

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

- - - - - X
RE: 806 GARDEN STREET : Tuesday 7:45 p.m.
BLOCK 183, LOT 10 : May 15, 2018
APPLICANT: Mintcho Minev :
Extend second and third floors to :
match existing depth of first floor :
and add a fourth floor to existing :
two-family building :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Vice Chair John Branciforte
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Steven Firestone
- Commissioner Cory Johnson
- Commissioner Ann Graham
- Commissioner Jonathan Otto

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

BOSWELL ENGINEERING
BY: Christopher Nash, PE

Patricia Carcone, Board Secretary

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9 Attorney for the Board.

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13 Attorney for Applicant.

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I N D E X

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5	GEORGE WEINER	50
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1 (Commissioner Firestone and
2 Commissioner Graham present)

3 VICE CHAIR BRANCIFORTE: So Mr.
4 Firestone and Ms. Graham have rejoined the Board, so
5 they will be taking part in the next hearing, which
6 is 806 Garden.

7 MR. MATULE: Good evening, Mr.
8 Chairman, and Board members.

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

11 This is an application with respect to
12 the two-family residential dwelling at 806 Garden
13 Street that is owner occupied.

14 The current building has a ground floor
15 extension that occupies 67 percent of the lot. It
16 is a preexisting undersized lot.

17 This application originally started out
18 to add an additional floor to the existing
19 structure.

20 After meeting with the Flood Plain
21 Commissioner and having some discussions, it was
22 determined that based on the extent of renovations
23 that was being done, the building would have to be
24 brought into compliance with the flood plain
25 regulations.

1 As a result of that, what was now the
2 basement residential level is going away and it will
3 become a storage area, and then a new residential
4 floor will be added to the two existing residential
5 floors above the basement level.

6 It will still be three stories above
7 that basement level, and it will still be two
8 residential units.

9 I have submitted my jurisdictional
10 proofs, and we will be presenting testimony tonight
11 from our architect, George Weiner, and our planner,
12 Ken Ochab.

13 So if I could call Mr. Weiner up to be
14 sworn.

15 VICE CHAIR BRANCIFORTE: Yes.

16 MR. GALVIN: Raise your right hand.

17 Do you swear or affirm the testimony
18 you are about to give in this matter is the truth,
19 the whole truth, and nothing but the truth?

20 MR. WEINER: I do.

21 G E O R G E W E I N E R, Architect, having been
22 duly sworn, testified as follows:

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

25 THE WITNESS: George Weiner,

1 W-e-i-n-e-r.

2 VICE CHAIR BRANCIFORTE: And you are a
3 licensed architect in the State of New Jersey?

4 THE WITNESS: Yes.

5 MR. GALVIN: Mr. Chairman, do you
6 accept Mr. Weiner's credentials?

7 VICE CHAIR BRANCIFORTE: Yes, we do.

8 MR. MATULE: Thank you.

9 You have, in fact, appeared before this
10 Board in the past, correct?

11 THE WITNESS: Yes.

12 MR. MATULE: So if you would, for
13 benefit of the Board members and any members of the
14 public who may be here, describe the existing site
15 and the adjoining properties.

16 As long as you are making reference to
17 the plans that have been submitted, we don't need to
18 mark them any further.

19 MR. GALVIN: Correct. I agree.

20 THE WITNESS: The principal change to
21 the plans that have been submitted is that we have
22 given a tone to the added parts of the buildings for
23 clarity.

24 This is existing. This is proposed.
25 Basically the layout is as has been submitted.

1 The rear of the existing building has a
2 one-story 12 foot 8 section, which is -- which
3 basically comprises the basement. The addition
4 would include the three stories above that.

5 No expansion or change to the basement
6 with the exception of a reinforcing slab in that
7 basement, which would at the same time underpin the
8 adjacent walls.

9 The building does not have common walls
10 with the adjacent properties to the north and south.
11 It is totally independent of that, and so this is a
12 little bit more understandable from a structural
13 standpoint as a consequence, so this is really what
14 is envisioned.

15 The building in the front will be
16 slightly lower than the adjacent building to the
17 north, which is depicted here.

18 It is a Mansard type slight profile
19 sloping back. There would be a cement --
20 cementitious right side panel material on the sides
21 of the building.

22 Shown here, this is the Mansard
23 material. It would be a fiberglass shingle with a
24 diamond pattern.

25 The rear would be a panel material, a

1 cementitious panel material for the rear section,
2 and the siding would be a dark green, green-gray
3 material along the sides, and here is the structure
4 that would be visible from the southernmost section,
5 so this is the profile of that building.

6 VICE CHAIR BRANCIFORTE: George, can I
7 ask you to speak up just a little bit?

8 THE WITNESS: Yes.

9 VICE CHAIR BRANCIFORTE: Can you speak
10 up?

11 THE WITNESS: Yes.

12 The roof deck would be approximately 30
13 percent of the roof. It does not -- it is not seen
14 from across the street, the penthouse, which would
15 be the stairwell that goes to it, as shown here on
16 the sight line.

17 The roof deck does not anticipate a
18 green roof at this time, and with regard to the
19 comments by the engineer, which principally were
20 covered in part of my discussion having to do with
21 the structure, we would certainly retain the
22 necessary engineering to satisfy the building
23 permits and structure for going forward, if it were
24 approved.

25 We do have no change in the number of

1 residential elements here. There are two-family --
2 it is a two-family building now. It will remain a
3 two-family building.

4 There will consequently be no change to
5 the traffic patterns. It would not have a major
6 impact in terms of the neighborhood.

7 There would be no shade cast on the
8 adjacent building to the north, because it is
9 already higher, so there is no shading impact that
10 would be potentially objectionable from that
11 standpoint.

12 MR. MATULE: If can you turn to the
13 building depth, I know on your plans you have a
14 survey on Sheet Z-2. The proposal is to match the
15 existing depth of the three-story plus basement
16 building to the north?

17 THE WITNESS: Yes.

18 MR. MATULE: You won't be going back
19 any further than that existing building?

20 THE WITNESS: That's correct.

21 MR. MATULE: And you will be going back
22 further on the upper floors than the building to the
23 south as currently located, but you already go
24 further back on the ground floor, correct?

25 THE WITNESS: Yes.

1 MR. MATULE: And in light of the fact
2 that that shorter building, shorter in depth, is to
3 the south of us, would it be fair to say we
4 shouldn't have any negative impacts in terms of
5 casting shadows on this building as well?

6 THE WITNESS: Yes, that is correct.

7 MR. MATULE: Maybe you can give the
8 Board some specifics there, referring to Z-2.

9 THE WITNESS: Yes.

10 Referring to Z-2, we have an existing
11 survey, which shows that the building to the north
12 abuts our one-story section.

13 The building to the south is further --
14 is shorter and sets back some eight feet from the
15 rear part of that building, to the rear part of that
16 one-story.

17 MR. MATULE: And in abandoning the
18 current basement level, you will have to install
19 flood vents and bring that all into compliance with
20 the wet flood proofing requirements of the flood
21 plain ordinance?

22 THE WITNESS: Yes.

23 I don't know if that was in the
24 submittal, but we have the details showing flood
25 vents. The calculation would be shown to justify

1 the number and size of the vents, but they would be
2 in front and back. They're fairly innocuous.

3 MR. MATULE: And the Flood Plain
4 Administrator issued an updated letter of March 17th
5 to address the fact that you supplied the necessary
6 information that she had questions about?

7 THE WITNESS: Yes.

8 MR. MATULE: And the overall building
9 height, 34 feet three inches above the design flood
10 elevation?

11 THE WITNESS: Yes.

12 MR. MATULE: And in this zone you are
13 allowed to go up to 40 feet above the design flood
14 elevation?

15 THE WITNESS: That is correct.

16 MR. MATULE: So the only variance the
17 applicant is requesting is for the lot coverage on
18 the upper floors, where the extension is going to
19 be, and the new third floor?

20 THE WITNESS: That is correct
21 preexisting.

22 MR. MATULE: Did you receive Boswell's
23 report of May 7th?

24 THE WITNESS: Yes, I have.

25 MR. MATULE: Any issues addressing any

1 of the concerns raised by Mr. Nash in that report?

2 THE WITNESS: Well, we did draft an
3 impact report, which basically is kind of a
4 standard, which we touched upon most of having to do
5 with no generation of noise, any different than
6 before. It is customary. It's very similar to the
7 other buildings in this area.

8 The lighting would be of a glare
9 resistant or minimized. It would be a standard
10 fixture, which basically shines light more on the
11 building that is shown here. We did not show the
12 photometric data on that, but that can be provided.

13 There is no anticipation of any future
14 expansion, and the on-site utility connections are
15 worth discussion. There is a preexisting six-inch
16 diameter clay sewer pipe, which goes to the street,
17 and it is proposed to put in a back water valve and
18 PVC drain of the same size.

19 The reason it is six inches is because
20 that's the preexisting connection at the street
21 line. It is larger than what is necessary from an
22 engineering standpoint for a two-family.

23 MR. MATULE: And there are no issues
24 with North Hudson in terms of reusing that
25 connection, because it is an existing connection?

