

1 MS. O'NEILL: Okay. Commissioner Sandkamp
 2 is running late, so for our purposes right now he is
 3 absent. Commissioner Amatuzzo is absent.
 4 Commissioner Garriga is absent. Commissioner Cronin
 5 is absent. Vice Chair Gucciardo is absent.
 6 So Chairman Gordon?
 7 CHAIRMAN GORDON: Present.
 8 MS. O'NEILL: Okay. There are five
 9 members of the Commission present. Five affirmative
 10 votes are needed for a certificate of
 11 appropriateness.
 12 All right. Moving down on the agenda we
 13 have our minutes from the July 17th meeting.
 14 Does anyone have any questions,
 15 corrections, anything like that? If not, staff
 16 recommends a motion to approve.
 17 COMMISSIONER LEWIS: Motion to approve.
 18 COMMISSIONER BLAZAK: Second.
 19 MS. O'NEILL: Okay. Commissioner Gunther?
 20 COMMISSIONER GUNTHER: Aye.
 21 MS. O'NEILL: Commissioner Lewis?
 22 COMMISSIONER LEWIS: Aye.
 23 MS. O'NEILL: Commissioner Sakong?
 24 COMMISSIONER SAKONG: I was not present,
 25 so I'll abstain.

1 (Whereupon, a voice vote was taken; chorus
 2 of "ayes" heard.)
 3 MS. O'NEILL: Good. We have no old
 4 business on tonight's agenda.
 5 So, Robert, if you'd like to call the
 6 first case in new business.
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1 MS. O'NEILL: Okay. Commissioner Blazak?
 2 COMMISSIONER BLAZAK: Aye.
 3 MS. O'NEILL: And Chairman Gordon?
 4 CHAIRMAN GORDON: Aye.
 5 MS. O'NEILL: Okay. There are four votes
 6 in favor, none against, one abstention. The minutes
 7 from the July 17th meeting are approved.
 8 All right. For correspondence, all copies
 9 of correspondence, application materials are linked
 10 on tonight's agenda through the application number.
 11 We're going to carry staff announcements
 12 to the bottom of the agenda for tonight. So then
 13 that brings us to open public comment. If there's
 14 any members of the public who would like to speak
 15 regarding matters of historic preservation that are
 16 not on tonight's agenda, you can use the "raise
 17 hand" function at the bottom of the screen. If
 18 you're on the phone, you can press *9.
 19 All right. Staff sees no hands raised and
 20 I would recommend a motion to open and close public
 21 comment.
 22 COMMISSIONER LEWIS: Motion to open and
 23 close.
 24 COMMISSIONER BLAZAK: Second.
 25 MS. O'NEILL: All in favor?

1 CHAIRMAN GORDON: I'll call Case H22-483.
 2 The applicant is James Cornell, architect and owner.
 3 The address is 144 Erie Street in the Van Vorst Park
 4 Historic District. This application is for a
 5 certificate of appropriateness for the construction
 6 of a deck at the rear facade of a contributing,
 7 altered, brick and brownstone trimmed transitional
 8 Greek Revival Italianate vernacular variant rowhouse
 9 constructed circa 1860.
 10 MS. O'NEILL: Thanks.
 11 James, you should be able to unmute
 12 yourself and turn on your camera. We'll swear you
 13 in, James.
 14 J A M E S C O R N E L L, having been
 15 duly sworn, was examined and testified as follows:
 16 THE REPORTER: Thank you.
 17 MR. CORNELL: You're welcome.
 18 MS. O'NEILL: Staff notes that James has
 19 previously been qualified in front of this Board as
 20 an expert in the field of architecture.
 21 James, you should be able to share your
 22 screen to walk the Commission through the plans.
 23 MR. CORNELL: Okay. Can you see?
 24 MS. O'NEILL: Yes.
 25 MR. CORNELL: Okay. So this shows the

1 location of my residence. It's down here, this
2 little part with the arrow. This is Hamilton Park
3 that I'm circling now and this is Erie Street right
4 now.

5 So this is my property currently. It's
6 19'4 by 75 on this side and 19'4 wide. And it's
7 irregular, so I have this -- sorry, I didn't mean to
8 do that.

9 I have this little dog neck into it. And
10 then I would like to put a deck, if you look over
11 here, 6-foot deck in the rear of the building in
12 this location with the stairs on the longer side of
13 the property.

14 Here's a little more detail of the
15 property and the deck itself. So the deck is Ipe
16 decking with a metal railing with an Ipe top cap on
17 it. So 6-foot deck. Nothing untypical about it and
18 the stairs run about 7 foot down.

19 Here's a rear elevation of the property as
20 it exists now; with the deck. You can see the steps
21 coming down.

22 This is a little sample of the railing on
23 this side with the metal top cap and the horizontal
24 metal rails that run this way. They will be black.
25 And the Ipe would stay natural colored with an oil

1 stain on it.

2 And that's pretty much it.
3 Straightforward.

4 This is a section from the back.

5 MS. O'NEILL: Do any Commissioners have
6 any questions for James?

7 MR. CORNELL: I'm sorry. I need to turn
8 my volume up on this.

9 COMMISSIONER BLAZAK: Is the only reason
10 this is coming to us because it's an undersized lot
11 and the setback doesn't meet the 30-foot rear yard?

12 MS. O'NEILL: Yes. If it had a conforming
13 rear yard, it would have been to code, but they need
14 a "C" variance.

15 COMMISSIONER BLAZAK: Okay. And what's
16 the rear yard now or what is going to be the setback
17 after this is built?

18 MR. CORNELL: Let me go back to the other
19 page. My mouse is not clicking. So about 15 foot
20 from the step on the longest side to the back and to
21 the deck itself is 22 foot 6 -- 22 foot 3. That's
22 on the long side. And then this little part here is
23 roughly 6 feet. I can tell you up here, it's 6 foot
24 2. So the deck, you subtract that, so it would be
25 16 feet.

1 COMMISSIONER BLAZAK: And how deep is the
2 yard itself or the lot itself? I'm sorry.

3 MR. CORNELL: Seventy-five feet on this
4 long point here.

5 COMMISSIONER BLAZAK: Okay. Okay. Thank
6 you.

7 MR. CORNELL: You're welcome.

8 CHAIRMAN GORDON: So what is it at that
9 parlor level in the back? Are those sliding glass
10 doors or are those windows?

11 MR. CORNELL: Correct. Sliding glass
12 doors currently.

13 CHAIRMAN GORDON: And what do they open to
14 currently?

15 MR. CORNELL: A temporary stair that goes
16 down to the rear yard. You can see with my pen.

17 CHAIRMAN GORDON: So was that built out in
18 anticipation of this deck being built?

19 MR. CORNELL: Yeah. There was just
20 construction stairs going down. I had to file for
21 the variance for this, so I filed it separate from
22 part of the renovation I was doing inside.

23 MS. O'NEILL: And, Robert, we approved the
24 sliding glass doors on the CONE level because they
25 had the stairs going out there, so even if the deck

1 wasn't approved, they had access to the rear yard.
2 It wasn't really an issue on our end as long as they
3 came in for the deck and sought the necessary
4 approvals.

5 CHAIRMAN GORDON: Okay. I was just
6 confused because on here it looks like sliding glass
7 doors that open to a drop down.

8 MR. CORNELL: Yeah. I didn't draw in the
9 construction stairs over there. I'm sorry.

10 MS. O'NEILL: Are there any other
11 questions?

12 All right. Hearing none, James, does that
13 conclude your testimony?

14 MR. CORNELL: Yes, unless there's any
15 questions.

16 MS. O'NEILL: Okay. All right. So then
17 we'll move into open public comment. If there are
18 any members of the public in attendance who would
19 like to speak regarding this application, please use
20 the "raise hand" function at the bottom of the
21 screen. If you're on the phone, you can press *9.

