2 And overall, the improvements to the interior of the
3 structure would help bring the building into
4 conformance with flood plain requirements, where as
5 right now it is in noncompliance.

6 The project won't result in such a
7 substantial detriment to the public good. We are
8 not increasing density. You know, we are
9 maintaining the two-family residential use.

10 The lower roof deck on top of that sort
11 of second story is existing, and we are going to be
12 bringing it in, providing those three foot setbacks,
13 which are required.

14 The upper roof deck amenities are
15 essentially located on the deck. They will have,
16 you know, a setback from all sides, the three feet
17 as required, and more in the front and back with the
18 green roof surrounding.

19 And the variance is -- granting the
20 variances would not result in a substantial
21 impairment to the intent and purpose of the zone
22 plan. The project is consistent with the R-3
23 District, which encourages conservation and
24 rehabilitation of existing residential blocks and
25 supporting residential revitalization.

1 MR. BURKE: Thank you.

2 CHAIRMAN AIBEL: Are there any
3 questions from the Board, Board members?

4 COMMISSIONER GRANA: Chairman, I will
5 ask -- I'll go first.

6 All right. So thank you for your
7 testimony.

8 So I guess my one real question about
9 the application has to do with the fact that, you
10 know, when you are looking at taking a structure
11 such as this and trying to I think as you described
12 it, you know, make improvements to the building for
13 the benefit of the building, for the benefit of the
14 neighborhood and so forth, but it is an existing
15 nonconforming building.

16 Relief can't be granted for that, but
17 at the same time there are a lot of questions about
18 the kinds of changes that are going to go on with
19 respect to this property.

20 So here is my question. I am merely
21 asking you to add to your testimony for the record,
22 and it is this: Is what we are doing to this
23 building because the project looks like fine, but
24 here is what we are doing to this building.

25 Are we rehabbing the existing

1 structure, and is there a percentage that would then
2 qualify it to be considered a rehab, or are we past
3 that point, and we are actually, you know,
4 constructing what is a new structure?

5 And that is the -- that's the part of
6 the technicality that just needs to be clear I think
7 before this Board can vote.

8 You know, they may have questions what
9 is going there and what is not, but I think that is
10 an essential question that just needs to be
11 answered.

12 Is this a rehabilitation, and that is
13 what justifies the continuance of the nonconformity,
14 or is it something more?

15 Can someone answer that question?

16 MR. BANISCH: Tony, I think if the
17 perimeter remains and the interior is being gutted
18 and replaced, that is a gut rehabilitation, but if
19 the building is still there, it is a rehab (audio
20 breaks up).

21 If you tear down this building and put
22 up a new one, but within the frame of this building,
23 if you reconfigure things, that is what I would
24 consider a gut rehab. I'll let Carolyn answer that
25 question.

1 COMMISSIONER GRANA: Thank you, Frank.

2 And just for the benefit -- for my
3 benefit, thank you, Frank.

4 Will the applicant's planner also
5 substantiate that statement?

6 THE WITNESS: Yeah. I mean, you are
7 keeping the side walls of the building. I mean, the
8 building is still there, even if there is a lot of
9 moving pieces moving within it, there is still part
10 of that existing structure that is being renovated
11 and rehabilitated.

12 CHAIRMAN AIBEL: Also is the bulk --
13 COMMISSIONER GRANA: Thank you.

14 CHAIRMAN AIBEL: -- is the bulk of the
15 building increasing in the rear yard?

16 THE WITNESS: No, I don't believe so.

17 MR. BURKE: No, it is not, Mr.
18 Chairman.

19 MR. VASIL: No, sir.

20 CHAIRMAN AIBEL: All of the renovations
21 will be within the existing four walls of the
22 building?

23 MR. BANISCH: That is my understanding.

24 MR. BURKE: That's correct.

25 You can see the existing and proposed,

1 they match.

2 MR. NASH: But they are changing the

3 floors. The floor heights -- the floors are going

4 to be at a different level, so it affords the

5 opportunity to bring the noncompliant things into

6 compliance in removing variances.

7 MR. BURKE: One of those is the floor.

8 One of those is the floor and ceiling. It's eight

9 feet, and now it will be ten. That's exactly --

10 MR. NASH: I know. As I said, it gives

11 you a great opportunity to remove the front roof

12 decks that are noncompliant.

13 MR. BURKE: Well, we will take that

14 under consideration.

15 MR. NASH: You have a clean slate. You

16 have a new pallet to work with, floor to floor.

17 MR. BURKE: Mr. Nash, I hear your

18 point, and we will take that under consideration

19 after we hear all of the comments, but the point was

20 made earlier that this may provoke a variance to

21 have the loggias or decks or whatever you want to

22 call them, and we have to consider that, because we

23 do not want to have a vote taken, if a variance was

24 not requested.

25 COMMISSIONER GRANA: Mr. Chairman, if I

1 may -- is that Dan -- go ahead, Dan.

2 COMMISSIONER WEAVER: And as far as

3 the -- the logistics -- you know, the structure

4 remains. There is also testimony given that they

5 would be using helical piles, so I am not really

6 sure how much of the existing structure is holding

7 up the new building, other than the fact that it is

8 just holding up itself and not falling down, and by

9 that I mean the walls. The walls may be remaining,

10 but they're not taking additional load because of

11 probably the helical piles, which will provide the

12 structure of the building.

13 You know, Mr. Vasil, of course, can

14 speak to that, what exactly the existing, the quote,

15 unquote, structure is doing, but I think it's

16 just -- and I don't hold this against you, right, it

17 sounds like it's just there to put that (audio

18 breaks up) -- front hole into the, you know, where

19 you're using the existing building is a renovation,

20 it's not a tear-down, you know. It may be a

21 loophole. You know, there's two sides of that

22 question. (Audio breaks up).

