

CITY OF HOBOKEN
ZONING BOARD OF ADJUSTMENT
HOZ-17-18

- - - - - X
303 Park Avenue : October 17, 2017
Block: 179, Lot 2 : 7:20 p.m.
Applicant: Michael Julian :
Zone: R-1 :
Variance Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair John Branciforte
Commissioner Philip Cohen
Commissioner Diane Fitzmyer Murphy
Commissioner Dan Weaver
Commissioner Cory Johnson

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

BANISCH ASSOCIATES, INC.
BY: Charles T. McGroarty, PP
Board Planner

BOSWELL ENGINEERING
BY: Christopher Nash, PE
Board Engineer

Patricia Carcone, Board Secretary

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12 Attorneys for the Applicant.

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WITNESS

James Cornell

PAGE

36

1 CHAIRMAN AIBEL: We have Mr. Cherami.
2 This is not Mr. Cherami, but it's nice to have you
3 here.

4 (Laughter)

5 MS. BOGGS: I am Stephanie Boggs. I'm
6 one of Mr. Cherami's associates. I will be
7 appearing on his behalf tonight. He had a conflict,
8 so he's not able to be here this evening.

9 CHAIRMAN AIBEL: Great. Welcome.

10 You are here on 303 Park Avenue.

11 MS. BOGGS: Yes.

12 I guess while James, our architect,
13 sets up, I could give a brief introduction of the
14 project.

15 The property address is 303 Park
16 Avenue. It's on the east side of Park Avenue
17 between Third Street and Fourth Street.

18 The area is zoned R-1, and it is an
19 existing two-family home. It is a nonconforming
20 structure as of right now, and the application is
21 requesting continuances of nonconforming conditions
22 that are at the property and requests a D variance
23 for the expansion of a nonconforming use, and C
24 variances for lot coverage and setback.

25 James Cornell is the architect for the

1 project, who can give an overview of what the plans
2 propose.

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

7 MR. CORNELL: I do.

8 J A M E S C O R N E L L, having been duly sworn,
9 testified as follows:

10 THE WITNESS: I do.

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

13 THE WITNESS: James Cornell,
14 C-o-r-n-e-l-l.

15 MR. GALVIN: All right. And you are a
16 licensed architect?

17 THE WITNESS: I'm a licensed architect
18 in both New Jersey and New York.

19 MR. GALVIN: Okay. Could you give us
20 three Boards in New Jersey that you have appeared
21 before recently, and don't include Hoboken?

22 THE WITNESS: Jersey City is the only
23 other Board.

24 MR. GALVIN: Okay. Do we accept his
25 credentials?

1 CHAIRMAN AIBEL: We do.

2 Thank you.

3 MR. GALVIN: You may proceed.

4 THE WITNESS: This is an existing
5 two-family building.

6 Originally we were doing a small
7 addition out the back and then and up over the roof
8 on the third floor. And during the process, there
9 was a meeting in Hoboken about the flood zone change
10 and the possibility of getting rid of livable space
11 in the basement and extending it up onto the top.
12 So the owner decided at that point that he would be
13 willing to do this, to get rid of the living space
14 down below, and then add a story above.

15 A little bit later on in the process,
16 he decided to -- we weren't demoing the whole
17 building. Later on in the process, we decided to
18 also raise the first floor, which originally we were
19 going to keep to the 13 foot, and he would like to
20 keep the basement as a storage space.

21 CHAIRMAN AIBEL: So the building is
22 being demoed now?

23 THE WITNESS: It will be, yes, now at
24 this point.

25 MR. MC GROARTY: Did you say it is

1 being demoed, the whole building?

2 CHAIRMAN AIBEL: That is what he said.

3 MS. BOGGS: James, can you clarify
4 exactly what will be demolished and what will be
5 maintained?

6 THE WITNESS: Well, after recent
7 discussions, we realized that we might have to
8 demolish part of the foundation in the front as well
9 and do two C bracketing the building on the front
10 and back as a foundation wall for the lateral load
11 on the building.

12 But pretty much everything else now is
13 gone -- is going to be gone. We are going to try to
14 reuse the cornice.

15 COMMISSIONER WEAVER: So what's --

16 MR. GALVIN: Let me go first.

17 If it is a complete demo, then it can't
18 be an expansion of a nonconforming structure or use,
19 so you need a D5 density variance, and whatever
20 relief you need, you need it. You don't need a
21 nonconforming structure. You don't have a
22 nonconforming structure.