22 Staff sees no hands raised and recommends
23 a motion to open and close public comment.

24 COMMISSIONER LEWIS: Motion to open and
25 close.

1 COMMISSIONER BLAZAK: Second.
 2 MS. O'NEILL: All in favor?
 3 (Whereupon, a voice vote was taken; chorus
 4 of "ayes" heard.)
 5 MS. O'NEILL: So we'll move into staff
 6 comments. All right. And of course scrolling down
 7 to staff comments and recommendations, this is a
 8 pretty straight-forward application. We see really
 9 no adverse effect as a result of this. Of course
 10 there is a rear yard setback variance, but it is an
 11 irregular undersized lot and the deck does not go
 12 further out than any other built structure within
 13 the row and on that block. So it doesn't impact the
 14 inner block doughnut in any way.
 15 In that case we recommend the approval of
 16 the certificate of appropriateness with conditions
 17 and also recommend that the Zoning Board approve the
 18 associated variance.
 19 We have essentially standard conditions on
 20 this application. The only one that's not a
 21 standard condition that we typically see for COAs is
 22 we have a condition there that the fence be
 23 installed as a good neighbor fence. It's shown on
 24 the plans to be that way. We have no doubt it will
 25 be installed that way. It's just that's a standard

1 favor, none against, no abstentions. The COA and
 2 recommendations to the Zoning Board is approved.
 3 MR. CORNELL: Thank you, everyone.
 4 COMMISSIONER BLAZAK: Take care.
 5 MS. O'NEILL: Thanks, James.
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1 condition for fences that the Commission would like
 2 to see in the resolution.
 3 Are there any questions for staff? Okay.
 4 Hearing none, again, the recommendation is
 5 to approve the certificate of appropriateness with
 6 conditions and to also recommend that the Zoning
 7 Board approve the associated variances.
 8 COMMISSIONER BLAZAK: Okay. I'll make a
 9 motion to approve with the conditions.
 10 COMMISSIONER LEWIS: I'll second.
 11 MS. O'NEILL: Okay. We'll do a roll call
 12 vote.
 13 Commissioner Sakong?
 14 COMMISSIONER SAKONG: Aye.
 15 MS. O'NEILL: Commissioner Blazak?
 16 COMMISSIONER BLAZAK: Aye.
 17 MS. O'NEILL: Commissioner Gunther?
 18 COMMISSIONER GUNTHER: Aye.
 19 MS. O'NEILL: Commissioner Lewis?
 20 COMMISSIONER LEWIS: Aye.
 21 MS. O'NEILL: And Chairman Gordon?
 22 CHAIRMAN GORDON: Aye.
 23 MS. O'NEILL: Okay. Staff notes that
 24 Commissioners Amatuzzo, Garriga, Cronin, and Vice
 25 Chair Gucciardo are absent. There are five votes in

1 MS. O'NEILL: All right. We're going to
 2 go ahead and call the next case.
 3 CHAIRMAN GORDON: I'll now call Case
 4 H23-044. The applicant is Dean Maroulakos, The
 5 Junto Club LLC, tenant. The address is 292 Barrow
 6 Street in the Van Vorst Park Historic District.
 7 This application is for a certificate of
 8 appropriateness for installation of a sidewalk cafe
 9 fronting Mercer Street with 26 seats at an altered,
 10 contributing, mixed-use variant building within the
 11 Van Vorst Park Historic District.
 12 This is a recommendation to the Jersey
 13 City Zoning Board of Adjustment.
 14 MS. O'NEILL: Thanks.
 15 Dean, we'll swear you in. I see your -- I
 16 see your architect on here.
 17 Joseph, you do need to accept the panelist
 18 invitation so that you can share your screen. I'm
 19 just going to send it again and we'll swear Dean in.
 20 Dean, we can't hear you.
 21 D E A N M A R O U L A K O S, having been
 22 duly sworn, was examined and testified as follows:
 23 THE REPORTER: Thank you.
 24 MS. O'NEILL: Dean, I saw your architect
 25 on here a couple moments ago, but I think he dropped

1 off. Can you --

2 MR. MAROULAKOS: Let me text him. Yeah,

3 he got kicked off.

4 MS. O'NEILL: Okay. Yeah.

5 MR. MAROULAKOS: He's on there now.

6 MS. O'NEILL: Okay. I'm going to promote

7 him and then we can swear him in as well.

8 CHAIRMAN GORDON: Mr. Maroulakos, your

9 audio is a bit low. If you could keep your voice

10 up, I'd appreciate it.

11 MR. MAROULAKOS: Sure thing. Is that

12 better?

13 CHAIRMAN GORDON: Yes. Thank you.

14 MR. MAROULAKOS: Okay.

15 MS. O'NEILL: He's now not showing up in

16 either panelist or attendees.

17 COMMISSIONER GUNTHER: Maggie, he's in

18 attendees I think.

19 MS. O'NEILL: Yeah, I just promoted him.

20 There we go. All right. Joseph, you should be able

21 to turn on your camera and unmute yourself. There

22 we go.

23 MR. HAINES: There you go. Sorry. I

24 travel, so I'm doing this on my phone.

25 MS. O'NEILL: It's all right. Why don't

1 Dean, do you want to give an overview of the

2 application?

3 MR. MAROULAKOS: Sure. So we are looking

4 to seek approval to do a temporary seasonal outdoor

5 sidewalk cafe on the Mercer Street side of our

6 property. We're looking to do nine tables with

7 about 26 seats along the side, leaving the

8 appropriate clearances for pedestrian right-of-way,

9 to be taken down nightly and seeking for the March

10 through November seasonal usage.

11 MS. O'NEILL: To make it a little bit

12 easier, I put up the plans that were submitted.

13 Is there anything on here you'd like to

14 specifically point out, you or Joseph? I can zoom

15 in on that.

16 MR. MAROULAKOS: Sure. Joe, do you want

17 to comment or...?

18 THE WITNESS: Sure. We're just providing

19 cafe seating on the outside with temporary fencing.

20 Both the seating and fencing is going to be brought

21 in every night. We made sure -- we went out and

22 checked all the residential tree pits, the signage

23 and everything and made sure there was a clear path

24 for pedestrians along the sidewalk of greater than 5

25 feet. So we won't interfere with any kind of

1 we go ahead and swear you in.

2 MR. HAINES: Sure.

3 JOSEPH HAINES, having been

4 duly sworn, was examined and testified as follows:

5 THE REPORTER: Thank you.

6 MS. O'NEILL: Joseph, can you just give us

7 like a very quick overview of your credentials? I

8 don't believe you've been qualified in front of this

9 Board before. We're mainly just looking if you're

10 licensed in the State of New Jersey.

11 THE WITNESS: Okay. I'm sorry, I lost you

12 for a second. I went to the School of Architecture

13 at N.J.I.T., graduated 1991 with a bachelor of

14 architecture. I've been practicing in my own

15 practice for 25 years, first in Montclair and now

16 it's in Nutley, New Jersey.

17 I've testified in front of historical

18 boards of both Montclair and Glen Ridge.

19 MS. O'NEILL: Great. That sounds perfect.

20 Staff recommends that the Chair accept the

21 qualifications of Mr. Haines as an expert in the

22 field of architecture.

23 CHAIRMAN GORDON: Yes.

24 THE WITNESS: Thank you.

25 MS. O'NEILL: All right. Dean, Joseph --

1 pedestrian traffic.

2 And all the cafe seating is going to be on

3 the south side of the building. We're not doing any

4 work to the building at all. There's nothing to be

5 attached to the building. It's all going to be

6 outside seating, umbrellas, and fencing.

7 MS. O'NEILL: Great. Thank you.

8 Just for the Commission's review, I'll

9 just scroll up and show the proposed sidewalk fence

10 and also the proposed umbrella are on the left side

11 of the screen.

12 Do any Commissioners have any questions?

13 Okay.

14 CHAIRMAN GORDON: Maggie, are we at all

15 concerned about the furniture or it's more we're

16 guided by the configuration?

17 MS. O'NEILL: The furniture is really

18 ephemeral. It's not a hard installation. So as

19 long as it's not -- when I evaluate the furniture,

20 I'm really just looking to see that it's something

21 that can easily be brought in every single night.

