

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF JERSEY CITY HISTORIC PRESERVATION COMMISSION</p> <p>-----X</p> <p>IN THE MATTER OF: JULY 17, 2023                      TRANSCRIPT FULL TRANSCRIPT                      OF ZOOM REMOTE HEARING                      REMOTE PROCEEDINGS</p> <p>-----X</p> <p style="text-align: center;">Monday, July 17, 2023 Zoom Remote Videoconference Commencing at 6:09 p.m.</p> <p>BOARD MEMBERS PRESENT:</p> <p style="padding-left: 40px;">ROBERT GORDON, CHAIRMAN STEPHEN GUCCIARDO, VICE CHAIRMAN ANTHONY SANDKAMP PAUL AMATUZZO BRIAN BLAZAK JANELLE GUNTHER CORY GARRIGA DANIEL CRONIN</p> <p>APPEARANCES</p> <p style="padding-left: 40px;">JONATHAN REKSTAD, ESQUIRE Attorney for the Board</p> <p style="padding-left: 40px;">PRECISION REPORTING SERVICE Certified Shorthand Reporters (908) 642-4299</p>	<p style="text-align: right;">Page 2</p> <p>1     ALSO   PRESENT :</p> <p>2</p> <p>3           MARGARET O'NEILL, Historic Preservation</p> <p>4                      Specialist</p> <p>5           SARA QUINLAN, Historic Preservation Specialist</p> <p>6           TANYA MARIONE, Director</p> <p>7                      City Planning Division</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p style="text-align: right;">Page 5</p> <p>1 MS. O'NEILL: We are going to let the</p> <p>2 attendees join in before we call the meeting to</p> <p>3 order.</p> <p>4 Looks like we're good to go, Robert,</p> <p>5 if you want to call the meeting to order.</p> <p>6 CHAIRMAN GORDON: I will go ahead and</p> <p>7 call to order this regular meeting of this Jersey</p> <p>8 City Historic Preservation Commission of</p> <p>9 July 17th. The time is 6:36 p.m.</p> <p>10 MS. O'NEILL: Please be advised that</p> <p>11 in accordance with the Open Public Meetings Act,</p> <p>12 the notice of the time, date, and place of this</p> <p>13 regularly scheduled meeting of the Jersey City</p> <p>14 Historic Preservation Commission has been sent to</p> <p>15 the Jersey Journal, the Jersey City Reporter, and</p> <p>16 El Especialito on Friday, July 14th.</p> <p>17 Same notice has been sent to the</p> <p>18 Clerk's Office for posting on the bulletin board</p> <p>19 inside of City Hall and on the City's website. I</p> <p>20 have proof this notice here in evidence.</p> <p>21 Sara, we could go ahead and mark this</p> <p>22 as B-1.</p> <p>23 (Whereupon, notices are presented and</p> <p>24 marked as Exhibit B-1 into evidence.</p> <p>25 MS. O'NEILL: We'll move to roll call</p>	<p style="text-align: right;">Page 6</p> <p>1 attendance.</p> <p>2 Commissioner Sandkamp?</p> <p>3 COMMISSIONER SANDKAMP: Here.</p> <p>4 MS. O'NEILL: Commissioner Amatuzzo?</p> <p>5 COMMISSIONER AMATUZZO: Present.</p> <p>6 MS. O'NEILL: Commissioner Blazak?</p> <p>7 COMMISSIONER BLAZAK: Present.</p> <p>8 MS. O'NEILL: Commissioner Gunther?</p> <p>9 COMMISSIONER GUNTHER: Here.</p> <p>10 MS. O'NEILL: Commissioner Garriga?</p> <p>11 COMMISSIONER GARRIGA: Here.</p> <p>12 MS. O'NEILL: Commissioner Cronin?</p> <p>13 COMMISSIONER CRONIN: Here.</p> <p>14 MS. O'NEILL: Commissioner Lewis is</p> <p>15 absent. Commissioner Sakong is absent.</p> <p>16 Vice Chair Gucciardo?</p> <p>17 VICE CHAIRMAN GUCCIARDO: Here.</p> <p>18 MS. O'NEILL: And Chairman Gordon?</p> <p>19 CHAIRMAN GORDON: Present.</p> <p>20 MS. O'NEILL: There are eight members</p> <p>21 of the Commission in attendance. Five affirmative</p> <p>22 votes are needed for a certificate of</p> <p>23 appropriateness.</p> <p>24 The next item on the agenda is the</p> <p>25 approval of minutes from the June 12th meeting.</p>
<p style="text-align: right;">Page 7</p> <p>1 Anyone have any comments or actions</p> <p>2 on these minutes?</p> <p>3 Okay. Hearing none, Staff recommends</p> <p>4 a motion to approve.</p> <p>5 COMMISSIONER SANDKAMP: Motion.</p> <p>6 COMMISSIONER AMATUZZO: Paul second.</p> <p>7 MS. O'NEILL: Okay. We will do a</p> <p>8 roll call on these.</p> <p>9 Commissioner Blazak?</p> <p>10 COMMISSIONER BLAZAK: Aye.</p> <p>11 MS. O'NEILL: Commissioner Amatuzzo?</p> <p>12 COMMISSIONER AMATUZZO: Aye.</p> <p>13 MS. O'NEILL: Commissioner Garriga?</p> <p>14 COMMISSIONER GARRIGA: Aye.</p> <p>15 MS. O'NEILL: Commissioner Sandkamp?</p> <p>16 COMMISSIONER SANDKAMP: Aye.</p> <p>17 MS. O'NEILL: Commissioner Gunther?</p> <p>18 COMMISSIONER GUNTHER: Aye.</p> <p>19 MS. O'NEILL: Commissioner Cronin?</p> <p>20 COMMISSIONER CRONIN: Aye.</p> <p>21 MS. O'NEILL: Commissioner Lewis is</p> <p>22 absent. Commissioner Sakong is absent.</p> <p>23 Vice Chair Gucciardo?</p> <p>24 VICE CHAIRMAN GUCCIARDO: Aye.</p> <p>25 MS. O'NEILL: And Chairman Gordon?</p>	<p style="text-align: right;">Page 8</p> <p>1 CHAIRMAN GORDON: Aye.</p> <p>2 MS. O'NEILL: There are eight votes</p> <p>3 in favor and none against, no abstentions. The</p> <p>4 minutes from the regular meeting of June 12th are</p> <p>5 approved.</p> <p>6 Next item is correspondence. All</p> <p>7 copies of correspondence and all application</p> <p>8 materials for tonight's meeting are linked through</p> <p>9 the case numbers on tonight's agenda.</p> <p>10 At this time, Staff has no</p> <p>11 announcements to make, so we could move into open</p> <p>12 public comments. If there are any members of the</p> <p>13 public present on the Zoom who would like to speak</p> <p>14 regarding matters of historic preservation that</p> <p>15 are not on tonight's agenda, you could use the</p> <p>16 "raise hand" function at the bottom of the screen.</p> <p>17 Again, this is for items not on tonight's agenda.</p> <p>18 If there's an item you'd like to speak</p> <p>19 regarding -- that is on the agenda, you'll get the</p> <p>20 opportunity to do so later in the meeting.</p> <p>21 Okay. Staff sees no hands raised and</p> <p>22 recommends a motion to open and close public</p> <p>23 comments.</p> <p>24 COMMISSIONER SANDKAMP: Motion.</p> <p>25 COMMISSIONER CRONIN: Second.</p>

<p style="text-align: right;">Page 9</p> <p>1 MS. O'NEILL: All in favor?</p> <p>2 (Whereupon, a voice vote was taken; a</p> <p>3 chorus of "ayes" heard.)</p> <p>4 MS. O'NEILL: All right. We have no</p> <p>5 old business on tonight's meeting, so that brings</p> <p>6 us to new business.</p> <p>7 Robert, if you'd like to call the</p> <p>8 first case.</p> <p>9 CHAIRMAN GORDON: Yes. So I'll call</p> <p>10 Case H23-222. The applicant is Steven Joseph,</p> <p>11 Esquire on behalf of Brenda and Joseph Battaglia,</p> <p>12 owners. The address is 236 Montgomery Street in</p> <p>13 the Van Vorst Park Historic District and this</p> <p>14 application is for a certificate of</p> <p>15 appropriateness for the demolition of an altered,</p> <p>16 contributing, fire damaged, three story, three</p> <p>17 bay, Italianate style, masonry fronted, masonry</p> <p>18 and frame building in the Van Vorst Park Historic</p> <p>19 District constructed circa 1872.</p> <p>20 MR. JOSEPH: Good evening, everyone.</p> <p>21 Stephen Joseph for the applicants. I know it's a</p> <p>22 very long agenda. I'm not going to take too much</p> <p>23 of your time. I'm sure everybody has read</p> <p>24 everything on the portal already, but I'm just</p> <p>25 going to give a brief history introduction here.</p>	<p style="text-align: right;">Page 10</p> <p>1 So my clients, Joseph and Brenda</p> <p>2 Battaglia own this townhouse in the Van Vorst Park</p> <p>3 Historic District. The neighboring building</p> <p>4 caught on fire. It damaged both 234 and 236</p> <p>5 Montgomery Street. The City of Jersey City issued</p> <p>6 an unsafe structure order, ordered everybody in</p> <p>7 the property to vacate and also ordered my client</p> <p>8 to retain an engineer and come up with a plan for</p> <p>9 remediation.</p> <p>10 The engineer that my client retained</p> <p>11 called for the building to be fully demolished.</p> <p>12 That was the safest course of action at the time,</p> <p>13 according to my clients' engineer. That was</p> <p>14 submitted to the City. The demo application was</p> <p>15 not accepted.</p> <p>16 There was some litigation that</p> <p>17 ensured after that and now we're in front of you</p> <p>18 tonight requesting that you permit us to demolish</p> <p>19 the existing building. No application for</p> <p>20 reconstruction at this time.</p> <p>21 I did see the Old Structures report</p> <p>22 dated July 14th, 2023. I did take a look at that.</p> <p>23 Just pulling some stuff out here, I know there's</p> <p>24 some disagreement between this engineer and my</p> <p>25 clients' engineer about the condition of the</p>
<p style="text-align: right;">Page 11</p> <p>1 building -- we didn't have an opportunity to have</p> <p>2 our engineer respond to this; I don't think it's</p> <p>3 really necessary at this point anyway -- but this</p> <p>4 report does seem to indicate that the brick face</p> <p>5 of this building on the facade is not the original</p> <p>6 material; however, the wood cornice is mostly</p> <p>7 intact, as are the window lintels.</p> <p>8 My client is willing to maintain,</p> <p>9 restore, remove the lintels, the cornice, the iron</p> <p>10 fence from this building in and reuse it in any</p> <p>11 future reconstruction, but we are still asking for</p> <p>12 the full demolition of the building at this point.</p> <p>13 MS. O'NEILL: Stephen, do you have</p> <p>14 any experts you'd like me to promote?</p> <p>15 MR. JOSEPH: We don't have any expert</p> <p>16 testimony. Everything is within the papers on the</p> <p>17 portal. There's two engineer reports, I believe,</p> <p>18 in addition to the City's engineer, some other</p> <p>19 materials.</p> <p>20 MS. O'NEILL: Okay. Would you like</p> <p>21 any Commissioner questions on that to be directed</p> <p>22 to you?</p> <p>23 MR. JOSEPH: Sure. Happy to discuss.</p> <p>24 MS. O'NEILL: Okay. That being said,</p> <p>25 if any Commissioners have any questions about the</p>	<p style="text-align: right;">Page 12</p> <p>1 reports -- we can also -- it's pretty unusual for</p> <p>2 us not to have professional testimony, so we do go</p> <p>3 through the reports during Staff comments, so we</p> <p>4 can keep the applicant testimony open until then,</p> <p>5 if there are questions that arise as a result of</p> <p>6 that. Unless any Commissioners have any questions</p> <p>7 now.</p> <p>8 COMMISSIONER BLAZAK: The only</p> <p>9 question that I had was if this engineering firm</p> <p>10 that your client hired has any experience with</p> <p>11 19th century structures.</p> <p>12 MR. JOSEPH: The engineering firm is</p> <p>13 not specifically -- their expertise is not</p> <p>14 historic structures, but they've worked in Jersey</p> <p>15 City for many, many years and have worked on</p> <p>16 buildings in historic districts in the past. But</p> <p>17 their expertise is not historic structures.</p> <p>18 COMMISSIONER BLAZAK: Thank you.</p> <p>19 VICE CHAIRMAN GUCCIARDO: This is</p> <p>20 Commissioner Gucciardo.</p> <p>21 Could you tell us more about the</p> <p>22 engineer's report and why they believe the</p> <p>23 building needs to be demolished?</p> <p>24 MR. JOSEPH: Sure. So my</p> <p>25 understanding from the engineer's report is that</p>

<p style="text-align: right;">Page 13</p> <p>1 the weight load of this particular building is not</p> <p>2 at the front and the rear, but on the sides, and</p> <p>3 the engineer did some calculations based on the</p> <p>4 damage which was caused by a fire at the center of</p> <p>5 the two buildings. So the side of the building is</p> <p>6 what was damaged.</p> <p>7 The engineer did some calculations</p> <p>8 and if wind speeds pick up to a certain amount --</p> <p>9 I think it was between 65 and 85 miles per hour --</p> <p>10 that it was in danger of collapse based on the</p> <p>11 regulations, based on the code that the engineer</p> <p>12 has to abide by.</p> <p>13 VICE CHAIRMAN GUCCIARDO: So the</p> <p>14 damage is to the eastern wall of the building?</p> <p>15 MR. JOSEPH: Largely, yes. I believe</p> <p>16 that's confirmed in the Old Structures report as</p> <p>17 well. There's ample photographs both in the</p> <p>18 Hudson Engineering and the Old Structures report.</p> <p>19 VICE CHAIRMAN GUCCIARDO: Is there</p> <p>20 some reason why that eastern wall couldn't be</p> <p>21 supported and then either reconstructed or</p> <p>22 reinforced?</p> <p>23 MR. JOSEPH: My understanding is that</p> <p>24 anything is possible. The type of bracing and</p> <p>25 reconstruction that would be required would have</p>	<p style="text-align: right;">Page 14</p> <p>1 to all be done by hand, would be extremely</p> <p>2 expensive and take quite a bit of effort.</p> <p>3 VICE CHAIRMAN GUCCIARDO: I guess my</p> <p>4 last question -- I don't know if this is out of</p> <p>5 turn at the moment -- but what is -- do you know</p> <p>6 what the client's plan is post demolition? Are</p> <p>7 they looking to rebuild the exact same building in</p> <p>8 its place? Do they have some other ideas?</p> <p>9 MS. O'NEILL: Stephen, the</p> <p>10 application is only for demolition. I would</p> <p>11 advise about against the Commission asking about</p> <p>12 any reconstruction or future plans.</p> <p>13 VICE CHAIRMAN GUCCIARDO: Thank you.</p> <p>14 I appreciate that instruction. I withdraw the</p> <p>15 question.</p> <p>16 COMMISSIONER BLAZAK: Although the</p> <p>17 attorney did note that they would be willing to</p> <p>18 save some materials from the front facade for any</p> <p>19 reconstruction, so that is something that the</p> <p>20 attorney put on the table.</p> <p>21 MR. JOSEPH: That's correct.</p> <p>22 CHAIRMAN GORDON: Okay. So should we</p> <p>23 hear from Staff?</p> <p>24 MS. O'NEILL: Sure.</p> <p>25 Stephen, I'm not going to ask you to</p>
<p style="text-align: right;">Page 15</p> <p>1 close your testimony, just in case more testimony</p> <p>2 comes up.</p> <p>3 MR. JOSEPH: Thank you.</p> <p>4 MS. O'NEILL: So this is not</p> <p>5 proceeding as we typically do. So typically, we</p> <p>6 would open for public comment here; however, I</p> <p>7 don't really think that there's enough information</p> <p>8 provided for the public to comment on at this</p> <p>9 point, so I think we -- I think we should proceed</p> <p>10 with staff comments with the intention to open it</p> <p>11 to the public for public comment after staff</p> <p>12 comments.</p> <p>13 VICE CHAIRMAN GUCCIARDO: Sounds</p> <p>14 good.</p> <p>15 CHAIRMAN GORDON: Do you think we</p> <p>16 need a -- should we do a motion to take it out of</p> <p>17 order or --</p> <p>18 MS. O'NEILL: It's not that -- the</p> <p>19 order in which we do application hearings is not</p> <p>20 in the bylaws, so I don't think we need a motion.</p> <p>21 Jonathan is nodding, so I'm assuming you agree</p> <p>22 with that.</p> <p>23 MR. REKSTAD: Yes, I agree with that.</p> <p>24 MS. O'NEILL: Cool. All right.</p> <p>25 So we'll move into staff comments.</p>	<p style="text-align: right;">Page 16</p> <p>1 I'm going to promote Don Friedman and</p> <p>2 Diane Kaese. We'll swear them in as well. They</p> <p>3 prepared the report from Old Structures and will</p> <p>4 be available to answer any questions as a result</p> <p>5 of that report.</p> <p>6 What I'll do is I'm going to go</p> <p>7 through some very light staff comments and then we</p> <p>8 can open up for questions and then proceed with</p> <p>9 the rest of staff comments, just so we could</p> <p>10 understand staff recommendation here.</p> <p>11 Before we do that, Don and Diane,</p> <p>12 we're going to go ahead and swear you guys in.</p> <p>13 D O N F R I E D M A N and D I A N E</p> <p>14 K A E S E, after having been duly sworn, were</p> <p>15 examined and testified as follows:</p> <p>16 MS. O'NEILL: Before we move into</p> <p>17 staff comments, Diane, you've been at this</p> <p>18 Commission many times.</p> <p>19 Have we ever qualified you as an</p> <p>20 expert?</p> <p>21 MS. KAESE: I think so, yes.</p> <p>22 MS. O'NEILL: Okay. I'm under the</p> <p>23 impression that we have as well. So just for the</p> <p>24 record, Diane has previously been qualified in</p> <p>25 front of this Board as an expert in the field of</p>

<p style="text-align: right;">Page 17</p> <p>1 architecture.</p> <p>2 Don, I do not believe you've been in</p> <p>3 this Board before, correct?</p> <p>4 MR. FRIEDMAN: That's correct.</p> <p>5 MS. O'NEILL: So can you just give us</p> <p>6 a very quick Reader's Digest of your professional</p> <p>7 qualifications?</p> <p>8 MR. FRIEDMAN: Sure. I have a</p> <p>9 bachelor's in civil engineering from Rensselaer</p> <p>10 Polytechnic. I have been working as a structural</p> <p>11 engineer for 36 years now of which 32 has been</p> <p>12 almost entirely working on the investigation,</p> <p>13 repair and alteration of existing buildings.</p> <p>14 I've published four books on the</p> <p>15 topic of structural work in historic buildings.</p> <p>16 I've taught structural engineering in preservation</p> <p>17 programs at Columbia, Rensselaer, University of</p> <p>18 Massachusetts.</p> <p>19 This has been all I've been doing for</p> <p>20 work for a very long time. I'm not sure exactly</p> <p>21 what you're looking for for qualifications.</p> <p>22 MS. O'NEILL: That's perfect. That's</p> <p>23 all I need to recommend that the Chair accepts</p> <p>24 your qualifications as an expert in the field of</p> <p>25 engineering.</p>	<p style="text-align: right;">Page 18</p> <p>1 MR. FRIEDMAN: Okay. Thank you.</p> <p>2 MS. O'NEILL: All right. I'm going</p> <p>3 to put the staff report up on the screen, just for</p> <p>4 the motion to go through it. As we typically do,</p> <p>5 we're going to jump down to Section 5 for staff</p> <p>6 comments and recommendations.</p> <p>7 So staff reviewed the demolition</p> <p>8 application, the provided engineering reports, as</p> <p>9 well as testimony from Joe Severini, the Building</p> <p>10 Sub-Code Supervisor, and the report by Old</p> <p>11 Structures Engineering, all of them in relation to</p> <p>12 our ordinance, the Secretary of the Interior</p> <p>13 Standards and our review procedures and we</p> <p>14 generally find that the demolition application</p> <p>15 that was submitted for this building is not up to</p> <p>16 standard with our guidelines and staff recommends</p> <p>17 denial of this application on a number of</p> <p>18 different points.</p> <p>19 Because these are not applications</p> <p>20 that we see typically, we have -- I essentially</p> <p>21 went through the entire section of this ordinance</p> <p>22 for the Commission because I think it's important</p> <p>23 to note, as we typically see with these</p> <p>24 applications, there are more in our ordinance to</p> <p>25 review than just the structural integrity of the</p>
<p style="text-align: right;">Page 19</p> <p>1 building.</p> <p>2 In particular, we review the historic</p> <p>3 architectural and aesthetic significance, the use</p> <p>4 of the building, the importance of the building to</p> <p>5 the city and the extents to which its removal</p> <p>6 would be detrimental to public interest, the</p> <p>7 impact of its removal upon the historic district,</p> <p>8 the structural integrity of the building and the</p> <p>9 effects of the remaining portion of the building</p> <p>10 if you were to partially remove some of it.</p> <p>11 In this specific case, we're going to</p> <p>12 jump right on down to the structural soundness and</p> <p>13 integrity of the building so as to make the best</p> <p>14 use of Diane and Don's time this evening.</p> <p>15 As the Commission is aware, there was</p> <p>16 a fire on May 30th at 234 Montgomery Street, which</p> <p>17 is the building adjacent to 236, and it spread to</p> <p>18 236. HPC staff has been working on assessing</p> <p>19 these buildings since the day following this fire.</p> <p>20 Mostly, Dan Readon has been out on site, either</p> <p>21 with the engineers or with the construction</p> <p>22 officials to review the building.</p> <p>23 As Stephen said during his opening</p> <p>24 testimony, the applicant did seek an imminent</p> <p>25 hazard, the imminent hazard was not granted and</p>	<p style="text-align: right;">Page 20</p> <p>1 they were recommended to apply to the HPC. There</p> <p>2 was further litigation which prompted a hearing at</p> <p>3 this meeting.</p> <p>4 Their main engineering report is by</p> <p>5 Hudson Engineering, which is dated May 31st. In</p> <p>6 that report, the building is repeatedly referred</p> <p>7 to as unstable. But in that report -- the</p> <p>8 May 31st report -- they never go as far as to say</p> <p>9 the building is in imminent danger of collapse.</p> <p>10 They repeatedly make their structural</p> <p>11 assessment of 236 only in context of 234</p> <p>12 Montgomery Street and at one point, they say that</p> <p>13 that it should be demolished because the cost</p> <p>14 benefit in terms of risk and reward does not</p> <p>15 justify saving the structure.</p> <p>16 Only in the report dated June 21st,</p> <p>17 which is almost a full month after the fire took</p> <p>18 place, does the engineer go so far as to say that</p> <p>19 the building is in imminent danger of collapse.</p> <p>20 At this point, I'll have Don and</p> <p>21 Diane just kind of step in and give a very brief</p> <p>22 overview of their report and what their findings</p> <p>23 were, since they are the experts on this.</p> <p>24 MR. FRIEDMAN: I'm going to go first,</p> <p>25 I guess, and talk about structure and then Diane</p>