1 THE WITNESS: Not to our knowledge, but
2 we will be receiving again will-serve letters from
3 the utilities.

4 MR. MATULE: And in your elevation
5 drawings, the current building currently has a
6 cornice above what is now the third floor. It is
7 the intention of the applicant to restore and
8 maintain that cornice on the building?

9 THE WITNESS: That is correct.

10 MR. MATULE: All right.

11 Thank you.

12 I don't have any further questions for
13 Mr. Weiner unless the Board has some specific
14 questions.

15 VICE CHAIR BRANCIFORTE: Any questions
16 for the architect?

17 Go ahead, Tony. Why don't you start?

18 COMMISSIONER GRANA: Questions for Mr.
19 Weiner and Mr. Matule.

20 Mr. Matule, I thought you began to tell
21 us a story about this building at the beginning of
22 your opening remarks, and I was just wondering if
23 you could just clarify those for me a bit.

24 I think you said this was a project
25 that was under some form of approval or --

1 MR. MATULE: No. The application --
2 I'm sorry, I didn't mean to cut you off.

3 COMMISSIONER GRANA: I just wanted to
4 understand the story, sort of the back story of it.

5 MR. MATULE: Yes.

6 The application as originally submitted
7 was to keep the residential use in the basement
8 level and add an additional floor to the building
9 with the rear extensions on the other existing
10 floors.

11 COMMISSIONER GRANA: Okay.

12 MR. MATULE: So, in effect, we would
13 have four residential floors.

14 When that was reviewed by the Flood
15 Plain Administrator, she did her calculations in
16 terms of the cost of the renovation and made a
17 determination in her capacity as the Flood Plain
18 Administrator, that based on the extent of the
19 renovation being done, the flood plain ordinance was
20 triggered, and it was applicable to this project.

21 At that point Mr. Weiner and the client
22 went back and met with the Flood Plain Administrator
23 and went through the plans. She walked him through
24 what had to be done in order to bring the building
25 into compliance, and that is what is now before you.

1 COMMISSIONER GRANA: Okay.

2 So if I understand that correctly, this
3 building is on Garden Street. It was assumed that
4 we could renovate that based on the level.

5 The Flood Plain Administrator triggered
6 a requirement that now you actually are going to
7 meet this strict requirement that eliminates the
8 ability to have a basement level residential --

9 MR. MATULE: Correct.

10 COMMISSIONER GRANA: -- and the desire
11 to have another -- to eliminate that and move the
12 entire residential structure above --

13 MR. MATULE: Correct.

14 So what is happening now is as
15 originally proposed, we were going to have four
16 residential floors --

17 COMMISSIONER GRANA: Including the
18 basement level.

19 MR. MATULE: -- including the basement
20 level.

21 Now we are only going to have three
22 residential floors excluding the basement level.

23 COMMISSIONER GRANA: Okay.

24 So, Mr. Weiner, how much of the
25 original structure will be retained in this

1 renovation?

2 THE WITNESS: Within the building,
3 nothing really. We are going to do a gut rehab, so
4 essentially the framing -- it will be a gut rehab is
5 the determination, a very extensive rehabilitation
6 and removal of existing.

7 MR. MATULE: To be clear on that,
8 though, you are going to continue to retain the
9 existing side walls and the front facade of the
10 building?

11 THE WITNESS: Yes, yes.

12 The facades will remain. They will be
13 reclad. The back is going to be new, and the front
14 will be refurbished and then have the Mansard in the
15 front.

16 COMMISSIONER GRANA: So from your
17 experience as an architect, from a design
18 perspective, is there a reason to retain this
19 additional structure and add onto it, which, of
20 course, is triggering a lot coverage variance versus
21 given the extent of rehabilitation, was there a
22 design option to just say, you know what, we should
23 build an uncompliant structure here?

24 THE WITNESS: From the standpoint of
25 the utilization of the site, the highest and best

1 use would be to retain the functioning side base
2 walls in the back, which are well built, and go up
3 from there. It makes us even with the building to
4 the north for one thing. In effect, that
5 represented some of the stop point anyway, but a
6 considerable amount of money will be spent on the
7 building and the additional construction for that
8 would not be -- would be well spent from an economic
9 and from a utilization standpoint,

10 We're giving up also the use of the
11 basement as a living space, and so there is kind of
12 a trade-off.

13 COMMISSIONER GRANA: Understood.

14 The basement level is at 67 percent lot
15 coverage?

16 MR. MATULE: Correct.

17 COMMISSIONER GRANA: And the current
18 first floor -- the first residential floor above the
19 basement is at 67 or is it a different number?

20 MR. MATULE: No. I think if you go to
21 the -- I think I want to say Z-3 -- Z-4 --

22 THE WITNESS: This one.

23 MR. MATULE: -- I think this shows you,
24 because if I understand your testimony, the shaded
25 areas are the new extension?

1 THE WITNESS: Correct.

2 MR. MATULE: Which is approximately 12
3 feet 8 inches on your first -- well, the first
4 floor, you have the existing extension. You are
5 actually removing part of that rear wall, correct?

6 THE WITNESS: Yes.

7 So all of this is at the same level.

8 MR. MATULE: So that is going to be now
9 the flood proof section, so you are adding 12 feet
10 to the new first floor, and 12 feet to the new
11 second floor is what I'm calling it, because before
12 it was the second and third, and the proposed new
13 third floor is proposed at 57 feet, so 32 feet four
14 inches?

15 COMMISSIONER GRANA: While you are
16 calculating that, Mr. Matule, let me just ask Mr.
17 Weiner.

18 So either way, there will be extensions
19 on the current second and third floors?

20 THE WITNESS: That is correct.

21 COMMISSIONER GRANA: Okay.

22 MR. MATULE: Yes.

23 COMMISSIONER GRANA: So those could
24 have been built to standard -- currently designed at
25 7 percent over standard, is that correct?

1 MR. MATULE: What?

2 COMMISSIONER GRANA: They could have
3 been built to standard --

4 MR. MATULE: At 60 percent lot
5 coverage?

6 COMMISSIONER GRANA: -- at 60 percent
7 lot coverage?

8 MR. MATULE: I suppose the lot is an
9 undersized lot. It is 67 feet.

10 COMMISSIONER GRANA: So that was going
11 to be my next question.

12 MR. MATULE: So if we take 67 times 60
13 percent, it would be 40.2 feet.

14 COMMISSIONER GRANA: Okay. So that was
15 going to be my last and final question.

16 It is just a standard lot?

17 MR. MATULE: No. I mean, what the
18 testimony was -- but Mr. Ochab will talk about that.
19 No, it is a preexisting undersized lot. It's only
20 67 feet deep.

21 COMMISSIONER GRANA: Thank you.

22 VICE CHAIR BRANCIFORTE: Thanks.

23 Go right ahead, Diane.

24 COMMISSIONER MURPHY: So just on the
25 heels of that, in order to make it be 60 percent,

1 what would the depth of the house be, instead of
2 using what was already existing on the first floor,
3 not the basement, but --

4 MR. MATULE: Approximately 40 feed.

5 COMMISSIONER MURPHY: No. I mean, how
6 many feet would you be losing?

7 Like if you had to bring it into
8 compliance, how many feet --

9 MR. MATULE: If you had to bring this
10 back?

11 COMMISSIONER MURPHY: Yes.

12 MR. MATULE: We would lose
13 approximately -- I don't want to testify.

14 COMMISSIONER MURPHY: Well, I don't
15 know if that shaded area is all --

16 MR. MATULE: The shaded area is all
17 new, right?

18 THE WITNESS: Yes.

19 MR. MATULE: So the existing upper
20 floors are 32 feet 4 inches deep, and we are adding
21 12 feet 8 inches to it.

22 THE WITNESS: On the upper floors.

23 MR. MATULE: If we had 60 percent lot
24 coverage, the floors would be approximately 40 feet
25 deep, which would -- this would be, you know, it

1 would lose four and a half feet, something to that
2 effect.

3 COMMISSIONER MURPHY: Right.

4 So in order for it to be compliant, the
5 house would need to be about four and a half feet
6 shorter in depth?

7 MR. MATULE: On all three floors, yes.

8 COMMISSIONER MURPHY: Yes. Okay.

9 Thank you.

10 VICE CHAIR BRANCIFORTE: Go ahead.

11 COMMISSIONER FIRESTONE: To follow up
12 on Commissioner Grana's questioning, I am looking at
13 Z-7, and it shows the rear facade looking north.

14 Is that a one-story stucco structure
15 original to the building?

16 The -- it is kind of an orange --

17 MR. MATULE: God bless you.

18 THE WITNESS: The orange is the --

19 COMMISSIONER FIRESTONE: Is that
20 one-story structure --

21 THE WITNESS: -- that is the garden
22 level.

23 COMMISSIONER FIRESTONE: So the garden
24 level, was that original to the building, because it
25 looks like it's different construction from the

1 original building.

2 THE WITNESS: It is fairly old, so it
3 is hard to say. Well, it doesn't look original to
4 the building.

5 COMMISSIONER FIRESTONE: Okay.

6 And then to build off of Commissioner
7 Murphy's point, the building directly to the north,
8 that building is on a much deeper lot, so that
9 building is well under 60 percent lot coverage,
10 correct, because you are kind of equating your line
11 to that building to the north, and that building,
12 from what I see on Z-1, looks like it has a much
13 deeper lot than the lot that you are representing.