23 THE WITNESS: Okay.

24 MS. BOGGS: How much of the foundation
25 is going to be replaced, if any?

1 THE WITNESS: The front wall and about
2 four to six feet going back in.

3 MS. BOGGS: So have the plans been --

4 THE WITNESS: No, they have not been
5 authored. This is something new that's under
6 discussion.

7 CHAIRMAN AIBEL: I am concerned that we
8 don't have the full picture, and we don't understand
9 what is going to remain --

10 MS. BOGGS: Okay.

11 CHAIRMAN AIBEL: -- what variances we
12 need to be considering tonight.

13 MS. BOGGS: Given the last minute
14 changes to the application, can we request to carry
15 this hearing to the next Board meeting, where we
16 will revise the plans and the application?

17 MR. GALVIN: What I would suggest is, I
18 think that is a smart idea, that is what I would do,
19 if I were you. But I think before we do that, Dan,
20 you had some thoughts. Do you want to ask them
21 anything or --

22 COMMISSIONER WEAVER: Oh, no. I was
23 curious was it being demolished, was it not being
24 demolished, and then you were going to keep the
25 cornice or you're going to try to keep the cornice.

1 THE WITNESS: Yes. We are keeping the
2 cornice to reuse up above.

3 COMMISSIONER WEAVER: Okay.

4 CHAIRMAN AIBEL: So, Pat, what do we
5 have on the timing?

6 MS. CARCONE: Now we have --

7 MR. GALVIN: Any concerns?

8 MR. TUMPSON: Perhaps I should wait
9 until the plan is fully --

10 MR. GALVIN: Just put your name on the
11 record. I'm sorry.

12 MR. TUMPSON: My name is Daniel
13 Tumpson, T-u-m-p-s-o-n. I live nearby.

14 MR. GALVIN: If you had something you
15 wanted to share with them, that might help them in
16 what they're --

17 MR. TUMPSON: Well, what I could share
18 with you and with everybody else is the concept with
19 this new zoning changes in the zoning ordinance
20 about the fact that they are now allowing 45 feet
21 above base flood elevation. The law has been
22 changed, and it has expanded the height throughout
23 the town. In other words, throughout the town it's
24 below flood base elevation, and I am just suggesting
25 that it is publicly not a good idea to start giving

1 an example --

2 MR. GALVIN: Jim can't see you.

3 CHAIRMAN AIBEL: I just want to say
4 that we understand and --

5 MR. GALVIN: No. I was learning
6 something there.

7 CHAIRMAN AIBEL: Well, I think maybe we
8 should wait until the plans come back.

9 MR. GALVIN: I wanted to give them an
10 advantage to make sure that they --

11 CHAIRMAN AIBEL: Talking about --

12 (Mr. Galvin and Chairman Aibel confer)

13 MR. TUMPSON: What was that?

14 MR. GALVIN: No, no, no. Just finish,
15 Dan.

16 MR. TUMPSON: Nothing. I am saying
17 obviously it would be useful for you all to hear
18 that the residents have concerns --

19 MR. GALVIN: The other thing is if they
20 filed this application, if they filed this
21 application before the ordinance changed, but I
22 don't know when it was filed.

23 Under the time of application rule,
24 they have to comply with the rules that are in place
25 at the moment they file their application. I don't

1 know when the new ordinance took place.

2 CHAIRMAN AIBEL: A long time ago.

3 MR. GALVIN: Oh, if it was a long time
4 ago, then they should comply with it.

5 All right. I got it. I understand
6 now.

7 MR. TUMPSON: I am just saying that the
8 new ordinance allows expansion of height and so
9 forth, and I am concerned if they then add an
10 addition and other increases in density, that that
11 is going to be a problem as far as residents are
12 concerned about increasing the density and using
13 this new ordinance as an excuse to do so.

14 MS. BOGGS: Well, I just wanted to
15 clarify one thing.

16 We are not increasing the density here.
17 It is a two-family home. It will remain a
18 two-family home.

19 The additions here are balconies off
20 the rear and a small addition, like it would be a
21 fourth floor addition, but it is not changing the
22 density of the building as far as how many people
23 would be using that building, and it is raising it
24 to current flood standards as far as elevation.