<p style="text-align: right;">Page 21</p> <p>1 will discuss the historic aspects of it.</p> <p>2 The short version is that the</p> <p>3 building maintains enough structural capacity to</p> <p>4 stand in its current state, including -- it</p> <p>5 doesn't have an occupancy load right now because</p> <p>6 there's nobody in the building, but it is carrying</p> <p>7 most of the original contents and debris from the</p> <p>8 fire.</p> <p>9 But I think the most important thing</p> <p>10 is that having examined this building, there's</p> <p>11 no -- it is not in imminent danger of collapse.</p> <p>12 If there were hurricane-force winds, yes, it would</p> <p>13 probably sustain some damage. I have no reason to</p> <p>14 believe that a first half of the 19th century wood</p> <p>15 frame building could sustain hurricane-force-level</p> <p>16 winds in general.</p> <p>17 Most importantly, everything that's</p> <p>18 wrong here can be repaired and since we're talking</p> <p>19 about wood framing, the only way to build a wood</p> <p>20 frame building is by hand.</p> <p>21 I think the most important thing that</p> <p>22 we saw is that the framing is all very straight.</p> <p>23 And the reason that that matters is that every</p> <p>24 piece of structure moves when you load it and if</p> <p>25 you reduce its capacity, if the member is burned</p>	<p style="text-align: right;">Page 22</p> <p>1 halfway through, for example, then the ratio of</p> <p>2 load to capacity increases the same as if you</p> <p>3 increase load. So you would expect to see more</p> <p>4 movement.</p> <p>5 So if the roof joists, which were</p> <p>6 damaged partly by fire and partly by the</p> <p>7 firefighters doing their job and venting the roof,</p> <p>8 if those were badly overloaded, they'd be sagging.</p> <p>9 If the wall studs were overloaded, they would be</p> <p>10 visibly bent.</p> <p>11 Right now, the structure is, for the</p> <p>12 most part, very straight, which tells me that it's</p> <p>13 not just carrying load, it's carrying load without</p> <p>14 being near its capacity.</p> <p>15 The members are burned. The joists,</p> <p>16 the studs, they're burned. They'll have to be</p> <p>17 sistered, repaired, replaced. There's no question</p> <p>18 about that. But that's feasible and it's pretty</p> <p>19 much ordinary repair in carpentry.</p> <p>20 Diane?</p> <p>21 MS. KAESE: I looked at the</p> <p>22 significance of the building and what's</p> <p>23 interesting about this building is that it was</p> <p>24 built -- the original part of it was a wood frame</p> <p>25 building. It was built up against or very close</p>
<p style="text-align: right;">Page 23</p> <p>1 to 234, but not directly against 234. So you have</p> <p>2 a -- you see the clap board of 234 and then you</p> <p>3 see the wall studs of 236. So essentially, the</p> <p>4 party wall is kind of a very interesting nonparty</p> <p>5 wall. They're a couple of inches apart from each</p> <p>6 other, so you have the transmission once it went</p> <p>7 through 234 into 236.</p> <p>8 As Don has said, the framing has</p> <p>9 damage. There's no question about that. What was</p> <p>10 very interesting to me was that when you went into</p> <p>11 the front room of 236, all of the lath and plaster</p> <p>12 is there, everything is there, the entire plaster</p> <p>13 ceiling still remains and the fire and smoke only</p> <p>14 was up in the cocked loft area. When you get</p> <p>15 towards the middle of the building, you have more</p> <p>16 damage and there is definitely loss of plaster and</p> <p>17 some of the framing, but again, everything is</p> <p>18 solid and sound. You could clearly walk on it.</p> <p>19 There's no evidence of any movement or anything of</p> <p>20 that nature.</p> <p>21 The addition that was put on,</p> <p>22 according to the maps, appears to be a masonry</p> <p>23 addition. So it's kind of a composite building</p> <p>24 where you have a wood framed wall against the east</p> <p>25 side and what according to the maps is masonry.</p>	<p style="text-align: right;">Page 24</p> <p>1 So I suspect that the front wall and the back wall</p> <p>2 were both put on as masonry. The rest of it is</p> <p>3 probably all wood frame, but again, it's not all</p> <p>4 open for us to double check and see.</p> <p>5 But the front of the building</p> <p>6 remains, the original configuration of the windows</p> <p>7 remains. You have a cornice that still remains,</p> <p>8 so the significance of the building really doesn't</p> <p>9 change in that regard and it's still a</p> <p>10 contributing member of the historic district.</p> <p>11 MS. O'NEILL: Thanks, guys.</p> <p>12 Are there any Commission questions</p> <p>13 following the review of the old structures report?</p> <p>14 Great. Okay.</p> <p>15 MR. JOSEPH: Maggie, I have two</p> <p>16 questions, if you don't mind, for these experts.</p> <p>17 MS. O'NEILL: Not at all.</p> <p>18 MR. JOSEPH: I guess, Diane, my only</p> <p>19 question for you is regarding the brick on the</p> <p>20 facade. In the report, it says this likely wasn't</p> <p>21 original. It's your opinion that this is like a</p> <p>22 garden state brick -- forgive me if I'm not using</p> <p>23 the right terminology -- but something that's put</p> <p>24 on the front of what was originally there?</p> <p>25 MS. KAESE: No, I think you have</p>

<p style="text-align: right;">Page 25</p> <p>1 three layers there. I think you originally had a</p> <p>2 wood frame, a clapboard front on that building. I</p> <p>3 think you then on top of that, at some point it</p> <p>4 was modernized and you got a brick facade on top</p> <p>5 of it and then the Z-Brick or garden state brick</p> <p>6 face we see today was put on.</p> <p>7 I think that's the chronology of that</p> <p>8 facade. That's my guess, I can't prove it, but</p> <p>9 just the way the maps are shown and some of the</p> <p>10 other indications there tell me the garden state</p> <p>11 brick face is on brick, but I'm pretty sure that</p> <p>12 brick is not original.</p> <p>13 MR. JOSEPH: Understood. Thank you.</p> <p>14 Don, I just want to confirm you</p> <p>15 disagree with the Hudson Engineering report and</p> <p>16 the findings they made in that report; is that</p> <p>17 correct?</p> <p>18 MR. FRIEDMAN: In general terms, yes.</p> <p>19 I mean, that's a very broad statement, so yes.</p> <p>20 MR. JOSEPH: Understood.</p> <p>21 MR. FRIEDMAN: I believe the building</p> <p>22 can be repaired reasonably.</p> <p>23 MR. JOSEPH: Understood. That's it.</p> <p>24 That's all the questions I have.</p> <p>25 COMMISSIONER SANDKAMP: I have</p>	<p style="text-align: right;">Page 26</p> <p>1 questions, but I'm actually not sure who to direct</p> <p>2 them to.</p> <p>3 My question really is why wasn't it</p> <p>4 shored yet? That report is from over a month ago.</p> <p>5 If this was my building, I would have had it</p> <p>6 shored within a week, especially if someone said</p> <p>7 it was unstable. Are they saying if it's</p> <p>8 unstable, we can't shore it?</p> <p>9 I've been involved in a lot of</p> <p>10 buildings and I've seen a lot of buildings there</p> <p>11 were unstable and when they're unstable, I don't</p> <p>12 understand why you wouldn't shore it. So that's</p> <p>13 just a question out there for whoever can answer</p> <p>14 that.</p> <p>15 MR. JOSEPH: I could try to address</p> <p>16 that briefly without really getting into the</p> <p>17 litigation too much, but the City's original order</p> <p>18 was an order to get an engineer to go out to the</p> <p>19 property to make a recommendation for mediation.</p> <p>20 The engineer my client hired recommended</p> <p>21 demolition of the building, did not recommend</p> <p>22 shoring the building and the City did not accept</p> <p>23 that permit application.</p> <p>24 That's kind of -- that is what the</p> <p>25 litigation is about. I'm not working on the</p>
<p style="text-align: right;">Page 27</p> <p>1 litigation, I'm not really involved in that --</p> <p>2 although my firm is handling it -- and I don't</p> <p>3 want to get too deep into that for purposes of</p> <p>4 this hearing.</p> <p>5 COMMISSIONER SANDKAMP: For public</p> <p>6 safety, was the City preventing you from putting</p> <p>7 shoring up as an owner, as you're now representing</p> <p>8 the owner?</p> <p>9 MR. JOSEPH: No.</p> <p>10 COMMISSIONER SANDKAMP: So you're</p> <p>11 saying you guys elected not to put shoring up</p> <p>12 because your engineers said it had to be demoed?</p> <p>13 That's what you're saying?</p> <p>14 MR. JOSEPH: Yes, it's a simple way</p> <p>15 of putting it. The judge also ordered the City to</p> <p>16 take any preventative measures they thought was</p> <p>17 necessary, but my client was prepared to take</p> <p>18 action immediately and the City did not allow us</p> <p>19 to take that action and that's why the litigation</p> <p>20 ensued.</p> <p>21 COMMISSIONER SANDKAMP: I still don't</p> <p>22 understand because even if you were going to have</p> <p>23 something demoed, you might have to shore it for a</p> <p>24 while until you're able to demo it because</p> <p>25 otherwise, how are people going to walk by on the</p>	<p style="text-align: right;">Page 28</p> <p>1 street? At least shore it so the public can get</p> <p>2 through that area safely. It seems like it should</p> <p>3 have been shored properly.</p> <p>4 MS. O'NEILL: I will say that the</p> <p>5 applicant was required to put heavy duty</p> <p>6 scaffolding on the street, which they have done;</p> <p>7 however, I will note for the record that the heavy</p> <p>8 duty scaffold is just to protect from things</p> <p>9 falling off the building, per the engineering</p> <p>10 report. It would not provide any actual public</p> <p>11 safety measures if the building were to collapse.</p> <p>12 MR. JOSEPH: The court actually</p> <p>13 ordered the City to take the preventative measures</p> <p>14 and the City is the ones who put the scaffolding</p> <p>15 and felt that the scaffolding was enough for what</p> <p>16 was there.</p> <p>17 COMMISSIONER SANDKAMP: Okay.</p> <p>18 MR. JOSEPH: I don't think I have an</p> <p>19 adequate answer to your question.</p> <p>20 COMMISSIONER SANDKAMP: As it exists</p> <p>21 today, as per your engineer's report, he said that</p> <p>22 the shed was not adequate to prevent damage --</p> <p>23 MS. O'NEILL: That was the City.</p> <p>24 That was the City's report on the shed.</p> <p>25 COMMISSIONER SANDKAMP: The HE</p>

<p style="text-align: right;">Page 29</p> <p>1 engineer did not say that the shed was not 2 adequate? I thought I read that in there. 3 MR. JOSEPH: He did say that. That's 4 correct. 5 COMMISSIONER SANDKAMP: So your own 6 engineer said that the shed wasn't adequate to 7 protect the public? 8 MR. JOSEPH: That's correct. Yes. 9 COMMISSIONER SANDKAMP: So wouldn't 10 it be incumbent on that engineer to say we need to 11 put shoring in there immediately and it's been 30 12 days or more? 13 MR. JOSEPH: The engineer did say 14 that, but the court ordered the City to take the 15 actions that they felt was necessary. The City 16 only did the scaffolding. They took no further 17 action aside from the scaffold. It was a court 18 order for the City to take those actions, not the 19 property owner. 20 COMMISSIONER SANDKAMP: Okay. 21 MS. O'NEILL: Are there any other 22 questions from Commissioners? If not, we could 23 keep going through the staff report. 24 All right. Back to the staff report. 25 As I said earlier, there are a number</p>	<p style="text-align: right;">Page 30</p> <p>1 of other items within the demo ordinance in 2 Chapter 345 that should be reviewed in addition to 3 the structure of the building. I will summarize 4 most of these. 5 The first is for the Commission to 6 review the historic architectural and aesthetic 7 significance of the building. Typically, we do 8 this by breaking down the National Register 9 criteria and how to apply them so we can 10 individually review what elements of significance 11 are still intact in the building. In this case, 12 based on the staff's opinion, this building has 13 integrity of location, design, setting, materials 14 and feeling. 15 It does have some is integrity of 16 workmanship; however, due to the alterations to 17 the building over time, staff does not feel 18 comfortable saying it has full integrity of 19 workmanship and staff is unaware of any direct 20 link between an important historical event or 21 person with this property, so therefore to staff's 22 knowledge, it does not have integrity of 23 association. 24 However, five of the seven clearly 25 shows this building has historic architectural and</p>
<p style="text-align: right;">Page 31</p> <p>1 aesthetic significance to not only the Van Vorst 2 Park Historical District, but also the City as a 3 whole. 4 The Commission is also taxed with 5 reviewing the building's use. The building, per 6 the application submitted and the tax card, is a 7 three-unit residential building. That use is 8 consistent with both historical uses for the 9 Historic District and what would be permitted 10 under the current zoning guide ordinance. 11 Next would be to review the 12 importance to the City and the extent to which its 13 historical architectural value is such that its 14 removal would be detrimental to the public 15 interest. It's pretty clear that the ambiance and 16 the integrity of the Van Vorst Park Historic 17 District would be significantly altered if this 18 building was removed and the integrity -- it would 19 be a loss to the integrity of the historic 20 district as a whole. 21 The Commission also should review the 22 extent to which it is an old, unusual or uncommon 23 design, craftsmanship, texture, material that 24 cannot be reproduced or be reproduced only with 25 great difficulty. For the most part, the</p>	<p style="text-align: right;">Page 32</p> <p>1 building's construction methods and materials are 2 common for the era of construction; however, 3 reconstruction of the building in its state prior 4 to the fire would likely not be able to be 5 reproduced due to current building codes. 6 The Commission also is tasked with 7 reviewing the impact of its removal upon the 8 ambiance of the historic district. That is 9 similar to an earlier point where it would 10 obviously be loss of integrity to the Van Vorst 11 Park Historic District as a whole. 12 We reviewed the structure. 13 And then, of course, the effect of 14 the remaining portions of the building's 15 structure, sight, object or landscape feature in 16 cases of partial demolition. 17 Prior to the applicant's testimony 18 tonight, staff had not received any written 19 correspondence indicating any partial demolition 20 or anything in writing showing that they would be 21 willing to commit to that, so we can't really 22 provide any commentary on an item that we weren't 23 given to review. 24 All in all, obviously the demolition 25 of this building would cause a negative impact on</p>



<p style="text-align: right;">Page 33</p> <p>1 the historic district. It would be an adverse 2 effect.</p> <p>3 Staff believes that with proper 4 precautions, this building can be shored up and 5 demolition is not 100% necessary in this case. We 6 do understand that due to the extent of the fire, 7 there will be a relatively substantial amount of 8 reconstruction and/or extensive amount of 9 restoration required for this building. We are 10 aware of that. We are looking forward to working 11 with the applicant on that. However, we do not 12 believe that this rises to any level where a 13 demolition would be appropriate in this case.</p> <p>14 So that being said, it's staff's 15 beliefs that the Commission should deny 16 certificate of appropriateness for this 17 application. I have listed -- there's four 18 different criteria in which the Commission could 19 deny it under, but, of course, staff is willing to 20 take questions on this as well.</p> <p>21 Okay. Hearing none, prior to any 22 type of motions or anything, we do have to open 23 this up to the public due to the unorthodox 24 structure of the hearing.</p> <p>25 Does anyone -- are there any members</p>	<p style="text-align: right;">Page 34</p> <p>1 of the public present who would like to speak 2 regarding this application? You could use the 3 "raise hand" feature or you could use *9 on the 4 phone.</p> <p>5 Staff sees no hands raised and 6 recommends a motion to open and close public 7 comment.</p> <p>8 VICE CHAIRMAN GUCCIARDO: Motion. 9 COMMISSIONER SANDKAMP: Motion. 10 COMMISSIONER AMATUZZO: Second. 11 MS. O'NEILL: I have Stephen and then 12 I have Paul. 13 All in favor? 14 (Whereupon, a voice vote was taken; a 15 chorus of "ayes" heard.) 16 MS. O'NEILL: We'll pull up the staff 17 report one more time. 18 The specific citations that we 19 provided, that is the Commission followed staff 20 recommendations to deny the application would be 21 345-71JA, which is that the building has historic 22 architectural and aesthetic significance; JC, that 23 the removal would be detrimental to the public 24 interest; 345-71E and G, E is that the impact 25 would -- the impact of the removal would</p>
<p style="text-align: right;">Page 35</p> <p>1 negatively impact the ambiance of the historic 2 district and G, that no plan was presented for 3 partial demolition.</p> <p>4 Are there any questions? Any 5 motions?</p> <p>6 COMMISSIONER SANDKAMP: Quick 7 question for I guess it's either Jonathan or you, 8 Maggie, and that is can we compel this applicant 9 to put in emergency shoring to protect this 10 historic resource, as it is in jeopardy?</p> <p>11 MR. REKSTAD: I do not believe that's 12 in your authority. Maggie, do you agree?</p> <p>13 MS. O'NEILL: We can't require an 14 applicant do anything to any building; however, we 15 will be providing a memorandum to the Corporation 16 Counsel prior to the meeting regarding this 17 application on the 19th and I can make a note in 18 my memorandum that that is something that the 19 commission made a recommendation for. It doesn't 20 require anyone to do anything, but I could make 21 sure it is noted.</p> <p>22 MR. JOSEPH: I want to reiterate 23 again as soon as the City did not accept the 24 demolition permit, my client went immediately to a 25 judge. The judge ordered the City -- the City of</p>	<p style="text-align: right;">Page 36</p> <p>1 Jersey City -- to take any action they felt was 2 necessary to protect this building. All the City 3 felt was necessary was the sidewalk bridge.</p> <p>4 There was a determination -- there 5 was an order on the protection of the building 6 already on this matter.</p> <p>7 COMMISSIONER SANDKAMP: By "the 8 City," is that the code official or city officials 9 that were in Structures went to the site and 10 looked at it and they were in agreement with 11 Mr. Friedman then, that the building is actually 12 stable enough to need to be concerned about 13 falling debris, but not collapse?</p> <p>14 MR. JOSEPH: I would assume so. I 15 haven't seen an engineer's report from the City. 16 But the judge did order the City to take any 17 action they felt was necessary that was needed to 18 protect the public. That was the only action that 19 was taken. I don't want there to be a false 20 impression that my client was just sitting around, 21 waiting for something to happen.</p> <p>22 The engineer was there the same day 23 that the fire happened. The demo permit was 24 submitted immediately. That permit was rejected 25 and as soon as it was rejected, my client was in</p>