23 Thank you.

24 THE REPORTER: You know what, Dan, your

25 voice is very broken up.

1 COMMISSIONER GRANA: Well, I don't know

2 what you missed, Phyllis, but I think Dan is really

3 asking the same question that I am asking. And all

4 I can rely on is the testimony of the professionals

5 to say what we are looking at here is a

6 rehabilitation that will reside within the existing

7 envelope of the structure. And, you know, a

8 loophole or no loophole, is if that is the

9 testimony, then that is what I have to go on. I

10 think Dan and I are asking the same question and

11 acknowledging that there may be, in fact, a

12 loophole.

13 CHAIRMAN AIBEL: I am not so sure you

14 are correct, Antonio.

15 I guess the question that we are sort

16 of dancing around, though, is in the earlier cases

17 in which we have, in fact, been confronted with the

18 reuse of a building. We as a Board try to make it

19 as plain as possible that the existing building is

20 actually used, and under, you know, Dan's theory in

21 effect the exterior walls are simply going to be

22 kept there to allow for a new building to be

23 constructed within those existing walls without

24 actually having any function.

25 So adaptive reuse, if we are looking at

1 it from that perspective, there are some issues both

2 factual and (audio breaks up) that we ordinarily

3 would consider. I am not sure that is the direction

4 that we want to go as the Board, but --

5 COMMISSIONER GRANA: I just want to

6 add, Chairman, I think that point is exactly why we

7 are asking these questions.

8 COMMISSIONER MURPHY: Yeah, because my

9 feeling is that any opportunity we have to have a

10 building come more into conforming, you know, is

11 important, and if, in fact, those walls are not

12 being used in the building, maybe we can make it

13 less lot coverage. I mean, it is really just a

14 storage space anyway at this point, so I don't know.

15 CHAIRMAN AIBEL: So maybe let me ask

16 Ms. Worstell another factual question.

17 No one has really taken the opportunity

18 to describe the rear yard and the donut.

19 What exists in the rear yard that could

20 be improved by a more conforming building than the

21 one that exists today?

22 THE WITNESS: Are you speaking of just

23 this building or just generally the donut of the

24 block?

25 CHAIRMAN AIBEL: The donut of the

1 block, how it fits into the rest of the interior of
 2 the block.
 3 THE WITNESS: Right.
 4 So you can sort of see in this image
 5 right here, so the donut is not your typical. There
 6 is some green, you know, and rear yard along the
 7 Monroe Street, but then on the other street there is
 8 mostly -- there's parking. You know, directly to
 9 the rear of us there's a parking lot. And then if
 10 you go I guess it is south -- north -- north, this
 11 sort of covered area, that is parking, I believe for
 12 this building here, which is on -- what street is
 13 that -- Madison.
 14 So it is a mixture. You do have some
 15 rear yards, but you also have parking and directly
 16 to the rear of this property is a parking lot.
 17 CHAIRMAN AIBEL: Thank you.
 18 MR. VASIL: Excuse me, Chairman.
 19 Could I make a quick point, please?
 20 CHAIRMAN AIBEL: Yes.
 21 MR. VASIL: Just a point of
 22 clarification is that the two side walls will be
 23 used for structural purposes.
 24 The only reason that we have piles is
 25 to support the pool on the roof. So if you kept the

1 floor-to-floor heights as they were, just in theory,
 2 we are not required to raise the floor-to-floor
 3 heights. It is a request, and we are under the 40
 4 feet, which is conforming. But if you kept the
 5 floor-to-floor heights, we would not have to reframe
 6 the structure, so if that were going -- I feel like
 7 we are going down this road that we are trying to
 8 keep the structure that's not being used, that is
 9 not the case. We would still be using the two side
 10 walls, their footings. Those would all be reused.
 11 It's just the floors would be framed at a different
 12 elevation.
 13 And with respect to what is happening
 14 in the back of the building, we propose not to do
 15 anything there. We proposed the two-story space,
 16 but because of the flood plain issues with that
 17 being used below design flood elevation, we decided
 18 to fill that -- it was suggested to fill that in,
 19 and we complied with that, so I -- just my two
 20 cents.
 21 CHAIRMAN AIBEL: Well, thank you.
 22 MR. BURKE: Hang on. I want to ask you
 23 a question, Jensen.
 24 If you left the floors at 8 feet,
 25 right?

1 MR. VASIL: Right.
 2 MR. BURKE: What impact would that have
 3 on the structure as far as what engineering would
 4 have to be done, what work would have to be done,
 5 different than we are proposing?
 6 MR. VASIL: The difference would be we
 7 wouldn't -- you know, you wouldn't have to reframe
 8 certain portions obviously to be higher. But if you
 9 just kept the floors where they were, they would
 10 have some reframing around the new stair locations.
 11 The elevator is the same location. The
 12 elevator shaft -- shaft would be the same, and then
 13 you are still going to have columns being dropped
 14 with helical piles in the basement, but otherwise,
 15 the floors could remain.
 16 MR. BURKE: So my question, and I want
 17 to say this: It's a question and a comment I guess
 18 is that the applicant is actually taking eight foot
 19 floor to ceiling and turning it into ten, which is
 20 eliminating the nonconformity, and so that seems to
 21 be also triggering more structural work to be done,
 22 but that is for a good reason, which is to comply.
 23 MR. VASIL: Correct. Both that and
 24 filling in that two-story space in the back is a lot
 25 of framing, and I would agree with that. But it is

1 making it more compliant, so there is a position
 2 they wouldn't have to reframe those because of the
 3 pool. I would -- wouldn't put in that -- those
 4 contexts, or even they wouldn't have to reframe it
 5 to have the masonry there, and so they wouldn't have
 6 to reframe it for the other -- the other features of
 7 the building.
 8 CHAIRMAN AIBEL: Board members, do we
 9 have any further questions for the planner?
 10 Hearing none, let me open it up to the
 11 public.
 12 Is there anybody on the call who would
 13 like to ask Ms. Worstell questions about her
 14 testimony?
 15 COMMISSIONER WEAVER: Motion to close.
 16 COMMISSIONER GRANA: Second.
 17 CHAIRMAN AIBEL: All in favor?
 18 (All Board members answered in the
 19 affirmative)
 20 CHAIRMAN AIBEL: Thank you.
 21 Mr. Burke, anything else?
 22 MR. BURKE: No other witnesses, Mr.
 23 Chairman.
 24 I would like a few comments, if you are
 25 prepared to do that. If not, I will wait.