22 And the specs they -- the photos they submitted of

23 what they'll be putting out there are things that we

24 regularly see brought in and out every night. So

25 from a staff perspective, I'm not particularly

1 concerned about that.
 2 There's no specific guidance in our
 3 ordinance that says we can or can't review that if
 4 that answers your question as well.
 5 CHAIRMAN GORDON: I see that there were
 6 images of the tables and chairs submitted as well.
 7 Right?
 8 MS. O'NEILL: Yes.
 9 CHAIRMAN GORDON: Okay. Thank you.
 10 MS. O'NEILL: No problem.
 11 Any additional questions? concerns?
 12 All right. Hearing none, Dean, Joseph,
 13 anything else you want to say to conclude your
 14 testimony?
 15 MR. MAROULAKOS: No. Just to add to the
 16 furniture, it's the same furniture that we did use
 17 when we had the temporary COVID seating as well. So
 18 we had submitted for approval of that prior.
 19 MS. O'NEILL: Thank you.
 20 CHAIRMAN GORDON: Thank you.
 21 MS. O'NEILL: All right. Before we move
 22 into staff comments, we'll open this to the public.
 23 If there are any members of the public in
 24 attendance who would like to speak regarding this
 25 application, please use the "raise hand" function at

1 associated with this project to the Zoning Board of
 2 Adjustment.
 3 So we have conditions for this approval
 4 that we're recommending as well. These -- we
 5 haven't seen a sidewalk cafe approval in quite a bit
 6 because of COVID, so I'm just going to briefly go
 7 over them with the Commission.
 8 Part of the conditions is just noting how
 9 many seats are the maximum amount of seats; that the
 10 seating and barriers shall be removed and placed in
 11 the building in the evening; and that no part of the
 12 outdoor cafe shall obstruct the public right-of-way.
 13 And then we have some standard conditions
 14 below, just that, you know, if we walk out there and
 15 the barriers are suddenly an additional 4 feet out
 16 and they're blocking the public right-of-way, things
 17 like that. Any changes between now and construction
 18 do need to come to us for approval.
 19 We also note on here that sidewalk cafe
 20 approvals for HPC are done on a yearly basis in
 21 addition to commerce. So if a certificate of
 22 appropriateness is granted for this, you just have
 23 to apply under a certificate of no effect to renew
 24 that COA every year. It's straightforward. It just
 25 does need to be done yearly.

1 the bottom of the screen. Alternatively, you can
 2 press *9 on the phone.
 3 Staff sees no hands raised and recommends
 4 a motion to open and close public comment.
 5 COMMISSIONER BLAZAK: Motion to open and
 6 close public comment.
 7 COMMISSIONER LEWIS: Second.
 8 MS. O'NEILL: All in favor?
 9 (Whereupon, a voice vote was taken; chorus
 10 of "ayes" heard.)
 11 MS. O'NEILL: Okay. We'll move into staff
 12 comments. I'll go ahead and share my screen. And
 13 we'll note for the record up at the top it does say
 14 "242 Bay Street" where I have it highlighted here.
 15 This is obviously 292 Barrow Street. The block and
 16 lot are correct. I just forgot to change that part.
 17 All right. Similarly to the last
 18 application, this is a pretty straightforward
 19 sidewalk cafe. It's consistent with the sidewalk
 20 cafe ordinance as well as the Secretary of the
 21 Interior standards and we do not think it will have
 22 an adverse effect on either the historic resource or
 23 the Van Vorst Park Historic District.
 24 So we do recommend approval of the
 25 certificate of appropriateness and the variance

1 (Record notes Commissioner Sandkamp is now
 2 present.)
 3 MS. O'NEILL: All right. Are there any
 4 questions for staff?
 5 COMMISSIONER BLAZAK: I actually had two
 6 questions. One, has anything changed with the
 7 sidewalk cafe ordinance since 2019 or whenever we
 8 last heard one through COVID? And, two, why is this
 9 going to the Zoning Board?
 10 MS. O'NEILL: So the sidewalk cafe
 11 ordinance has changed to include parkettes and also
 12 has changed definition-wise as to how we define
 13 permanent sidewalk cafe, temporary sidewalk cafe,
 14 parklette, make those changes.
 15 This definitely falls under a temporary
 16 sidewalk cafe because it is limited by seasonality.
 17 So it will go out and come in with what is defined
 18 as seasonal.
 19 This is going to the Zoning Board of
 20 Adjustment because it needs a "C" variance for a
 21 conditional use. I'm sorry, a "D" variance, a D-3
 22 variance. I keep calling it a C-3 variance for
 23 conditional use. It's a D-3 variance for a
 24 conditional use.
 25 The way the conditional uses are written

1 for the Van Vorst Park Historic District is that you
2 can have a sidewalk cafe over here as long as your
3 primary entrance to your building is on Mercer
4 Street. And the primary entrance for this is not on
5 Mercer Street. So it was determined by Nick Taylor
6 that it needs a variance. It is some kooky
7 phrasing.

8 CHAIRMAN GORDON: All right. So going
9 back to the furniture question, I'm not concerned
10 with it. I just want to understand. Because I did
11 look back at when we did one of these in September
12 2019 and there was some discussion at that time
13 about the umbrellas needing to be specifically
14 reviewed and approved by the HPC. And I believe at
15 the time, Maggie, you had indicated that could be
16 done at the staff level, but it was something that
17 needed to be vetted.

18 Is there something specific about the
19 umbrellas that we're not looking at that but not the
20 table and chairs? To me it's --

21 MS. O'NEILL: No. I mean, honestly you
22 probably looked at it more recently than I have.
23 From what I remember with that particular
24 application, they didn't submit umbrellas and they
25 said during their testimony they were going to use

1 umbrellas.

2 CHAIRMAN GORDON: Right.

3 MS. O'NEILL: So I think we just asked for
4 them to submit some kind of specification just so we
5 -- and that's mostly from an out of -- from an
6 aesthetics standpoint, that's going to be the most
7 obtrusive thing. And I think Dan just wanted to
8 make sure it wasn't going to be like a fluorescent
9 blue umbrella that said High Noon on it.

10 CHAIRMAN GORDON: Well, in a similar vein,
11 I guess I'm wondering if the applicant here wanted
12 to swap out the furniture, would the HPC be looking
13 at that or can they put whatever they want out
14 there?

15 MS. O'NEILL: So that would be a staff
16 approval unless it changes the number of seats or
17 tables or anything dramatically. Right? Like if
18 it -- I'm not going to sit here and say that I
19 wouldn't approve it under staff if they wanted to
20 add another two to that, but if suddenly they were,
21 like, "Hey, we want to extend the sidewalk cafe down
22 another -- to wrap it around on to Barrow and add
23 another 15 tables" or whatever, that would likely
24 have to come back for approval. And I don't think
25 there's room for that and I don't think anyone

1 should be concerned about that.

2 CHAIRMAN GORDON: Okay. I'm fine with
3 that being approved at the staff level. I just
4 wanted to make sure it was understood that that
5 still does need to come back to the HPC, at least at
6 the staff level.

7 MS. O'NEILL: Yeah. Yeah.

8 CHAIRMAN GORDON: Okay, all right. Thank
9 you.

10 MS. O'NEILL: Are there any other
11 questions for staff?

12 All right. I do want to note for the
13 record it's 7:04 and Commissioner Sandkamp has
14 arrived. So we do have six members in attendance.

15 All right. If there are no other
16 questions for staff, again, the recommendation here
17 is the approval of a certificate of appropriateness
18 with conditions and a recommendation to the Zoning
19 Board of Adjustment for approval of a conditional
20 use variance.