14 THE WITNESS: What he is saying is that
15 this building --

16 MR. MATULE: Yes. Using the
17 measurements on his drawings in round numbers,
18 it's probably 45 percent lot coverage, because it is
19 45 feet deep --

20 THE WITNESS: Yeah. I think what he is
21 saying is that the building to the north is on a
22 bigger lot.

23 MR. MATULE: It's on a hundred foot
24 lot, so if it's 45 deep, it would be 45 percent lot
25 coverage.

1 COMMISSIONER FIRESTONE: Thank you.

2 COMMISSIONER GRANA: So just to clarify
3 on Mr. Firestone's comment, the building to the
4 north currently has approximately 45 percent lot
5 coverage.

6 MR. MATULE: Correct.

7 COMMISSIONER GRANA: Thank you.

8 MR. MATULE: If you -- actually I think
9 Mr. Ochab will get to it more in his testimony, but
10 if you look on Z-1, where the tax map diagrams are,
11 you could see the three lots to the south of us are
12 50 feet deep.

13 Our lot is 67 feet deep, and then all
14 of the lots going north on the block are a hundred
15 feet deep because of the incursion of the lots on
16 Eighth Street. You know, it is that classic corner.

17 COMMISSIONER FIRESTONE: So it is the
18 undersized nature of the lot that's representing the
19 hardship in this case?

20 MR. MATULE: Pardon?

21 COMMISSIONER FIRESTONE: The
22 undersized --

23 MR. MATULE: Well, that's going to be
24 part of Mr. Ochab's testimony. He will testify to
25 the undersized side of the block, but also the C2, I

1 think it is kind of a hybrid to the benefits of
2 renovating the building and bringing it into
3 compliance with flood plain regulations.

4 COMMISSIONER FIRESTONE: Thank you.

5 VICE CHAIR BRANCIFORTE: Any other
6 questions?

7 COMMISSIONER WEAVER: Yes.

8 VICE CHAIR BRANCIFORTE: Dan, before
9 you ask your questions, let me just jump in real
10 fast.

11 You, Mr. Matule, referenced a March
12 17th letter from Ann Holtzman?

13 MR. MATULE: Yes, and I was going to
14 correct the record --

15 VICE CHAIR BRANCIFORTE: -- I think you
16 meant May 1st, right?

17 MR. MATULE: -- yes, there was a
18 subsequent letter, dated May 1, by Ms. Holtzman.

19 VICE CHAIR BRANCIFORTE: And I see it
20 on your plans, but I am going to bring it up anyway.

21 Number 4 on that letter says that the
22 floor should be raised, the basement floor should be
23 raised to 5.9 feet, and it also talks about the
24 installation of flood vents. Do you see that?

25 MR. MATULE: Yes.

1 Well, she is saying the floor will have
2 to be raised five inches to match the lowest
3 adjacent grade, and I believe Mr. Weiner's testimony
4 was that they were going to pour a new slab --

5 VICE CHAIR BRANCIFORTE: So your plans
6 reflect that, right, there is a new grade?

7 MR. NASH: Yes.

8 VICE CHAIR BRANCIFORTE: They do.
9 Okay. Good.

10 You already mentioned on your plans
11 that it's not for residential. It's only for
12 storage?

13 MR. MATULE: Correct.

14 VICE CHAIR BRANCIFORTE: Okay. I just
15 wanted to put that on the record.

16 Go ahead, Dan.

17 Did you have questions?

18 COMMISSIONER WEAVER: I do.

19 Since we are on the storage level, is
20 it permissible to have the gas meters in the flood
21 zone?

22 THE WITNESS: It is. That's been
23 fought to a fairthewell. Electric meters, no, but
24 gas meters preexisting can remain.

25 COMMISSIONER WEAVER: And then you are

1 showing a flood vent in the front. But yet if I
2 look at the elevation, it appears to be a picture
3 window.

4 VICE CHAIR BRANCIFORTE: What page are
5 you on?

6 COMMISSIONER WEAVER: The plan is Z-3
7 and the elevation is Z-5.

8 It's drawing number four in the lower
9 left-hand corner.

10 It's also denoted in the facade
11 material on Z-6, drawing 2 as glass. There's a
12 picture window -- it is a picture window into a
13 storage area, so I was wondering --

14 THE WITNESS: It is not really shown in
15 the elevation --

16 VICE CHAIR BRANCIFORTE: Can you speak
17 up, Mr. Weiner?

18 THE WITNESS: -- it is really not
19 depicted in the elevation as shown on Z-4. However,
20 it would --

21 COMMISSIONER WEAVER: No, sir. It is
22 depicted. It's depicted as glass.

23 THE WITNESS: Yeah. That's incorrect.
24 It will in fact be the materials shown, the standard
25 flood vent of a stainless steel nature as shown

1 here.

2 COMMISSIONER MURPHY: As big as the
3 window depicted?

4 THE WITNESS: No. It's -- let's just
5 say it's a rendering that doesn't really address
6 that completely clearly. It would emulate a window.
7 It would be one over another, but it would not be
8 glass.

9 COMMISSIONER WEAVER: Well, the plan
10 says one foot six by eight feet, so could you
11 clarify that?

12 One foot six by eight feet does not
13 emulate a window.

14 THE WITNESS: I'm sorry. Where --
15 where are you --

16 COMMISSIONER WEAVER: I'm looking at
17 Z-3, Drawing 2, utilities, lighting and landscaping
18 plan --

19 THE WITNESS: Right.

20 COMMISSIONER WEAVER: -- there is a
21 note that points to it that says: Flood vent one,
22 one foot six by eight feet.

23 MR. NASH: I think it is 16 inches by 8
24 inches.

25 COMMISSIONER WEAVER: It's what?

1 MR. NASH: 16 inches by 8 inches.

2 COMMISSIONER WEAVER: Oh, 16 inches by
3 8 inches.

4 THE WITNESS: 16-by-8, that's the
5 standard flood vent.

6 COMMISSIONER WEAVER: Okay.

7 And graphically, this looks like a
8 window, and in the elevation it looks like a window.

9 THE WITNESS: I agree. It's not well
10 rendered

11 COMMISSIONER WEAVER: I mean, it's not
12 rendered at all.

13 COMMISSIONER MURPHY: Right. So we
14 don't know what it is going to look like then.

15 VICE CHAIR BRANCIFORTE: Do we --

16 THE WITNESS: Eight inches by 16
17 inches, it will be integrated into the facade.

18 COMMISSIONER WEAVER: What will the
19 elevation of that window -- that flood vent be?

20 THE WITNESS: It cannot be more than
21 one foot above the grade, the outside grade.

22 COMMISSIONER WEAVER: Which grade, the
23 outside grade?

24 THE WITNESS: Yes.

25 COMMISSIONER WEAVER: And then on page

1 Z-2, you testified that the shadow cast by the
2 three-story brick building, the proposed structure,
3 would have no impact to the neighbors to the north
4 when, in fact, I challenge that testimony. That if
5 you take the corner of the -- if you look at the
6 existing building, and you take the upper left, if
7 you will, corner, the northwest corner, if that was
8 only one story tall, it would only cast -- if it was
9 ten foot tall, I'd say it would cast a ten foot
10 shadow.

11 You have now made that a 30 foot tall
12 corner, which is going to cast a 30 foot shadow,
13 so in fact you will be impacting the property to the
14 north.

15 THE WITNESS: On the rear yard, yes.
16 Point well taken.

17 COMMISSIONER WEAVER: That is all I
18 have for now.

19 Thank you.

20 VICE CHAIR BRANCIFORTE: So you are
21 saying with this one-story stucco, the one-story
22 extension that goes 30 feet high, the shadow that's
23 going to be cast, I mean, it's mostly going to be in
24 the morning I suppose?

25 COMMISSIONER WEAVER: No. It's going

1 to be -- if it's -- if it's -- for instance, if you
2 were to draw a line from that corner, and you were
3 to follow the north arrow, right --

4 VICE CHAIR BRANCIFORTE: Oh, got you.

5 COMMISSIONER WEAVER: -- that is
6 basically the midday shadow, right?

7 So in the morning you will have almost
8 complete shadow in the back yard.

9 And then as the sun rises, and it
10 becomes, you know, midday, then that's going to be
11 parallel to that north arrow, and then eventually as
12 it comes around, then you will be impacted by other
13 buildings, and there will be less shadow --

14 VICE CHAIR BRANCIFORTE: Okay.

15 COMMISSIONER WEAVER: -- cast by this
16 building.

17 VICE CHAIR BRANCIFORTE: Any comments
18 from the architect on that?

19 THE WITNESS: Only that the adjacent
20 building is higher, slightly higher than what our
21 projected new structure would be, and it, in fact,
22 casts a shadow as well on its rear yard, which
23 covers closest to the building. This will cover a
24 little more to the back yard. Again, the point is
25 certainly well taken.

1 VICE CHAIR BRANCIFORTE: Got you.

2 COMMISSIONER MURPHY: Will the bulkhead
3 add to the shadow?

4 COMMISSIONER WEAVER: That's the other
5 question --

6 VICE CHAIR BRANCIFORTE: Yes. We have
7 to talk about the bulkhead.

8 COMMISSIONER WEAVER: -- the
9 bulkhead -- why is the bulkhead located on the --
10 against the shorter building and not against the
11 taller building?