1 CHAIRMAN AIBEL: Let me at this point
 2 open it up to the public for comments.
 3 Does anybody wish to comment on the
 4 application?
 5 Hearing none?
 6 COMMISSIONER WEAVER: Motion to close.
 7 COMMISSIONER GRANA: Second.
 8 CHAIRMAN AIBEL: All in favor?
 9 (All Board members answered in the
 10 affirmative)
 11 CHAIRMAN AIBEL: Thank you.
 12 Go ahead, Mr. Burke.
 13 MR. BURKE: Not repeating what has been
 14 said by (audio breaks up) and others, I just want to
 15 point out the project itself, not only will it now
 16 comply with the flood regulations, but again, the
 17 floors (audio breaks up) will turn into 10 feet,
 18 which is now compliant with the code, and I also
 19 want to pull out -- I'm sorry -- mention the
 20 balconies that Mr. Nash spoke of.
 21 The Board has said that is a variance.
 22 So to move forward with this application, we should
 23 amend the application to eliminate those
 24 variances -- those balconies, and that therefore
 25 eliminates that variance.

1 But with regard to the pool, there is
 2 no proof that that does require a variance. We
 3 believe it does not, and I have heard nothing to say
 4 definitively that it does require a variance.
 5 So we want to keep that pool, and I am
 6 only going to ask the Board to vote on the variance
 7 which is being requested, which is the facade, and
 8 then the technical variance, which we have gone over
 9 as far as the structure and the noncompliance of
 10 parts of the building, which are not being changed
 11 in any manner. They are not being augmented.
 12 They're not being increased.
 13 So, again, I just ask the Board to
 14 focus on the facade, and whether they think that is
 15 an attractive feature, and the rest is interesting,
 16 but it should not be a factor in the vote.
 17 CHAIRMAN AIBEL: Thanks, Mr. Burke.
 18 MR. BURKE: Thank you, Mr. Chair.
 19 CHAIRMAN AIBEL: So the application is
 20 subject to one amendment that Mr. Burke just
 21 identified, so the loggia will be eliminated.
 22 With that caveat, does anybody wish to
 23 have a conversation about whether the fenestration
 24 ought to be approved?
 25 COMMISSIONER WEAVER: Yes, Mr.

1 Chairman.
 2 CHAIRMAN AIBEL: Thanks, Dan.
 3 COMMISSIONER WEAVER: I will try my
 4 video again just to see if it is working.
 5 I appreciate the flexibility on the
 6 part of the applicant and the legal team, and I
 7 just, you know, all too often these applications
 8 come in peaceful, and we wind up approving them
 9 without actually having a look at -- really a look
 10 at what is being proposed until we get the, you
 11 know, the resolution and we all realize, and we are
 12 asked to vote on it.
 13 So although I have -- I have all of the
 14 faith in the world in Mr. Vasil and his ability to,
 15 you know, compose a really elegant facade, which
 16 doesn't necessarily have the brick that is required
 17 and the amount of brick required, I believe this can
 18 be a very beautiful building especially given its
 19 unique location, you know, through the testimony of
 20 the planner, which I generally agree with.
 21 I would like to see that elevation
 22 (Audio breaks up)
 23 THE REPORTER: Dan, you would like to
 24 see what, Dan?
 25 COMMISSIONER WEAVER: I would like to

1 see Mr. Vasil's amended elevations before we vote.
 2 THE REPORTER: Thank you.
 3 COMMISSIONER MURPHY: I am kind of in
 4 agreement because if you are getting rid of the
 5 loggias, it might change what you decide to do
 6 there, so I would say I would like to see it as
 7 well.
 8 COMMISSIONER GRANA: So, Chairman,
 9 before I deliver my comments, do you think this
 10 request from these two Commissioners ought to be
 11 tackled before there is further deliberation, or
 12 would you like me to keep going?
 13 CHAIRMAN AIBEL: No. I guess let me
 14 just make sure I understand, Dan.
 15 You want to see a new set of drawings
 16 before we actually vote, or can we vote subject to
 17 the review of drawings?
 18 COMMISSIONER WEAVER: Yes. I would
 19 like to see the drawing before we vote.
 20 COMMISSIONER MURPHY: I agree.
 21 CHAIRMAN AIBEL: Mr. Burke, do you want
 22 to comment on that?
 23 MR. BURKE: Well, I will throw it back
 24 at Mr. Vasil, if we can get those drawings revised,
 25 and I think you're talking maybe one or two -- I am

1 not going to simplify it -- but one or two pages of
 2 the drawings, and we could perhaps have this back by
 3 next week. Is that possible?
 4 He muted himself I think.
 5 MR. VASIL: Yes, it is possible.
 6 MR. BANISCH: That is because he was
 7 afraid to say yes.
 8 (Laughter)
 9 MR. BURKE: All right. So that being
 10 the case, then we would agree to do that.
 11 COMMISSIONER GRANA: So, Chairman, do
 12 you want to hear the rest of the deliberations
 13 before we --
 14 CHAIRMAN AIBEL: No, I think I'd
 15 like --
 16 COMMISSIONER GRANA: -- go ahead.
 17 CHAIRMAN AIBEL: Go for it, Antonio.
 18 COMMISSIONER GRANA: So, you know, I am
 19 kind of leaning here with Commissioner Weaver, and I
 20 will tell you, though, the one place I am -- I am
 21 actually struggling with the facade choice on the
 22 building. I am fairly familiar with the area
 23 because it's by Monroe Center, so I am familiar with
 24 what is across the street, and it is an unusual
 25 building, and it will require a creative solution to