<p style="text-align: right;">Page 37</p> <p>1 front of a judge for a determination about what to</p> <p>2 do. The judge could have ordered my client to</p> <p>3 take action, but he ordered the City to take</p> <p>4 action. They were just complying with that order.</p> <p>5 COMMISSIONER SANDKAMP: Thank you.</p> <p>6 CHAIRMAN GORDON: So in order for me</p> <p>7 to feel comfortable with proceeding on this</p> <p>8 application, I think I would benefit from some</p> <p>9 more testimony from Mr. Friedman, if that's</p> <p>10 possible, because the applicant hasn't presented</p> <p>11 their expert. They're resting essentially on the</p> <p>12 papers. They didn't bring their expert tonight.</p> <p>13 So Mr. Friedman, I know you said you</p> <p>14 very broadly disagree with their expert report.</p> <p>15 I'm wondering if you could point to anything more</p> <p>16 specific.</p> <p>17 What's the heart of your</p> <p>18 disagreement? Why do you think that -- what is it</p> <p>19 that you're disagreeing about? I mean obviously</p> <p>20 you're coming to different conclusions, but what</p> <p>21 do you think led you to a different conclusion.</p> <p>22 MR. FRIEDMAN: Sure. We do a -- we</p> <p>23 meaning engineers or anybody analyzing a</p> <p>24 building -- we do a bunch of analysis. Then it</p> <p>25 comes down to saying safe or unsafe, which is not</p>	<p style="text-align: right;">Page 38</p> <p>1 a great summary. What loads does the structure</p> <p>2 have to take if it's unstable, is the whole</p> <p>3 structure unstable, is a portion of it unstable</p> <p>4 and so on.</p> <p>5 So there's a lot of shades of gray</p> <p>6 between something being perfectly safe and</p> <p>7 something being dangerous, run down the block to</p> <p>8 get away from it.</p> <p>9 I did not see any evidence that this</p> <p>10 building is unstable in its current condition.</p> <p>11 Now, I was there on a very hot, more or less</p> <p>12 windless day. If there were a hurricane and we</p> <p>13 could get hit by hurricanes in this area, right,</p> <p>14 if there were a hurricane, it would probably not</p> <p>15 be safe, but that's (a) a rare occurrence and (b)</p> <p>16 one that you have some warning of.</p> <p>17 If I thought -- if I owned that</p> <p>18 building and I thought the hurricane was</p> <p>19 approaching based on the news reports, then that</p> <p>20 would be a good time to install shoring. I don't</p> <p>21 believe shoring is necessary at this time because</p> <p>22 I don't think that under ordinary loads, including</p> <p>23 ordinary wind loads such as we get in the kind of</p> <p>24 storms that we've had -- in the last couple of</p> <p>25 weeks, we've had some storms -- I don't think that</p>
<p style="text-align: right;">Page 39</p> <p>1 the building is unstable in those conditions.</p> <p>2 I do think that any time a building</p> <p>3 is damaged, any portion of it that is unstable</p> <p>4 should be stored and any portion of it that is</p> <p>5 open to the weather should be closed off because</p> <p>6 water getting into this building will cause</p> <p>7 further damage.</p> <p>8 When Diane and I examined the</p> <p>9 building, the first thing we did was go to a</p> <p>10 building not quite across the street and stand on</p> <p>11 the roof and look down on it. The first thing I</p> <p>12 noticed was that there were holes in the roof and</p> <p>13 when we got close, it became clear those holes</p> <p>14 were cut by the firefighters to vent hot air.</p> <p>15 Well, that hole is now allowing water to pour</p> <p>16 straight into the building. Making the building</p> <p>17 safe includes things like closing off those holes</p> <p>18 to prevent future water damage.</p> <p>19 Most of the fire damage is surface</p> <p>20 char and probably does not even require structural</p> <p>21 repair. It will require architectural repair in</p> <p>22 the sense of the finishes are damaged,</p> <p>23 particularly at the top floor of the building</p> <p>24 where there is enough char that the section of</p> <p>25 joist or stud has been reduced to the point where</p>	<p style="text-align: right;">Page 40</p> <p>1 it's no longer capable of carrying a sufficient</p> <p>2 load.</p> <p>3 The standard repair of this is to</p> <p>4 sister that member, to put a new piece of wood</p> <p>5 parallel to and immediately abutting the existing</p> <p>6 damaged piece of wood and that's a fairly</p> <p>7 straightforward process.</p> <p>8 So I'm not going to say the building</p> <p>9 is safe under all circumstances. Actually, it's</p> <p>10 difficult for me to say that about any building.</p> <p>11 MR. REKSTAD: I don't interrupt you,</p> <p>12 Mr. Friedman. I will say the matter before the</p> <p>13 Commission right now is historic importance and</p> <p>14 preservation, not safety. So if we could limit --</p> <p>15 right, Maggie? Do you disagree with that?</p> <p>16 MS. O'NEILL: I mean, the ordinance</p> <p>17 specifically does discuss the structural integrity</p> <p>18 of the building.</p> <p>19 MR. REKSTAD: Then I'm mistaken.</p> <p>20 MR. FRIEDMAN: I was just about to</p> <p>21 wrap it up anyway because I think I reached the</p> <p>22 end of what I wanted to say.</p> <p>23 I disagree with the Hudson</p> <p>24 Engineering report in that I don't believe the</p> <p>25 building is an imminent hazard at this time. I</p>

<p style="text-align: right;">Page 41</p> <p>1 believe it is readily -- the structural damage</p> <p>2 that exists is readily fixable. Those two</p> <p>3 statements, I think, are the core of their</p> <p>4 conclusions and my conclusions.</p> <p>5 COMMISSIONER BLAZAK: I think based</p> <p>6 on what Don went through and maybe what Jonathan</p> <p>7 said, I think our ordinance talks about fire</p> <p>8 damage. You know, this building is not damaged</p> <p>9 beyond repair I think is Don's point.</p> <p>10 It seems to me like the first thing</p> <p>11 that should have been done is probably buttoning</p> <p>12 up the building, closing it up to elements because</p> <p>13 now the building is only being further damaged in</p> <p>14 the six weeks since the fire. It just seems like</p> <p>15 this -- I don't know all this background on the</p> <p>16 litigation, but it seems like it's a pretty -- it</p> <p>17 just seems like it's an all around unfortunate</p> <p>18 situation of course that the fire happened in the</p> <p>19 first place, but it seems to me that steps should</p> <p>20 be taken to protect the building as well.</p> <p>21 CHAIRMAN GORDON: For me, this brings</p> <p>22 to mind the St. Peter's Prep on York Street when</p> <p>23 there were allegations of demolition by neglect</p> <p>24 there and I don't think the Commission looked too</p> <p>25 kindly on at that at time, so those steps needs to</p>	<p style="text-align: right;">Page 42</p> <p>1 be taken and they should be taken sooner rather</p> <p>2 than later.</p> <p>3 MS. O'NEILL: All right. Are there</p> <p>4 any other Commissioner questions? Comments? If</p> <p>5 not, again, the staff recommendation on the</p> <p>6 certificate of appropriateness application is for</p> <p>7 a motion for denial.</p> <p>8 COMMISSIONER BLAZAK: I'll make the</p> <p>9 motion to deny the application and I'm going to</p> <p>10 say 345-71JA, 345-71JC, 345-71E and 345-71G.</p> <p>11 COMMISSIONER GARRIGA: I'll second</p> <p>12 it.</p> <p>13 MS. O'NEILL: I'll move to a roll</p> <p>14 call.</p> <p>15 Commissioner Amatuzzo?</p> <p>16 COMMISSIONER AMATUZZO: Aye.</p> <p>17 MS. O'NEILL: Commissioner Sandkamp?</p> <p>18 COMMISSIONER SANDKAMP: Aye.</p> <p>19 MS. O'NEILL: Commissioner Blazak?</p> <p>20 COMMISSIONER BLAZAK: Aye.</p> <p>21 MS. O'NEILL: Commissioner Gunther?</p> <p>22 COMMISSIONER GUNTHER: Aye.</p> <p>23 MS. O'NEILL: Commissioner Garriga?</p> <p>24 COMMISSIONER GARRIGA: Aye.</p> <p>25 MS. O'NEILL: Commissioner Cronin?</p>
<p style="text-align: right;">Page 43</p> <p>1 COMMISSIONER CRONIN: Aye.</p> <p>2 MS. O'NEILL: Commissioner Lewis is</p> <p>3 absent. Commissioner Sakong is absent.</p> <p>4 Vice Chair Gucciardo?</p> <p>5 VICE CHAIRMAN GUCCIARDO: Aye.</p> <p>6 MS. O'NEILL: And Chairman Gordon?</p> <p>7 CHAIRMAN GORDON: Aye.</p> <p>8 MS. O'NEILL: There are eight votes</p> <p>9 in favor, none against. The certificate of</p> <p>10 appropriateness is denied, citing 345-71JA, JC, E,</p> <p>11 G.</p> <p>12 MR. JOSEPH: Thank you, all. I</p> <p>13 appreciate your time. Have a good evening.</p> <p>14 MS. O'NEILL: All right.</p> <p>15 We will move on to the next</p> <p>16 application. Robert, before you call the case, if</p> <p>17 there's -- if the attorney is present for 345 --</p> <p>18 I'm sorry -- 234 Montgomery Street, can you raise</p> <p>19 your hand, please? I don't see you listed, if</p> <p>20 there's any representative for this application.</p> <p>21 Okay. Another unusual case for us,</p> <p>22 but again, we are required to hear this</p> <p>23 application, so Robert, I'm going to go ahead and</p> <p>24 have you call this and then we'll just go right</p> <p>25 into staff comments on it.</p>	<p style="text-align: right;">Page 44</p> <p>1 The attorney is not present. I just</p> <p>2 asked if there's any representative for this</p> <p>3 application. I don't see any hands raised. I</p> <p>4 don't recognize any of the names here as anyone</p> <p>5 associated with this application. In a normal</p> <p>6 situation, I would recommend we not proceed, but</p> <p>7 in this particular case, we will be proceeding.</p> <p>8 CHAIRMAN GORDON: All right. So that</p> <p>9 would be case H23-223. The applicant is Peter</p> <p>10 Wujciak, Esquire on behalf of 234 Realty LLC,</p> <p>11 Owner. The address is 234 Montgomery Street in</p> <p>12 the Van Vorst Park Historic District.</p> <p>13 This application is for certificate</p> <p>14 of appropriateness for the demolition of an</p> <p>15 altered, contributing, fire damaged three story,</p> <p>16 three bay, Greek revival style, masonry fronted,</p> <p>17 frame building in the Van Vorst Park Historic</p> <p>18 District constructed circa 1852.</p> <p>19 MS. O'NEILL: Thanks. For the</p> <p>20 record, we'll also hold public comment until</p> <p>21 following staff comments on this one, just to make</p> <p>22 sure that the public has enough information on</p> <p>23 this. This is the adjacent building to 236</p> <p>24 Montgomery Street. This is where the fire began</p> <p>25 on May 30th.</p>

<p style="text-align: right;">Page 45</p> <p>1 I will go ahead and share the staff 2 report for this. 3 So let's go once again down to staff 4 recommendations and comments. So this -- plans 5 and documents reviewed. This is important because 6 while the previous application and two separate 7 engineering reports were prepared by the same 8 professional on different dates, this application 9 had one engineering report submitted dated May 10 31st. Similarly to 236, the City did retain Old 11 Structures Engineering to also review the building 12 as well. 13 HPC staff reviewed the provided 14 documents via the applicant, as well as the Old 15 Structures report. Following the review of all of 16 those documents as the result of the staff visits, 17 HPC staff does not believe that this building 18 should be demolished in accordance with the 19 standards in our ordinance. 20 Similarly to the last application, we 21 are going to go down to structural integrity as 22 well. As I said before, they had one engineer, 23 Tadco Engineers, review the building. It is a 24 substantially smaller report. 25 The engineering report does</p>	<p style="text-align: right;">Page 46</p> <p>1 specifically state that the structure has been 2 detrimentally impacted due to fire damage and 3 cannot be salvaged in any manner; however, that is 4 mentioned once in the report and there are 5 previous of the -- many other mentions earlier in 6 the report stating how parts of the building can 7 be salvaged, even going so far as to say the front 8 wall is observed to be mildly impacted and that 9 most of the damage in this building appeared to be 10 on the second and third floors and that the first 11 floor was not substantially impacted by the fire. 12 Don and Diane, I will toss it over to 13 both of you to discuss your findings. 14 MR. FRIEDMAN: Okay. I'm not going 15 to give any of the general comments because 16 they're exactly the same as the ones I gave for 17 the other building. 18 The fire damage is somewhat worse in 19 234. The most severe interior damage is actually 20 the loss of the stair from the second to third 21 floor, which made our investigation of the third 22 floor a little sketchy because it was from some 23 distance. We could see the roof framing above the 24 third floor but not close up. We were perhaps 25 25 feet away.</p>
<p style="text-align: right;">Page 47</p> <p>1 There is actually less exterior 2 damage at 234 than 236. It's mostly the side wall 3 of the west wall of the building. There's more 4 char, there's more damaged members, but again, it 5 can all be repaired. I'm not sure how badly the 6 charred members are actually burned. A lot of the 7 char is not the structural stud or the structural 8 joist. It may be things around it, including 9 paint. So it's a little hard to judge. 10 We have in our report a picture of 11 where the stair burned out and the stair stringer 12 looks terrible, it's heavily charred, except you 13 could see where the treads pulled out of it, that 14 the wood is actually pretty much intact. 15 So yes, it's structurally damaged. 16 It can be repaired and the damage is worse at the 17 third floor level. Second floor and roof are also 18 badly damaged, but can be repaired. There's no 19 sign of imminent hazard I think is the most 20 important thing I have to say. 21 VICE CHAIRMAN GUCCIARDO: I have a 22 question. 23 Is it correct that this building was 24 under construction? Was there active construction 25 taking place in this or was it 236?</p>	<p style="text-align: right;">Page 48</p> <p>1 MR. FRIEDMAN: There was construction 2 taking place. I don't know if it was active. But 3 there were signs of construction taking place and 4 actually the people who let us into the building 5 were the contractors who had been working at the 6 building. I don't know if it was active at the 7 time of the fire or not. 8 MS. O'NEILL: Stephen, I can actually 9 answer -- provide some more information on that as 10 well. The Commission has seen a variety of 11 applications on this building since at least I've 12 been here. I know they date back further. 13 However, none have gotten past the application 14 phase with the exception of a couple of minor 15 interior demolition permits. 16 I know we did -- I believe it was 17 2019. We did an interior clean out so at the 18 time, the property owner's architect could review 19 the interior structure of the building so that 20 they could make an application and if the 21 Commission remembers, there was an outstanding 22 application for a four-story, full height addition 23 at this building; however, the applicant never 24 completed the application for the Commission. 25 VICE CHAIRMAN GUCCIARDO: I see.</p>

<p style="text-align: right;">Page 49</p> <p>1 Okay. So because I see evidence that at one point  2 there was a plan to put an addition on this  3 building and I was wondering if that was in  4 progress. My memory didn't as good as yours,  5 Maggie, so I didn't know if they were actually  6 working on that extension and that's what caused  7 the problem or if the damage was in the extension  8 part. I just wanted to clarify where the damage  9 was.</p> <p>10 MS. KAESE: Should I go ahead?  11 MS. O'NEILL: Yes, please.</p> <p>12 MS. KAESE: The interesting about  13 this little jewel is that it definitely predates  14 236 and I say that because 236 went up against the  15 exterior clapboard of 234. There was an early map  16 that shows a series of smaller buildings and it  17 also shows the church, but it doesn't clarify  18 exactly where they are and I think that 234 is  19 probably one of those buildings.</p> <p>20 The other reason I think it's one of  21 those buildings -- and Don will confirm this --  22 that you have posted being constructed in the  23 original part of this -- which is pretty early  24 construction and it's rather unusual for Jersey  25 City.</p>	<p style="text-align: right;">Page 50</p> <p>1 So it was -- in my career, I usually  2 deal with masonry, I'll be the first to say, but  3 it's the second post and beam building that I've  4 seen in literally three weeks -- one in New York,  5 one in Jersey City -- so it's very unusual from my  6 end.</p> <p>7 Don explained where the fire was,  8 which was at the back of the original building,  9 right where the addition came to it and the  10 remainder of the structure is fine. There's not a  11 whole lot there. It has some unusual features,  12 one of which is a fireplace in the rear addition  13 that actually is a see through fireplace. It's a  14 two-sided fireplace, which again, very unusual  15 for -- very unusual. Just leave it saying at  16 that.</p> <p>17 Like 236, I think that the brick  18 facade was a modernization of the building. I  19 don't think that was original and it was put on at  20 a later date to help tie the row together and make  21 it appear more modern.</p> <p>22 But again, the window configuration  23 didn't change. All the interior framework appears  24 to all be there, it all appears to be original.  25 All of your streetwise significance is certainly</p>
<p style="text-align: right;">Page 51</p> <p>1 there and Maggie has gone through the criteria  2 very carefully and I suspect when she goes through  3 all of that with you that we will agree 100%, but  4 as far as I'm concerned, the building has  5 significance, it meets all the criteria and  6 there's no reason to lose that structure.</p> <p>7 MS. O'NEILL: Are there any  8 additional questions for Don or Diane?</p> <p>9 All right. Let's go back to the  10 staff report.</p> <p>11 All right. Similarly to 236, I'm  12 going to take the Commission through the other  13 standards for demolition within our ordinance that  14 are not structure based, starting with historic  15 architecture.</p> <p>16 Similarly to 236, this building has  17 an integrity of location, design setting,  18 materials, workmanship, feeling and association --  19 I'm sorry -- but it does not have significance of  20 association. They could but, we're just unaware  21 of any direct link between an important event or  22 person associated with the property.</p> <p>23 So it has six of the seven, which  24 obviously means that it has historic significance.</p> <p>25 The use of the building: As</p>	<p style="text-align: right;">Page 52</p> <p>1 submitted by the applicant on the tax card, the  2 building is a vacant two-unit residential  3 building. That use is consistent with the  4 historic uses of the historic district and also  5 would be permitted under the current ordinance.</p> <p>6 It's important to the City and extent  7 to which it's historic and architectural value is  8 such that its removal would be detrimental to the  9 public interest.</p> <p>10 Again, obviously the removal of this  11 building would impact not just the street scape,  12 but also the Van Vorst Park Historic District and  13 the City has a whole.</p> <p>14 Diane did a really great job walking  15 you through what makes this particular building  16 unique in addition to its age. From my  17 understanding, it's one of the oldest extent  18 buildings on the block. The post made  19 construction, the unique fireplace and the unique  20 roof line all lend it to being detrimental if it  21 were to be removed, the extent to which it is an  22 old, unusual or uncommon design that could not be  23 reproduced or reproduced only with great  24 difficulty.</p> <p>25 Again, the structure of this building</p>

<p style="text-align: right;">Page 53</p> <p>1 is unique to Jersey City and predates the vast  2 majority of the construction within the Van Vorst  3 Park Historic District. It could likely not be  4 reproduced today based on current building codes.  5 You would also likely need variances granted for  6 the construction of this building as well if it  7 were to be reproduced.</p> <p>8 The probable impact of its removal  9 upon the ambiance of the Historic District, again,  10 the ambience of the Historic District would be  11 greatly impacted with the demolition of this  12 building.</p> <p>13 We've discussed structural soundness  14 and integrity of the building, which then leaves  15 the effects of the remaining portions of the  16 building structure site after landscape feature in  17 cases of partial demolition.</p> <p>18 We've received no correspondence from  19 this applicant regarding any intention of partial  20 demolition, so that's something that we can't  21 recommend or deny without any evidence of.</p> <p>22 Similarly to 236, the fire was  23 obviously an unfortunate event at this building;  24 however, it's clear based on the Old Structures  25 report and, frankly, the report prepared by Tadco</p>	<p style="text-align: right;">Page 54</p> <p>1 Engineers as well that this building does not rise  2 to the level of an imminent hazard, nor does a  3 substantial portion of this building need to be  4 removed, justifying an imminent hazard.</p> <p>5 HPC staff is quite confident that  6 with proper shoring and the expectation of, at a  7 bare minimum, the rear portions of this building  8 being reconstructed, restored, which we would  9 expect, it would be the more obvious path forward  10 than losing a building like this within our  11 Historic District.</p> <p>12 So we would recommend that the  13 Commission deny a certificate of appropriateness  14 for demolition of this building, citing the same  15 standards that we did for 236, which were  16 345-71JA, 345-71JC, 345-71E and 345-71G.</p> <p>17 Do the Commissioners have any  18 questions for staff?</p> <p>19 VICE CHAIRMAN GUCCIARDO: Maggie, my  20 question is about procedure. I don't recall ever  21 denying an application without the applicant  22 present. So can we do that?</p> <p>23 MR. REKSTAD: Well, it's on the  24 papers, right?</p> <p>25 MS. O'NEILL: Yes. The applicant is</p>
<p style="text-align: right;">Page 55</p> <p>1 aware of the application submitted. They were  2 provided notice of the meeting. They went -- I  3 spoke to the applicant this morning, he paid the  4 court reporter fee and application fee this  5 morning, so they were well aware of the hearing.</p> <p>6 Jonathan, I do not believe there's  7 anything in the bylaws or the MLUL that  8 specifically says the applicant needs to be  9 present.</p> <p>10 MR. REKSTAD: I don't know of  11 anything.</p> <p>12 VICE CHAIRMAN GUCCIARDO: Thank you  13 for the clarification.</p> <p>14 MS. O'NEILL: It's definitely not  15 common and certainly something I would have  16 preferred to avoid, but I also don't see how we  17 can not move forward when we're required to render  18 a decision on this application.</p> <p>19 VICE CHAIRMAN GUCCIARDO: Understood.  20 Got it. That's clear.</p> <p>21 MS. O'NEILL: Any questions for staff  22 before we open it for public comment?</p> <p>23 All right. If there are any members  24 of the public present who would like to speak  25 regarding this application, please use the "raise</p>	<p style="text-align: right;">Page 56</p> <p>1 hand" function at the bottom of the screen.  2 Alternatively, if you're on the phone, you could  3 press *9.</p> <p>4 Staff sees no hands and recommends a  5 motion to open and close.</p> <p>6 VICE CHAIRMAN GUCCIARDO: Motion.  7 COMMISSIONER AMATUZZO: Second.</p> <p>8 MS. O'NEILL: All in favor?</p> <p>9 (Whereupon, a voice vote was taken; a  10 chorus of "ayes" was heard.)</p> <p>11 MS. O'NEILL: All right. If there  12 are no questions for staff, again, the  13 recommendation from staff on this application is  14 to deny a certificate of appropriateness citing  15 345-71JA, JC, E and G.</p> <p>16 COMMISSIONER AMATUZZO: I'm make a  17 motion to deny based on staff's report and  18 345-71JA, 345-71JC, 345-71E and 345-71G.</p> <p>19 COMMISSIONER GUNTHER: Second.</p> <p>20 MS. O'NEILL: Okay. We'll do a roll  21 call vote.</p> <p>22 Commissioner Garriga?</p> <p>23 COMMISSIONER GARRIGA: Aye.</p> <p>24 MS. O'NEILL: Commissioner Cronin?</p> <p>25 COMMISSIONER CRONIN: Aye.</p>