21 COMMISSIONER SAKONG: I make the motion.

22 COMMISSIONER BLAZAK: Second.

23 MS. O'NEILL: Okay. We'll do a roll call.

24 Commissioner Lewis?

25 COMMISSIONER LEWIS: Aye.

1 MS. O'NEILL: Commissioner Sakong?

2 COMMISSIONER SAKONG: Aye.

3 MS. O'NEILL: Commissioner Blazak?

4 COMMISSIONER BLAZAK: Aye.

5 MS. O'NEILL: Commissioner Gunther?

6 COMMISSIONER GUNTHER: Aye.

7 MS. O'NEILL: Commissioner Sandkamp?

8 COMMISSIONER SANDKAMP: I think I'm going
9 to abstain. I didn't hear most of that application.

10 MS. O'NEILL: Understood.

11 COMMISSIONER SANDKAMP: Yes, I'm going to
12 abstain.

13 MS. O'NEILL: Great.

14 Commissioner Amatuzzo is absent.

15 Commissioner Garriga is absent. Commissioner Cronin
16 is absent. Vice Chair Gucciardo is absent.

17 Chairman Gordon?

18 CHAIRMAN GORDON: Aye.

19 MS. O'NEILL: Okay. There are five votes
20 in favor, none against, and one abstention. The COA
21 with conditions and recommendation to the Zoning
22 Board is approved.

23 MR. MAROULAKOS: Thank you all very much.

24 CHAIRMAN GORDON: Thanks, guys.

25 THE WITNESS: Thank you. Thank you.

1 MR. MAROULAKOS: Good night.
 2 CHAIRMAN GORDON: Yep.
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1 MS. O'NEILL: Okay. All right. So,
 2 Robert, if you'd like to go ahead and call the next
 3 one.
 4 CHAIRMAN GORDON: I will call Case
 5 H22-420. The applicant is Heather Kumer, Esquire,
 6 on behalf of Caroline and David Sutton, owners. The
 7 address is 313 Varick Street. This application is
 8 for a certificate of appropriateness for the
 9 construction of a terrace on an existing one-story
 10 rear addition partially visible from Mercer Street
 11 with steps to the rear yard of an altered,
 12 contributing, circa 1890 Italianate brownstone
 13 fronted rowhouse in the Van Vorst Park Historic
 14 District.
 15 This is a recommendation to the Jersey
 16 City Zoning Board of Adjustment.
 17 MS. O'NEILL: Heather, you should be able
 18 to unmute yourself and turn on your camera. I am
 19 still waiting for Russ to accept the panelist
 20 invitation.
 21 MS. KUMER: Okay. We'll wait for that.
 22 MS. O'NEILL: Yeah. It's coming through
 23 as declined for me, but I think that's because it
 24 sits there for a minute or two.
 25 MS. KUMER: Where is my architect? Let me

1 give him a call.
 2 MS. O'NEILL: He's here. He's good.
 3 MS. KUMER: All right. Let me start.
 4 MS. O'NEILL: All right. Let's swear him
 5 in and then we'll take it from there.
 6 MS. KUMER: Hi. My name is Heather Kumer
 7 on behalf of Caroline Sutton for 313 Varick Street.
 8 We are seeking approval to convert a patio, pretty
 9 much like the first approval that you did. This is
 10 a pretty straightforward case here. It matches the
 11 length of the existing ones in the back. But for
 12 more detail, I'm going to hand it to our architect,
 13 Russell Bodnar.
 14 I should note we are asking for the Zoning
 15 Board because it's not even a minor site plan, so of
 16 course we're asking for variances. With nothing
 17 else, we go right to the Zoning Board. We're
 18 looking for a rear yard setback with full coverage.
 19 With that being noted, Russ, take it away.
 20 MS. O'NEILL: Russ, let's go ahead and
 21 swear you in first.
 22 RUSSELL BODNAR, having been
 23 duly sworn, was examined and testified as follows:
 24 THE REPORTER: Thank you.
 25 THE WITNESS: I reside at 52 Long Hill

1 Road in Long Valley, New Jersey. I've been a
 2 licensed architect since 1995. And I've appeared
 3 before this Board many times.
 4 MS. O'NEILL: I was just about to say we
 5 have qualified you as an expert in architecture many
 6 times.
 7 All right. You should be able to share
 8 your screen, Russ.
 9 THE WITNESS: All right. Share screen.
 10 I'll get to where my spot is.
 11 Okay. As you can see here, we're actually
 12 located at 313 Varick Street. It's in the middle of
 13 the block between -- I think it's Monmouth and,
 14 yeah, Monmouth -- Montgomery and I forgot what the
 15 other one was. And Mercer. It's actually an
 16 existing building. Everything is there. The only
 17 thing we're really doing to the back -- if you can
 18 take a look at the existing survey of the property
 19 and the proposed site plan, in the rear we have a
 20 one-story masonry existing addition that was done
 21 many, many years ago. And now we're looking to put
 22 a little terrace over the top of that existing roof
 23 and some stairs down to the rear yard. So that's
 24 basically what we're thinking of trying to do.
 25 As you can see here, we'll go to the next

1 sheet, you can see on the left-hand side is the
2 lower level where the stairs are going to go down
3 to. The reason we have to go to the Zoning Board is
4 our stair encroaches into our rear yard setback. So
5 that's the main reason why we have to go to the
6 Zoning Board after we get an approval from Historic.

7 Again, we can go down to the next page
8 below. You can see the rear of the elevation as it
9 exists now. We're taking this window out and
10 putting a door in its place. Leaving the other
11 existing window in place. We're putting a new set
12 of railings in in the rear, aluminum style railings
13 in the rear, and a little, like, composite fence.
14 As you can see, this kind of composite fence for,
15 like, a privacy screen adjacent as well as we're
16 using composite decking for the decking and for the
17 stairs as well.

18 I'll go back down to the following page.
19 You can see this is the existing front of our
20 building on 313 Varick Street. This is actually a
21 picture from the Mercer Street side. As you can
22 see, in the wintertime through the fence, through
23 this fence and through these bushes, you can
24 actually see our building. That's the only time you
25 can actually even see where the deck would be. It

1 same exact thing they have.

2 And that's pretty much the gist of our
3 project here. If you want me to go over anything
4 else, this is pretty much it. As you can see on the
5 floor plan, this is a new door going to the rear.
6 The deck itself is only about 140 square feet. And
7 the steps themselves are about 29 square feet going
8 to the rear of the property.

9 Any questions?

10 MS. KUMER: I just would like to add that
11 I want to put a correction in the record. So we are
12 asking for variances again for the rear yard setback
13 and then also for the maximum lot coverage. Before
14 I said building coverage. I've corrected myself.

15 MS. O'NEILL: All right. Are there any
16 questions for Russ or Heather?

17 COMMISSIONER BLAZAK: Is this an
18 undersized lot or how deep is it?

19 THE WITNESS: Yeah, it's an undersized
20 lot. I think it's only about 20 by 85. It's
21 actually -- no, it's 20 by 75. That's the reason,
22 we're not very deep. We're actually 21 foot 4
23 inches existing from the existing masonry structure
24 to the rear property line.

25 Again, the deck itself, the terrace we're

1 would be in that location right here.

2 From the Montgomery Street side you can't
3 see anything because right here there's an existing
4 fence that's too tall and there's actually a deck
5 adjacent to our property, if I can get this to pan
6 down a little more. I'm sorry, guys, I'm back to
7 this one here. My pointer does not want to seem to
8 let me go down. There it is. Oh, geez. It keeps
9 disappearing when I grab it. It doesn't want to
10 come up tonight for some reason. It must be running
11 out of power.

12 As you can see, if I can get down to that
13 location -- I'll try to get there. I'll try again.
14 It won't let me do it. One second. I can do it
15 real quick if I grab this pad. Here we go.

16 All right. As you can see down at the
17 end, down here at the bottom, you can see the back
18 of our existing rear facade just has that little
19 roof on top of it that we're planning on putting our
20 deck and our stairs coming down. And as you can see
21 actually to the right of our property going south,
22 they actually have the same exact type concept on
23 their property. Going two doors down from us they
24 have a deck with a stair to the rear of their
25 property. So we're pretty much just asking for the

1 putting on, is still 21 feet 4 inches from there,
2 but the problem comes down to really 15 foot 3
3 inches when we get to the bottom of that step at the
4 bottom. I think it's 25 minimum anyhow. So we
5 don't kind of meet those requirements right now.