1 improve it.
 2 But I generally don't have a lot of
 3 faith about the facade. If we are saying that that
 4 is the only matter on which we are voting now with
 5 the change in the loggia, to remove move that as an
 6 area that needs relief, then that is the extent of
 7 my comments, Chairman.
 8 My only concern is I guess I will say
 9 this for the applicant. I would think they would
 10 have done better without the term "technical
 11 variances" in the language because I think we would
 12 do much better with a black or white with this,
 13 which is to say the facade, we have gone through
 14 this, the facade and the loggia, which is going to
 15 be removed. The facade is the only thing really in
 16 the purview of the Board right now. Everything else
 17 we have confirmed. It's effectively an interior
 18 renovation, and then we don't have to worry about
 19 this technical variance problem.
 20 So that would be my one concern, but it
 21 is a unique property, and it requires a great
 22 solution. Those would be my general comments.
 23 CHAIRMAN AIBEL: Thanks.
 24 Other Board members, anybody wish to
 25 have a comment noted before we carry it to next

1 week?
 2 COMMISSIONER GRANA: Jim, can I just
 3 add one thing?
 4 CHAIRMAN AIBEL: Sure.
 5 COMMISSIONER GRANA: And I am so sorry.
 6 When that word is used, "technical
 7 variance," that implies I need to consider it.
 8 COMMISSIONER MURPHY: And I am just
 9 going to agree with Antonio on that. I -- I -- it
 10 kind of throws me. I feel like it gives me, you
 11 know, pause for concern, and I am a little confused
 12 with it, so...
 13 CHAIRMAN AIBEL: Well, let's not --
 14 COMMISSIONER WEAVER: Well, I think it
 15 minimizes the, you know, the importance of that, you
 16 know, that threshold for, you know, if we need to
 17 consider it or not, right?
 18 It's like, oh, it's just a
 19 technicality, the fact that -- well, no, it is
 20 actually -- you are not -- you are not lessening the
 21 lot coverage, which is, you know, probably what it
 22 is, you know. It is not a technical variance. It's
 23 a true and honest variance that should be evaluated
 24 for all that it is worth.
 25 COMMISSIONER GRANA: I agree, Dan, or

1 tell me with your legal expertise that it is not.
 2 So I agree, Dan. It either is or it
 3 isn't. That is it.
 4 MR. BANISCH: A variance is a variance.
 5 COMMISSIONER WEAVER: And honestly, you
 6 know, (audio breaks up) you know, just like before,
 7 we had to carry that earlier item on the agenda
 8 because it wasn't -- it wasn't noticed properly. It
 9 is like if we had the proper noticing, public
 10 noticing, you know, to display for people, or
 11 whether we had proper ordinances to address this,
 12 quote, unquote, technical variance, you know, we
 13 wouldn't be spending time on this. It would be a
 14 lot easier for the applicant.
 15 You know, I am not saying make it
 16 easier on me. It's just like to make it easier on
 17 people when they try to, you know, when they try to
 18 build something like that. Now they have to wait
 19 another week because it wasn't quote, unquote,
 20 noticed properly and, you know, we have to wait
 21 another week because of this technical variance.
 22 MR. BURKE: Hang on. I know this -- I
 23 shouldn't chime in now, but we did notice for that.
 24 We did include that in the notice --
 25 COMMISSIONER WEAVER: Let me say there

1 was a dispute as to whether it was noticed properly.

2 I'm not indicating that you didn't notice properly.

3 MR. BURKE: Oh, I thought you said we
4 did not -- you indicated we didn't include it.

5 COMMISSIONER WEAVER: No, sir.

6 MR. ROSE: Mr. Burke, if I could just
7 jump in for a moment.

8 Can you just clarify for the Board
9 exactly what this technical variance means?

10 Is it a C variance, because it is not
11 complying with the section in the Hoboken code about
12 reconstruction of a nonconforming structure?

13 MR. BURKE: That is correct.

14 Carolyn, if you would, you had
15 testified -- just give the Board the 20 seconds of
16 that testimony because I think you described it
17 well.

18 MS. WORSTELL: Right. It relates to --
19 I can get Section 196-5.1, where it talks about
20 nonconformity.

21 The building is a nonconforming
22 structure with regard to the rear yard setbacks and
23 the lot coverage, and in that section it basically
24 requires that, you know, that we need a variance
25 because we are proposing alterations to a

1 nonconforming structure that does not bring it into
2 conformance with regard to the rear yard setbacks
3 and the lot coverage.

4 MR. BURKE: The fact that it doesn't
5 bring it into conformance --

6 MS. WORSTELL: Is the reason we need
7 the variance.

8 MR. BURKE: Correct. But it is
9 not --it's not exacerbated --

10 MS. WORSTELL: No, no, exactly.
11 We are not increasing -- we are not
12 increasing the nonconformity. We are just not
13 decreasing it.