<p style="text-align: right;">Page 57</p> <p>1 MS. O'NEILL: Commissioner Sandkamp?</p> <p>2 COMMISSIONER SANDKAMP: Aye.</p> <p>3 MS. O'NEILL: Commissioner Amatuzzo?</p> <p>4 COMMISSIONER AMATUZZO: Aye.</p> <p>5 MS. O'NEILL: Commissioner Blazak?</p> <p>6 COMMISSIONER BLAZAK: Aye.</p> <p>7 MS. O'NEILL: Commissioner Gunther?</p> <p>8 COMMISSIONER GUNTHER: Aye.</p> <p>9 MS. O'NEILL: Commissioner Lewis is</p> <p>10 absent. Commissioner Sakong is absent.</p> <p>11 Vice Chair Gucciardo?</p> <p>12 VICE CHAIRMAN GUCCIARDO: Aye.</p> <p>13 MS. O'NEILL: And Chairman Gordon?</p> <p>14 CHAIRMAN GORDON: Aye.</p> <p>15 MS. O'NEILL: Okay. There are eight</p> <p>16 votes in favor, none against. The certificate of</p> <p>17 appropriateness is denied citing 345-71JA, JC, E</p> <p>18 and G.</p> <p>19 Thank you so much, Diane and Don.</p> <p>20 You guys have a nice night.</p> <p>21 MR. FRIEDMAN: Thank you.</p> <p>22 MS. O'NEILL: All right. We could go</p> <p>23 ahead and call the next application.</p> <p>24 CHAIRMAN GORDON: I'm now calling</p> <p>25 H23-227. The applicant is John Easterling. The</p>	<p style="text-align: right;">Page 58</p> <p>1 address is 54 Journal Square, a/k/a the Loew's</p> <p>2 Jersey Theater. This is in the Journal Square</p> <p>3 2060 Redevelopment Plan, Preservation Zone on the</p> <p>4 New Jersey State Register of Historic Places.</p> <p>5 Region.</p> <p>6 This is an application for Section 31</p> <p>7 referral review of an amendment to the loading</p> <p>8 dock configuration for the previously approved</p> <p>9 rehabilitation and restoration of the interior and</p> <p>10 exterior of the Loew's Jersey Theater, altered,</p> <p>11 Spanish Baroque-influenced "Wonder Theater,"</p> <p>12 completed in 1929.</p> <p>13 This is a recommendation to the</p> <p>14 Jersey City Planning Board.</p> <p>15 MS. O'NEILL: John, we'll go ahead</p> <p>16 and swear you in.</p> <p>17 JOHN EASTERLING, after</p> <p>18 having first been duly sworn, was examined and</p> <p>19 testified as follows:</p> <p>20 MS. O'NEILL: John, do you want me to</p> <p>21 promote anyone else?</p> <p>22 MR. EASTERLING: No, it's just me</p> <p>23 this evening.</p> <p>24 MS. O'NEILL: All right. Great.</p> <p>25 Staff wants to note for the record</p>
<p style="text-align: right;">Page 59</p> <p>1 that Mr. Easterling has previously been qualified</p> <p>2 in front of this board as an expert in the field</p> <p>3 of architecture.</p> <p>4 John, you should be able to share</p> <p>5 your screen and you're welcome to begin your</p> <p>6 presentation whenever you're ready.</p> <p>7 MR. EASTERLING: Thank you very much,</p> <p>8 Maggie. Let me know if you could see that.</p> <p>9 MS. O'NEILL: Yes.</p> <p>10 MR. EASTERLING: Thank you.</p> <p>11 Good evening, everybody. Thank you</p> <p>12 for your time and consideration. I'm John</p> <p>13 Easterling, principal and senior project manager</p> <p>14 with TJ Architects. We are the architects leading</p> <p>15 the rehabilitation of the magnificent Jersey</p> <p>16 Theater and we're presenting this evening a</p> <p>17 revised design of the loading area, as was</p> <p>18 mentioned, for your consideration.</p> <p>19 We're revising the design of this</p> <p>20 area because our project timeline for the theater</p> <p>21 doesn't align with the neighboring project</p> <p>22 timeline in which we needed some of their property</p> <p>23 to build the previously approved loading dock. So</p> <p>24 that's why we're here with the revised design.</p> <p>25 So I have a few slides to take you</p>	<p style="text-align: right;">Page 60</p> <p>1 through with plans and some elevations and talk</p> <p>2 about the materials of this revised design and</p> <p>3 then I'm happy to answer any questions.</p> <p>4 Just a quick familiarization for</p> <p>5 everybody, this is the plan of the Loew's Theater,</p> <p>6 JFK Boulevard off to the east here on the</p> <p>7 right-hand side of the plan. This is a pedestrian</p> <p>8 alley that runs along the south side of the</p> <p>9 building. This dashed line represents a</p> <p>10 10-foot-wide pedestrian easement in the alley and</p> <p>11 on the west side of the theater, on the exterior,</p> <p>12 there's an existing ramp that goes from grade of</p> <p>13 alley down a bit to the north side and currently</p> <p>14 egresses from house right. This is the main house</p> <p>15 seating area of the theater. People egress out</p> <p>16 that and up the ramp to the alley. This ramp is</p> <p>17 also used -- is the existing way in which loading</p> <p>18 in and out of the theater happens. There's an</p> <p>19 existing overhead door on the upstage wall at this</p> <p>20 point.</p> <p>21 To familiarize you again with the area,</p> <p>22 photographically, here is that south side of the</p> <p>23 building. There's a key plan down here on the lower</p> <p>24 right. So you can see this photograph is taken from</p> <p>25 Magnolia Avenue. To the left hand side here on this</p>

<p style="text-align: right;">Page 61</p> <p>1 photo is that ramp down the west side of the  2 theater. You can just see here an existing fire  3 escape that comes down the south face.  4 This photo on the left is of that alley way  5 between the upstage wall or the rear wall of the  6 theater and the adjacent property line. To the left  7 of that is the parking garage there that is off of  8 Pavonia. Then the photo to the right is looking  9 down from that parking garage to this area that  10 we're going to be adding the loading area.  11 We wanted to show you what we presented two  12 years ago -- actually, almost to the day -- and was  13 approved and how that compares with what the revised  14 design is.  15 So on the left was the three-bay loading dock  16 addition that, as you see, here is the property line  17 that I was talking about. Construction of this did  18 require use of the adjacent property. That is why  19 we're looking at the revised design, which is just  20 on the theater property because the timelines of the  21 two projects aren't matching up and we'd like to  22 move forward and have a functioning theater, so  23 we're proposing to minimize the addition so that we  24 are only within the property of the theater and make  25 it a functioning theater.</p>	<p style="text-align: right;">Page 62</p> <p>1 I will zoom in so that we could see some of  2 the elements of this addition. Here is the alley on  3 the south side. We're proposing to project out into  4 the alley 14 feet and the width here is almost 11  5 and a half feet wide and that continues about the  6 same width as it goes down. It gets a little bit  7 wider at the end.  8 This is the addition that we're talking  9 about. It's a single-story addition on the backside  10 of the mass of the theater, of the historic theater.  11 The addition would have an overhead roll up door  12 that would be eight feet wide by ten feet tall here  13 by the alley and ramp down to the existing overhead  14 door, the upstage wall and I have to say that  15 there's about a four-and-a-half foot elevation  16 change between the elevation of the alley and the  17 elevation of the stage.  18 So that's why we're ramping down. This is an  19 accessible ramp, so it's one to 12 slope because  20 this is an accessible route. At that existing stage  21 door, it's still a bit above stage level and as they  22 do currently, there's a temporary ramp that they  23 would use, but this new addition would continue to  24 ramp down to a new door that is at stage level and  25 then we have a new elevator that makes the basement</p>
<p style="text-align: right;">Page 63</p> <p>1 and subbasement and stage all accessible levels and  2 then we would have an additional mechanical room  3 here on the backside.  4 The stairs that you see on the north side of  5 the plan are revised from what exists there, so  6 patrons who egress out of house right would go up  7 the stairs and across the top of the addition and  8 then come down a new exterior egress stair here and  9 land in the public way, very similar to the existing  10 fire escape further down the alley on this south  11 side.  12 This plan of the addition minimizes to the  13 greatest extent possible the projection out into the  14 alley. It preserves the path of egress from an  15 interior stair here and it preserves an opening from  16 the alley down to stage for direct access there.  17 So you can see just quickly before I go to  18 the next slide the kind of scale difference between  19 what was previously presented and approved and what  20 we're proposing now. This is a quick look at the  21 west elevation, so from the parking garage basically  22 looking at the wall -- back wall of the theater.  23 Again, showing kind of the mass of what was proposed  24 and approved previously compared to the mass of what  25 is being proposed.</p>	<p style="text-align: right;">Page 64</p> <p>1 And our single story addition with the top of  2 the parapet is only 21 feet, four inches. Again, we  3 have a roll up door on the side and a canopy over --  4 I'll get to those elevations in just a second. I  5 want to point out some of the materiality of this  6 loading addition. We would have brick on the  7 portion that projects out into the alley from the  8 existing building face and then on this side and  9 then on the north side where it is facing the  10 adjacent property, we're proposing a ground face CMU  11 block and I have an image of what that material  12 looks like in a couple of slides, in case you're not  13 familiar with that.  14 So here, we wanted to show you the addition  15 here on the left, on the west end.  16 This is a full south elevation of the theater  17 and you could see that existing fire escape that  18 comes down the elevation there. As we look at this,  19 we're proposing that the detailing and design of the  20 new exterior fire stair is -- complements the  21 existing detailing of the existing fire escape.  22 So it's a painted steel stair with a covering  23 and we have exterior lighting and we've submitted  24 cut sheets to the staff on the lighting. We have  25 again an eight-by-ten-foot overhead door through</p>



<p style="text-align: right;">Page 65</p> <p>1 which the loading will occur.</p> <p>2 In this case, loading off of the trucks will</p> <p>3 be via ramps down to the alley and then we'll roll</p> <p>4 in through this door. To help with some weather</p> <p>5 protection, we're proposing a painted metal canopy</p> <p>6 above that. Details are forthcoming, as we're just</p> <p>7 developing the design and we'll be sharing all the</p> <p>8 details of this with staff as it's developed here in</p> <p>9 the near future.</p> <p>10 This is the egress door that comes out of the</p> <p>11 left stair, this is the door that comes down to the</p> <p>12 stage. We wanted to show you to you in context of</p> <p>13 the rest of the south elevation.</p> <p>14 The north elevation back faces the path rail</p> <p>15 way. I mentioned that stair that goes up and gets</p> <p>16 patrons who are egressing out of house right, gets</p> <p>17 you up to the top of the single-story addition and</p> <p>18 there will be a louver for the mechanical room on</p> <p>19 that face and again, the materiality here is a</p> <p>20 ground face CMU.</p> <p>21 Then as that projection goes out into the</p> <p>22 alley, that 14-foot projection, on the east side of</p> <p>23 that, we have a person door with a small painted</p> <p>24 metal canopy there and here, you can see a section</p> <p>25 through that new exterior metal stair.</p>	<p style="text-align: right;">Page 66</p> <p>1 This 3D view will give you a better idea kind</p> <p>2 of what that all looks like from bird's eye</p> <p>3 perspective.</p> <p>4 We realize there needs to be some security at</p> <p>5 some point on the stair here so the public doesn't</p> <p>6 wander up, so there'll be a gate that we have to</p> <p>7 locate as we further develop the design.</p> <p>8 Again, the portion of the addition that</p> <p>9 projects out into the alley will be -- we're</p> <p>10 proposing brick that is compatible but doesn't match</p> <p>11 the existing brick of the theater, so we're not</p> <p>12 falsely historic in that presentation.</p> <p>13 The overhead metal door will be painted to</p> <p>14 match the color of all the painted metal exterior</p> <p>15 doors and here is an example of a ground face block.</p> <p>16 If you're not familiar with it, it's concrete</p> <p>17 masonry unit, which is ground smooth, which brings</p> <p>18 out the texture of the aggregate in the block. It's</p> <p>19 interplate colored, so it doesn't have to be</p> <p>20 maintained with paint and stucco and things like</p> <p>21 that and you can get colors that will complement the</p> <p>22 brick that's being used.</p> <p>23 Again, as these selections are finalized,</p> <p>24 we'll share with Maggie and staff so that everybody</p> <p>25 can see the development.</p>
<p style="text-align: right;">Page 67</p> <p>1 With that, those are all my slides and I'm</p> <p>2 happy to answer questions and go back to any images.</p> <p>3 MS. O'NEILL: Thanks, John.</p> <p>4 Do any Commissioners have any</p> <p>5 questions?</p> <p>6 COMMISSIONER BLAZAK: You mentioned</p> <p>7 that -- I think you mentioned it's a 14-foot</p> <p>8 extension into the alleyway; is that correct?</p> <p>9 MR. EASTERLING: Yes. Fourteen feet</p> <p>10 off the south face of the theater.</p> <p>11 COMMISSIONER BLAZAK: Then currently,</p> <p>12 just to the -- I guess that would be the west is</p> <p>13 where the parking garage is and that sticks out</p> <p>14 kind of a similar --</p> <p>15 MR. EASTERLING: Yes. So this</p> <p>16 addition will negate vehicular access in and out</p> <p>17 of the garage off of Magnolia, but the garage has</p> <p>18 its main entry off of Pavonia and the City is</p> <p>19 aware of that as well.</p> <p>20 COMMISSIONER BLAZAK: Where that</p> <p>21 dashed line is, is that where the alleyway ends to</p> <p>22 the bottom there?</p> <p>23 MR. EASTERLING: This? This is the</p> <p>24 extent of the property. So if I go back up to</p> <p>25 this view here, that is that property line here at</p>	<p style="text-align: right;">Page 68</p> <p>1 the end of Magnolia. So the addition will be</p> <p>2 14 feet off the right here.</p> <p>3 COMMISSIONER BLAZAK: I guess my</p> <p>4 question is how much of the alley are you leaving</p> <p>5 for people to get by?</p> <p>6 MR. EASTERLING: Okay. Good</p> <p>7 question. If you see this light dashed line, it's</p> <p>8 10 feet off the property line and that 10-foot</p> <p>9 dimension is an easement that is for pedestrian</p> <p>10 access down through to get to the Path station.</p> <p>11 So our bollards right in front of the</p> <p>12 loading door will be just outside that 10-foot</p> <p>13 easement. So from the building face, we're</p> <p>14 looking at 11-and-a-half to 12 feet off the</p> <p>15 property line.</p> <p>16 COMMISSIONER BLAZAK: Okay. Thank</p> <p>17 you.</p> <p>18 MR. EASTERLING: You're welcome.</p> <p>19 COMMISSIONER SANDKAMP: I'll ask a</p> <p>20 question about that as well.</p> <p>21 So when you're loading, you're going</p> <p>22 to obstruct that egress? When trucks are there</p> <p>23 loading, they're going to pull up to that surface?</p> <p>24 MR. EASTERLING: When trucks are</p> <p>25 loading, they'll be parked out here. There's</p>

<p style="text-align: right;">Page 69</p> <p>1 about a 15th foot length of ramp to get off the</p> <p>2 truck. Then they'll roll on in. So the trucks</p> <p>3 will be parked out here.</p> <p>4 We have done truck turning studies --</p> <p>5 our civil engineer has done truck turning studies</p> <p>6 to make sure all this works for a 67-foot semi</p> <p>7 truck.</p> <p>8 COMMISSIONER SANDKAMP: I had another</p> <p>9 question.</p> <p>10 On the opposite side, the north face</p> <p>11 where you're adding the polished CMU there, that's</p> <p>12 going to be visible? That polished CMU is going</p> <p>13 to be visible, yes?</p> <p>14 MR. EASTERLING: From across the</p> <p>15 Path.</p> <p>16 COMMISSIONER SANDKAMP: When you're</p> <p>17 on the Path train, you look up and you see the</p> <p>18 building?</p> <p>19 MR. EASTERLING: Yes.</p> <p>20 COMMISSIONER SANDKAMP: So that's a</p> <p>21 consideration, just in terms of the CMU.</p> <p>22 MR. EASTERLING: Mm-hmm.</p> <p>23 COMMISSIONER SANDKAMP: Just that</p> <p>24 surface, I think the face that's facing it, it's</p> <p>25 sort of a public right of way. It's not a real</p>	<p style="text-align: right;">Page 70</p> <p>1 public right of way, it's not a street, but I've</p> <p>2 seen the building from that perspective many</p> <p>3 times, so that's my only comment.</p> <p>4 MR. EASTERLING: Thank you.</p> <p>5 CHAIRMAN GORDON: Did I hear that</p> <p>6 there's a security gate forthcoming, but you</p> <p>7 haven't yet determined the placement or</p> <p>8 configuration?</p> <p>9 MR. EASTERLING: That's correct.</p> <p>10 Whether it's up at the top or down at the bottom,</p> <p>11 we have to work that through to see what the best</p> <p>12 integration of is it with the design of the stair</p> <p>13 and where it makes the most sense.</p> <p>14 So the gate would have panic hardware</p> <p>15 from the inside, so the patrons who are egressing</p> <p>16 around across the roof would come down without</p> <p>17 being impeded.</p> <p>18 CHAIRMAN GORDON: Maggie, is that</p> <p>19 something that would come back to us?</p> <p>20 MS. O'NEILL: That's likely something</p> <p>21 we would do at the staff level under the</p> <p>22 anticipation that it's reflective of the similar</p> <p>23 railings that are shown here. If it was in the</p> <p>24 front of the building, it would come back, but</p> <p>25 we're talking about the rear of the building.</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. EASTERLING: I would say that we</p> <p>2 would bring this back to staff because we would</p> <p>3 also be looking at the detailing of the canopies</p> <p>4 and the final selection of paint colors and final</p> <p>5 selection of the brick and the CMU, all bringing</p> <p>6 that back.</p> <p>7 MS. O'NEILL: Are there any other</p> <p>8 questions from Commissioners?</p> <p>9 All right. Hearing none, John, that</p> <p>10 concludes your testimony.</p> <p>11 MR. EASTERLING: That does. Thank</p> <p>12 you very much, everyone. I appreciate your time</p> <p>13 and consideration.</p> <p>14 MS. O'NEILL: All right. We can open</p> <p>15 it up for public comment before staff comments.</p> <p>16 If there are any members of the public who would</p> <p>17 like to speak, please use the "raise hand"</p> <p>18 function. Alternatively, if you're on the phone,</p> <p>19 you could press *9.</p> <p>20 Staff sees no hands raised and</p> <p>21 recommends a motion to open and close public</p> <p>22 comment.</p> <p>23 VICE CHAIRMAN GUCCIARDO: Motion.</p> <p>24 COMMISSIONER AMATUZZO: Second.</p> <p>25 MS. O'NEILL: All in favor?</p>	<p style="text-align: right;">Page 72</p> <p>1 (Whereupon, a voice vote was taken; a</p> <p>2 chorus of "ayes" was heard.)</p> <p>3 MS. O'NEILL: We will move into staff</p> <p>4 comments.</p> <p>5 As I'm bringing up the staff report,</p> <p>6 I'll just remind everyone this is a referral</p> <p>7 review, so we're not reviewing this as a</p> <p>8 certificate of appropriateness. Any decision</p> <p>9 rendered by the Commission tonight will be drafted</p> <p>10 in the form of a memorandum that is provided to</p> <p>11 the Planning Board, National Park Service and New</p> <p>12 Jersey State Historic Preservation Office.</p> <p>13 After reviewing the proposal to the</p> <p>14 loading dock renovation in the rear of the</p> <p>15 building, per the secretary of the interior</p> <p>16 standards and the standards outlined in the</p> <p>17 preservation zone of the Journal Square 2060 plan,</p> <p>18 staff finds that this is generally consistent with</p> <p>19 both sets of standards and will not have an</p> <p>20 adverse affect on the resource.</p> <p>21 We did kind of joke at first, if the</p> <p>22 Commissioner remembers we approved a one-bay</p> <p>23 loading configuration and a three-bay loading</p> <p>24 configuration. We did not approve a two-bay</p> <p>25 loading configuration. Perhaps we should have at</p>

<p style="text-align: right;">Page 73</p> <p>1 the time, just to address all of the options here.</p> <p>2 Or we can conclude the configuration that didn't</p> <p>3 go back didn't include the parking garage. But</p> <p>4 anyway, we tried to address as much of his as we</p> <p>5 could with the first application in 2021, but it</p> <p>6 appears we did not go too far.</p> <p>7 Most of the changes here are</p> <p>8 relatively de minimis. They won't have an adverse</p> <p>9 effect on the building. Having less of a built</p> <p>10 addition back here is probably for the best.</p> <p>11 To this end, we recommend that the</p> <p>12 following items on the plans that be updated -- so</p> <p>13 this would be in lieu of conditions that we would</p> <p>14 normally impose on the certificate of</p> <p>15 appropriateness -- that any construction documents</p> <p>16 for this need to be submitted to HPC staff for</p> <p>17 review and approval prior to filing or being</p> <p>18 issued permits, that the construction detail for</p> <p>19 the proposed canopy should be submitted to HPC</p> <p>20 staff for review and approval -- I would like to</p> <p>21 amend that to being proposed canopy and safety</p> <p>22 gates -- and that all previous recommendations for</p> <p>23 any plan updates that were provided to the</p> <p>24 applicant in writing or during testimony at any of</p> <p>25 the other three public meetings -- so the two HPC</p>	<p style="text-align: right;">Page 74</p> <p>1 meeting in 2021 and this -- I'm sorry -- that</p> <p>2 should say October 25th, 2021, that was the</p> <p>3 planning board meeting. Any of those should</p> <p>4 remain in effect until considered complete by</p> <p>5 staff.</p> <p>6 As I said at the beginning of this,</p> <p>7 because it is not a certificate of</p> <p>8 appropriateness, we have what is essentially a</p> <p>9 recommended motion for the commission tonight and</p> <p>10 that would be for the commission to make a motion</p> <p>11 to have staff prepare a memorandum stating the</p> <p>12 Commission's recommendations to be distributed to</p> <p>13 the Planning Board, New Jersey HPO, NPS and any</p> <p>14 other relevant parts.</p> <p>15 Does the Commission have any</p> <p>16 questions for staff?</p> <p>17 VICE CHAIRMAN GUCCIARDO: Maggie, are</p> <p>18 you comfortable with Commissioner Sandkamp's</p> <p>19 recommendation for brick on the north face of the</p> <p>20 extension?</p> <p>21 MS. O'NEILL: Yeah, I am. I meant to</p> <p>22 include that, but my brain did not get that far.</p> <p>23 VICE CHAIRMAN GUCCIARDO: No problem.</p> <p>24 MS. O'NEILL: As long as the</p> <p>25 applicant is okay with that. Generally, the</p>
<p style="text-align: right;">Page 75</p> <p>1 ground-facing CMU, we could find something that</p> <p>2 works. But if the Commission is more comfortable</p> <p>3 with brick, that is the more consistent material</p> <p>4 choice, so I don't have any issues with that.</p> <p>5 Any other questions for staff?</p> <p>6 All right. John, are you going</p> <p>7 amenable to changing the grounds-facing CMU to</p> <p>8 brick?</p> <p>9 MR. EASTERLING: I believe we are.</p> <p>10 I'll take that back to DAE and ownership and make</p> <p>11 that recommendation.</p> <p>12 MS. O'NEILL: Great.</p> <p>13 MR. EASTERLING: The exhibits that I</p> <p>14 showed here tonight, Maggie, are slightly</p> <p>15 different than what we gave you, so I'll forward</p> <p>16 you a copy of this for your records.</p> <p>17 MS. O'NEILL: Thank you. Just for</p> <p>18 the record's sake, can we mark this as A1 and I'll</p> <p>19 forward them to you as well.</p> <p>20 (Whereupon, Exhibit A-1 was marked</p> <p>21 for identification.)</p> <p>22 MS. O'NEILL: Thank you. That being</p> <p>23 said, staff has made a recommendation for a</p> <p>24 motion.</p> <p>25 Any commissioners have any questions</p>	<p style="text-align: right;">Page 76</p> <p>1 or would like to make a motion?</p> <p>2 COMMISSIONER AMATUZZO: I'll make a</p> <p>3 motion.</p> <p>4 MS. O'NEILL: Do you want me to bring</p> <p>5 up the staff report for phrasing?</p> <p>6 COMMISSIONER AMATUZZO: Yes.</p> <p>7 MS. O'NEILL: Okay. Sorry, I know</p> <p>8 it's not typical.</p> <p>9 COMMISSIONER AMATUZZO: I will make a</p> <p>10 motion that HPC recommendation to make a motion to</p> <p>11 have staff prepare a memorandum stating the</p> <p>12 Commission's recommendations to be distributed to</p> <p>13 the Jersey City Planning Board, NJHPO, NPS and any</p> <p>14 other relevant parties.</p> <p>15 MR. JOSEPH: Second.</p> <p>16 MS. O'NEILL: I'll do a roll call</p> <p>17 vote.</p> <p>18 Commissioner Sandkamp?</p> <p>19 COMMISSIONER SANDKAMP: Aye.</p> <p>20 MS. O'NEILL: Commissioner Garriga?</p> <p>21 COMMISSIONER GARRIGA: Aye.</p> <p>22 MS. O'NEILL: Commissioner Cronin?</p> <p>23 COMMISSIONER CRONIN: Aye.</p> <p>24 MS. O'NEILL: Commissioner Gunther?</p> <p>25 COMMISSIONER GUNTHER: Aye.</p>