12 Because I can't say it is very
13 attractive, and we are always talking about the mass
14 of the building, and it just doesn't really seem
15 like you're -- it is going to be very apparent when
16 looking at the building, not straight on, but from
17 the side, where you may, the lower buildings that
18 are adjacent to it.

19 Why is the bulkhead on that side of the
20 building, and can it be moved to the other side
21 against the taller structure?

22 THE WITNESS: It really has to be more
23 with the internal stair configuration. It just
24 worked out better from an overall circulation
25 standpoint and utilization starting from the first

1 floor and then working internally.

2 That can be reduced in scale. It is
3 higher than it needs to be. I have done this
4 before. The issue usually has to do with getting it
5 as low as you can as soon as you can.

6 We can reduce that mass, but it is in
7 fact not seen from the street.

8 COMMISSIONER MURPHY: Straight on?

9 THE WITNESS: Straight on.

10 COMMISSIONER MURPHY: But the houses
11 south of here are considerably shorter --

12 THE WITNESS: The other buildings --

13 COMMISSIONER MURPHY: -- for a whole,
14 you know, three houses

15 THE WITNESS: -- yes, that's higher
16 than it needs to be.

17 COMMISSIONER WEAVER: It's higher.
18 It's larger, and also on Drawing 5, on Z-4, it
19 appears to have some sort of like a chimney breast
20 along the north side of the building on the -- what
21 is that, that little -- the curb actually comes and
22 bumps out?

23 THE WITNESS: Are you talking about the
24 roof plan here?

25 COMMISSIONER WEAVER: Yes.

1 THE WITNESS: This is a preexisting
2 chimney breast that exists. It is not being added.
3 That is just being extended.

4 COMMISSIONER WEAVER: But why don't we
5 see that on the other plans?

6 COMMISSIONER MURPHY: What do you mean?

7 COMMISSIONER WEAVER: Well, see,
8 there's a bump-out in the coping.

9 COMMISSIONER MURPHY: Oh, I see.

10 COMMISSIONER WEAVER: If there was a
11 chimney breast that was yours that was existing, you
12 would see it on the other floors.

13 THE WITNESS: I am not sure on that.
14 I don't really have an adequate answer for that.
15 I would have to double check on the adjacent
16 building. There may be something appurtenant even
17 though it is a separate entity.

18 COMMISSIONER WEAVER: And you don't see
19 it on the existing roof plan, which is Drawing 9 on
20 that sheet?

21 THE WITNESS: Right.

22 I think that it is possibly just to
23 facilitate the drainage, and it is not on a
24 pertinent structure. It's nothing sticking up, and
25 it's not shown in the elevation either, so I would

1 just say that that is a graphic anomaly.

2 COMMISSIONER MURPHY: So --

3 VICE CHAIR BRANCIFORTE: Go ahead,
4 Diane.

5 COMMISSIONER MURPHY: But if it is a
6 gut renovation basically, couldn't the -- I don't
7 know, maybe it can't be, but couldn't the bulkhead
8 be moved over?

9 I mean, I am not the designer on the
10 inside, so I can't really say, but it seems like you
11 are starting with an open pallet.

12 MR. MATULE: To move the bulkhead to
13 the north side of the building, you would have to
14 flip everything on each floor?

15 THE WITNESS: Yes.

16 MR. MATULE: The stairs, you'd have to
17 move on each floor over to the -- basically flip
18 every floor plan over?

19 THE WITNESS: Given the fact that we're
20 not changing the location of the front stoop, the
21 circulation -- with this type of a profile -- the
22 fact of creating a duplex at the top.

23 But, as I said, with regard to -- we
24 can certainly -- first of all, the bulkhead is
25 pretty centrally located up in terms of the roof,

1 but the profile, in fact, can be reduced. It is
2 higher than it needs to be, and it does stick up a
3 bit higher, you know visually, so your point is
4 again well taken.

5 VICE CHAIR BRANCIFORTE: So Unit 1 is
6 actually a kind of a floor and a half?

7 MR. MATULE: Yes. Both units are a
8 floor and a half.

9 VICE CHAIR BRANCIFORTE: Got you.

10 MR. MATULE: That's how they split the
11 three new residential floors.

12 THE WITNESS: Two duplexes.

13 VICE CHAIR BRANCIFORTE: Yes. I have
14 to agree with Mr. Weaver. I mean, how much smaller
15 can you make that bulkhead?

16 THE WITNESS: I think we can reduce it
17 probably about at least a foot, foot and a half.

18 COMMISSIONER WEAVER: Do you even need
19 to have it?

20 It is like the roof deck.

21 COMMISSIONER MURPHY: Right, don't they
22 need a --

23 THE WITNESS: We end up needing an
24 eight inch -- 80-inch high door plus, you know, a
25 four-inch curve, so then, you know, structure at

1 that point and then --

2 COMMISSIONER WEAVER: Why do you have
3 to get to the roof?

4 THE WITNESS: I beg your pardon?

5 COMMISSIONER WEAVER: Why do you have
6 to get to the proof?

7 THE WITNESS: There is a roof deck
8 there --

9 COMMISSIONER WEAVER: Take the roof
10 deck away.

11 THE WITNESS: -- the lower unit -- the
12 lower unit will have the use of the rear yard. The
13 upper duplex will have the use of the roof deck.

14 COMMISSIONER WEAVER: A bulkhead is
15 ugly. So why do you have to get to the roof, just
16 for the roof deck?

17 THE WITNESS: Yes.

18 COMMISSIONER WEAVER: I mean, you
19 should move the bulkhead.

20 VICE CHAIR BRANCIFORTE: The roof deck
21 is allowed, correct?

22 MR. MATULE: Yes. It is within the
23 permissible, not to exceed 30 percent.

24 MR. GALVIN: Yes. But you have to --
25 you are concerned about the bulkhead, and you are

1 the stair that comes up from the stoop, I understand
2 the alignment of that stair on the right-hand side
3 that comes up directly from the stoop, that delivers
4 you to that level, right?

5 When you go to from level to the level
6 above, that's what is the ripple effect, where you
7 want to keep that sort of switch back stair that has
8 the winders, right, on the left-hand side?

9 That stair, once you place it, you
10 don't want to move it, so that could be anywhere.

11 VICE CHAIR BRANCIFORTE: Right.

12 COMMISSIONER MURPHY: Right, right.

13 COMMISSIONER WEAVER: Once you come up
14 to here, you're on that level. But that stairs that
15 helps you access the upper floor and then the roof,
16 that could be anywhere.

17 COMMISSIONER MURPHY: Right.

18 VICE CHAIR BRANCIFORTE: Right.

19 So what you're saying is it's one thing
20 to get from the street level basically to stoop
21 level, up to the upper duplex, the first level of
22 the upper duplex --

23 COMMISSIONER WEAVER: But once you're
24 there --

25 VICE CHAIR BRANCIFORTE: -- but once

1 further than the property next door?

2 THE WITNESS: Yes, as shown. They can
3 be reconfigured, if need be.

4 COMMISSIONER OTTO: Okay.

5 From the pictures, it appears that
6 there was a terrace of some sort next door. I was
7 just thinking, you know, about noise from those
8 condensers.

9 THE WITNESS: Uh-huh.

10 MR. MATULE: I'm sorry. I didn't --

11 COMMISSIONER OTTO: The condensers,
12 they stick out past the property line of the
13 property to the south?

14 COMMISSIONER MURPHY: Oh, they do?

15 THE WITNESS: They could be
16 centralized. I think that is a very valid point.

17 VICE CHAIR BRANCIFORTE: Okay. It may
18 mean -- okay, that is fine.

19 MR. MATULE: We will discuss that while
20 we are discussing the relocation of the stairs.

21 VICE CHAIR BRANCIFORTE: Well, I agree
22 with Jonathan. I mean, the condensers could be
23 right next to somebody's bedroom window there next
24 door to the south, so it's a good catch.

25 Thanks, Jonathan.

1 COMMISSIONER MURPHY: Which one is
2 that?

3 VICE CHAIR BRANCIFORTE: At Z-4, we are
4 looking at the air condition here.

5 Okay. So one other thing on that
6 letter.

7 Mr. Nash, were you going to talk about
8 the first floor being realigned?

9 MR. NASH: No.

10 VICE CHAIR BRANCIFORTE: No.

11 On the letter from Ann Holtzman, number
12 six, she asks: Is the first floor being realigned?

13 If not, floor elevation and overall
14 building height measurements should be corrected.

15 MR. MATULE: That is that 14.7 versus
16 14 feet, George.

17 is there any reason to have it at 14.7?

18 THE WITNESS: Just in discussions with
19 the client, there is a strong feeling to try to keep
20 the ceiling height of the storage area in the
21 basement to seven foot four, which would argue for
22 raising that first floor up five, so it's six
23 inches -- six to seven inches.

24 VICE CHAIR BRANCIFORTE: Got you.

25 Mr. Nash?

1 MR. NASH: Yes, just two things from my
2 letter.

3 Item 9 refers to, since they are
4 reusing the existing foundation, exterior walls and
5 adding load to it, because they are going up, it's
6 going to add more load onto an existing structure,

7 It's prudent to ask for a report from a
8 structural engineer that agrees that the -- or
9 provides evidence of whatever sort that that
10 structural engineer would need, that the building
11 could support the additional load.