14 MR. BURKE: Okay.

15 Does that answer the question,
16 Commissioner Weaver?

17 COMMISSIONER WEAVER: For bringing it
18 into compliance.

19 MS. WORSTELL: Correct. I think that
20 is another way of saying --

21 COMMISSIONER WEAVER: Thank you.

22 MS. WORSTELL: -- yeah

23 MR. BURKE: Thank you.

24 COMMISSIONER GRANA: I have a question
25 for Mr. Banisch, if I may.

1 Frank, this term -- are you there,

2 Frank?

3 CHAIRMAN AIBEL: Frank, are you here?

4 MR. BURKE: We lost him.

5 COMMISSIONER GRANA: So,

6 Commissioner --

7 MR. BANISCH: I am sorry. I'm sorry,
8 Antonio. I am here. It took me that long to unmute
9 myself. I apologize.

10 COMMISSIONER GRANA: That is okay.

11 So, Frank, this is my question.

12 You have heard the last, you know, few
13 minutes of conversation roll by, and I am really not
14 trying to -- I actually think -- I am not (audio
15 breaks up) to redevelop their property, but if that
16 is what they are doing, but there is a fuzziness
17 here that I just think it keeps going back and
18 forth, so I am going to frame it this way.

19 What is the difference between this
20 technical variance, which means I am not adding to
21 the nonconformity. I am not removing the
22 nonconformity, but I am not adding to it.

23 What is the difference between that and
24 for an application like this to actually just have
25 to say we need a variance for lot coverage?

1 What's the difference, because they are
2 not asking for a variance for lot coverage.

3 MR. BANISCH: No. But it is more a
4 question, Antonio, I think the real point of this is
5 if you are asking for relief for something here, and
6 if we care about something else here, like the
7 coverage, what can you do in this application to
8 demonstrate that you can come more into conformity,
9 because there is no preexisting qualification --
10 once these changes are happening, you are basically
11 granting the variances for the existing conditions
12 because they don't conform. So you're not just
13 being -- the technical variance aspect means if you
14 want to let what's there already go ahead, you can
15 do that and call it technical.

16 But the truth is, if you want to say in
17 this reconfiguration we want to see something that
18 comes closer to what we are looking for here, you
19 get to put conditions on the approval that would say
20 that.

21 So I hope I am answering your question
22 directly.

23 COMMISSIONER GRANA: Yeah.

24 I just feel like we both danced around
25 that, about the lot variance piece, and I just want

1 to say it would have been -- it doesn't even shoot
2 down the application. I think it would have been
3 simpler, if it needed to be addressed that we
4 address it.

5 But I am going to stop there, Chairman.
6 CHAIRMAN AIBEL: Any other Board
7 members, any comments?

8 COMMISSIONER SMOLYN: I may have a
9 minority opinion here, but I like the loggia on the
10 front facade quite a bit. I think it adds, as the
11 architect said, a degree of depth to an otherwise
12 kind of flat block that is typical of northwest
13 Hoboken.

14 I appreciated Mr. Vasil's I think
15 references to the kind of heritage structure across
16 the street and his characterization of the existing,
17 and I also believe the proposed building was
18 strange. I don't think that is a negative thing for
19 this specific instance, and I think -- I encourage
20 him to kind of explore that further as he figures
21 out how to infill that loggia piece that I guess is
22 going away and we are going to take a look at the
23 drawings of next week.

24 COMMISSIONER WEAVER: Steve --

25 MR. BANISCH: Can I just interrupt?

1 I'm sorry to interrupt, Dan.

2 COMMISSIONER WEAVER: Sure, sure, sure,
3 sure, sure.

4 MR. BANISCH: It sounded to me like
5 Steve was saying that, if he had his druthers, the
6 loggia would be an attractive feature rather than --
7 a feature sufficiently attractive to warrant a
8 variance rather than getting rid of it.

9 Did I misunderstand you, Steve?

10 COMMISSIONER SMOLYN: I think that is
11 correct. It would offer a degree of kind of, you
12 know, push and pull, that not a lot of facades have.
13 I think it is a kind of an unfortunate scenario.

14 MR. BANISCH: It might add interest to
15 the street scape.

16 COMMISSIONER SMOLYN: Yes.

17 MR. BANISCH: Thank you very much.

18 COMMISSIONER WEAVER: And, Steve, I
19 tend to agree with you.

20 THE REPORTER: Dan, did you say you do
21 agree or you don't?

22 COMMISSIONER WEAVER: I do, I do. I'm
23 sorry, Phyllis.

24 I tend to agree with you, and -- but I
25 think the lack of a 3-D view, a lack of comparison

1 to other types of outdoor -- I don't want to call
2 it -- well, it's called private space, outdoor
3 private space on the street, which there are a
4 number of I think very good and successful and
5 appropriate installations in Hoboken. I think if
6 the owner still wants to -- if the owner still
7 wanted to, you know, try to get this type of -- you
8 know, we have -- we haven't advertised for that
9 variance, so I don't know how we would -- I don't
10 know what the administrative requirements would be
11 for that. But I see Mr. Smolyn's point, and I do
12 tend to agree with Steven more often than not.

13 My only point was I don't want to vote
14 for something -- I am sure Mr. Vasil can compose,
15 maybe not equally as a good facade, but a good
16 facade, a very good facade by removing these
17 loggias, if you will, but I don't want to vote on it
18 until I see it.

19 So that being said, I do agree with Mr.
20 Smolyn. If the -- I don't want to say that they are
21 completely off the table, but that is their
22 decision. I think it could be successful, you know,
23 I think we are going to give it another week, right?

24 CHAIRMAN AIBEL: Let's just do it this
25 way.

1 Mr. Burke, did your notice encompass
2 the need for a variance for the loggias?

3 MR. BURKE: The notice did not include
4 the loggia variance because we did not believe it
5 required one, and Mr. Nash earlier on said he
6 believed it did, and Mr. Banisch concurred, so we
7 withdrew that.

8 Now, I do -- and this goes to Mr.
9 Rose -- I do put general language in the notice that
10 any and all variances that the Board may deem
11 appropriate, so the general language is in there.
12 So if that is part of that general statement, then
13 the Board could consider that as an additional
14 variance.