6 Okay. Anything else?

7 MS. KUMER: That concludes our
8 presentation.

9 MS. O'NEILL: All right. Any other
10 comments from Commissioners or should we move into
11 public comment?

12 COMMISSIONER SAKONG: Just one quick
13 question. I think I'm reading the plans correctly
14 that for the two end bits for the terrace, you're
15 actually proposing a visually opaque fencing system
16 that's different from the guardrail portion that
17 faces out to the rear yard. Is that correct?

18 THE WITNESS: That's correct. This is
19 privacy fencing on the end of it down here, where it
20 says "Privacy Board-on-board Fence." It's down here
21 on the end. It's 6 feet tall. It was actually kind
22 of a request. The neighbor also has it. There was
23 actually a request from historic as well. They
24 wanted us to do that. So this way we can kind of
25 not look over somebody else's property. Because,

1 adjacent to us, again, there's another deck that
 2 someone might come in for that has a little
 3 extension like this as well.
 4 COMMISSIONER SAKONG: You said that's 6
 5 feet tall?
 6 THE WITNESS: It's 6 feet tall, yes. So
 7 it's not real tall, but it's kind of -- let's say if
 8 you're sitting down, you're not looking at somebody.
 9 I mean, you're still looking out obviously the back
 10 of the deck itself with these standard aluminum
 11 railings back here.
 12 COMMISSIONER SAKONG: Yeah. I'm not --
 13 it's not giving me heartburn per se, but I'm a
 14 little concerned with it, with the height and the
 15 opacity of it.
 16 THE WITNESS: Let me get back to this. A
 17 couple doors down from this, see this right here?
 18 It's basically the same thing. They're 6 feet tall
 19 as well. You have a really tall fence going here.
 20 They put a whole railing going down that's 6 feet
 21 tall. I'm not doing the railing that tall.
 22 COMMISSIONER SAKONG: Okay. All right.
 23 MS. KUMER: Yeah. Our point is we're
 24 matching the neighbor's.
 25 COMMISSIONER GUNTHER: Does anybody know

1 exhaust pipe that comes from the bathroom up a
 2 little bit. So we're just going to extend that up
 3 so it's 7 feet against the wall. So right now it
 4 pops up about a foot off the ground here. So we're
 5 just going to pop that up a little higher and so
 6 this way you -- you don't want to have your bathroom
 7 exhaust kind of dumping on to the deck. So it has
 8 to be 7 feet tall for that. So it's just really a
 9 thing that's only 4 inches off the house. So it's a
 10 little tiny thing that will stick out a little bit.
 11 CHAIRMAN GORDON: I see.
 12 MS. O'NEILL: Okay. Are there any
 13 additional questions?
 14 All right. Heather and Russ, does that
 15 conclude your testimony?
 16 MS. KUMER: Yes.
 17 MS. O'NEILL: Great. All right. We can
 18 move to open public comment. However, there are no
 19 members of the public currently on this meeting. So
 20 if someone wants to make a motion to open and close
 21 the public comment, that would be great.
 22 COMMISSIONER SANDKAMP: Motion to open and
 23 close.
 24 COMMISSIONER LEWIS: Second.
 25 MS. O'NEILL: Okay. All in favor?

1 anything about the neighboring condition, if it's
 2 not above board in any way in terms of units of
 3 comparison?
 4 THE WITNESS: I don't know. Their stairs
 5 are right on the property line. We were forced to
 6 move our stairs away from the property line. But
 7 this might have been approved earlier. That was
 8 maybe not a requirement now.
 9 CHAIRMAN GORDON: Do you have a sample of
 10 the proposed door?
 11 THE WITNESS: The door itself is a -- I
 12 don't know if I have a sample in here. No. It
 13 actually might have been done -- we only got -- we
 14 did a rendition and this door might have already
 15 been put in already during the course of
 16 construction. I'm not too sure. But I have a
 17 detail for that as well. The door itself is in a --
 18 is actually a Pella door. So an aluminum clad Pella
 19 door.
 20 CHAIRMAN GORDON: And on the drawing I see
 21 there's a note here just to the left of the door for
 22 the exhaust pipe extension.
 23 Can you explain what I'm looking at there?
 24 THE WITNESS: Yeah. There's actually
 25 like -- there's a bathroom -- there's a bathroom

1 (Whereupon, a voice vote was taken; chorus
 2 of "ayes" heard.)
 3 MS. O'NEILL: Great. All right. We will
 4 move into staff comments. All right. We will go
 5 down to the bottom as per usual.
 6 So this proposal is mostly consistent with
 7 the Secretary of the Interior. It is -- there's
 8 additions and decks like this on the vast majority
 9 of this block, so it's certainly not atypical for
 10 the block. And the fact that it will be partially
 11 visible is also not atypical for the block. In that
 12 photo that Russ showed, you can see everyone's deck
 13 in this case. So it's really not going to be an
 14 adverse effect on the character or the historic
 15 district.
 16 I took over this application for Sara, so
 17 I can't opine on the privacy fence question, Austin.
 18 However, if the neighbor has it, there's no -- which
 19 the neighbor's -- it would be approved. It's
 20 something that would be approvable. A 6-foot fence
 21 is permitted. If they would also like one,
 22 that's -- I don't really see an issue with having
 23 one. There was a period of time where they were
 24 strongly recommended. We've kind of backed off from
 25 strongly recommending them, but they're certainly

1 not inappropriate.
 2 So that being said, staff recommends the
 3 approval of a COA with conditions and also a
 4 recommendation to the Zoning Board to approve the
 5 variances associated with this project.
 6 The conditions proposed are all of our
 7 standard conditions for this type of work, inclusive
 8 of any downcast rear lighting, plantings and
 9 landscapings conforming with the forestry standards.
 10 And of course any changes need to come back to the
 11 HPC.
 12 Do any Commissioners have any questions?
 13 Okay. If there are none, again, the
 14 recommendation is for approval of the COA with
 15 conditions and recommendation for approval to the
 16 Zoning Board.
 17 COMMISSIONER BLAZAK: You know, my only
 18 question was do we -- do we -- we are approving
 19 composite fences now?
 20 MS. O'NEILL: In this particular case, I
 21 don't have an issue with the composite fencing
 22 because I view it as an extension of the composite
 23 flooring on the deck. If this was in someone's
 24 backyard, that would probably be a different
 25 scenario. And by "backyard," I mean like in the

1 COMMISSIONER BLAZAK: Aye.
 2 MS. O'NEILL: Commissioner Amatuzzo is
 3 absent. Commissioner Garriga is absent.
 4 Commissioner Cronin is absent. Vice Chair Gucciardo
 5 is absent.
 6 Chairman Gordon?
 7 CHAIRMAN GORDON: Aye.
 8 MS. O'NEILL: All right. There's six
 9 votes in favor, none against, no abstentions. The
 10 COA with conditions and recommendation to the Zoning
 11 Board is approved.
 12 MS. KUMER: Thank you.
 13 CHAIRMAN GORDON: Thank you.
 14 MS. O'NEILL: Thank you.
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1 ground.
 2 COMMISSIONER BLAZAK: Okay. So that is
 3 not -- I just want to be clear because I noticed at
 4 the end that's not his -- that's not at the backyard
 5 itself.
 6 MS. O'NEILL: Yeah, right.
 7 COMMISSIONER BLAZAK: Okay.
 8 MS. O'NEILL: This is a lot easier to
 9 remove than something that is installed in the
 10 ground.
 11 COMMISSIONER BLAZAK: Okay.
 12 COMMISSIONER SANDKAMP: I'll make a motion
 13 to approve with conditions.
 14 COMMISSIONER BLAZAK: I'll second.
 15 MS. O'NEILL: Okay. We'll move to a roll
 16 call vote.
 17 Commissioner Sandkamp?
 18 COMMISSIONER SANDKAMP: Aye.
 19 MS. O'NEILL: Commissioner Gunther?
 20 COMMISSIONER GUNTHER: Aye.
 21 MS. O'NEILL: Commissioner Lewis?
 22 COMMISSIONER LEWIS: Aye.
 23 MS. O'NEILL: Commissioner Sakong?
 24 COMMISSIONER SAKONG: Aye.
 25 MS. O'NEILL: Commissioner Blazak?