<p style="text-align: right;">Page 77</p> <p>1 MS. O'NEILL: Commissioner Amatuzzo?</p> <p>2 COMMISSIONER AMATUZZO: Aye.</p> <p>3 MS. O'NEILL: Commissioner Blazak?</p> <p>4 COMMISSIONER BLAZAK: Aye.</p> <p>5 MS. O'NEILL: Commissioner Lewis is</p> <p>6 absent. Commissioner Sankong is absent.</p> <p>7 Vice Chair Gucciardo?</p> <p>8 VICE CHAIRMAN GUCCIARDO: Aye.</p> <p>9 MS. O'NEILL: Chairman Gordon?</p> <p>10 CHAIRMAN GORDON: Aye.</p> <p>11 MS. O'NEILL: There are eight votes</p> <p>12 in favor of the motion, none against. No</p> <p>13 abstentions. The motion is approved.</p> <p>14 MR. EASTERLING: Thank you,</p> <p>15 everybody.</p> <p>16 MS. O'NEILL: All right. So this is</p> <p>17 right around the time we usually take a break.</p> <p>18 It's 8:06. How do we feel about coming back at</p> <p>19 8:11? Does that work for everyone?</p> <p>20 CHAIRMAN GORDON: That works.</p> <p>21 (Time noted: 807 p.m.)</p> <p>22 (Recess taken)</p> <p>23 (Time noted: 8:12 p.m.)</p> <p>24 MS. O'NEILL: Robert, if you want to</p> <p>25 call us back to order?</p>	<p style="text-align: right;">Page 78</p> <p>1 CHAIRMAN GORDON: I'll call the</p> <p>2 meeting back to order at 8:12 p.m.</p> <p>3 MS. O'NEILL: Great. If you want to</p> <p>4 go ahead and call the next application.</p> <p>5 CHAIRMAN GORDON: I will call Case</p> <p>6 H23-165. The applicant is Michael Higgins,</p> <p>7 Esquire, on behalf of Meredith Jewitt and Victor</p> <p>8 Inda, owners. The address is 115 Wayne Street in</p> <p>9 the Van Vorst Park Historic District.</p> <p>10 This application is for a certificate</p> <p>11 of appropriateness for a proposed subdivision to</p> <p>12 transfer a portion of 115 Wayne Street (Block</p> <p>13 14.02) to 109.5 Wayne Street (Block 17.01). This</p> <p>14 is a recommendation to the Planning Board.</p> <p>15 MS. O'NEILL: Thank you.</p> <p>16 Michael, is there anyone else you</p> <p>17 want me to promote?</p> <p>18 MR. HIGGINS: No, it's just me</p> <p>19 tonight.</p> <p>20 MS. O'NEILL: You want to go ahead</p> <p>21 and give the Commission an overview of the</p> <p>22 application?</p> <p>23 MR. HIGGINS: Good evening, Michael</p> <p>24 Higgins with the lawfirm Castano Quigley &amp; Cherami</p> <p>25 on behalf of Meredith Jewitt. This is for 115</p>
<p style="text-align: right;">Page 79</p> <p>1 Wayne Street. It's Block 12802, Lot 14.02 and Lot</p> <p>2 17.01.</p> <p>3 We have an application currently</p> <p>4 pending before the Planning Board for subdivision</p> <p>5 approval with C variances. And as part of that,</p> <p>6 we're required to go to the Historic Preservation</p> <p>7 Commission because we are located in the Van Vorst</p> <p>8 Park Historic District.</p> <p>9 As part of our application, I</p> <p>10 submitted the application form, historic property</p> <p>11 form, survey of the property and subdivision plans</p> <p>12 prepared by Caulfield &amp; Associates.</p> <p>13 It's just me tonight and I don't have</p> <p>14 the survey, but I will pull up -- if I could share</p> <p>15 my screen -- a copy of the subdivision plans.</p> <p>16 MS. O'NEILL: Michael, you should be</p> <p>17 able to share your screen now.</p> <p>18 MR. HIGGINS: Okay. I think that's</p> <p>19 fine.</p> <p>20 So it's not my intent to testify as a</p> <p>21 surveyor. Obviously, this is solely as an</p> <p>22 illustrative guide.</p> <p>23 So over here is just the 200-foot</p> <p>24 radius map. You could see Lot 14.02 and Lot</p> <p>25 17.01. It's an oddly-shaped lot, both have access</p>	<p style="text-align: right;">Page 80</p> <p>1 via Wayne Street.</p> <p>2 I'll just shift over briefly.</p> <p>3 This is the present and proposed lot</p> <p>4 allocations. So currently, you can see lot 14.02</p> <p>5 extends ten feet past -- there's actually an</p> <p>6 existing fence on the property separating it and</p> <p>7 this portion here is solely used by 17.01 as a</p> <p>8 rear patio, but due to an error by the surveyor</p> <p>9 years ago, the lot lines sort of -- they don't</p> <p>10 overlap, but it extends past what's actually used</p> <p>11 by the lot. So we're really here to correct that</p> <p>12 clerical error, really as a technicality rather</p> <p>13 than any substantive change.</p> <p>14 Our whole purpose is to transfer this</p> <p>15 portion, which its dimensions are ten feet deep by</p> <p>16 the lot width, which is 19.41 feet wide, from Lot</p> <p>17 14.02 to Lot 17.01, and you could see over here</p> <p>18 the proposed lot allocation where that portion has</p> <p>19 been transferred to the other lot.</p> <p>20 I could just show the survey here,</p> <p>21 which depicts the actual property lines clearly.</p> <p>22 Here, you can see 17.01 again. You can see here</p> <p>23 this line right here is identifying where the wall</p> <p>24 is that actually divides the rear lot of 14.02</p> <p>25 from 17.01 and the property line actually extends</p>

<p style="text-align: right;">Page 81</p> <p>1 all the way back to this black line, which is</p> <p>2 significant encroachment and we're proposing to</p> <p>3 correct that, essentially just to bring the legal</p> <p>4 conditions closer into conformity with the</p> <p>5 existing conditions.</p> <p>6 There's absolutely no changes to the</p> <p>7 buildings and there's effectively no change to</p> <p>8 existing position or the way in which these</p> <p>9 properties will be used.</p> <p>10 That, I think, sums up really</p> <p>11 everything that I need to say, but I'll reserve</p> <p>12 the right to address any questions and concerns</p> <p>13 that the commission may have.</p> <p>14 MS. O'NEILL: Great. Thanks.</p> <p>15 Do any Commissioners have any</p> <p>16 questions for Michael?</p> <p>17 All right. Hearing none, Michael, if</p> <p>18 there's no questions, does that conclude your</p> <p>19 testimony?</p> <p>20 MR. HIGGINS: Yes, that concludes my</p> <p>21 testimony.</p> <p>22 MS. O'NEILL: Thanks. We'll move on</p> <p>23 to public comment on this.</p> <p>24 If there are any members in public</p> <p>25 who would like to speak regarding this</p>	<p style="text-align: right;">Page 82</p> <p>1 application, please use the "raise hand" function</p> <p>2 on the bottom of the screen. Alternatively, if</p> <p>3 you're on the phone, you could use *9 to raise</p> <p>4 your hand.</p> <p>5 Staff sees no hands raised and</p> <p>6 recommends a motion to open and close public</p> <p>7 comment.</p> <p>8 COMMISSIONER SANDKAMP: Motion.</p> <p>9 VICE CHAIRMAN GUCCIARDO: Motion.</p> <p>10 MS. O'NEILL: Tony and then Stephen.</p> <p>11 All in favor?</p> <p>12 (Whereupon, a voice vote was taken; a</p> <p>13 chorus of "ayes" was heard.)</p> <p>14 MS. O'NEILL: We'll move to staff</p> <p>15 comments on this one.</p> <p>16 It's really correcting a clerical</p> <p>17 error here, like Michael said. We'll move down to</p> <p>18 staff recommendations and comments.</p> <p>19 Staff reviewed the subdivision plan</p> <p>20 as well as the survey for the property and really</p> <p>21 found there's not going to be an adverse impact on</p> <p>22 109 Wayne Street, 115 Wayne Street or the Van</p> <p>23 Vorst Park Historic District as a whole.</p> <p>24 109 Wayne Street is a flag lot, but</p> <p>25 like Michael said, granting a subdivision here</p>
<p style="text-align: right;">Page 83</p> <p>1 just makes that lot a little bit more standardized</p> <p>2 and gives them access to -- formal access to what</p> <p>3 they had access to all along and it alleviates 115</p> <p>4 Wayne of that land they had no access to because</p> <p>5 of that.</p> <p>6 That being said, staff recommends</p> <p>7 approval of the certificate of appropriateness and</p> <p>8 a recommendation for approval to the -- is this</p> <p>9 the Planning Board or Zoning Board? I wrote</p> <p>10 Zoning Board here.</p> <p>11 MR. HIGGINS: It's the Planning</p> <p>12 Board.</p> <p>13 MS. O'NEILL: I mean Planning Board</p> <p>14 then.</p> <p>15 So we recommend a recommendation for</p> <p>16 approval to the Planning Board with the following</p> <p>17 conditions: Because this is a subdivision and</p> <p>18 there's no work proposed, our standard conditions</p> <p>19 looks a little bit different. First one being</p> <p>20 that there's a condition that there is to be no</p> <p>21 work to either building or lot or cite affected</p> <p>22 here and that if for some reason something changes</p> <p>23 along the way where there's additional scope that</p> <p>24 does require work, you're going to submit a new</p> <p>25 application and that any changes or deviations</p>	<p style="text-align: right;">Page 84</p> <p>1 from these subdivision plans need to be submitted</p> <p>2 to staff for review and approval and that if</p> <p>3 there's any emergencies, you also need to send for</p> <p>4 staff for review and approval.</p> <p>5 Does staff have any questions?</p> <p>6 Great. If there's no questions from</p> <p>7 Commissioners, again, we recommend a motion to</p> <p>8 approve with conditions and a motion -- and</p> <p>9 recommend to the Planning Board.</p> <p>10 COMMISSIONER SANDKAMP: I'll make a</p> <p>11 motion to approve with conditions laid out by</p> <p>12 staff.</p> <p>13 COMMISSIONER BLAZAK: Second.</p> <p>14 MS. O'NEILL: Roll call vote.</p> <p>15 Commissioner Cronin?</p> <p>16 COMMISSIONER CRONIN: Aye.</p> <p>17 MS. O'NEILL: Commissioner Gunther?</p> <p>18 COMMISSIONER GUNTHER: Aye.</p> <p>19 MS. O'NEILL: Commissioner Blazak?</p> <p>20 COMMISSIONER BLAZAK: Aye.</p> <p>21 MS. O'NEILL: Commissioner Sandkamp?</p> <p>22 COMMISSIONER SANDKAMP: Aye.</p> <p>23 MS. O'NEILL: Commissioner Amatuzzo?</p> <p>24 COMMISSIONER AMATUZZO: Aye.</p> <p>25 MS. O'NEILL: Commissioner Lewis is</p>

<p style="text-align: right;">Page 85</p> <p>1 absent, Commissioner Sakong is absent.</p> <p>2 Vice Chair Gucciardo?</p> <p>3 VICE CHAIRMAN GUCCIARDO: Aye.</p> <p>4 MS. O'NEILL: And Commissioner</p> <p>5 Gordon?</p> <p>6 CHAIRMAN GORDON: Aye.</p> <p>7 MS. O'NEILL: All right. There are</p> <p>8 eight votes in favor, none against, no</p> <p>9 abstentions. The COA and recommendation to the</p> <p>10 Planning Board is granted.</p> <p>11 MR. HIGGINS: Thank you very much.</p> <p>12 MS. O'NEILL: You're going to stick</p> <p>13 around for the next one, too?</p> <p>14 MR. HIGGINS: That's me, too.</p> <p>15 CHAIRMAN GORDON: Case H23-182.</p> <p>16 Again, our applicant is Michael Higgins, Esquire,</p> <p>17 this time on behalf of 68 Realty LLC.</p> <p>18 The address is 68 Wayne Street in the</p> <p>19 Van Vorst Park Historic District and this is an</p> <p>20 application for a certificate of appropriateness</p> <p>21 for the removal of a fence to access parking lot</p> <p>22 at 68 Wayne Street. This is a recommendation to</p> <p>23 the Zoning Board.</p> <p>24 MR. HIGGINS: Thank you very much.</p> <p>25 Michael Higgins of Castano Quigley &amp;</p>	<p style="text-align: right;">Page 86</p> <p>1 Cherami again, on behalf of 68 Realty LLC. This</p> <p>2 is, once again, 68 Wayne Street. That is Block</p> <p>3 12901 and Lots 28 and 29.</p> <p>4 For this, we have a pending appeal to</p> <p>5 the Zoning Board with variance relief in the</p> <p>6 alternative and as the property is located in the</p> <p>7 Van Vorst Park Historic District, HPC approval is</p> <p>8 required.</p> <p>9 MS. O'NEILL: Do you have any</p> <p>10 professionals you'd like to me to put in?</p> <p>11 MR. HIGGINS: No, it'll just be me</p> <p>12 again.</p> <p>13 I note at the outset that these lots</p> <p>14 are pre-existing, nonconforming in legal -- legal</p> <p>15 pre-existing nonconforming in use as parking. So</p> <p>16 we're really limited to discussion of the curb cut</p> <p>17 at 68 Wayne Street and whether that variance is</p> <p>18 appropriate.</p> <p>19 So together with lot one, these lots</p> <p>20 were previously under common ownership and were</p> <p>21 used as parking since before my client actually</p> <p>22 purchased Lots 28 and 29 when it was purchased on</p> <p>23 December 31st of 2020. These lots together with</p> <p>24 all the parking had access via its frontage on</p> <p>25 Columbus. As those lots are now under separate</p>
<p style="text-align: right;">Page 87</p> <p>1 ownership, we require access through the curb cut</p> <p>2 on Wayne Street in order to use the parking.</p> <p>3 So that is really the -- that's the</p> <p>4 only variance that we're requesting from the</p> <p>5 Zoning Board. We're permitted to use the lots as</p> <p>6 parking, but we just need to have access via that</p> <p>7 curb cut in order to actually use those lots in</p> <p>8 the way they have been used.</p> <p>9 Again, I don't have an expert</p> <p>10 tonight, but it may help if I briefly pull up as</p> <p>11 an illustrative guide just to show -- okay. I</p> <p>12 think everyone can see my screen, right?</p> <p>13 I'm showing 68 Wayne Street. These</p> <p>14 were previously submitted to the Commission and</p> <p>15 this is -- again, I'm not intending to testify as</p> <p>16 an architect; this is solely as an illustrative</p> <p>17 guide.</p> <p>18 So right at the top, you can see the</p> <p>19 cite with Lots 28 and 29 fronting on Wayne Street.</p> <p>20 This is a photo right here depicting the property.</p> <p>21 You can see it's used as a parking lot. There's</p> <p>22 no buildings, there's the curb cut, there's two</p> <p>23 curb cuts actually located along Wayne Street.</p> <p>24 We're proposing access to this one on Lot 68.</p> <p>25 Here is a zoning map showing us in</p>	<p style="text-align: right;">Page 88</p> <p>1 the Van Vorst Park Historic District. Here is a</p> <p>2 depiction of what our proposed fence would look</p> <p>3 like. You could see a rolling gate that would be</p> <p>4 in front of the existing curb cut. Essentially,</p> <p>5 that's all there is to show for this project. I'd</p> <p>6 like to think it's relatively straightforward.</p> <p>7 I think that is all that I have to</p> <p>8 put on the record for now, but again, I would</p> <p>9 reserve the right to address any questions or</p> <p>10 concerns that the Commissioners have.</p> <p>11 MS. O'NEILL: Great. Do any</p> <p>12 Commissioners have any questions?</p> <p>13 VICE CHAIRMAN GUCCIARDO: I have a</p> <p>14 question about the curb cuts.</p> <p>15 You said that there are two curb</p> <p>16 cuts. Isn't that the curb cut that was being used</p> <p>17 to access this lot was on the property that got</p> <p>18 sold?</p> <p>19 MR. HIGGINS: Yes.</p> <p>20 VICE CHAIRMAN GUCCIARDO: I see. So</p> <p>21 you want to make sure that the second curb cut</p> <p>22 that aligns with your lot is allowable and you</p> <p>23 want to put a gate in alignment with that curb</p> <p>24 cut?</p> <p>25 MR. HIGGINS: Excuse me. I may have</p>

<p style="text-align: right;">Page 89</p> <p>1 made things more confusing in my presentation.  2 Let me pull up the screen share again. I could  3 just depict it quickly.  4 Right here is the curb cut that we're  5 referring to. This whole area right here is Lots  6 28 and 29. Lot 1 is in the back, if I could maybe  7 scroll down to the zoning map here. It falls over  8 into this portion and it fronts on Columbus.  9 Those were all collectively under common  10 ownership.  11 As my client purchased these lots  12 right here, there's currently no access without  13 using the existing curb cut on Wayne Street, nor  14 to use it as parking, effectively rendering these  15 lots unusable for the time being.  16 So we're seeking to utilize that curb  17 cut and that's why we're going before the Zoning  18 Board, so that we can use that curb cut and  19 continue to use the lot as parking as it has been  20 used since before my client purchased the  21 property.  22 Does that answer the question?  23 VICE CHAIRMAN GUCCIARDO: I'm not  24 sure if it does. So are you looking for access  25 from Columbus or from Wayne?</p>	<p style="text-align: right;">Page 90</p> <p>1 MR. HIGGINS: From Wayne Street.  2 VICE CHAIRMAN GUCCIARDO: Thank you  3 very much.  4 COMMISSIONER BLAZAK: I understand  5 there's a letter dated July 19th, 2021 that was  6 uploaded as part of our application materials that  7 explains -- from Ms. Annisia Cialone -- who writes  8 that the existing curb cut at 68 Wayne Street and  9 there was the fence across the entire property, as  10 well as the fence on the planning strip and the  11 prior owner abandoned any right to use it as a car  12 access point and the new owner needs to fill out  13 an application for the proposed us.  14 So I guess what you're saying is that  15 the previous owner abandoned the right to use it  16 as an access point and now this new owner -- the  17 lot has been subdivided and now the new owner  18 wants to re-establish the car access point? Is  19 that what this is?  20 MR. HIGGINS: For clarity on the  21 record, our position is the curb cut has never  22 been abandoned. That was an interpretation based  23 on this alone, but the lot has been used  24 continuously as parking since before my client  25 purchased it and I don't see any basis to say that</p>
<p style="text-align: right;">Page 91</p> <p>1 it was abandoned. There was a fence obstructing  2 use, but that was only because there was another  3 way to access the property via Columbus.  4 These are carried as separate lots.  5 They were under common ownership, not merged, but  6 under a single owner, so there was no basis in  7 order to have access via Wayne Street.  8 Now, as Lots 28 and 29 were sold and  9 are under my client's ownership, we need to  10 continue the access via that curb cut. But I  11 would not say that that use was abandoned at any  12 point.  13 COMMISSIONER BLAZAK: I'm just  14 reading the letter from Ms. Annisia Cialone, who  15 appears to be the HEDC Director, so maybe staff  16 can shed light on what exactly is going on there  17 and why there seems to be some contention about  18 whether this curb cut has been -- I put that memo  19 down -- abandoned any right to use as a car access  20 point. I don't know how that was determined and  21 how -- or how Mr. Higgins is disagreeing with  22 that, but it seems --  23 MR. HIGGINS: I think I can clarify.  24 So that's actually the basis for our  25 appeal before the Zoning Board. We are disputing</p>	<p style="text-align: right;">Page 92</p> <p>1 that one determination by Ms. Cialone. But for  2 our purposes here tonight, we're not here in  3 support of our appeal, but rather our variance  4 relief in the alternative, which is to be  5 permitted use of the curb cut. That's the  6 variance that we're requesting in case our appeal  7 before this Board doesn't pan out.  8 MS. MARIONE: I just want to clarify  9 that the lot behind with the access to Columbus  10 was always a separate lot.  11 COMMISSIONER BLAZAK: Okay. I know  12 recently that lot has been closed or the parking  13 lot, so I know that -- but it was used as kind of  14 part of the same lot, parking lot, correct, in  15 terms of parking cars there.  16 MS. MARIONE: Yes, also under  17 separate ownership.  18 COMMISSIONER BLAZAK: Okay.  19 Can you clarify maybe -- Tanya or  20 Maggie -- can you clarify maybe why in this letter  21 it says the prior owner abandoned any right to use  22 it as a car access point, what that is determined  23 off of?  24 MS. MARIONE: I mean, I can. But  25 that is definitely the subject matter for the</p>