15 If not, I do not want to renote for
16 that and carry the matter another 30 days or
17 anything of that nature.

18 CHAIRMAN AIBEL: Chris, and, Frank, are
19 you okay with the notice encompassing this
20 particular issue?

21 MR. BANISCH: I believe the notice is
22 sufficient. I am not an attorney, but I have seen
23 this done a lot in the past, and it seems
24 reasonable.

25 MR. NASH: Yeah. I defer to Herschel

1 on that, but it seems reasonable.
 2 MR. ROSE: I mean, you included the
 3 language that all -- any other notice being
 4 required, so I don't think it is a big problem for
 5 notice in terms of getting new plans for next week.
 6 That is another issue the Board can consider that,
 7 but I think for notice, you are okay.

8 CHAIRMAN AIBEL: So I think the way we
 9 are coming out on this, Jim, is that we will carry
 10 it to next week.

11 It is your choice to pursue the plans
 12 that exist today and act -- and affirmatively seek
 13 the variances needed for the loggia, or you can
 14 abandon it as you choose. And then I think subject
 15 to a quick conversation about those changes, if any,
 16 next week, we would be in a position to very quickly
 17 come to a decision and vote.

18 MR. BURKE: Thank you, Mr. Chairman.
 19 The only question I had, and a number
 20 have voted -- or not voted -- but seemed to be in
 21 favor of something there, a loggia or something like
 22 it, but I am not sure if that is the majority, so I
 23 don't want to include that and then have to withdraw
 24 it again unless at the next --

25 MR. BANISCH: Mr. Burke, I don't want

1 to make your architect's job a lot tougher, but I
 2 think if the Board could get a chance when you come
 3 back to see the two alternatives with or without the
 4 loggia, and then pick from those. It will be your
 5 choice to assert the one you would advance as your
 6 application, but if the Board could see the two of
 7 them and say, "Oh, you know, clearly that one is a
 8 good one," I think it is not a whole lot for
 9 Jensen -- I shouldn't say it like that. Jensen will
 10 get it done because it is the same building with
 11 some minor modifications.

12 But I do think that seeing the two side
 13 by side will make it very easy for the Board to
 14 answer your question, and without seeing a picture
 15 of what it looks like, they probably can't give you
 16 (audio breaks up) and still prosecute that either it
 17 as a variance or a nonconformity, whatever you
 18 believe it should be.

19 MR. BURKE: Thank you.

20 That is good advice.

21 CHAIRMAN AIBEL: Board members, any
 22 other comments before we ask for a motion to carry?

23 COMMISSIONER WEAVER: Motion to carry.

24 CHAIRMAN AIBEL: Thank you.

25 COMMISSIONER WEAVER: Sorry, Steve.

1 COMMISSIONER SMOLYN: I was --

2 COMMISSIONER MURPHY: Second.

3 COMMISSIONER SMOLYN: -- I was just
 4 going to request, I think, Dan, you actually asked
 5 for it, but would it be possible to get a southwest
 6 isometric drawing with and without loggia schemes
 7 just to quickly understand I guess what we are
 8 looking at next week?

9 MR. VASIL: I have the sketch up model
 10 I didn't present because it is not the best (audio
 11 breaks up), but I could touch them up enough in
 12 Photo Shop to get the with and without. So I mean,
 13 I can -- the massing model is -- (audio breaks up).

14 THE REPORTER: It would just have the
 15 what?

16 MR. VASIL: The massing model is
 17 constructed, is physically built, and I would just
 18 have to amend it to show both the loggia and a non
 19 loggia version.

20 MR. BANISCH: That is the only reason I
 21 said that Jensen could do that really quickly
 22 because he has the model built already, so thank you
 23 for that, Jensen.

24 COMMISSIONER SMOLYN: I think a black
 25 and white drawing would be sufficient, but whatever

1 you're comfortable with, Jensen.

2 CHAIRMAN AIBEL: We have a motion to
 3 carry --

4 COMMISSIONER WEAVER: Excuse me,
 5 Chairman. Excuse me, Chairman.

6 Could we see the brick color and the
 7 and the Epay color and the mortar color?

8 MR. VASIL: Yes.

9 THE REPORTER: Dan, what colors did you
 10 say?

11 COMMISSIONER WEAVER: I said -- well,
 12 Epay is the wood. So it's the wood, the primary
 13 materials in the facade, the wood, the brick and
 14 mortar colors next week or when they come back
 15 before the Board.

16 COMMISSIONER GRANA: So, Chairman, I
 17 think you had a motion and a second by Diane.

18 CHAIRMAN AIBEL: Then we will carry
 19 this without further notice, and I am sure Mr. Burke
 20 is waiving whatever time limits might be at issue,
 21 but I don't believe we are under any.

22 MR. BURKE: Just in case, I don't think
 23 so, the applicant will extend notice until the next
 24 meeting --

25 CHAIRMAN AIBEL: Very good.

1 MR. BURKE: -- not the notice, the time
 2 of decision to the next meeting.
 3 CHAIRMAN AIBEL: Very good.
 4 Thank you.
 5 All in favor, Board members?
 6 (All Board members answered in the
 7 affirmative)
 8 CHAIRMAN AIBEL: Anybody opposed?
 9 Thank you, Mr. Burke. We will see you
 10 next week.
 11 MR. BURKE: Thank you.
 12 MR. VASIL: Thank you very much.
 13 (Resolutions on other matters were
 14 heard)
 15 MS. CARCONE: Phyllis, if you can get
 16 that transcript out for 711 Monroe first --
 17 THE REPORTER: Ys.
 18 MS. CARCONE: -- before you do the
 19 others, because we are going to need that for the
 20 people that were absent tonight.
 21 THE REPORTER: Yes.
 22 (The matter concluded)
 23
 24
 25