1 MS. O'NEILL: All right. Great. So,
 2 Robert, do you want to call the next item on the
 3 agenda?
 4 CHAIRMAN GORDON: And that would be
 5 announcements?
 6 MS. O'NEILL: No, it's introduction to the
 7 bylaws.
 8 CHAIRMAN GORDON: Okay. I knew there was
 9 something we had to come back to. Where is that?
 10 MS. O'NEILL: Hold on. It is -- it's D.
 11 It's one sentence. I can call it if you want.
 12 CHAIRMAN GORDON: Yeah. I'm not -- I
 13 can't see it.
 14 MS. O'NEILL: So we did -- I did send out
 15 a reissued version of the agenda on Friday. So if
 16 you're looking at the one I sent out on Wednesday,
 17 yeah.
 18 So next up is Item 9D which is the
 19 introduction and discussion of a proposed bylaw
 20 amendment.
 21 So I'll show the -- I'll share my screen
 22 and walk the Commission through what the amendment
 23 is first and then we can have a larger discussion as
 24 to why this happened.
 25 All right. So the amendment itself that

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1 we're proposing to introduce tonight to the bylaws
 2 is very straightforward in and of itself. Right?
 3 So it is in Article V for meetings,
 4 Section 7, which is the order of business for the
 5 Commission. So we're making two changes here.
 6 Right? The first is to formally remove the Pledge
 7 of Allegiance from the Commission order. We have
 8 not done the Pledge of Allegiance at a meeting in
 9 years. Essentially since we switched to Zoom, we
 10 really have not done it. It is deeply awkward to do
 11 it through Zoom, so we decided to stop doing it.
 12 CHAIRMAN GORDON: I can attest to the fact
 13 it was deeply awkward, yes.
 14 MS. O'NEILL: Yeah. And it's not required
 15 for us to do. So because we have not done it in a
 16 period of time, we're proposing to formally take it
 17 out of the bylaws. If we want to add it back in
 18 when we go back to meeting in person, we can do
 19 that.
 20 The larger addition you'll see right here
 21 is a section under new business called "Demolition
 22 Review."
 23 This would be a new item to the agenda
 24 that would have items in it every week. So that's
 25 the only -- I'll explain what that is in a second.

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1 unilaterally.
 2 This also applies to demolition permit
 3 decisions as well. So anything that is decided
 4 under Chapter 105, which is that demo permit
 5 section, the court said that essentially the
 6 historic preservation officer cannot be making those
 7 decisions on their own without the guidance of the
 8 HPC.
 9 Jonathan, does that -- I mean, feel free
 10 to jump in at any point.
 11 MR. REKSTAD: No, you're doing an
 12 excellent job. That is what they said.
 13 MS. O'NEILL: Okay. So we have spoken
 14 quite a bit -- by "we" I mean myself, Tanya, the law
 15 department -- have spoken quite a bit about a number
 16 of different ways that we can take this opinion and
 17 act within it.
 18 And there are two ways that we're going to
 19 go forward that we're changing how we treat
 20 demolition reviews. The first is that we're getting
 21 rid of determinations of significance. The court
 22 said they are not legal and we can't do them
 23 anymore. So it's as simple as that.
 24 So just to remind everyone, because you
 25 guys don't really see determinations all that often,

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1 That's the only real change that we are proposing.
 2 So that demolition review, I'm not -- I
 3 mentioned it at the last meeting, that we would have
 4 a larger discussion about demolition. But in, I
 5 believe it was like the third week of July --
 6 Jonathan, I don't know if you remember the day that
 7 the Appellate Court Division decision came out.
 8 MR. REKSTAD: It was July 14th.
 9 MS. O'NEILL: Yeah, all right. There were
 10 a couple news articles about it, unless you're not
 11 closely following the Appellate Division of the New
 12 Jersey court system, the section of the demo
 13 ordinance got overturned.
 14 This has been a relatively prolonged legal
 15 proceeding with one particular applicant whose
 16 determination we denied on Sherman Place and then
 17 they appealed it to the Zoning Board. Zoning Board
 18 denied it. They appealed it to Superior Court and
 19 the Superior Court denied it.
 20 And then they took it to the Appellate
 21 Court. And the Appellate Court did not reverse the
 22 decision, but they did say, Hey, this determination
 23 of significance section of your ordinance has no
 24 basis in the MLUL and you really can't have your
 25 historic preservation officer making those decisions

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1 a determination for a nonbinding opinion by the
 2 historic preservation officer or the historic staff.
 3 So me, Dan or Sara, or at any time I guess Jake was
 4 also in that mix making those decisions as well.
 5 You could apply for that as a developer, as someone
 6 who is looking to purchase a property to find out if
 7 you would likely be approved to demolish a building
 8 in advance of purchasing a property.
 9 And they were pretty popular applications.
 10 We had a -- they actually became part of the
 11 Planning Board and Zoning Board process as well.
 12 But the State said that we cannot do those anymore
 13 because there's no basis for them in the MLUL. So
 14 we are for the time -- not for the time being. We
 15 have removed the ability to apply for those
 16 applications from the City's website and systems and
 17 we have -- any ongoing applications for those, we
 18 have refunded the applicants and said "We're sorry
 19 for the inconvenience, but we can't move forward on
 20 this because of this court decision."
 21 The second way that we think that we can
 22 address demolitions is by having the HPC, all of you
 23 guys, review and make a determination on any
 24 demolitions that we deny as staff.
 25 So these would be specifically for demo

1 permits. And it kind of would function similar. If
2 you take the framework of a CONE versus a COA, it
3 would function kind of similarly. Right? Like, we
4 can approve CONEs on a staff level, but we can't
5 deny CONEs on a staff level.

6 So we're taking that legal framework and
7 applying it to a demolition permit where we'll still
8 be able to approve demos on a staff level; however,
9 any demos that we are recommending to deny, the
10 court said the HPC staff does not have the ability
11 to do that ourselves. We have to seek an opinion
12 from the Historic Commission before we deny the --
13 or before we recommend denial of the demo permit.

14 So that demolition review section of the
15 meeting, we would list any demo permits that we are
16 going to deny there and give applicants for them the
17 ability to appear at the meeting and provide some
18 additional context.

19 For everyone's purposes, I did pull the
20 demo numbers from 2022. We got just under 500
21 applications and we denied a little -- demo
22 permitwise we denied seven demo permits, but we did
23 deny a lot of determinations of significance.

24 So I would love to say I don't think this
25 is going to have a huge impact on our meeting times

1 because we really only denied seven of those
2 applications, but I don't know how many
3 determinations are going to fall into the demo
4 permit now that we removed that application type
5 entirely.

6 My assumption is that people will kind of
7 go back to doing things the old way. So prior to
8 this demo permit you would just either have people
9 applying for demo permits who were not legal owners
10 of the property or legal representatives of the
11 property owner or you would have to have the owner
12 of the property apply for a demo permit and receive
13 one as contingent of the sale.

14 So I'm sure that the amount of demo
15 permits we will get will increase. I just really
16 don't know by how much.

17 CHAIRMAN GORDON: So, Maggie, just to
18 clarify that point. So a third party who has no
19 formal relationship with the property can make that
20 application?

21 MS. O'NEILL: On a determination of
22 significance, yeah. But not for a demo permit.
23 Technically if you're applying for any kind of
24 permit, you're supposed to be the owner of the
25 property or the -- I don't want to call it legal.

1 Authorized representative of the property owner.

2 So those are technically -- those are
3 legally the only people who should be applying for a
4 demo permit. In the past, I mean, it's -- I mean, I
5 can't sit here and say, like, oh, I knew that many
6 people were doing that. I only worked within the
7 old ordinance for about a week and a half, but
8 typically that is my understanding of how it was
9 done.