12 COMMISSIONER WEAVER: And that there
13 would be no impacts to the adjacent structures.

14 MR. NASH: Correct. That's a
15 different -- well, we usually ask that when they are
16 going to demolish the building, but in this case
17 they are keeping the building.

18 I mean, it could be, you know, wrapped
19 up in there as well, sure.

20 MR. MATULE: I think Mr. Weiner
21 testified there are no party walls. It's a
22 freestanding building. It's not attached to the
23 buildings on either side.

24 THE WITNESS: Well, we would have to
25 satisfy the building department as to the

1 structural -- I've done this before -- as of right
2 on Willow Street, for example, and we did have to
3 address -- in those cases were party walls, so we
4 actually had to build a structure in a structure,
5 but clearly there are fairly substantial
6 construction requirements to assure that the
7 building would adequate --

8 (People talking at once)

9 MR. GALVIN: Did you see my face light
10 up?

11 No. We are going to require that you
12 provide a structural engineering report to our
13 expert.

14 THE WITNESS: In other words, we would
15 really need to propose a slab structure design that
16 would be engineered.

17 MR. GALVIN: Why?

18 THE WITNESS: Because it's the only
19 way to do it.

20 MR. GALVIN: To do a report?

21 THE WITNESS: No. There's no engineer
22 on the plan that would come in and say something
23 that they don't know until we do excavation.

24 We would have to do limited exploratory
25 excavations in any case, which is anticipated in

1 order to determine the adequacy of the depth of the
2 existing building structure.

3 And so to get to that level, we would
4 have to have a proposed foundation design that would
5 come in any case.

6 MR. NASH: And what if you got to that
7 point, and you couldn't use the existing walls, you
8 couldn't use anything?

9 See, that's the whole point here is you
10 are asking for a coverage variance based on the
11 existing footprint. If you are starting from
12 scratch, that's a different ball game, so that is
13 why we ask for it --

14 MR. MATULE: Another thing we will
15 discuss.

16 THE WITNESS: Well, I don't think we
17 have discussed it.

18 VICE CHAIR BRANCIFORTE: Go ahead,
19 Antonio.

20 COMMISSIONER GRANA: I think the point
21 is taken and that the concerns raised that the
22 proposal is not viable, then if the Board should so
23 choose to approve a new variance, that that would
24 become void if, in fact, the structure --

25 MR. GALVIN: I understand.

1 But what happens after the fact is you
2 have a building, you are somewhere in the middle
3 between here and there, and you are going to argue
4 that, you know -- I agree, it will be void. I will
5 make it void. If the building comes down, I will
6 come up with the language.

7 But, you know, when you start to expand
8 a certain amount of effort, but let's say we
9 wouldn't grant at 67 with the building from
10 scratch --

11 COMMISSIONER GRANA: And I think this
12 is the point Mr. Nash is trying to make --

13 MR. GALVIN: Correct.

14 COMMISSIONER GRANA: -- that we should
15 be -- that there be some way to obtain some level of
16 confidence, if the Board should decide to grant it.
17 I'm not saying if, that there's some confidence that
18 the project is viable.

19 MR. GALVIN: I think you should discuss
20 that also.

21 MR. MATULE: Yes, absolutely.

22 MR. GALVIN: Because I understand what
23 the architect is saying, but I think we have had
24 other structural guys before say --

25 MR. MATULE: What my suggestion is

1 going to be is to first have a conversation to see
2 if this is something that can be done in the next
3 four weeks and make that a condition, assuming that
4 the Board is predisposed to grant the variance we're
5 requesting, to make that a condition of the
6 resolution being adopted, and get a report to Mr.
7 Nash and the June meeting.

8 VICE CHAIR BRANCIFORTE: Go right
9 ahead.

10 MR. GALVIN: Is everybody good?

11 The windows on the first floor, you
12 guys were touching on it, and before they go out
13 into the hallway, I think we should think about
14 that.

15 It is space that is supposed to be for
16 storage, although it maintains a look on that
17 street, I guess --

18 COMMISSIONER WEAVER: No. They made it
19 clear they are not putting windows there.
20 They're putting a flood vent.

21 MR. GALVIN: Oh, okay.

22 COMMISSIONER MURPHY: But what are you
23 going to do with that space?

24 It's a pretty wide-open space, I mean,
25 like it's pretty big, so --

1 VICE CHAIR BRANCIFORTE: It's storage
2 now, correct?

3 COMMISSIONER WEAVER: I'm sure there
4 will be some beautiful rustication.

5 COMMISSIONER MURPHY: Well, that's what
6 we're asking.

7 (Laughter)

8 VICE CHAIR BRANCIFORTE: Oh, I see what
9 you're saying, about what's going to go in --

10 COMMISSIONER MURPHY: Yeah. Like, you
11 know, what's that going --

12 VICE CHAIR BRANCIFORTE: We are ripping
13 out that window on the garden level in the front.
14 How are we going to make it attractive to the street
15 scape --

16 COMMISSIONER MURPHY: Right.

17 VICE CHAIR BRANCIFORTE: -- and what is
18 going in there besides the flood vents?

19 MR. MATULE: Can you address that?

20 THE WITNESS: I think I might come back
21 on that one.

22 MR. MATULE: Okay.

23 VICE CHAIR BRANCIFORTE: Why don't
24 we -- yes.

25 MR. NASH: And then the only other item

1 that nobody has talked about is a green roof. I am
2 just throwing it out there. It seems to be in, if
3 not all, many applications.

4 COMMISSIONER MURPHY: Especially when
5 they asking for a variance.

6 And I have a question also.

7 So if you build up two more floors --

8 COMMISSIONER WEAVER: You're looking at
9 Z-7.

10 COMMISSIONER MURPHY: -- on Z-7, and
11 your neighbor to the south has a deck off the back
12 that looks like of their second floor, and that is
13 to the property line.

14 Is that just grandfathered in, and they
15 can keep that like that, because when we have decks,
16 we have to have them three feet in?

17 VICE CHAIR BRANCIFORTE: Can you go to
18 Z-7, please?

19 Z-7, please.

20 MR. MATULE: The neighbor's deck --

21 COMMISSIONER MURPHY: Yes, the neighbor
22 has a deck.

23 MR. MATULE: -- I am not aware --

24 COMMISSIONER MURPHY: I don't know. I
25 have no idea --

1 MR. MATULE: -- that this would have
2 any impact on the neighbor's deck --

3 MR. GALVIN: Well, let's make sure we
4 understand it first. Let me understand the question
5 first.

6 COMMISSIONER MURPHY: Yeah. I just --

7 MR. GALVIN: We only deal with the
8 property --

9 MR. MATULE: Z-7.

10 VICE CHAIR BRANCIFORTE: Lower
11 right-hand corner.

12 COMMISSIONER MURPHY: Right there.

13 MR. MATULE: This deck right here.

14 COMMISSIONER MURPHY: Right.

15 Her building would go up right past
16 that, and so I just --

17 THE WITNESS: Here.

18 COMMISSIONER MURPHY: -- so --

19 MR. GALVIN: No. The better question
20 is: They are not here.

21 Has anybody discussed this proposal
22 with the next door neighbor?

23 COMMISSIONER WEAVER: Well, they have
24 been noticed, right?

25 COMMISSIONER MURPHY: Right.

1 VICE CHAIR BRANCIFORTE: You will have
2 a chance. If the neighbor is in the audience, you
3 will have a chance in a minute to ask questions of
4 the architect, so we will get to you. You'll have
5 your moment to speak.

6 MR. MATULE: The neighbor is not in the
7 audience. That is the applicant, but I will make an
8 inquiry.

9 (Laughter)

10 VICE CHAIR BRANCIFORTE: Okay.

11 MR. MATULE: But I think Mr. Weiner's
12 testimony was because that deck is south of us, and
13 the way the sun goes around from east to west --

14 COMMISSIONER MURPHY: Yeah. It's not
15 going to affect it that way, but I guess I just -- I
16 have not seen that many things where we have this,
17 so I am just like, if that neighbor were asking to
18 put up a deck afterwards, it would be like it has to
19 be in, smooshed in a little bit.

20 MR. MATULE: Well, the neighbor -- are
21 you talking about another deck?

22 COMMISSIONER MURPHY: No, like it is
23 already there. Are you going to -- the walls going
24 right up next to it --

25 COMMISSIONER OTTO: The existing deck

1 to the south.