<p style="text-align: right;">Page 93</p> <p>1 appeal. So I can if you wanted me to or maybe I</p> <p>2 need some direction from your attorney.</p> <p>3 VICE CHAIRMAN GUCCIARDO: I would ask</p> <p>4 another question before you get into the details</p> <p>5 of that.</p> <p>6 What is our purview here? What are</p> <p>7 we being asked? Are we being asked if it's</p> <p>8 historically appropriate to allow for a rolling</p> <p>9 gate to be installed at the location and to --</p> <p>10 what are we being asked to do as historic</p> <p>11 preservation commissioners?</p> <p>12 MS. O'NEILL: Michael, you can</p> <p>13 answer. That's fine.</p> <p>14 MR. HIGGINS: Basically, as it's in a</p> <p>15 historic district, we're here for a recommendation</p> <p>16 to the Zoning Board and if appropriate, a</p> <p>17 certificate of no effect for the installation of</p> <p>18 the rolling gate in front of the existing curb cut</p> <p>19 for which we're seeking a variance before the</p> <p>20 Zoning Board.</p> <p>21 COMMISSIONER GUNTHER: Okay. So then</p> <p>22 I want to make sure I understand because this, I</p> <p>23 think, has been very confusing to many of us.</p> <p>24 If it's before us to approve the</p> <p>25 installation of a rolling gate, I think it's</p>	<p style="text-align: right;">Page 94</p> <p>1 important for us to all understand whether or not</p> <p>2 the curb cut that exists is presently legal or</p> <p>3 not. I mean, I'm trying to figure out are we the</p> <p>4 cart or are we the horse.</p> <p>5 MS. O'NEILL: I can clarify, I think.</p> <p>6 So there are essentially -- Michael, feel free to</p> <p>7 jump in if I'm getting this incorrect. This is my</p> <p>8 understanding from the HPC's perspective.</p> <p>9 There are essentially two</p> <p>10 applications in one here. There's the appeal of</p> <p>11 the determination that the curb cut has been</p> <p>12 abandoned and then there is -- if that appeal says</p> <p>13 no, the curb cut -- if the appeal goes through and</p> <p>14 they say okay, the curb cut has, in fact, been</p> <p>15 abandoned, the applicant is then requesting a C</p> <p>16 variance for use of the curb cut, essentially</p> <p>17 unabandoning it and reopening it.</p> <p>18 Because the HPC legally does not</p> <p>19 consider appeals, we're only considering the</p> <p>20 variance application, the C variance for use of</p> <p>21 the curb cut.</p> <p>22 While I think it's important we</p> <p>23 included the zoning determination letter that the</p> <p>24 curb cut has been abandoned so the HPC can</p> <p>25 understand kind of some of the back story as to</p>
<p style="text-align: right;">Page 95</p> <p>1 why this is here. That determination of how it</p> <p>2 was abandoned, why it is considered abandoned and</p> <p>3 the applicant's appeal of the abandonment really</p> <p>4 is not part of our purview at all and it's not</p> <p>5 something that we're providing guidance to the</p> <p>6 Zoning Board on. We're only providing guidance to</p> <p>7 the Zoning Board as to if the granting of a C</p> <p>8 variance or a curb cut is appropriate.</p> <p>9 CHAIRMAN GORDON: And Maggie, we're</p> <p>10 also looking at the removal of the chain link</p> <p>11 fence and the installation of the new fence,</p> <p>12 right?</p> <p>13 MS. O'NEILL: So Michael, correct me</p> <p>14 if I'm wrong, the fence is existing on the site,</p> <p>15 right?</p> <p>16 MR. HIGGINS: Yes.</p> <p>17 MS. O'NEILL: The removal of the</p> <p>18 chain link fence and the installation of this gate</p> <p>19 has happened already to my knowledge, without HPC</p> <p>20 approval.</p> <p>21 VICE CHAIRMAN GUCCIARDO: Okay.</p> <p>22 MS. O'NEILL: So that's what is</p> <p>23 currently there. Our main focus tonight is going</p> <p>24 to be that variance, but of course if there's</p> <p>25 comments on the fence and on that rolling gate,</p>	<p style="text-align: right;">Page 96</p> <p>1 it's certainly appropriate to give them here.</p> <p>2 CHAIRMAN GORDON: Well, I don't think</p> <p>3 this would be the first time that applicants have</p> <p>4 done something and then sought forgiveness after</p> <p>5 the fact and we're not obligated to grant it.</p> <p>6 Correct?</p> <p>7 MS. O'NEILL: That is correct.</p> <p>8 MS. MARIONE: I think for all</p> <p>9 purposes, you just kind of have to imagine there</p> <p>10 isn't anything there. It's very common to --</p> <p>11 there's a violation on this property as well along</p> <p>12 with the interpretation, so you have to look at it</p> <p>13 as if there's nothing there and make the decision</p> <p>14 based on whether it's historically accurate or</p> <p>15 not, the fence they're proposing, because there</p> <p>16 are no permits that were taken out or approvals</p> <p>17 given from the HPC to install the fence.</p> <p>18 CHAIRMAN GORDON: I'm guessing that</p> <p>19 chain link fence doesn't have any historic</p> <p>20 qualities that we should be concerned about. So</p> <p>21 it's really a question of whether the rolling gate</p> <p>22 is appropriate, Maggie?</p> <p>23 MS. O'NEILL: That is one of the</p> <p>24 questions that the applicant is seeking from the</p> <p>25 Commission in addition to that C variance.</p>



<p style="text-align: right;">Page 97</p> <p>1 COMMISSIONER BLAZAK: Then also we 2 should be looking at the curb cut as if it's not 3 existing, correct? 4 MS. O'NEILL: Yes. 5 COMMISSIONER SANDKAMP: Can we put 6 conditions on the approval of the curb cut? For 7 instance, I don't think this is going to exist as 8 a parking lot that long, as much as it has, but 9 it's an incredibly valuable property. You know, 10 like it would have to be abandoned at a certain 11 point. 12 MS. O'NEILL: Is that a question for 13 the applicant? 14 COMMISSIONER SANDKAMP: It's more for 15 you. 16 MS. O'NEILL: We're not technically 17 in staff comments yet, so I just want to make sure 18 we ask as many questions of the applicant and then 19 we can -- trust me, I'm not going anywhere. We're 20 here for staff comments, just at the appropriate 21 time. 22 MR. HIGGINS: I think we would 23 definitely consider any conditions to the approval 24 if the Commission deems it appropriate tonight. 25 CHAIRMAN GORDON: We have a couple</p>	<p style="text-align: right;">Page 98</p> <p>1 attendees with their hands up. I don't know if 2 these are members of the public. 3 MS. O'NEILL: I would imagine they're 4 waiting for public comment, but we'll get to it 5 once the Commission has asked any questions that 6 they have of the applicant. 7 COMMISSIONER SANDKAMP: My concern 8 was that if this curb cut was -- if we were to say 9 okay, because clearly it's already, you know, laid 10 out as a parking lot, if we were to permit this 11 curb cut to exist again, then if there's a way 12 that we could say okay, we just don't want that on 13 a building of that size, we don't want that curb 14 cut to be reasoning to put up a garage and a 15 building there on Wayne Street. 16 So to say that they would abandon it 17 when there was construction, when the building was 18 constructed -- because there's going to be a 19 building there within probably ten years -- 20 MS. O'NEILL: I don't necessarily 21 know how appropriate that is for this application. 22 Something like that would likely be a deed 23 restriction rather than a condition on an 24 application for something else. 25 MR. HIGGINS: I suppose I could say</p>
<p style="text-align: right;">Page 99</p> <p>1 something like that would likely require HPC 2 approval in the future, so it could be addressed 3 then, if not at this time. 4 COMMISSIONER SANDKAMP: Okay. 5 Thanks. 6 MS. O'NEILL: Does anyone have any 7 additional questions for Michael? 8 VICE CHAIRMAN GUCCIARDO: I'm having 9 some difficulty here. The cart-and-the-horse 10 issue is concerning me. Because if it's Zoning 11 that's hearing this, if Zoning upholds that the 12 curb cut has been abandoned, then the applicant is 13 going to file a C variance for the curb cut and 14 the fence opening, correct? 15 MR. HIGGINS: Essentially. 16 VICE CHAIRMAN GUCCIARDO: I almost 17 would want to hear that ruling before I'm asked to 18 make a decision. 19 MS. O'NEILL: So it's one 20 application. So think of it in your head as the 21 Zoning Board will rule on that appeal and then if 22 they say that the curb cut has, in fact, been 23 abandoned, they will look at our recommendation as 24 to the granting of a variance for use of a curb 25 cut here.</p>	<p style="text-align: right;">Page 100</p> <p>1 VICE CHAIRMAN GUCCIARDO: Understood. 2 Yes, that's correct. 3 One other technical question here. 4 Since the two lots were separately owned, was it 5 that the previous owner of the lot allowed an 6 easement through their property in order for cars 7 to be parked on these lots and that's no longer 8 available to this owner? 9 That's for the attorney. 10 MR. HIGGINS: I don't believe there 11 was ever an easement. It was my impression that 12 the lots were under common ownership in the past, 13 but if that was not the case, then clearly the 14 owner of Lot 1 did allow access via Columbus to 15 these lots, as even in the photos that you could 16 see and the photo that I shared before that was 17 included on our plans shows cars in the lots on 18 Lot 28 and 29, so through whatever means there 19 were, access was -- 20 VICE CHAIRMAN GUCCIARDO: Access was 21 provided. Got it. 22 CHAIRMAN GORDON: So if we're 23 disinclined to recommend a variance, presumably we 24 would also be disinclined to approve the rolling 25 gate, right?</p>

<p style="text-align: right;">Page 101</p> <p>1 So maybe it makes sense to go to</p> <p>2 staff comment because it looks like, Maggie, you</p> <p>3 had some strong feelings about the variance.</p> <p>4 MS. O'NEILL: Well, typically, we</p> <p>5 would go to public comment before we go to staff</p> <p>6 comment.</p> <p>7 VICE CHAIRMAN GUCCIARDO: Is there</p> <p>8 anyone in the public that has anything to say?</p> <p>9 MS. O'NEILL: Before we do that, any</p> <p>10 other questions for Michael?</p> <p>11 Michael, I'm not going to ask you to</p> <p>12 close your testimony just because there seems to</p> <p>13 be a bunch of questions circulating still. Staff</p> <p>14 sees hands raised for the public, so I'm going to</p> <p>15 quickly review public comment of the HPC.</p> <p>16 Once we open public comment, I'll go</p> <p>17 in order, calling names and you'll be promoted.</p> <p>18 You do have to accept the invitation as a panelist</p> <p>19 to address the Commission. Once you are able to,</p> <p>20 you can unmute yourself and turn on your camera.</p> <p>21 You'll be sworn in by our court reporter. Please</p> <p>22 provide the spelling of your first and last name</p> <p>23 and you'll be provided five minutes to address the</p> <p>24 commission.</p> <p>25 Does anyone want to make a motion to</p>	<p style="text-align: right;">Page 102</p> <p>1 open public comment?</p> <p>2 COMMISSIONER BLAZAK: I'll make a</p> <p>3 motion to open public comment.</p> <p>4 MS. O'NEILL: Second?</p> <p>5 VICE CHAIRMAN GUCCIARDO: Second.</p> <p>6 MS. O'NEILL: All right.</p> <p>7 All in favor?</p> <p>8 (Whereupon, a voice vote was taken; a</p> <p>9 chorus of "ayes" was heard.)</p> <p>10 MS. O'NEILL: First name I see is</p> <p>11 Jennifer. I'm going to promote you.</p> <p>12 MS. NEUMANN: Thank you so much for</p> <p>13 letting me --</p> <p>14 MS. O'NEILL: Jennifer, we have to</p> <p>15 swear you in first.</p> <p>16 JENNIFER NEUMANN, after</p> <p>17 having first been duly sworn, was examined and</p> <p>18 testified as follows:</p> <p>19 MS. O'NEILL: Your five minutes</p> <p>20 starts now.</p> <p>21 MS. NEUMANN: Thanks again for</p> <p>22 letting me have a minute. I want to mention I</p> <p>23 live right across the street from the parking lot</p> <p>24 or property that we're talking about. Currently,</p> <p>25 there is no rolling gate there. There's a chain</p>
<p style="text-align: right;">Page 103</p> <p>1 link fence.</p> <p>2 When we bought our home in 2014, the</p> <p>3 curb cuts weren't really even there and there was</p> <p>4 a lot of plantings and trees. Only recently, I</p> <p>5 guess once the property was sold, that was cleared</p> <p>6 out. The trees were pulled and all the plantings</p> <p>7 were taking out.</p> <p>8 I'm not really sure exactly what</p> <p>9 happens between historic in terms of the zoning</p> <p>10 like you were just discussing, but it's never been</p> <p>11 used -- at least since I've been here and I've</p> <p>12 been told previously -- as a curb cut on Wayne</p> <p>13 Street, so I don't have any issue in terms of what</p> <p>14 was being done previously utilizing Columbus, but</p> <p>15 certainly on Wayne Street, having the curb cut,</p> <p>16 it's a really busy road and because of them</p> <p>17 closing down Pedestrian Plaza and now Barrow</p> <p>18 Street going into Pedestrian Plaza, Wayne Street</p> <p>19 suffers a lot of back up onto Grove Street.</p> <p>20 Parking is obviously, you know, utilized on our</p> <p>21 streets as well, so I just wanted to make my</p> <p>22 statement known that I don't think it's a great</p> <p>23 idea to have people exiting on to Wayne Street or</p> <p>24 trying to pull on to Wayne Street, since it is</p> <p>25 just the one way and Grove Streets gets really</p>	<p style="text-align: right;">Page 104</p> <p>1 backed up.</p> <p>2 Other than that, that's pretty much</p> <p>3 my only comment. It wasn't utilized at least as</p> <p>4 I've been here and as I've been told years before.</p> <p>5 MS. O'NEILL: Thank you, Jennifer.</p> <p>6 All right. Next, I see Rob Mattar.</p> <p>7 I'll go ahead and promote you. Rob, you should be</p> <p>8 able to unmute yourself and turn on your camera.</p> <p>9 ROBERT MATTAR, after</p> <p>10 having first been duly sworn, was examined and</p> <p>11 testified as follows:</p> <p>12 MS. O'NEILL: Your five minutes --</p> <p>13 could you state and spell your name for the</p> <p>14 record?</p> <p>15 MR. MATTAR: Robert, R-O-B-E-R-T,</p> <p>16 last name Mattar, M-A-T-T-A-R.</p> <p>17 MS. O'NEILL: Great. Your five</p> <p>18 minutes begins now.</p> <p>19 MR. MATTAR: Thank you for having me.</p> <p>20 I also live on 51 Wayne Street, approximately</p> <p>21 halfway down the block, and I think my comments</p> <p>22 really kind of second Jennifer's comments in that</p> <p>23 we've been property owners there since 2017.</p> <p>24 I think traffic patterns have</p> <p>25 meaningfully deteriorated in that time. I</p>

<p style="text-align: right;">Page 105</p> <p>1 contribute that to a number of things and we don't  2 have the time for it, but certainly Pedestrian  3 Plaza has a lot to do with it.</p> <p>4 You know, I was a big proponent with  5 putting a speed bump halfway down Wayne Street,  6 largely because that's -- it's utilized as a  7 through street in many cases to access, you know,  8 for shuttles and for those trying to access, you  9 know, Path and public transportation.</p> <p>10 But oftentimes, people are trying to  11 make a light and driving excessively fast down  12 Wayne Street. So a combination of those things,  13 plus I think what's disruption of traffic, closing  14 down the connection through the Pedestrian Plaza,  15 I think warrants a lot of thought around, you  16 know -- and I don't know whether this is within  17 the Historic's purview, but traffic patterns and  18 how that really alters a resident's quality of  19 living because it's deteriorated rapidly and if we  20 were to now introduce a parking lot -- and I don't  21 know what the nature of the use is, whether it's  22 monthly, daily -- but if we introduce the notion  23 that there's additional short-term traffic that's  24 just strictly utilizing Wayne Street that  25 historically hasn't, I just can't imagine how that</p>	<p style="text-align: right;">Page 106</p> <p>1 improves the quality of life for residents. In  2 fact, I could see how it's really detrimental.</p> <p>3 MS. O'NEILL: Great. Thank you.</p> <p>4 MR. MATTAR: Thank you.</p> <p>5 MS. O'NEILL: Okay. Next up, I see  6 Aaron Morrill.</p> <p>7 Aaron, are you able to turn on your  8 camera.</p> <p>9 MR. MORRILL: I sure would like to.  10 Why is my camera not on? I'm sorry. Here it is.</p> <p>11 A A R O N M O R R I L L, after  12 having first been duly sworn, was examined and  13 testified as follows:</p> <p>14 MS. O'NEILL: Can you just state and  15 spell your name for the record?</p> <p>16 MR. MORRILL: Yeah. It's Aaron  17 Morrill, A-A-R-O-N, last name Morrill,  18 M-O-R-R-I-L-L.</p> <p>19 MS. O'NEILL: Great. Your five  20 minutes begins now.</p> <p>21 MR. MORRILL: Thank you,  22 Commissioners, for taking the time to listen to  23 this.</p> <p>24 I think the issue of granting the  25 curb cut or the sliding door, sliding gate really</p>
<p style="text-align: right;">Page 107</p> <p>1 is not the issue. The issue is whether a parking  2 lot is a permitted use on this piece of property  3 and I would submit to you that it is not.</p> <p>4 The petitioner is claiming that  5 somehow using this piece of land as a parking lot  6 runs with the land because previously, the prior  7 owner of this land had an agreement with the other  8 owner to make it a parking lot, which was accessed  9 from Christopher Columbus Drive and that's really,  10 really important.</p> <p>11 I have lived in my house -- which  12 borders this parking lot; I'm at 64 Wayne Street,  13 so I know this parking lot intimately well --  14 since 2009. It's been a nightmare and I've  15 counted every day in hopes that the parking lot  16 would go away. We've had parties, late night  17 fireworks. I've had an SUV hit the side of my  18 building. We've had a car cash into another  19 building that was next to the parking lot.</p> <p>20 It got so bad that I had to bring a  21 lawsuit in Superior Court to abate rats and noise  22 and all of the problems that this parking lot  23 entailed. So there are real quality of life  24 issues that affect me and everybody in the  25 neighborhood with respect to this parking lot that</p>	<p style="text-align: right;">Page 108</p> <p>1 petitioner claims he has a right to continue  2 running using a new curb cut that hasn't been used  3 to my knowledge for over 20 years. It certainly  4 hasn't been used since I bought our property in  5 2009.</p> <p>6 My understanding is it hasn't been  7 used since they opened the parking lot and they  8 started using the entrance on Christopher  9 Columbus, which is before my time.</p> <p>10 When I found out that part of the  11 parking lot had been purchased and it was going to  12 be turned into the long-awaited Columbus Corners,  13 I was thrilled.</p> <p>14 Respectfully, in response to  15 Commissioner Sandkamp's comments, it took 20 years  16 for Columbus Corners to finally happen. There's  17 no guarantee that this parking lot won't sit here  18 for many, many years. My understanding is that  19 the idea is to use it as a parking lot for the  20 mosque.</p> <p>21 By the way, no problem with mosques.  22 If they wanted to run it as a parking lot for a  23 church or a synagogue, I would be opposed to it  24 also.</p> <p>25 But the issue is whether they have</p>