10 COMMISSIONER SANDKAMP: The only question
11 following on that is are we referring to just
12 buildings that are not in the districts I'm
13 assuming?

14 MS. O'NEILL: Correct.

15 COMMISSIONER SANDKAMP: Any property that
16 is not in the district that wants -- are we
17 considering these determinations or we're saying
18 these are applications for demo?

19 MS. O'NEILL: These are applications for a
20 demo permit for things that are outside that make it
21 municipally designated a historic district or
22 individually designated landmarks because we have a
23 separate ordinance for stuff that's landmarked or in
24 a distress. So it's the first step of a demo permit.

25 COMMISSIONER SANDKAMP: So this is going

1 to be another section sort of in the same way that
2 we have old business, new business, and then demo
3 business.

4 MS. O'NEILL: Yep.

5 COMMISSIONER SANDKAMP: And the demo
6 business, there might be new business that's demo
7 but it's in the district.

8 MS. O'NEILL: Correct.

9 COMMISSIONER SANDKAMP: These are demos
10 that are just outside the districts that have been
11 deemed by staff to need -- need to possibly be in a
12 situation where they would be denied.

13 MS. O'NEILL: Yeah.

14 COMMISSIONER SANDKAMP: There's some
15 significance there.

16 MS. O'NEILL: Right.

17 COMMISSIONER SANDKAMP: So you would still
18 be able to give us a staff report.

19 MS. O'NEILL: Yeah. The staff report
20 would look a little bit different, but it's
21 essentially -- the way that we do demos now is the
22 HPC staff is not its own administrative officer. So
23 every action that we take for a demo is really a
24 recommendation to the zoning officer.

25 So it's more what we are going to

1 recommend to the zoning officer that a demo permit
2 be denied. It will come to the HPC first. You guys
3 will be able to review it and say, yes, we think
4 this building should be denied; no, we disagree with
5 staff and think you can recommend that they approve
6 it.

7 COMMISSIONER SANDKAMP: Thanks.

8 COMMISSIONER BLAZAK: And is it still
9 going to be -- what's the firm that you had doing
10 them?

11 MS. O'NEILL: Hunter Research.

12 COMMISSIONER BLAZAK: Hunter is still
13 going to be doing the -- writing these memos or --

14 MS. O'NEILL: Yeah. So we have a contract
15 with Hunter through the end of the year. So Hunter
16 currently assists us in reviewing them just because
17 of the application load. So at least through the
18 end of the year they will be reviewing these. I
19 don't necessarily see that changing for 2024 either,
20 but the contract is only through the end of the
21 year.

22 COMMISSIONER BLAZAK: Okay.

23 MS. O'NEILL: And the way they do them is
24 they take kind of a first pass at it, they make a
25 recommendation. We review their recommendation.

1 developers, or real estate agents because people
2 want to know ahead of time before they put a house
3 on the market or purchase a property if they can
4 take it down.

5 That is essentially how these have
6 functioned for the past five years. So my
7 assumption is that by removing the ability for
8 applicants to get an opinion on if you can take it
9 down ahead of time, they will make the sale of a
10 property contingent on the current homeowner
11 receiving a demolition permit or receiving a prior
12 approval from us.

13 And of course that's just me assuming how
14 I think it will happen. It could end up being
15 completely different from that.

16 CHAIRMAN GORDON: No, I think you're spot
17 on. The sale will be contingent. I thought you
18 were saying the demo permit will be contingent. I
19 misunderstood.

20 MS. O'NEILL: Yeah. I apologize if I
21 misspoke. The sale would be contingent on them
22 getting a demo permit.

23 We are still kind of really working
24 through what the implications long term of this
25 court decision are, but we believe that by making

1 Most of the time we agree with them. Occasionally
2 we go back and forth. And then we make any
3 necessary changes and issue it. So it's mostly
4 Hunter; some of us.

5 CHAIRMAN GORDON: So, Maggie, I think you
6 said that sometimes the current property owner will
7 make the application, but it will be contingent upon
8 the subsequent sale?

9 MS. O'NEILL: No, that's what I anticipate
10 happening by getting rid of a determination of
11 significance. That does not currently happen.

12 CHAIRMAN GORDON: Why would it be
13 contingent on the sale? Just because they get the
14 permit they're not obligated to go forward with the
15 demolition. Right?

16 MS. O'NEILL: Right. So the reality of
17 the way that demos and determinations have been
18 functioning within the city is that when we put this
19 ordinance into effect, we were like, okay, well,
20 maybe people will apply for these determinations
21 because they want to know if their house is
22 historic. Maybe they want to make it a landmark.
23 All of this stuff.

24 In reality, determinations of significance
25 are almost exclusively applied for by lawyers,

1 these changes we will be acting within the court
2 decision and legally will be okay with continuing
3 our reviews.

4 And from a transparency perspective -- and
5 that repeatedly comes up during public meetings is
6 that members of the public want to know what we're
7 approving for demo, what we're not approving for
8 demo ahead of time.

9 This does not show, of course, all of
10 them, right, but at least the members of the public
11 will have the ability to opine before we deny
12 something. We can't put a -- well, not can't.
13 Putting approvals on here is, A, we are not legally
14 required to; B, would be an administrative nightmare
15 to the degree that I do not think it is feasible for
16 staff to execute in any capacity, past, present, or
17 future.

18 COMMISSIONER SANDKAMP: If the public
19 wanted to find that out, they could go to zoning.
20 Right? Because it's just what -- it's just a
21 recommendation to zoning. Right?

22 MS. O'NEILL: Right. And it also -- so
23 determinations of significance, we only release them
24 to the applicant because anyone can apply for them.
25 Right? They were just an informal opinion.

1 Demo permits, because they're applied for
2 by the owner, but you can also file them if you
3 wanted to. So from a transparency perspective, it
4 does address some of the things that members of the
5 public have been asking for for a while.

6 CHAIRMAN GORDON: So what does this
7 process look like if staff cannot -- feels that it
8 cannot approve the permit? Then is the applicant
9 then notified and you said they're given an
10 opportunity? So it may be that if staff says I
11 can't approve this, they may just not pursue it
12 further and it may not come to us?

13 MS. O'NEILL: Yeah. So the way we foresee
14 it happening is when we go schedule a meeting, we
15 will review our demo log, anything that we're going
16 to issue a denial on will go on to the meeting. The
17 Commission will get the documents that we used to
18 review the demo permit. And then the applicant will
19 be notified that it's being reviewed by the HPC for
20 recommendation to the zoning officer. The applicant
21 will have the ability to come to the meeting and
22 testify, as any other applicant would. If they'd
23 like to bring professionals, they're certainly
24 welcome to bring professionals.

25 I will make sure -- and I'm anticipating

1 this to be, for lack of a better term, a growing
2 pain. I will make sure that the applicants
3 understand that in this case a professional would be
4 a historic preservation professional, a historian,
5 an architectural historian, and not like an engineer
6 because we're not reviewing these buildings for
7 structural stability. We are simply reviewing them
8 based on their integrity, if they're in any of our
9 surveys. It's a very limited scope that we review
10 under for these. And then once the applicant gives
11 testimony, if they give choose to give testimony,
12 the Commission will be able to make a
13 recommendation.

14 CHAIRMAN GORDON: I'm just thinking that
15 some -- some people may continue to use these in
16 much the same way they have been up until now,
17 meaning that they'll submit the application and see
18 if staff can approve it and then they may just
19 abandon the application after that.

20 MS. O'NEILL: Which is also a possible
21 outcome as well.

22 CHAIRMAN GORDON: But they don't have to
23 take any further action for us to then review it.
24 It's going to -- we're going to be spending our time
25 potentially reviewing it even if they're not really

1 serious about pursuing it.

2 MS. O'NEILL: Unfortunately, yes. And
3 that is something that currently happens with demo
4 permits and determinations. It's just that the
5 Commission doesn't see that aspect of it because we
6 do it at a staff level.