25 MR. TUMPSON: Yeah, yeah. I

1 understand --

2 MR. GALVIN: Okay. We are good. We
3 are good because they didn't present -- Dan, they
4 didn't present their case yet, so I just wanted to
5 see if there was something simple that you could
6 give them a heads-up on, like you didn't like
7 something. You didn't like the cornice or something
8 like that.

9 MR. TUMPSON: Okay. So this is going
10 to be carried?

11 MR. GALVIN: Absolutely. They are not
12 ready tonight.

13 The difference is we thought there was
14 an existing building. Now we are learning that it
15 is going to be demoed and rebuilt, so it might
16 change some of the variance impact.

17 MR. TUMPSON: So there will be a --
18 a --

19 MR. GALVIN: We are going to carry it
20 to another night. There will be a hearing another
21 night.

22 CHAIRMAN AIBEL: And we are going to
23 set the night right now.

24 MS. CARCONE: So we are going to carry
25 it. It sounds like they might have to renotece.

1 MR. GALVIN: Subject to us evaluating
2 whether renotification is required.

3 MS. CARCONE: Okay.

4 COMMISSIONER WEAVER: To at least
5 December.

6 MS. CARCONE: We have three projects
7 cued up for our November meeting, so I think we are
8 into December, and that would be December 19th.

9 MR. GALVIN: December 19th, is that
10 okay?

11 MS. BOGGS: Yes.

12 MR. GALVIN: The other thing I think
13 you guys should do is, when are we having our next
14 SSP meeting?

15 MS. CARCONE: That's the Planning
16 Board.

17 Our ARC meeting you mean.

18 MR. GALVIN: I'm sorry. She slapped
19 me, and you didn't even know.

20 (Laughter)

21 MS. CARCONE: I will schedule something
22 for next month.

23 MR. GALVIN: You guys could use to come
24 in and talk to us and tell us what you're doing and
25 get some back and forth.

1 MS. BOGGS: Absolutely.

2 Does the Board have any questions for
3 us at this moment?

4 MR. GALVIN: No.

5 VICE CHAIR BRANCIFORTE: So we are
6 getting a whole new set of plans now?

7 MR. GALVIN: Maybe. Well, we got to
8 talk to them, and we need to evaluate the game plan.

9 COMMISSIONER COHEN: I just have one
10 question.

11 MS. BOGGS: Yes.

12 COMMISSIONER COHEN: Just for
13 clarification with respect to Commissioner Weaver's
14 question, when you said it was your intention to
15 preserve the cornice, does that mean that when you
16 do your demolition, you are going to remove the
17 cornice, set it aside and --

18 THE WITNESS: Absolutely, yes.

19 COMMISSIONER COHEN: Thanks.

20 THE WITNESS: Yes. So the change that
21 would be, would be to the foundation, just so you
22 know.

23 MR. GALVIN: Right.

24 But I am saying if you are starting
25 from scratch, then we don't have a nonconforming

1 structure. We will just evaluate what you -- you
2 are going to show us what you need, and we are going
3 to evaluate the variances that become required for
4 that.

5 MS. BOGGS: Thank you very much.

6 MR. GALVIN: We will carry them to --

7 MS. CARCONE: December 19th.

8 MR. GALVIN: -- without further notice,
9 I would recommend. However, Counsel has already
10 said we might need you to renote, but we don't
11 know yet.

12 MS. BOGGS: Absolutely.

13 MR. GALVIN: And do you waive the time
14 in which the Board has to act?

15 MS. BOGGS: Yes.

16 MR. GALVIN: All right.

17 Is there a motion to carry this?

18 COMMISSIONER WEAVER: Motion to carry.

19 MR. GALVIN: Without notice?

20 COMMISSIONER WEAVER: Without further
21 notice if --

22 MR. GALVIN: Provided it doesn't need
23 notice.

24 COMMISSIONER WEAVER: Correct.

25 COMMISSIONER MURPHY: Second.

1 MR. GALVIN: Thank you.

2 MS. CARCONE: All in favor?

3 (All Board answered in the affirmative)

4 MS. CARCONE: Anybody opposed?

5 None.

6 CHAIRMAN AIBEL: Thank you very much.

7 MS. BOGGS: Thank you.

8 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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