<p style="text-align: right;">Page 109</p> <p>1 the right to make this a parking lot. It is a</p> <p>2 non-permitted use in a historic district. It will</p> <p>3 affect everybody's life, quality of life, the</p> <p>4 property values. It'll affect us in every way,</p> <p>5 including the traffic.</p> <p>6 I would also point out there was a</p> <p>7 traffic study done three years ago that said we</p> <p>8 should not be building parking lots downtown for</p> <p>9 visitor and non-residents. The last thing we</p> <p>10 should be doing is building a parking lot.</p> <p>11 This is a non-permitted use. It's</p> <p>12 not something we should be building from a public</p> <p>13 policy perspective, from a planning perspective</p> <p>14 and finally, I would point out that this</p> <p>15 petitioner bought this property knowing that it</p> <p>16 was very questionable whether he would be able to</p> <p>17 use this as a parking lot.</p> <p>18 There's certainly -- on the equities,</p> <p>19 I think this petitioner loses. He has no claim to</p> <p>20 hardship or anything else in this case. He knew</p> <p>21 that this was no longer being used as a parking</p> <p>22 lot. The curb cut had been abandoned. I</p> <p>23 completely agree with that.</p> <p>24 So I would ask respectfully that you</p> <p>25 deny this application and that you find that this</p>	<p style="text-align: right;">Page 110</p> <p>1 is a non-permitted use that does not run with the</p> <p>2 land, that does not run in perpetuity and that</p> <p>3 ended when the curb cut on Christopher Columbus</p> <p>4 was closed up because it's now becoming Columbus</p> <p>5 Corners.</p> <p>6 Thank you very much. I appreciate</p> <p>7 you taking the time to listen to my impassioned</p> <p>8 appeal here. It's really important to me because</p> <p>9 we live next door and my wife, for whatever it's</p> <p>10 worth, I won't have her come and repeat what I</p> <p>11 said, but agrees with me and she's particularly</p> <p>12 concerned with the traffic situation, as several</p> <p>13 other people have mentioned. We do have a traffic</p> <p>14 issue on Wayne Street. That's just another</p> <p>15 reason, but there's about ten reasons why you guys</p> <p>16 should deny this.</p> <p>17 Thanks so much.</p> <p>18 MS. O'NEILL: Thank you. Next up, I</p> <p>19 see Helena Chen Dowling. I'll go ahead and</p> <p>20 promote you.</p> <p>21 H E L E N A C H E N D O W L I N G,</p> <p>22 after having first been duly sworn, was examined</p> <p>23 and testified as follows:</p> <p>24 MS. O'NEILL: Can you state and spell</p> <p>25 your name for the record?</p>
<p style="text-align: right;">Page 111</p> <p>1 MS. CHEN DOWLING: Sure. Helena,</p> <p>2 H-E-L-E-N-A, last name Chen Dowling, C-H-E-N</p> <p>3 D-O-W-L-I-N-G.</p> <p>4 I am a resident at 67 Wayne, which is</p> <p>5 across the street from the topic parking lot.</p> <p>6 Actually, I was looking at the fence earlier.</p> <p>7 There's currently no rolling gate, but that's not</p> <p>8 really pertinent to the discussion right this</p> <p>9 minute.</p> <p>10 I'm raising an objection to the</p> <p>11 space, the lot being used as parking.</p> <p>12 Wayne Street, unlike Columbus, is a</p> <p>13 residential street. There's parking on the left,</p> <p>14 right and then one lane in the middle. A lot for</p> <p>15 use for any number of vehicles would cause severe</p> <p>16 traffic. One block -- there's no lot. There's a</p> <p>17 church right next to the Barrow mansion. There's</p> <p>18 multiple community activities there where there's</p> <p>19 always cars double parked, making it impossible to</p> <p>20 get through that block.</p> <p>21 A parking lot on this block would</p> <p>22 cause the same problem to -- who knows? A greater</p> <p>23 severity possibly.</p> <p>24 As far as its use of a parking lot in</p> <p>25 general, I object it to because in the last</p>	<p style="text-align: right;">Page 112</p> <p>1 several years, especially during COVID, which made</p> <p>2 it worse, lots of people have been using the</p> <p>3 parking lot to sound off fireworks randomly and</p> <p>4 creating fire hazards. So unless it's attended to</p> <p>5 24 hours a day, I don't see how this is a safe</p> <p>6 space to have just secured with a chain link fence</p> <p>7 with cars or no cars. It was happening with --</p> <p>8 people were setting off fireworks with cars or no</p> <p>9 cars.</p> <p>10 As far as access to parking locally,</p> <p>11 Grove Point on Columbus has lots of available</p> <p>12 public parking. Thirty Wayne Street has a</p> <p>13 multi-story lot for public parking. So the point</p> <p>14 is if additional parking was necessary, perhaps</p> <p>15 not on a residential block is something to be</p> <p>16 considered by the Commission.</p> <p>17 And as a parent of two young</p> <p>18 children, I don't know that I would have bought</p> <p>19 where I am if I knew there was going to be a</p> <p>20 potential for a commercial use parking lot across</p> <p>21 the street. And I think that's it, as far as I'm</p> <p>22 concerned.</p> <p>23 MS. O'NEILL: Thank you so much.</p> <p>24 Next, I see Ryan Dowling.</p> <p>25 R Y A N D O W L I N G, after having</p>

<p style="text-align: right;">Page 113</p> <p>1 first been duly sworn, was examined and testified 2 as follows:</p> <p>3 MS. O'NEILL: Please state and spell 4 your name for the record.</p> <p>5 MR. DOWLING: Sure. Ryan, R-Y-A-N, 6 Dowling, D-O-W-L-I-N-G.</p> <p>7 MS. O'NEILL: Great. Your five 8 minutes begins now.</p> <p>9 MR. DOWLING: Thank you for your 10 time, Commission. I do want to commend you for 11 your input on the Columbus Corner project. I'm 12 excited about the input you had on that. I think 13 it's going to be great for the neighborhood.</p> <p>14 So I'll be quick because I know my 15 wife just chimed in. I also live across the 16 street. The curb cuts were resurfaced two years 17 ago, in 2021. If you look at the sidewalk, it's 18 all been redone.</p> <p>19 Certainly in our nine years, they 20 were never used as a public access curb cut. So 21 that was kind of redone after two years. But I 22 echo all the comments. You know, we're a quiet 23 residential block and plenty of other commercial 24 parking available in the area.</p> <p>25 That's all I have to say. Thank you.</p>	<p style="text-align: right;">Page 114</p> <p>1 MS. O'NEILL: Thank you.</p> <p>2 All right. Next I see Tom Ogorzalek.</p> <p>3 T H O M A S O G O R Z A L E K, after 4 having first been duly sworn, was examined and 5 testified as follows:</p> <p>6 MS. O'NEILL: State and spell your 7 name for the record.</p> <p>8 MR. OGOZALEK: Thomas Ogorzalek, 9 T-H-O-M-A-S, Ogorzalek, O-G-O-R-Z-A-L-E-K.</p> <p>10 I live at 85 Bright Street in 11 downtown Jersey City. Couple of items I wanted to 12 maybe give the Commissioners some background on 13 and thanks for giving me five minutes.</p> <p>14 As Mr. Higgins alluded to, this 15 property used to be a commonly owned property 16 between two members of a similar real estate 17 business. As Mr. Morrill also alluded to, all 18 access for parking was off of Columbus Drive and 19 there was no impact on parking, which was actually 20 a conditional use, to my recollection, because it 21 was parking lot of a redevelopment plan for the 22 development of the current project that is 23 actually being done on the corner and they were 24 allowed to use parking on that lot, but they could 25 not develop the project on the corner until they</p>
<p style="text-align: right;">Page 115</p> <p>1 actually renovated the historic building on the 2 corner of Barrow and Wayne, which the previous 3 owners did and now we have a brand new project 4 which has been recently approved.</p> <p>5 I feel it's maybe incumbent on the 6 new petitioner or the new applicant if they 7 purchased the property, then they should have 8 understood that parking was not a principle use 9 that's permitted and that's clearly stated in the 10 letter, the zoning letter.</p> <p>11 So I would ask the Commission to kind 12 of look at this in a couple of different ways.</p> <p>13 You've already heard from the property owners that 14 are immediately impacted on the block, but I would 15 argue that this would have an adverse affect on 16 the entire historic district.</p> <p>17 In the neighborhood, it would have a 18 detrimental effect to the adjacent properties 19 because we're not trying to promote surface 20 parking as a principle use and we would be 21 promoting that parking within a five-minute walk 22 of a multi-level transit hub. We're at Grove 23 Plaza right there. We've got multiple buses right 24 there. And then I also stated by one of the 25 earlier -- earlier people, you know, we've got</p>	<p style="text-align: right;">Page 116</p> <p>1 multiple parking garages in the area.</p> <p>2 So I would ask the Commission to kind 3 of really think about the use, but at the same 4 time, I would encourage Mr. Higgins' applicant to 5 actually exhaust his resources or their resources 6 to develop the lot in a way that is appropriate 7 for the zone and make a contribution to the 8 historic district. They haven't made any effort 9 to do that yet and I think that, as was alluded to 10 by Commissioner Sandkamp, this is incredibly 11 valuable property and we have a need for housing.</p> <p>12 So I would encourage the applicant to 13 actually develop it in a positive way that the 14 make a contribution to the historic district and 15 not request a variance for a use that's going to 16 be a detriment and not permitted.</p> <p>17 Thanks for your time.</p> <p>18 MS. O'NEILL: Thanks, Tom.</p> <p>19 All right. The next name I see is 20 Alyson Navarro.</p> <p>21 A L Y S O N N A V A R R O, after 22 having first been duly sworn, was examined and 23 testified as follows:</p> <p>24 MS. O'NEILL: State and spell your 25 name for the record, please.</p>

<p style="text-align: right;">Page 117</p> <p>1 MS. NAVARRO: Alyson, A-L-Y-S-O-N, 2 Brown, B-R-O-W-N, Navarro, N-A-V-A-R-R-O. 3 MS. O'NEILL: Great. Your five 4 minutes begins now. 5 MS. NAVARRO: Thanks for the time. 6 I'm a resident at 58 Wayne Street. I've lived 7 there -- sorry, one second. I want to make sure 8 I'm tracking my time. I moved in in 2004. I 9 lived there 19 years. There's only four 10 properties between me and the parking lot in 11 discussion. 12 During the 19 years I lived there, no 13 cars ever crossed that pavement into a parking 14 lot. It's never been used in that way in that 15 entire time. 16 When I moved in, the Rosina -- what's 17 currently the Rosina -- was a parking lot with 18 razor wire at the top and Columbus Corners was a 19 massive rundown mess and we were getting concerned 20 in buying a property 19 years ago about what was 21 going to go at Columbus Corner, so I pulled the 22 plans from Historic and someone mentioned these 23 lots were always held separately, but I believe 24 that if you checked the threads underlying the 25 companies that held them, you would find owners in</p>	<p style="text-align: right;">Page 118</p> <p>1 common. The plan was collective. The Del Forno 2 family was the common thread and the original 3 plans called for an entrance on Wayne Street, 4 which we were always prepared to fight. 5 I was greatly relieved to find out 6 they had been cut off from the Columbus Corner 7 plan that has recently gone forward. This group 8 of neighbors has previously fought off an 18-story 9 development there and have supported an 10 eight-story development as of December 2022, which 11 is a story higher than the original plan because 12 we so much want the improvement that Columbus 13 Corner moving forward represents. 14 So you had a landowner who held that 15 for 19 years and did nothing and kept it as a 16 parking lot. 17 So one of the things I wanted to 18 bring up was historical appropriateness, which I 19 believe is the major concern of this committee. 20 I have redone the facade of my house 21 as well as the windows and during the time, 22 there's a photo from 1930 that you're held to 23 account for. I believe this Commission is 24 probably quite familiar. I'd be very curious to 25 know what 1930 shows in those two spots in terms</p>
<p style="text-align: right;">Page 119</p> <p>1 of historical appropriateness. 2 Tom also made a point about damage to 3 historical buildings and you heard Aaron speak 4 very passionately about the damage that he's seen 5 to his building. This Commission should also be 6 concerned about the damage that can happen to the 7 adjacent historical buildings. 8 During the pandemic and over the 9 years I've lived here, we have endured fireworks 10 shot off from the lot over a house to the point 11 that I was concerned about fire in my historic 12 home. I've got video clips of fireworks being 13 shot off at close proximity from that parking lot 14 across Wayne Street, across the facing properties 15 that Jennifer Neumann and the Dowlings own. 16 In addition to that, there's been 17 graffiti all on the adjacent historical properties 18 and those -- that potential for damage should be 19 something that's weighed in considering whether a 20 parking lot is an appropriate use of these two 21 lots. 22 This group of neighbors would like to 23 see homes put there, so I went and looked at the 24 curb cut. There's a bluestone curb there. It's 25 four inches high and the current bluestone still</p>	<p style="text-align: right;">Page 120</p> <p>1 exists where that curb cut sits. It's currently 2 two inches high. So quite high. It's been masked 3 over and the entire area has currently been redone 4 to make it look more like it may have been used in 5 the past as an approach to parking. 6 But that was never the case and I 7 would like to see you deny this approval. Thanks 8 for your time. 9 MS. O'NEILL: Thank you. 10 Okay. Are there any other members of 11 the public who wish to be heard on this 12 application? Please use the "raise hand" 13 function. 14 All right. Staff sees no additional 15 hands raised and recommends a motion to public 16 comment. 17 COMMISSIONER BLAZAK: Motion. 18 COMMISSIONER AMATUZZO: Second. 19 MS. O'NEILL: Let's go to staff 20 comments on this. All right. No, that was the 21 wrong staff report. Sorry about that. Just a 22 second. Sorry. 23 Curb cuts are generally not 24 permitted -- not generally. Curb cuts are not 25 permitted within the historic districts unless it</p>

<p style="text-align: right;">Page 121</p> <p>1 is associated with a new construction building of 2 more than ten units.</p> <p>3 Obviously, in this case, that is not 4 the case. It is a surface parking lot. The 5 application before the Commission tonight is not 6 for the use of the parking lot; however, it's 7 almost impossible to consider the use of the curb 8 cut without also considering the use of the 9 parking lot.</p> <p>10 I'll pull up the staff report now. 11 We'll go down to staff comments.</p> <p>12 So when staff was considering the 13 application for the variance for the curb cut, we 14 reviewed our historic design standards, secretary 15 of the interior standards and found that the 16 application seeking variance relief for the curb 17 cut is inconsistent with both the historic design 18 standards and the secretary of the interior 19 standards.</p> <p>20 As the Commission remembers, we heard 21 the Columbus Corner application last fall and as 22 part of that application, the literal first 23 condition was the commercial surface parking lot 24 must terminate -- use must terminate prior to 25 perfecting the proposed subdivision.</p>	<p style="text-align: right;">Page 122</p> <p>1 Obviously within that redevelopment 2 plan only Lot 1, which is the lot directly north 3 of these properties, was part of that. The use of 4 these two lots for parking did not terminate as a 5 result of that application; however, because their 6 primary entrance was off of Columbus Drive, their 7 entrance terminated with the use of that lot, 8 which is why they're here before us because now 9 they don't have an entrance to use for this 10 parking lot.</p> <p>11 The historic design standards do have 12 standards for offsite -- on-site parking and 13 off-street screened parking, which is the closest 14 applicable use for this; however, of course staff 15 notes that these are supposed to be used in 16 context of a new construction building. But this 17 parking lot doesn't even meet those standards.</p> <p>18 The closest applicable use -- this 19 parking lot does not come close to it -- those 20 standards include more than 50% of this being 21 below grade, more than 50% of it being landscaped. 22 It does not include fencing standards. This 23 parking lot doesn't meet the closest applicable 24 use standard.</p> <p>25 In staff's opinion, it doesn't make</p>
<p style="text-align: right;">Page 123</p> <p>1 any sense for the HPC to grant a variance for a 2 curb cut at the sites that does not meet the 3 minimum standards of a curb cut in our ordinance 4 when it would be permitted. In this case, it 5 would not be permitted.</p> <p>6 But again, we're not even coming 7 close to the standards in which we would permit 8 it. Encouraging the use of surface parking in a 9 historic district is an adverse effect in and of 10 itself. There's absolutely no benefit to the 11 historic district to encourage this use.</p> <p>12 Therefore, staff recommends that the HPC deny a 13 certificate of appropriateness for a curb cut in 14 this case and recommend that the Zoning Board of 15 adjustment also deny a variance request for a curb 16 cut.</p> <p>17 Do Commissioners have any questions 18 for staff?</p> <p>19 COMMISSIONER BLAZAK: I mean, it 20 seems straightforward to me. This is not a 21 permitted use. I can't remember us ever -- excuse 22 me -- I can't remember us ever permitting parking 23 or any curb cuts without any associated 24 development, so I'm fully on board with denying 25 this.</p>	<p style="text-align: right;">Page 124</p> <p>1 MS. O'NEILL: Any other questions 2 from Commissioners on this?</p> <p>3 Okay. So I'm going to pull up the 4 staff report again because in order to make a 5 motion for a denial, we need to cite sections of 6 our ordinance.</p> <p>7 In this specific case, most of our 8 citations are actually going to be related to the 9 site planning, so we're specifically recommending 10 that Commission cite 345-71A1, which is every 11 reasonable effort should be made to provide a 12 compatible use for a property that requires 13 minimal alterations of the site and its 14 environment.</p> <p>15 345-71H2a, which is for site and 16 setting. 345-71H2e, which is the relationship of 17 vacant land to buildings and structures. Usually, 18 when we cite this one, we are citing it in terms 19 of someone maxing out their building envelope or 20 exceeding the permitted building envelope. In 21 this case, it's actually the reverse of that.</p> <p>22 There is, per our ordinance, really no reason why 23 this land should be vacant and there is really no 24 reason why this land should not be developed. So 25 the inappropriate land use here is that there is</p>

<p style="text-align: right;">Page 125</p> <p>1 nothing on it, other than a parking lot.</p> <p>2 We also recommend citing 345-71H2e,</p> <p>3 which is for site planning.</p> <p>4 Does the Commission have any</p> <p>5 questions on any of those?</p> <p>6 CHAIRMAN GORDON: Maggie, do we have</p> <p>7 to say anything then about this rolling gate,</p> <p>8 which is apparently already there but not</p> <p>9 appropriate?</p> <p>10 MS. O'NEILL: So I'll be honest. My</p> <p>11 assumption -- not my assumption -- my</p> <p>12 understanding was that the rolling gate was there,</p> <p>13 but the testimony from the neighbors says that</p> <p>14 there's a chain link fence there.</p> <p>15 Regardless, what's currently on the</p> <p>16 site has not been permitted by staff. So in this</p> <p>17 particular case, I don't necessarily think we need</p> <p>18 to comment on what's currently there because it's</p> <p>19 not approved by staff.</p> <p>20 CHAIRMAN GORDON: So if there's an</p> <p>21 unapproved fence there, does that result in</p> <p>22 violation being assessed? What is the consequence</p> <p>23 of that?</p> <p>24 MS. O'NEILL: Tanya, correct me if</p> <p>25 I'm wrong, there's already a violation related to</p>	<p style="text-align: right;">Page 126</p> <p>1 the fence.</p> <p>2 MS. MARIONE: That's correct.</p> <p>3 CHAIRMAN GORDON: Perfect. Thanks.</p> <p>4 MR. HIGGINS: There's a pending</p> <p>5 matter in municipal court about this property.</p> <p>6 MS. O'NEILL: All right. Any</p> <p>7 Commissioners have any questions? Want to make a</p> <p>8 motion?</p> <p>9 MR. HIGGINS: I would like to take a</p> <p>10 moment to briefly respond to some of the comments,</p> <p>11 if that's appropriate.</p> <p>12 MS. O'NEILL: Yes, that's fine.</p> <p>13 MR. HIGGINS: Thank you.</p> <p>14 So first, I guess at the onset,</p> <p>15 especially with the community members' concerns, I</p> <p>16 very much understand and appreciate parking and</p> <p>17 traffic-related concerns in downtown Jersey City.</p> <p>18 I just would like to maybe hone the</p> <p>19 focus a little bit, if I can. I do think that</p> <p>20 traffic and parking is better addressed at the</p> <p>21 Zoning Board hearing, rather than Historic</p> <p>22 Preservation.</p> <p>23 And I think the main issue just that</p> <p>24 I would like to note, my client purchased and owns</p> <p>25 these two lots and without access via the curb cut</p>
<p style="text-align: right;">Page 127</p> <p>1 where they have been legally used as parking since</p> <p>2 before he purchased them, there's no use for them</p> <p>3 at the current moment. It's just a -- it's just a</p> <p>4 loss. Absent development in the future, which I</p> <p>5 think I can't speak to that, but I would think</p> <p>6 just on the location that it would certainly be</p> <p>7 developed at some point just because of how</p> <p>8 valuable it is.</p> <p>9 But I think right now at this moment,</p> <p>10 in order to have any effective use of the</p> <p>11 property, access via the curb cut is required.</p> <p>12 That's all we're here to apply for, just approval</p> <p>13 for that curb cut and that's not for parking as a</p> <p>14 whole to address traffic concerns.</p> <p>15 That's it.</p> <p>16 MS. O'NEILL: Thank you. I would</p> <p>17 agree with you that traffic concerns are better</p> <p>18 addressed at the Zoning Board and that the staff</p> <p>19 recommendation for denial on this is strictly</p> <p>20 based on the historic criteria and our ordinance</p> <p>21 really doesn't address traffic; however, the</p> <p>22 community -- we recognize that that is some of the</p> <p>23 community's concerns.</p> <p>24 MR. HIGGINS: I could briefly note,</p> <p>25 too, the historic standards for parking do appear</p>	<p style="text-align: right;">Page 128</p> <p>1 to relate to parking for a building which</p> <p>2 obviously there's nothing of the sort on this lot,</p> <p>3 so I think that sort of a deviation from that may</p> <p>4 be warranted just because of the fact that these</p> <p>5 are legal pre-existing lots used as parking.</p> <p>6 That concludes my comments.</p> <p>7 MS. O'NEILL: Greet. Thank you.</p> <p>8 Do any Commissioners have any</p> <p>9 questions, comments or a motion?</p> <p>10 VICE CHAIRMAN GUCCIARDO: Maggie, I</p> <p>11 think in your staff comments, two of the</p> <p>12 ordinances had the same number, the last and the</p> <p>13 second to last. Was that intentional? They both</p> <p>14 had E.</p> <p>15 MS. O'NEILL: No, that was not</p> <p>16 intentional.</p> <p>17 VICE CHAIRMAN GUCCIARDO: Okay. Just</p> <p>18 for the record to be clear ...</p> <p>19 MS. O'NEILL: I appreciate that.</p> <p>20 Give me two seconds and I'll pull up the correct</p> <p>21 citations. I clearly didn't pay attention when I</p> <p>22 was copying it.</p> <p>23 I'll go ahead and share.</p> <p>24 MR. REKSTAD: It's K1, right?</p> <p>25 MS. O'NEILL: Yes. I was about to</p>