7 CHAIRMAN GORDON: If it comes on -- if
8 it's on the agenda and the applicant doesn't show
9 up, do we still review it?

10 MS. O'NEILL: Yes. Because you're making
11 a recommendation based off of my recommendation to
12 the zoning officer.

13 COMMISSIONER BLAZAK: I think if that
14 happens, we can be done very quickly.

15 MS. O'NEILL: Yes.

16 COMMISSIONER BLAZAK: Like it can be --
17 (Unintelligible cross talk; reporter
18 requests one speaker.)

19 MS. O'NEILL: Sorry. If there's no
20 applicants present, it can almost be treated like a
21 consent agenda. If you guys want to approve, make
22 all the same recommendations that I did, but there
23 is a possibility that it will move very quickly.

24 CHAIRMAN GORDON: But I can't imagine, you
25 know, between yourself and Hunter's staff, you know,

1 I can't imagine us disagreeing with the
2 recommendation very often. Because I know -- having
3 done it, I know what the criteria are. Not that I'm
4 saying we'd be a rubber stamp, but these are things
5 where if you're looking at it and you're going to
6 the trouble of saying that this is a denial, I think
7 it will be well thought out and, you know, fall
8 within those parameters of integrity, et cetera.

9 The only other thing I wish to say is if
10 we do hear it, though, there will also be public
11 testimony as well or the public can comment on it?

12 MS. O'NEILL: Yes.

13 COMMISSIONER BLAZAK: The only other thing
14 I would say is if, you know, we do end up starting
15 to get a lot of these and you can see how it works
16 out, you know, in the interest of time, it might
17 behoove us to -- like lately things have been moving
18 very quickly and maybe just try to train applicants
19 and architects to really go through applications a
20 little quicker for us. And maybe that's also an
21 overall comment. We've been lucky this meeting and
22 the last meeting where things have moved quickly,
23 but there have been some times where architects or
24 applicants really just are unnecessarily long and I
25 don't think it's to anyone's benefit except them

1 charging their clients.
 2 So I think that really -- if we like to
 3 see a lot of these and the agendas start to get
 4 long, it might be, like, you really need to do your
 5 presentation and aim for, like, 15 minutes, you
 6 know.
 7 MS. O'NEILL: Yeah.
 8 COMMISSIONER BLAZAK: I don't know.
 9 MS. O'NEILL: We can revisit the specific
 10 methods of doing this if it becomes kind of a
 11 repeated issue. I was pretty intentional with how I
 12 phrased this in the bylaw, the proposed bylaw
 13 amendment. Like, I didn't say, like, demo denial
 14 review. And I just put demolition review. So I
 15 think the inclusion of the bylaw is really what
 16 needs to be improving and then we can kind of suss
 17 out the best way to do it once we're kind of in the
 18 weeds.
 19 CHAIRMAN GORDON: Well, in terms of the
 20 best way to do it, was any consideration given to
 21 rather than having this as a regular agenda item,
 22 having a dedicated meeting every so often, whether
 23 that's quarterly or...?
 24 MS. O'NEILL: So we can't do a dedicated
 25 meeting because we have 45 days to review demolition

1 court reporter deposit just like any other
 2 applicant.
 3 Okay. Anyone have any questions on this?
 4 COMMISSIONER BLAZAK: Are we voting on
 5 this tonight?
 6 MS. O'NEILL: Yeah. So the vote tonight
 7 is for introduction of the bylaw amendment. At the
 8 next -- if this is successfully introduced tonight,
 9 the next meeting would be when it's adopted and then
 10 you would see your first demolition review at the
 11 first October meeting.
 12 COMMISSIONER SANDKAMP: I'll make a motion
 13 to, I guess, approve introduction of the bylaw
 14 amendment.
 15 MS. O'NEILL: Yeah.
 16 COMMISSIONER LEWIS: Second.
 17 MS. O'NEILL: Okay. We'll just do a roll
 18 call vote.
 19 Commissioner Sandkamp?
 20 COMMISSIONER SANDKAMP: Aye.
 21 MS. O'NEILL: Commissioner Gunther?
 22 COMMISSIONER GUNTHER: Aye.
 23 MS. O'NEILL: Commissioner Lewis?
 24 COMMISSIONER LEWIS: Aye.
 25 MS. O'NEILL: Commissioner Sakong?

1 applications.
 2 CHAIRMAN GORDON: Ah, okay.
 3 MS. O'NEILL: I did consider putting them
 4 into new business instead, but new business
 5 requires -- like, in my head, right, if the
 6 Commission looks at all of them ahead of time and
 7 says we're going to approve all of these, we could
 8 vote on it almost as a consent agenda item rather
 9 than with new business you have to do a separate
 10 proceeding each time for each item.
 11 And I don't necessarily think that we're
 12 not going to do that for this, but by having it as
 13 its own item, it gives us a little bit more
 14 flexibility.
 15 COMMISSIONER SANDKAMP: Maggie, is there a
 16 fee structure for this and is that changing at all?
 17 MS. O'NEILL: The fee structure is not
 18 changing. The fee structure was recently updated
 19 with the fee updates that went into effect in
 20 January of this year. A demolition permit HPC
 21 review is \$250. Determinations of significance were
 22 \$150.
 23 Okay. Actually, just while I'm thinking
 24 of it, that fee will not change. Denials would have
 25 to be reviewed; however, they would have to pay the

1 COMMISSIONER SAKONG: Aye.
 2 MS. O'NEILL: Commissioner Blazak?
 3 COMMISSIONER BLAZAK: Aye.
 4 MS. O'NEILL: Commissioners Amatuzzo,
 5 Garriga, Cronin are absent. Vice Chair Gucciardo is
 6 absent.
 7 Chairman Gordon?
 8 CHAIRMAN GORDON: A reluctant aye.
 9 MS. O'NEILL: There are six votes in
 10 favor, none against, no abstentions. The bylaw
 11 amendment is adopted.
 12 All right.
 13 COMMISSIONER SANDKAMP: Maggie, you said
 14 you wanted that pledge in there.
 15 MS. O'NEILL: Robert actually asked, like,
 16 when he was chair last, he texted me that we have to
 17 take that out of the bylaws.
 18 CHAIRMAN GORDON: And requested by
 19 patriotism.
 20 MS. O'NEILL: Something else that's
 21 triggered when we got to it.
 22 All right. Before we finish out of the
 23 agenda, I didn't want to, like, you know, put a
 24 downer at the beginning of the meeting, but just in
 25 terms of staff announcements, I think it's pretty

1 obvious Sara is not on this meeting. Her last day
2 with the City was last Friday. She did not have the
3 ability to tell everyone at the July meeting. But
4 she took a job with FEMA. We're very happy for her.
5 And are, frankly, in dire straits without her. She
6 did a lot of the stuff that you guys don't see.

7 So, yeah, big bummer. If anyone knows of
8 anyone who wants to work with me, the link is on the
9 City website. The salary is (indicating), but I
10 can't do anything about that. It's actually much
11 higher than it used to be.

12 Anyway, with that, let's quickly finish
13 out the agenda.

14 I have no updates on tabled cases except
15 for 240 Seventh Street which will be back next
16 meeting. Like I said, at the meeting prior to this,
17 they made quite a bit of changes. Reduced the
18 density, reduced the size. So hopefully it's a
19 little bit more amenable.

20 No resolutions to introduce or discuss.
21 No resolutions to memorialize. No executive
22 session. Which just leaves us with adjournment.

23 COMMISSIONER SAKONG: Motion to adjourn.

24 COMMISSIONER BLAZAK: Second.

25 MS. O'NEILL: Okay. It is 7:50. All in

1 favor?

2 (Whereupon, a voice vote was taken; chorus
3 of "ayes" heard.)

4 (Whereupon, the hearing on this
5 application was concluded.)
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1 C E R T I F I C A T E
2

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

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

17 -----
18 BRIDGET LOMBARDOZZI,
19 Certified Shorthand Reporter
20 C.S.R. License No. XI01201
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