1 C E R T I F I C A T E
 2
 3 I, PHYLLIS T. LEWIS, a Certified Court
 4 Reporter, Certified Realtime Court Reporter, and
 5 Notary Public of the State of New Jersey, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the proceedings as taken
 8 stenographically by and before me at the time, place
 9 and date hereinbefore set forth.
 10
 11 I DO FURTHER CERTIFY that I am neither
 12 a relative nor employee nor attorney nor counsel to
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.
 17
 18 s/Phyllis T. Lewis, CCR, CRCR
 19 -----
 20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 21 Notary Public of the State of New Jersey
 22 My commission expires 11/5/2020.
 23 This transcript was prepared in accordance with
 24 NJAC 13:43-5.9.
 25

1 HOBOKEN ZONING BOARD OF ADJUSTMENT
 2 CITY OF HOBOKEN
 3 ----- X
 4 REGULAR MEETING OF THE HOBOKEN : Tuesday 9 p.m.
 5 ZONING BOARD OF ADJUSTMENT : July 21, 2020
 6 ----- X
 7
 8 MEETING CONDUCTED VIA ZOOM
 9
 10 B E F O R E:
 11 Chairman James Aibel
 12 Commissioner Antonio Grana
 13 Commissioner Dan Weaver
 14 Commissioner Nicola Maganuco
 15 Commissioner Carol Marsh
 16 Commissioner Diane Fitzmyer Murphy
 17 Commissioner Steven Smolyn
 18
 19 A L S O P R E S E N T:
 20
 21 BANISCH ASSOCIATES, INC.
 22 BY: Frank Banisch, PP
 23 BOSWELL ENGINEERING
 24 BY: Christopher Nash, PE
 25
 Patricia Carcone, Board Secretary

 PHYLLIS T. LEWIS
 CERTIFIED COURT REPORTER
 CERTIFIED REALTIME COURT REPORTER
 (732) 735-4522

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 7 (732) 462-7170
 8 BY: HERSCHEL ROSE, ESQUIRE
 9 Attorney for the Board.
 10
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1 CHAIRMAN AIBEL: That completes the
2 hearings for this hearing.
3 We have three resolutions, Board
4 members. Please don't drop off just yet.
5 Phyllis, are you still all right?
6 THE REPORTER: Oh, yes. I'm still
7 here. I'm fine.
8 CHAIRMAN AIBEL: Herschel, are you or
9 Pat going to recite the resolutions?
10 We have 119 Willow Court, I believe,
11 and 18 Willow, and 1414-1418 Grand Street.
12 Pat?
13 MR. ROSE: I don't know. What's the --
14 MS. CARCONE: I am here.
15 MR. ROSE: Pat, do you want to do it?
16 I mean --
17 MS. CARCONE: Yeah, I got it.
18 MR. ROSE: Okay. Thanks.
19 MS. CARCONE: I am muted. I'm sorry.
20 I was just talking to myself.
21 (Laughter)
22 All right. Let me get to the screen
23 here.
24 All right. So the first one is 119
25 Willow for Gary Stout, and voting -- this resolution

1 was circulated, reviewed by the applicant and
2 hopefully yourself. If you have any questions, you
3 can let me know, or I would just need a motion to
4 approve.
5 Can everybody see the resolution and
6 see who is voting?
7 COMMISSIONER WEAVER: There is --
8 COMMISSIONER MURPHY: Yes. You only
9 have two people here or three.
10 COMMISSIONER WEAVER: -- is this --
11 MS. CARCONE: Yeah, Weaver and Chairman
12 Aibel.
13 Yes, so you're right. There are three
14 members eligible to vote on this resolution.
15 COMMISSIONER WEAVER: I would like to
16 point out a typo on Page 7 of 8, line item 10.
17 MS. CARCONE: Oh, yeah, I see that,
18 COMMISSIONER WEAVER: There appears to
19 be an extra character.
20 MS. CARCONE: All right. I will fix
21 that.
22 COMMISSIONER WEAVER: And I don't know
23 if this is typical, but there is -- there was no
24 memo attached to the exhibit -- to the resolution
25 identifying (audio breaks up) comments or --

1 MS. CARCONE: Say that again.
2 Dan, the Board of Professionals
3 generally submit those letters after the resolution
4 is memorialized.
5 COMMISSIONER WEAVER: Okay. And if it
6 is not attached, then --
7 MS. CARCONE: It will be attached when
8 it gets in its final form, the letter and the
9 resolution and the final set of plans come in a
10 package that is distributed to zoning and to the
11 construction office.
12 COMMISSIONER WEAVER: So that memo is
13 attached regardless of whether they were required to
14 provide any additional -- address comments or (audio
15 breaks up).
16 MS. CARCONE: Actually -- well, the
17 plans are definitely not signed until all of the
18 conditions are met. Does that make sense?
19 COMMISSIONER WEAVER: Signed by whom?
20 MS. CARCONE: Signed by the -- there is
21 no set of plans on this one, so this would be signed
22 by the Board Planner. So Frank would be reviewing
23 the final submitted set of plans and checking for
24 resolution compliance. So Frank would be preparing
25 that compliance memo and saying that everything is

1 fine, and the plans are ready to sign.
2 COMMISSIONER WEAVER: Okay. Thank you.
3 MR. BANISCH: I do intend signing the
4 plans after all of that.
5 COMMISSIONER WEAVER: Okay. So even if
6 there was nothing that was required, right, you are
7 still signing the plans saying that everything was
8 met?
9 MR. BANISCH: Right. If I had no
10 requirements that needed a condition to be met, that
11 means I would just approve that there were no other
12 conditions to be met, and I do that.
13 COMMISSIONER WEAVER: Okay. Thank you,
14 Frank.
15 Nothing further. Sorry, Pat.
16 MS. CARCONE: That's okay.
17 CHAIRMAN AIBEL: Then we need a motion
18 to approve.
19 COMMISSIONER WEAVER: Motion to
20 approve.
21 CHAIRMAN AIBEL: Antonio?
22 COMMISSIONER WEAVER: Resolution for
23 119 Willow Court.
24 CHAIRMAN AIBEL: Is there a second?
25 COMMISSIONER GRANA: I second.