2 MR. MATULE: The existing deck that's
3 there --

4 COMMISSIONER MURPHY: Yeah, and it's
5 just going --

6 COMMISSIONER OTTO: There will be a
7 wall to the --

8 MR. MATULE: There will be a wall next
9 to it, but, if anything, that will give more
10 privacy.

11 VICE CHAIR BRANCIFORTE: I wasn't going
12 to say it, but you found it.

13 COMMISSIONER MURPHY: I was there.

14 VICE CHAIR BRANCIFORTE: Okay.

15 Any other questions from the Board, so
16 we can open it up to the public for questions?

17 Well, actually before we do that, what
18 about this green roof thing?

19 (Laughter)

20 Why is it that you guys have the right
21 to put the deck on there now because --

22 MR. MATULE: My understanding of the
23 way the roof deck ordinance reads, you can have a
24 roof deck that covers up to 30 percent of the
25 roof --

1 VICE CHAIR BRANCIFORTE: Okay.

2 Anything above that you need a green --

3 MR. MATULE: -- without any requirement
4 for a green roof.

5 VICE CHAIR BRANCIFORTE: Got you.

6 MR. MATULE: If you put a green roof
7 that covers at least 50 percent of the roof, then
8 the entire balance of the roof can be dedicated to
9 decks and appurtenances.

10 VICE CHAIR BRANCIFORTE: Thank you.

11 MR. MATULE: But, in any event, if we
12 didn't put a green roof, we would have to put some
13 kind of cool roof, like a white reflective roof, but
14 we will have a conversation about it.

15 VICE CHAIR BRANCIFORTE: Okay.

16 Let's open it up to the public.

17 Anyone from the public who wishes to
18 come forward and ask the architect any questions?

19 Anyone?

20 Can I have a motion to close the public
21 portion?

22 COMMISSIONER GRANA: Seeing none,
23 motion to close public portion.

24 VICE CHAIR BRANCIFORTE: Do I have a
25 second?

1 COMMISSIONER WEAVER: Second.

2 VICE CHAIR BRANCIFORTE: All in favor?

3 (All Board members answered in the
4 affirmative)

5 VICE CHAIR BRANCIFORTE: Do you want to
6 take ten?

7 MR. MATULE: Pardon?

8 VICE CHAIR BRANCIFORTE: Do you want to
9 take ten to --

10 MR. MATULE: Yes, I would appreciate
11 that, and we will try to get more specific responses
12 to the points that you raised.

13 VICE CHAIR BRANCIFORTE: Before you
14 leave --

15 COMMISSIONER GRANA: Do you have all of
16 the items, Mr. Matule?

17 MR. MATULE: I think so.

18 We're talking about the air
19 conditioning compressors --

20 COMMISSIONER GRANA: Yeah.

21 MR. MATULE: -- where the stair
22 bulkhead is located, what is going to happen in the
23 front of the building at the grade level, where
24 there is a window now and a green roof, to consider
25 a green roof --

1 COMMISSIONER GRANA: Did you get the
2 window facade -- the question about the window
3 facade?

4 MR. MATULE: Right. There's basically
5 four items.

6 VICE CHAIR BRANCIFORTE: So it's 8:30.
7 Why don't we take a ten-minute break and come back
8 at 8:40, Mr. Matule.

9 Thanks.

10 We are off the record now.

11 MR. MATULE: Okay. Thank you.

12 (Recess taken)

13 VICE CHAIR BRANCIFORTE: Yes. We are
14 back on the record, everyone.

15 MR. MATULE: Mr. Chairman, and Board
16 members, thank you for the opportunity to have a
17 conversation with the applicant and the architect
18 and discuss some of the issues that you raised.

19 If I could call Mr. Weiner back up, I
20 will just go through what we discussed, and he could
21 flesh it out to the extent that you have specific
22 questions.

23 With respect to the facade, can we go
24 to Z-5?

25 So on Z-5, we are showing this picture

1 window with the side.

2 What we discussed is putting smaller
3 windows beneath the two windows above and filling
4 the center in with brownstone to make it more, I
5 guess, dwelling and symmetrical, and then that will
6 also allow the flood vents to be located where they
7 need to be located.

8 COMMISSIONER MARSH: Which is where?

9 VICE CHAIR BRANCIFORTE: Where are the
10 flood vents located?

11 MR. MATULE: They are going to go in
12 that front wall eight inches above the outside
13 grade.

14 THE WITNESS: Right.

15 It is actually a stepped profile that
16 comes up approximately one foot from the inside
17 finished slab. Then it goes out about three feet
18 and then steps up about another foot and a half to
19 two feet to the sidewalk level.

20 So this is actually a kind of a dip.
21 That is why you could not see the flood vents, which
22 were lower. That would be something we could clear
23 with Ann Holtzman as well with regard to the
24 relative height, because it is an unusual
25 configuration.

1 The purpose of the flood vents is to
2 protect the wall from collapsing in the event of a
3 flood, and you get hydrostatic pressure, it would be
4 more from one side than from the other side, and
5 it's to equalize that load.

6 So the height, we have some latitude on
7 the height, but in any case, we will reconfigure
8 that, so it doesn't look so different from the above
9 anyway, so esthetically it will be a better solution
10 in any case.

11 MR. MATULE: And then with respect to
12 the bulkhead, that can be flipped over to the north
13 side of the building?

14 THE WITNESS: Yes.

15 MR. MATULE: And you will also reduce
16 it to as small as you can reasonably get it?

17 THE WITNESS: Correct.

18 This, we will flip to the other side.

19 This is, again, a graphic anomaly. It
20 doesn't exist, this bump here, and so this profile
21 will be much smaller.

22 We will also move the condensers behind
23 that central to the building, so that will be
24 further most of the way from both buildings.

25 MR. MATULE: And then you are going to

1 figure out how many square feet of green roof you
2 can get up there --

3 THE WITNESS: We will --

4 MR. MATULE: -- with the setbacks --

5 THE WITNESS: -- we will do a green
6 roof here as well for the maximum amount of area, so
7 we will be some 50 percent.

8 The proposal is to keep the deck pretty
9 much at the same size, we're not increasing it, even
10 though we would be allowed to under the -- that
11 particular provision, but the green roof would be
12 at --

13 VICE CHAIR BRANCIFORTE: Great.

14 Was there anything else on that list,
15 Mr. Matule?

16 MR. MATULE: And we are also going
17 to -- I don't know whether it was on that list, but
18 we are also going to endeavor to get an engineering
19 report between now and next month's meeting to Mr.
20 Nash to give him the comfort level he is looking for
21 in terms of our ability to build this addition on
22 the existing structure.

23 VICE CHAIR BRANCIFORTE: Okay.

24 Now, how do we go about making sure
25 that the changes are made and they're up to the

1 Board's --

2 COMMISSIONER MURPHY: They're coming
3 back --

4 MR. GALVIN: They are going to come
5 back.

6 VICE CHAIR BRANCIFORTE: Okay.

7 COMMISSIONER MURPHY: -- and have it
8 put in.

9 COMMISSIONER WEAVER: Can I ask a
10 question?

11 VICE CHAIR BRANCIFORTE: Sure. Go
12 ahead.

13 COMMISSIONER WEAVER: Why are there --
14 if this is a storage space on what amounts to
15 basically a basement level, why are there any
16 windows at all?

17 MR. MATULE: I think just for esthetics
18 and to have some light in there. They are going to
19 be substantially reduced, make them much smaller
20 than that --

21 COMMISSIONER WEAVER: It's a storage
22 space. You don't need light.

23 VICE CHAIR BRANCIFORTE: Let's let the
24 architect answer that actually because it's really
25 architectural.

1 THE WITNESS: Well, I think we had
2 proposed that there would be some light, some
3 natural light in there. They are not egress windows
4 per se.

5 We would reduce this clunky size right
6 now, which looks like a different era of window and
7 substantially reduce that, keep the scale of the
8 upper building, which is customary for the style of
9 the building to have windows, you know, in the
10 basement as long as it is, you know, the cellar.

11 COMMISSIONER WEAVER: Yeah. But the
12 challenge, I would argue, that there are two
13 problems.

14 One is -- and it may not be this client
15 that you have, but it may be the future owner of
16 this building, that they will then surreptitiously
17 change this into living space, and you have already
18 given them windows in the front and the back. I
19 don't know why there are windows in the back.

20 THE WITNESS: There are no windows in
21 the back, I don't believe.

22 COMMISSIONER MURPHY: It looks like
23 that --

24 MR. GALVIN: It's looks like --

25 COMMISSIONER WEAVER: If you go to

1 Z-5 --

2 MR. GALVIN: -- the revised plan should
3 eliminate them.

4 COMMISSIONER WEAVER: -- once again,
5 there are windows on your elevations --

6 THE WITNESS: Yes, agreed.

7 MR. MATULE: The door and windows --

8 COMMISSIONER WEAVER: -- so that is one
9 problem.

10 The other problem is that typically
11 when you say architecturally, architecturally there
12 is usually a window well, which means the proportion
13 of the window can be more rectangular and not
14 square.

15 In fact, what you are going to have to
16 put in is a squarish window, which looks squat and
17 it's not in keeping with the architectural style.

18 I would argue that the base of the
19 building, a rusticated brownstone type material is
20 actually more in keeping with the building than some
21 dumpy squat windows that are put in that look into a
22 storage space, which frankly I would be then
23 concerned about what you are actually looking into,
24 if you are not looking into somebody who has
25 surreptitiously taken the ground floor and made it

1 into a living space.

2 THE WITNESS: The buildings to -- the
3 average building on that block has windows at the
4 lower level.

5 COMMISSIONER WEAVER: They also have
6 window wells.

7 THE WITNESS: This is a window well --
8 well, this is a dropped section.

9 VICE CHAIR BRANCIFORTE: Yes, Diane.

10 COMMISSIONER MURPHY: This isn't really
11 about the questions -- I mean about your changes at
12 the moment, but I am realizing you had mentioned
13 earlier that the people of the first -- the lower
14 level would use the backyard, and that the second --
15 the second apartment would use the roof deck.