1 Commissioner Weaver --
 2 CHAIRMAN AIBEL: Thank you, Pat.
 3 MS. CARCONE: Okay.
 4 So, Commissioner Grana?
 5 COMMISSIONER GRANA: Yes.
 6 MS. CARCONE: Commissioner Weaver?
 7 COMMISSIONER WEAVER: Yes.
 8 MS. CARCONE: Chairman Aibel?
 9 CHAIRMAN AIBEL: Yes.
 10 MS. CARCONE: Okay. Thank you.
 11 CHAIRMAN AIBEL: 18 Willow.
 12 MS. CARCONE: 18 Willow is the next
 13 resolution. It is another Willow Avenue project.
 14 Does anyone have any comments on this
 15 resolution?
 16 COMMISSIONER GRANA: Could you scroll,
 17 Pat, so we could see this?
 18 MS. CARCONE: Yes, I'm sorry.
 19 COMMISSIONER GRANA: Who can vote?
 20 MS. CARCONE: The same three people as
 21 the prior one.
 22 CHAIRMAN AIBEL: Can I have a motion to
 23 approve?
 24 COMMISSIONER GRANA: So motioned.
 25 COMMISSIONER WEAVER: Second.

1 CHAIRMAN AIBEL: Thank you, Pat.
 2 MS. CARCONE: All right.
 3 Commissioner Grana?
 4 COMMISSIONER GRANA: Yes.
 5 MS. CARCONE: Commissioner Weaver?
 6 COMMISSIONER WEAVER: Yes.
 7 MS. CARCONE: Chairman Aibel?
 8 CHAIRMAN AIBEL: Yes.
 9 MS. CARCONE: Thank you.
 10 All right. And the last resolution is
 11 for Rufus & Dreyfus, LLC, 1414-1418 Grand Street for
 12 a Dogie Day Care and --
 13 COMMISSIONER GRANA: Just the two of
 14 you.
 15 MS. CARCONE: -- just the two of you.
 16 All you need is one for a resolution.
 17 COMMISSIONER WEAVER: Hum --
 18 COMMISSIONER GRANA: Diane is on there,
 19 but --
 20 COMMISSIONER WEAVER: Motion to approve
 21 the resolution.
 22 MS. CARCONE: -- I'm sorry, Diane.
 23 So that was Dan?
 24 COMMISSIONER WEAVER: Yes.
 25 MS. CARCONE: Second, please?

1 COMMISSIONER MURPHY: I am sorry.
 2 Are we voting?
 3 MS. CARCONE: Yes, we are voting.
 4 Any changes or --
 5 CHAIRMAN AIBEL: You second the motion?
 6 COMMISSIONER MURPHY: Oh, I am good.
 7 Second.
 8 MS. CARCONE: Okay.
 9 Commissioner Murphy?
 10 COMMISSIONER MURPHY: Yes.
 11 MS. CARCONE: Commissioner Weaver?
 12 COMMISSIONER WEAVER: Yes.
 13 MS. CARCONE: And Chairman Aibel?
 14 CHAIRMAN AIBEL: Yes.
 15 MS. CARCONE: Oh, Commissioner
 16 Maganuco? I'm sorry
 17 COMMISSIONER MAGANUCO: Yes.
 18 MS. CARCONE: Sorry. Thank you all.
 19 CHAIRMAN AIBEL: All right.
 20 MS. CARCONE: So next week we have a
 21 big meeting. We will get through what we get
 22 through, right?
 23 CHAIRMAN AIBEL: We will. We will be
 24 efficient.
 25 MS. CARCONE: Phyllis, if you can get

1 that transcript out for 711 Monroe first --
 2 THE REPORTER: Ys.
 3 MS. CARCONE: -- before you do the
 4 others, because we are going to need that for the
 5 people that were absent tonight.
 6 THE REPORTER: Yes.
 7 CHAIRMAN AIBEL: Board members, any
 8 further business?
 9 COMMISSIONER WEAVER: No, sir.
 10 COMMISSIONER GRANA: Other than to
 11 thank Phyllis.
 12 COMMISSIONER MURPHY: Thank you,
 13 Phyllis.
 14 COMMISSIONER WEAVER: Thank you,
 15 Phyllis.
 16 THE REPORTER: Thank you, guys.
 17 COMMISSIONER WEAVER: Motion to
 18 adjourn.
 19 CHAIRMAN AIBEL: Thank you.
 20 MS. CARCONE: Second?
 21 COMMISSIONER MURPHY: Second.
 22 MS. CARCONE: See you next week. Thank
 23 you, everyone.
 24 CHAIRMAN AIBEL: All in favor?
 25 (All Board members voted in the

1 affirmative)
 2 COMMISSIONER MURPHY: Everybody have a
 3 good week.
 4 MS. CARCONE: Yes.
 5 MR. BANISCH: Good night, everybody.
 6 (The meeting concluded at 9:05 p.m.)
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C E R T I F I C A T E

1
 2
 3 I, PHYLLIS T. LEWIS, a Certified Court
 4 Reporter, Certified Realtime Court Reporter, and
 5 Notary Public of the State of New Jersey, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the testimony as taken
 8 stenographically by and before me at the time, place
 9 and date hereinbefore set forth.
 10

11 I DO FURTHER CERTIFY that I am neither
 12 a relative nor employee nor attorney nor counsel to
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.
 17

18 s/Phyllis T. Lewis, CCR, CRCR
 19 -----
 20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 21 My commission expires 11/5/2020.
 This transcript was prepared in accordance with
 22 NJAC 13:43-5.9.
 23
 24
 25

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