16 How does the lower level get to the
17 backyard?

18 THE WITNESS: They go down the stairs.

19 VICE CHAIR BRANCIFORTE: They are on
20 Z-3, I guess you show it.

21 COMMISSIONER WEAVER: There's no stairs
22 shown.

23 COMMISSIONER MURPHY: There's no stairs
24 shown in that storage space. It's just a door going
25 in and a door going out.

1 THE WITNESS: It would be in effect
2 deeded to or allocated to this space.

3 There is no internal stair, but there
4 would be access again from the front.

5 COMMISSIONER WEAVER: So you have to go
6 out the front door, down the stoop and around under
7 the stoop to get to the backyard?

8 COMMISSIONER MURPHY: To the backyard?

9 COMMISSIONER WEAVER: I find that hard
10 to believe.

11 VICE CHAIR BRANCIFORTE: Is that
12 correct, that is the way you get down?

13 You have to go through the storage
14 unit --

15 THE WITNESS: Yes.

16 VICE CHAIR BRANCIFORTE: -- to get to
17 the backyard?

18 MR. NASH: Why don't you just put
19 stairs on the back?

20 VICE CHAIR BRANCIFORTE: I'm guessing
21 that he wanted seven foot --

22 COMMISSIONER WEAVER: That might change
23 their lot coverage.

24 MR. NASH: Not if it is three feet,
25 three feet or less.

1 MR. MATULE: Well, George, you can
2 address that, but looking at the first floor plan,
3 you have got a bedroom and bathroom in the rear of
4 the building, correct?

5 THE WITNESS: Correct.

6 MR. MATULE: So you would have to go
7 through the bedroom to get into the backyard?

8 COMMISSIONER MURPHY: It seems kind of
9 weird.

10 MR. MATULE: Could you continue the
11 internal stairs down into the crawlspace, into the
12 basement area?

13 THE WITNESS: We could look at that.

14 MR. MATULE: Could you continue this
15 down into the storage area?

16 THE WITNESS: There would be a way to
17 do that.

18 MR. MATULE: Would that make sense?

19 COMMISSIONER MURPHY: I'm sorry. Say
20 that again.

21 MR. MATULE: Hum?

22 COMMISSIONER MURPHY: Say it again.

23 MR. MATULE: I am asking Mr. Weiner if
24 he could continue these stairs down into storage
25 area from the ground floor unit --

1 COMMISSIONER MURPHY: Especially if
2 it's deeded for that area --

3 MR. MATULE: -- so there is an internal
4 access to that space. I can't imagine that would be
5 too difficult.

6 COMMISSIONER WEAVER: No, but then it
7 is even more conducive to --

8 MR. MATULE: Well, that is why --

9 COMMISSIONER MURPHY: No, I know --

10 MR. MATULE: -- we didn't show it,
11 because usually when we show it, then the feedback
12 we get from the Board is how do we know they are not
13 going to then renovate that space and make it.

14 So your two choices are to, I guess, we
15 could put stairs on the back of the building not
16 more than three feet wide from the bedroom going
17 into the rear yard. It seems kind of crazy.

18 I would think if we did that, most of
19 the people would still go outside to go through the
20 storage area to get to the backyard rather than
21 traipsing through the bedroom, but I will leave that
22 up to the architect.

23 COMMISSIONER GRAHAM: What's --

24 VICE CHAIR BRANCIFORTE: Any other
25 questions?

1 Ann?

2 COMMISSIONER GRAHAM: Yes.

3 What's preventing -- I mean, the
4 variance requested is, you know, for lot coverage.

5 What is preventing you from just doing
6 the 60 percent?

7 I mean, what major problems would that
8 present to you, to just be within what you need to
9 have, you know, to not require a variance?

10 MR. MATULE: I will let the architect
11 address that.

12 THE WITNESS: Hum, the layout of the --
13 to make the upper duplex really workable, we don't
14 have enough depth.

15 If we bring this back to a point, I
16 think that the size of the rooms are reasonable
17 right now, and they would be too small and --

18 COMMISSIONER GRAHAM: What is too
19 small?

20 What do you consider too small?

21 THE WITNESS: The space of the bedrooms
22 and the rear rooms --

23 COMMISSIONER GRAHAM: You mean, going
24 from what to what?

25 I'm sorry. My eyes aren't always as

1 good as I would like them to be to read --

2 MR. MATULE: Right now, the bedroom is
3 12 feet deep as proposed --

4 COMMISSIONER GRAHAM: What?

5 MR. MATULE: -- right now the bedroom
6 is 12 feet deep.

7 VICE CHAIR BRANCIFORTE: That's the
8 first unit's bedroom?

9 MR. MATULE: The rear bedroom on the
10 first floor, yes.

11 So if we --

12 COMMISSIONER GRAHAM: Cut that --

13 MR. MATULE: -- cut that back
14 approximately four feet to bring it to 60 percent
15 lot coverage, we would have an eight foot deep
16 bedroom.

17 COMMISSIONER WEAVER: But you could
18 also take some space out of the kitchen and the
19 walk-in closet, right?

20 COMMISSIONER MURPHY: You could shorten
21 everything.

22 COMMISSIONER GRAHAM: Well, move
23 things. I mean --

24 COMMISSIONER WEAVER: You could
25 compress everything.

1 COMMISSIONER GRAHAM: Yeah.

2 COMMISSIONER WEAVER: It doesn't all
3 have to come out of the bedroom.

4 MR. MATULE: Well, I guess the question
5 is: Does a 40 foot deep building really, you know
6 functionally work, because we only have a 67 foot
7 deep lot. It is not like we are asking for a 67
8 foot deep building.

9 MR. NASH: That is the point. They are
10 already starting with an undersized lot. That's
11 their argument --

12 COMMISSIONER GRAHAM: Yes, I
13 understand.

14 COMMISSIONER MURPHY: That is why they
15 are here, but --

16 COMMISSIONER WEAVER: But there are
17 plenty of buildings in Hoboken that are 40 feet deep
18 that still function, right?

19 COMMISSIONER GRAHAM: And that's
20 functioning now, right?

21 MR. MATULE: Yes. Theoretically I
22 suppose something could be designed, but the
23 question --

24 MR. NASH: Do they have two separate
25 stairways inside --

1 MR. MATULE: -- is the cost benefit,
2 and that is why we are here.

3 COMMISSIONER WEAVER: I'm not saying
4 it's a two-family --

5 VICE CHAIR BRANCIFORTE: One at time,
6 please.

7 What's that?

8 COMMISSIONER WEAVER: He is saying does
9 it have two sets of stairs, and I said, I'm not
10 saying it's a two-family.

11 In fact, my house actually is 40-foot
12 deep, and it is a two-family.

13 COMMISSIONER MARSH: How wide is it?

14 COMMISSIONER WEAVER: 15.

15 COMMISSIONER MARSH: So this is a 20
16 foot wide 40 foot deep --

17 COMMISSIONER WEAVER: It is 15-by-40.

18 COMMISSIONER MARSH: No, this house.

19 COMMISSIONER WEAVER: Oh, this house.

20 I'm sorry. I don't know. Twenty by --

21 MR. MATULE: It is 20 by --

22 COMMISSIONER WEAVER: 47?

23 MR. NASH: 45.

24 VICE CHAIR BRANCIFORTE: 45

25 MR. MATULE: 45.

1 VICE CHAIR BRANCIFORTE: Existing is
2 20-by-45, right?

3 COMMISSIONER GRAHAM: Is this currently
4 two rental units?

5 MR. MATULE: Pardon?

6 COMMISSIONER GRAHAM: Is this currently
7 two rental units?

8 MR. MATULE: No. The applicant lives
9 there --

10 COMMISSIONER GRAHAM: Oh, the applicant
11 lives there, okay. So they then --

12 MR. MATULE: -- and they want to
13 continue to live there.

14 COMMISSIONER GRAHAM: -- but then they
15 would sell the other half or rent the other half?

16 MR. MATULE: No. It is an extended
17 family, parents and daughter.

18 COMMISSIONER GRAHAM: Okay. I didn't
19 know that. I'm sorry.

20 MR. MATULE: They are really having to
21 give up that basement level, so this is where we are
22 at.

23 COMMISSIONER GRAHAM: Okay.

24 VICE CHAIR BRANCIFORTE: Ann, is your
25 question answered?

1 COMMISSIONER GRAHAM: Yes.

2 VICE CHAIR BRANCIFORTE: Anybody else?

3 John -- I'm sorry, Steve?

4 COMMISSIONER FIRESETONE: That is okay.

5 I wasn't clear on the response to my

6 earlier question about the stucco structure.

7 So since it sounds like you are going

8 to be coming back again in a month, if you could

9 present some sort of documentation that would help

10 to support that it's a valid preexisting structure,

11 that would be helpful to me.

12 MR. MATULE: I am not understanding the

13 question.

14 COMMISSIONER FIRESTONE: The one-story

15 stucco structure on the back of --

16 MR. MATULE: Did it say validly

17 preexisting structure?

18 COMMISSIONER FIRESTONE: -- that it's a

19 valid preexisting structure, it might have received

20 variance approval at some point.

21 MR. MATULE: I think the testimony

22 from the architect was that it's a very old

23 addition, and it probably predates the zoning

24 ordinance.

25 The zoning officer didn't have an issue

1 with that. I am sure there is no certificate of
2 nonconformity of record, you know. I think it is a
3 preexisting nonconforming structure on a preexisting
4 undersized lot.

5 I mean, I think the fact that there are
6 people living there, and it changed hands
7 presupposes the fact that it is habitable space that
8 the city has approved.

9 VICE CHAIR BRANCIFORTE: Anything from
10 my attorney on that?

11 MR. GALVIN: I have nothing.

12 I mean, everybody is saying the right
13 thing. It is just like you, the Board, has to make
14 the call --

15 VICE CHAIR BRANCIFORTE: Got you. I
16 just wanted to know --

17 MR. GALVIN: -- I mean, it would be
18 nice to have proof that it is a valid preexisting
19 nonconformity. You are not being asked to grant a
20 certificate of nonconformity, but in the picture of
21 things, we are being told this is an existing
22 structure. It takes out the 67 percent.

23 It is fair question to ask when it got
24 created, and if it were valid at the time it was
25 created. But if you don't -- I don't think you have

1 to feel compelled to grant it because it exists.

2 If you agree with the renovation of the
3 building overall, and you like the arguments that
4 are made, and it is an undersized lot, then you can
5 feel comfortable granting it.

6 If you decide that you are
7 dissatisfied because you didn't get enough
8 information, that you are not sure if it was validly
9 created, I mean, that is one of the scopes.
10 Preexisting structures have a right to exist
11 indefinitely, but the key is they have to be valid
12 when they were created.

13 I did take a quick look at historic
14 aerials and could not get the level of detail to be
15 able to determine when this addition went on, so --

16 VICE CHAIR BRANCIFORTE: Got you.

17 MR. GALVIN: -- it is clearly not part
18 of the existing building, right?

19 We all agree on that.

20 VICE CHAIR BRANCIFORTE: Would there be
21 any records in the construction office on that,
22 permits or anything?

23 MR. GALVIN: In the City of Hoboken?

24 VICE CHAIR BRANCIFORTE: Yes.

25 (Laughter)

1 COMMISSIONER MURPHY: Pre Sandy, forget
2 it.

3 MR. MATULE: I would say the likelihood
4 is small to none.

5 (Laughter)

6 MR. GALVIN: There might be some
7 records in the City of Summit.

8 MR. MATULE: Based on my OPRA requests
9 on other buildings in town.

10 VICE CHAIR BRANCIFORTE: Mr. Firestone,
11 you --

12 COMMISSIONER FIRESTONE: That was it.
13 That was my only additional question.

14 VICE CHAIR BRANCIFORTE: Okay.

15 Are there any more questions for the
16 architect?

17 If not, we will move on to the planner.

18 No.

19 I will open it again to the public.

20 Anyone from the public want to ask questions?

21 No, no one.

22 COMMISSIONER GRANA: Motion to close
23 public.

24 COMMISSIONER MURPHY: Second.

25 COMMISSIONER WEAVER: Second.

1 VICE CHAIR BRANCIFORTE: All in favor?

2 (All Board members answered in the
3 affirmative)

4 VICE CHAIR BRANCIFORTE: Thanks.

5 MR. MATULE: Mr. Ochab.

6 MR. GALVIN: Mr. Matule, I wonder if it
7 might not make sense to wait until you make the
8 revisions to the plan to --

9 VICE CHAIR BRANCIFORTE: To hear from
10 the planner?

11 MR. GALVIN: -- make your revisions
12 before you --

13 COMMISSIONER WEAVER: Yeah.

14 MR. MATULE: We are good with that. I
15 don't think it is going to change the bulk of the
16 building at all, but --

17 MR. GALVIN: It might not.

18 MR. MATULE: -- yes, we are fine with
19 that.

20 COMMISSIONER GRAHAM: It might make
21 more sense.

22 (Commissioners talking at once)

23 COMMISSIONER MURPHY: So is that what
24 we're doing?

25 VICE CHAIR BRANCIFORTE: But let's,

1 before we do that, though, let's make sure we have
2 space for them in the future.

3 I mean, we have got everybody here
4 tonight. I hate to see us start squeezing out other
5 applicants

6 MR. MATULE: I assume you are talking
7 about June.

8 MS. CARCONE: June 19th.

9 COMMISSIONER GRANA: I have a question.
10 How much -- we definitely need to see
11 the redesign on the architecture.

12 How much would that change the
13 planner's testimony?

14 VICE CHAIR BRANCIFORTE: Should we ask
15 the planner?

16 COMMISSIONER GRANA: He is going to
17 argue C1, C2, right? So it is not going to change
18 that.

19 MR. GALVIN: All right. Proceed then.

20 I was just saying I think it is smarter
21 to see the revised plan, so we know what it is --
22 but you're right. It's not --

23 MR. MATULE: We have to come back
24 anyway --

25 COMMISSIONER GRANA: Okay. I was just

1 asking the question.

2 MR. MATULE: -- so I appreciate the
3 offer, but not foreclose ourselves --

4 MR. GALVIN: The interesting thing is,
5 is Mr. Ochab going to have to testify again after
6 you give us the changes to the plan, in which case
7 we are hearing Mr. Ochab twice.

8 MR. OCHAB: From my perspective, since
9 I have to testify --

10 (Commissioners talking at once)

11 VICE CHAIR BRANCIFORTE: I'm sorry.

12 Mr. Ochab, what were you saying?

13 MR. OCHAB: From my perspective, I
14 would rather testify off the latest revised plan as
15 opposed to --

16 MR. MATULE: So do you have room on the
17 agenda for June 19th?

18 MS. CARCONE: Yes.

19 VICE CHAIR BRANCIFORTE: You know, that
20 might be better anyway, because then our planner
21 will be back on that date.

22 MR. MATULE: So I consent to the time
23 within which the Board has to act through June 19th,
24 and I request that we have no further public notice.

25 VICE CHAIR BRANCIFORTE: Okay. Hold on

1 one second, though.

2 What else do we have on June 19th, Pat?

3 MS. CARCONE: Right now on June 19th we
4 have 415 Jackson, which is the wireless project
5 that --

6 MR. GALVIN: That might be carried
7 again.

8 MS. CARCONE: -- might be carried
9 again, but they are renoticing for June 19th. That
10 is the one that has asked again and again to be
11 carried.

12 MR. GALVIN: I would put this on first
13 and that on second.

14 MS. CARCONE: Uh-huh.

15 VICE CHAIR BRANCIFORTE: That is the
16 only thing on the agenda?

17 MS. CARCONE: Right now, that is the
18 only thing that's on the agenda.

19 Possibly the Hoboken golf application
20 that we talked about.

21 COMMISSIONER MURPHY: The one that we
22 just gave waivers for?

23 MS. CARCONE: That we gave the waivers
24 for.

25 VICE CHAIR BRANCIFORTE: Okay.

1 I just wanted to make sure that we
2 didn't have -- we weren't going to start pushing
3 people off the agenda.

4 MS. CARCONE: No, we are not.

5 VICE CHAIR BRANCIFORTE: So we will
6 carry this to June 19th without further notice. Is
7 that your --

8 MR. MATULE: Correct.

9 And we extend the time in which the
10 Board has to act, and we will submit revised plans
11 at least ten days before the hearing.

12 VICE CHAIR BRANCIFORTE: Thank you, Mr.
13 Matule.

14 Sounds good.

15 Does everybody understand that?

16 COMMISSIONER MURPHY: Yes.

17 VICE CHAIR BRANCIFORTE: So do we have
18 a motion?

19 COMMISSIONER GRANA: The applicant has
20 said publicly that they waive the time in which the
21 Board has to act.

22 I motion that the application be moved
23 to June 19th with no further public notice.

24 VICE CHAIR BRANCIFORTE: With no
25 renotice. Okay.

1 Do I have a second?

2 COMMISSIONER WEAVER: Second.

3 VICE CHAIR BRANCIFORTE: Why don't you
4 do a roll call on that?

5 MS. CARCONE: Commissioner Grana?

6 COMMISSIONER GRANA: Yes.

7 MS. CARCONE: Commissioner Marsh?

8 COMMISSIONER MARSH: Yes.

9 MS. CARCONE: Commissioner Murphy?

10 COMMISSIONER MURPHY: Yes.

11 MS. CARCONE: Commissioner Weaver?

12 COMMISSIONER WEAVER: Yes.

13 MS. CARCONE: Commissioner Firestone?

14 COMMISSIONER FIRESTONE: Yes.

15 MS. CARCONE: Commissioner Johnson?

16 COMMISSIONER JOHNSON: Yes.

17 MS. CARCONE: And Vice Chair

18 Branciforte?

19 VICE CHAIR BRANCIFORTE: Yes.

20 MR. MATULE: Thank you.

21 Have a good evening.

22 VICE CHAIR BRANCIFORTE: Okay. We do
23 still have little bit of business to take care of,
24 so if you have conversations, can you please take
25 them out to the hallway.

(The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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