<p style="text-align: right;">Page 129</p> <p>1 say it's K1. Thank you.</p> <p>2 The last one there should be K1.</p> <p>3 Okay. Anyone want to make a motion?</p> <p>4 Do you want me to call up the staff report to make</p> <p>5 a motion if it's easier? I could do that.</p> <p>6 This site planning one is the one</p> <p>7 that should be H2K1.</p> <p>8 VICE CHAIRMAN GUCCIARDO: So I'll</p> <p>9 make a motion to deny the certificate of</p> <p>10 appropriateness and the recommendation that the</p> <p>11 variance application not be approved at the Jersey</p> <p>12 City Zoning Board of Adjustment under the</p> <p>13 following criteria: 345-71A1, 345-71H2a,</p> <p>14 345-71H2e, and 345-71HK1.</p> <p>15 Is that right?</p> <p>16 MS. O'NEILL: It's H2k1.</p> <p>17 VICE CHAIRMAN GUCCIARDO: Thank you.</p> <p>18 MS. O'NEILL: Is there a second to</p> <p>19 that motion?</p> <p>20 COMMISSIONER GARRIGA: Second.</p> <p>21 MS. O'NEILL: We'll do a roll call</p> <p>22 vote.</p> <p>23 Commissioner Amatzuzzo?</p> <p>24 COMMISSIONER AMATUZZO: Aye.</p> <p>25 MS. O'NEILL: Commissioner Garriga.</p>	<p style="text-align: right;">Page 130</p> <p>1 COMMISSIONER GARRIGA: Aye.</p> <p>2 MS. O'NEILL: Commissioner Cronin?</p> <p>3 COMMISSIONER CRONIN: Aye.</p> <p>4 MS. O'NEILL: Commissioner Gunther?</p> <p>5 COMMISSIONER GUNTHER: Aye.</p> <p>6 MS. O'NEILL: Commissioner Blazak?</p> <p>7 COMMISSIONER BLAZAK: Aye.</p> <p>8 MS. O'NEILL: Commissioner Sandkamp?</p> <p>9 COMMISSIONER SANDKAMP: Aye.</p> <p>10 MS. O'NEILL: Vice Chair Gucciardo?</p> <p>11 VICE CHAIRMAN GUCCIARDO: Aye.</p> <p>12 MS. O'NEILL: And Chairman Gordon?</p> <p>13 CHAIRMAN GORDON: Aye.</p> <p>14 MS. O'NEILL: There are eight votes</p> <p>15 in favor, none against, no abstentions. The</p> <p>16 certificate of appropriateness and recommendation</p> <p>17 to the Zoning Board is denied, citing 345-71A1,</p> <p>18 H2a, H2e, and H2k1.</p> <p>19 MR. HIGGINS: Thank you, everyone,</p> <p>20 for your time and consideration.</p> <p>21 MS. O'NEILL: Thanks, Michael.</p> <p>22 All right. Want to go ahead and call</p> <p>23 the last motion?</p> <p>24 CHAIRMAN GORDON: I'll call Case</p> <p>25 H22-535. The applicant is Jennifer Porter,</p>
<p style="text-align: right;">Page 131</p> <p>1 Esquire, on behalf of applicant, 15th and Grove JC</p> <p>2 LLC. The address is 619 Grove Street. This is</p> <p>3 Jersey Avenue Light Rail Redevelopment Plan, St.</p> <p>4 Lucy's Overlay Bonus.</p> <p>5 This application is for amendment to</p> <p>6 the previously approved partial demolition of the</p> <p>7 National, State and Local Register-eligible</p> <p>8 Romanesque Revival Church, Romanesque Revival</p> <p>9 Rectory, and Italianate school building</p> <p>10 constructed between 1894 and 1904 and the</p> <p>11 selective restoration of the remaining facades and</p> <p>12 the integration of the remaining facades into the</p> <p>13 construction of a new 23-story residential power.</p> <p>14 This is a recommendation to the</p> <p>15 Planning Board.</p> <p>16 MS. O'NEILL: All right.</p> <p>17 Jennifer, I'm having some trouble</p> <p>18 promoting you to a panelist. It looks like you're</p> <p>19 not accepting it. It looks like you're declining</p> <p>20 it on your end. You do have to accept it. There</p> <p>21 we go.</p> <p>22 Jennifer, I also promoted Jose. Is</p> <p>23 there anyone else you'd like me to promote?</p> <p>24 MS. PORTER: Yes, if you could</p> <p>25 promote Scott Doyle.</p>	<p style="text-align: right;">Page 132</p> <p>1 MS. O'NEILL: Okay. Perfect.</p> <p>2 Prior to beginning any testimony on</p> <p>3 this, should we go ahead and swear Jose and Scott</p> <p>4 in? Scott still needs to join, but we could do</p> <p>5 that and qualify.</p> <p>6 J O S E C A R B A L L O and</p> <p>7 S C O T T D O Y L E, after having first been duly</p> <p>8 sworn, by a Notary Public of the State of New</p> <p>9 York, were examined and testified as follows:</p> <p>10 MS. O'NEILL: Thank you.</p> <p>11 Jose and Scott, neither of you have</p> <p>12 presented in front of this Board before, correct?</p> <p>13 MR. DOYLE: Correct.</p> <p>14 MR. CARBALLO: Correct.</p> <p>15 MS. O'NEILL: Let's do some quick</p> <p>16 qualifications first. Jose, let's start with you.</p> <p>17 Just briefly, what is your</p> <p>18 professional expertise for the Board.</p> <p>19 MR. CARBALLO: Absolutely. I</p> <p>20 graduated from NJIT in 1980. I've been registered</p> <p>21 since 1986. I have three firms. Currently, I'm a</p> <p>22 principal at Michael Graves Architecture &amp; Design.</p> <p>23 I've been in front of several boards, including</p> <p>24 the Jersey City Planning Board and Board of</p> <p>25 Adjustment.</p>

<p style="text-align: right;">Page 133</p> <p>1 By way of historical work, we</p> <p>2 actually converted Ponemah Mills in Norwich,</p> <p>3 Connecticut, which is an 1865 -- Maggie, you seem</p> <p>4 to know it?</p> <p>5 MS. O'NEILL: Yes. I'm nodding and</p> <p>6 saying I think we have enough to qualify you, but</p> <p>7 if you would like to continue, you're more than</p> <p>8 welcome to.</p> <p>9 MR. CARBALLO: That would be enough.</p> <p>10 Thank you very much.</p> <p>11 MS. O'NEILL: All right.</p> <p>12 Staff recommends the Chair accept Mr.</p> <p>13 Carballo's expertise as an expert in architecture.</p> <p>14 MR. CARBALLO: Thank you.</p> <p>15 MS. O'NEILL: All right. Scott,</p> <p>16 would you like to go ahead with a brief overhead</p> <p>17 of your qualifications?</p> <p>18 MR. DOYLE: Sure. Hi. I'm a</p> <p>19 historic preservation professional. I work as the</p> <p>20 senior project manager for Heritage Consulting</p> <p>21 Group. I started with them in March of 2023.</p> <p>22 Prior to that, I have a bachelor of</p> <p>23 arts in American studies from Hobart College, a</p> <p>24 certificate in historic preservation from Bucks</p> <p>25 County Community College and a master's degree --</p>	<p style="text-align: right;">Page 134</p> <p>1 a master's in science in historic preservation</p> <p>2 from the University of Pennsylvania.</p> <p>3 Following that, I worked for 23 years</p> <p>4 until the end of 2022 for the Pennsylvania State</p> <p>5 Historic Preservation Office, which is under the</p> <p>6 Pennsylvania Historical Museum Commission.</p> <p>7 MS. O'NEILL: Staff recommends that</p> <p>8 Mr. Doyle's qualifications be accepted as an</p> <p>9 expert in the field of historic preservation.</p> <p>10 All right.</p> <p>11 Jennifer, if you would like to kick</p> <p>12 us off.</p> <p>13 MS. PORTER: Sure. Good evening,</p> <p>14 Commission members. Jennifer Porter on behalf of</p> <p>15 CSG Law and I am here in connection with the</p> <p>16 applicant 15th and Grove JC, LLC.</p> <p>17 As you heard in the introduction, we</p> <p>18 are here because we have applied for an amended</p> <p>19 site plan approval from the Planning Board in</p> <p>20 connection with certain changes that are proposed</p> <p>21 to the tower element of our project for the</p> <p>22 property which is located at 619 Grove Street and</p> <p>23 that's also classified as Block 7102, Lot 7.</p> <p>24 As you heard before, the property is</p> <p>25 located within the Jersey Avenue Light Rail</p>
<p style="text-align: right;">Page 135</p> <p>1 Redevelopment Area.</p> <p>2 So just by way of brief background,</p> <p>3 the applicant received preliminary and final major</p> <p>4 site planning approval from the Planning Board</p> <p>5 back in 2020 in connection with plans by the</p> <p>6 applicant to acquire the St. Lucy property and</p> <p>7 surrounding property from the Roman Catholic</p> <p>8 Archdiocese in Newark and then to construct a</p> <p>9 23-floor mixed use building that has ground floor</p> <p>10 commercial space and a closed parking garage and</p> <p>11 444 residential units on Block 71027, which we</p> <p>12 call the St. Lucy parcel. That was in accordance</p> <p>13 with the St. Lucy's Overlay Bonus provisions under</p> <p>14 that Light Rail Redevelopment Plan.</p> <p>15 That application also involved the</p> <p>16 relocation of the existing homeless shelter on the</p> <p>17 St. Lucy's parcel, which was relocated to a new</p> <p>18 five-story building across Grove Street and that</p> <p>19 was on Block 7103, Lots 12 through 17, which were</p> <p>20 originally part of the application and known as</p> <p>21 the public benefit parcel.</p> <p>22 Since that point in time in 2020, the</p> <p>23 homeless shelter has actually been constructed and</p> <p>24 just recently obtained a TCO, so that piece to</p> <p>25 this is no longer part of this application, as</p>	<p style="text-align: right;">Page 136</p> <p>1 there are no changes in connection with those</p> <p>2 properties. So it's really limited specifically</p> <p>3 to the St. Lucy parcel at 619 Grove.</p> <p>4 So the prior application was referred</p> <p>5 to this Commission under both the provisions of</p> <p>6 the Jersey Avenue Light Rail Redevelopment Plan</p> <p>7 and the MLUL for an advisory recommendation</p> <p>8 because there was unique language in the</p> <p>9 redevelopment plan that provided that the St. Lucy</p> <p>10 parcel must retain and incorporate provisions of</p> <p>11 the character-defining exterior features of the</p> <p>12 facades, such as, but not limited to, the bell</p> <p>13 tower and other significant historical fabric of</p> <p>14 the St. Louis Roman Church complex into any new</p> <p>15 building constructed on the site. So that came</p> <p>16 directly from the redevelopment plan.</p> <p>17 Those of you who were here in 2020</p> <p>18 may recall the proposed development ultimately</p> <p>19 included preservation of portions of the front</p> <p>20 facades of all three existing St. Lucy buildings,</p> <p>21 so that includes the church, the rectory and the</p> <p>22 former school/current shelter on the St. Lucy</p> <p>23 parcel and that ultimately resulted in a favorable</p> <p>24 recommendation by the HPC back in 2020, which then</p> <p>25 ultimately was wrapped into and included as part</p>

<p style="text-align: right;">Page 137</p> <p>1 of a Planning Board of that same year.</p> <p>2 So in light of the changes that are</p> <p>3 being proposed to the tower, which our architect</p> <p>4 will walk you through this evening, we have a</p> <p>5 somewhat unique situation with respect to the</p> <p>6 Commission and its purview regarding this</p> <p>7 application.</p> <p>8 So it's referenced in the staff</p> <p>9 memorandum, but just to clarify, before we</p> <p>10 begin -- because I think it'll help kind of find</p> <p>11 the context of the conversation and the specific</p> <p>12 testimony that you're going to hear -- that we</p> <p>13 agree with the staff's understanding as set forth</p> <p>14 in the staff memo today that the HPC has, of</p> <p>15 course, jurisdiction to review and comment on the</p> <p>16 relation of the historic site and the new</p> <p>17 construction building and how the applicant chose</p> <p>18 to retain and incorporate remaining parts of</p> <p>19 buildings and the site for the redevelopment plan.</p> <p>20 So important to that point, you're</p> <p>21 going to hear from our historic preservation</p> <p>22 specialist from Heritage that we are proposing</p> <p>23 only two minor positive changes with respect to</p> <p>24 the historical site and that they will otherwise</p> <p>25 be preserved entirely in keeping with the prior</p>	<p style="text-align: right;">Page 138</p> <p>1 approval by the HPC and consistent with all the</p> <p>2 conditions that were imposed by the HPC in</p> <p>3 connection with its prior recommendation.</p> <p>4 We also agree with staff's</p> <p>5 understanding that the HPC does not have</p> <p>6 jurisdiction to review and comment on the mapping</p> <p>7 design of the new residential tower behind the</p> <p>8 remaining historic facades. So really, our goal</p> <p>9 and our task this evening is to provide you with</p> <p>10 an overview of the changes being proposed so you</p> <p>11 can see that the changes relate primarily and</p> <p>12 solely to the tower element, except for those two</p> <p>13 other positive changes, which we'll detail for you</p> <p>14 and that under the Commission's jurisdiction, it</p> <p>15 will remain in keeping to HPC's prior</p> <p>16 recommendation.</p> <p>17 So unless you have any comments for</p> <p>18 me with respect to that, I'd like to turn it over</p> <p>19 to our architect, who can give you -- Mr. Carballo</p> <p>20 can give you a brief overview of the proposed</p> <p>21 changes.</p> <p>22 MR. CARBALLO: Absolutely.</p> <p>23 MS. O'NEILL: You should be able to</p> <p>24 share your screen.</p> <p>25 MR. CARBALLO: So first of all, good</p>
<p style="text-align: right;">Page 139</p> <p>1 evening, everyone. Thanks for your time. I know</p> <p>2 it's late in the evening, so I'm going to try to</p> <p>3 keep it as short as possible.</p> <p>4 So this is the building that was</p> <p>5 approved. It's the same massing. It still has</p> <p>6 what we call the slice behind the bell tower to</p> <p>7 showcase the bell tower and it includes all three</p> <p>8 buildings, the church, the rectory and the school,</p> <p>9 in essence maintaining the street scape that has</p> <p>10 been three for over 100 years.</p> <p>11 Ms. Porter discussed or talked about</p> <p>12 two minor changes. Originally -- and I'm just</p> <p>13 going to get very quickly into them and try to</p> <p>14 explain it and I will let Mr. Doyle then continue</p> <p>15 with that.</p> <p>16 Originally, the building contained</p> <p>17 retail space on the first floor along with the</p> <p>18 rectory and the school. We have since eliminated</p> <p>19 that and made it an amenity space for the building</p> <p>20 for the other residents.</p> <p>21 What that does is the stairs or the</p> <p>22 steps that were going into both the rectory and</p> <p>23 the school, which originally were going to be</p> <p>24 altered so we could lower that retail floor for</p> <p>25 easier access to the public, those steps -- juts</p>	<p style="text-align: right;">Page 140</p> <p>1 call them steps -- are going to remain as they are</p> <p>2 now.</p> <p>3 In other words, they're not going to</p> <p>4 be altered, they're not going to be changed.</p> <p>5 They're going to be fixed, but that look will be</p> <p>6 the same. The doors, the entrance to the</p> <p>7 building, it will be maintained the same way.</p> <p>8 They will not be operable. They'll be there, but</p> <p>9 you will see those entrances and the approach to</p> <p>10 those buildings as they were originally.</p> <p>11 The second change that we're</p> <p>12 proposing is here on this eighth floor. The</p> <p>13 terrace originally was going to go into the bell</p> <p>14 tower. We're not going into the bell tower</p> <p>15 anymore. The bell tower is going to be by itself,</p> <p>16 not having access from the building.</p> <p>17 So those are the two basic changes</p> <p>18 that we made to the building: The steps on the</p> <p>19 first floor and the removal of the access from</p> <p>20 that terrace into the bell tower.</p> <p>21 Jennifer?</p> <p>22 MS. PORTER: Does the Commission have</p> <p>23 any questions respect to the scope of those</p> <p>24 changes or any questions regarding what was</p> <p>25 previously approved?</p>

<p style="text-align: right;">Page 141</p> <p>1 MR. CARBALLO: I'm sorry. You're</p> <p>2 breaking up. I could barely hear you.</p> <p>3 MS. PORTER: I asked if the</p> <p>4 Commission has any questions with regard to the</p> <p>5 two minor changes in connection with the historic</p> <p>6 facades or any changes in connections with the</p> <p>7 prior approval for the facades.</p> <p>8 VICE CHAIRMAN GUCCIARDO: My question</p> <p>9 about the entrances to the two buildings at grade,</p> <p>10 were they going to be active doors before? Were</p> <p>11 they going to be used as part of the retail</p> <p>12 spaces?</p> <p>13 MR. CARBALLO: They were.</p> <p>14 VICE CHAIRMAN GUCCIARDO: Okay.</p> <p>15 And so why are they becoming inactive</p> <p>16 now?</p> <p>17 MR. CARBALLO: We don't need those</p> <p>18 entrances to the amenity space. The floor level</p> <p>19 does not coincide with those at this point. So</p> <p>20 we're just going to leave them the way they are.</p> <p>21 We're just going to fix the steps and the railing,</p> <p>22 but they're going to look the same. They're not</p> <p>23 going to be altered as originally intended.</p> <p>24 VICE CHAIRMAN GUCCIARDO: Thank you.</p> <p>25 MR. AMATUZZO: I have a question.</p>	<p style="text-align: right;">Page 142</p> <p>1 What will happen to the no longer</p> <p>2 incorporated bell tower space that was part of</p> <p>3 that upper terrace area?</p> <p>4 MR. CARBALLO: There was never any</p> <p>5 space up there. There's no floor at that point.</p> <p>6 It has been, you know, removed over the years.</p> <p>7 At that point, we're just creating --</p> <p>8 the original approval was creating an entrance</p> <p>9 into that space. It's no longer necessary and</p> <p>10 basically, it's no longer possible because of</p> <p>11 changes to the structure of the building. So we</p> <p>12 decided to not use it as an -- as an access to the</p> <p>13 bell tower.</p> <p>14 COMMISSIONER AMATUZZO: So it will</p> <p>15 just become a void space that's not used for</p> <p>16 anything?</p> <p>17 MR. CARBALLO: That's correct. The</p> <p>18 bottom portion of the bell tower, if you've been</p> <p>19 in the building, has a beautiful stair. That's</p> <p>20 going to be enclosed in glass so that residents</p> <p>21 and visitors can see it. It'll have an access</p> <p>22 door just for maintenance, again, made of glass so</p> <p>23 you could see it, but the rest of the tower, it's</p> <p>24 not going to be included as a usable space.</p> <p>25 COMMISSIONER AMATUZZO: Thank you.</p>
<p style="text-align: right;">Page 143</p> <p>1 MR. CARBALLO: You're welcome.</p> <p>2 MS. PORTER: If there's no further</p> <p>3 question, I'd like to call Mr. Doyle who could</p> <p>4 speak to his review of the architectural plans and</p> <p>5 changes and consistency of that would be prior</p> <p>6 approval by the Commission.</p> <p>7 MS. O'NEILL: Scott, you should be</p> <p>8 able to share your screen.</p> <p>9 MR. DOYLE: I don't have anything to</p> <p>10 share other than my testimony.</p> <p>11 I did review all of the drawings that</p> <p>12 were from the original proposal that were</p> <p>13 submitted and approved under the COA and the</p> <p>14 revising drawings with the new design of the</p> <p>15 tower. As Jose indicated, those were the only two</p> <p>16 modifications that I saw from the submitted</p> <p>17 approved drawings to the revised drawings that had</p> <p>18 been submitted to HPC.</p> <p>19 The one other benefit about the</p> <p>20 church tower is that the louver that was in that</p> <p>21 location that was to be removed to create an</p> <p>22 entrance way is now going to be returned to its</p> <p>23 original state as a louver under the church tower,</p> <p>24 so the bell tower will retain its original</p> <p>25 appearance rather than have a floor level inserted</p>	<p style="text-align: right;">Page 144</p> <p>1 into that opening.</p> <p>2 MS. O'NEILL: Are there any questions</p> <p>3 for Scott?</p> <p>4 All right. Hearing none from</p> <p>5 Commissioners, Jennifer, do you have anything else</p> <p>6 to add to your testimony?</p> <p>7 MS. PORTER: I do not. That</p> <p>8 concludes our testimony.</p> <p>9 MS. O'NEILL: Thank you.</p> <p>10 We can move to public comment.</p> <p>11 Are there any members of the public</p> <p>12 who would like to speak regarding this</p> <p>13 application? Please use the "raise hand" function</p> <p>14 on the bottom of your screen. Alternatively, if</p> <p>15 you're on the phone, you could press *9.</p> <p>16 Staff sees no hands raised and</p> <p>17 recommends a motion to open and close public</p> <p>18 comment.</p> <p>19 COMMISSIONER SANDKAMP: Motion.</p> <p>20 COMMISSIONER AMATUZZO: Second.</p> <p>21 MS. O'NEILL: Tony and Paul was</p> <p>22 second.</p> <p>23 All in favor?</p> <p>24 (Whereupon, a voice vote was taken; a</p> <p>25 chorus of "ayes" was heard.)</p>

<p style="text-align: right;">Page 145</p> <p>1 MS. O'NEILL: All right. We'll move 2 into staff comments. 3 Like normal, going right down to 4 staff recommendations and comments. This proposal 5 is almost identical to the previous work we have 6 approved at this site with the exception that 7 there's actually more typical preservation work 8 happening and that items are being retained and 9 restored, rather than replaced. As was mentioned 10 the bell tower entrance and like Jose mentioned 11 that the entrance ways of the church are no longer 12 being altered to accommodate entrance there, 13 they're just being restored in place. So that is 14 a net positive for this application. 15 Of course we would be remiss to not 16 mention that of course in our staff comments that 17 there's a significant amount of personal 18 demolition being proposed here and that this 19 application, while the applicant certainly is 20 meeting all the standards of the redevelopment 21 plan, it is a typical preservation in this case. 22 We do think that based on the 23 redevelopment plan that this is the best case 24 scenario. But, you know, that being said, it is 25 not within our jurisdiction to comment and review</p>	<p style="text-align: right;">Page 146</p> <p>1 on anything other than the -- what is being done 2 to the historic buildings, not the massing, not 3 the partial demolition, just what the treatment of 4 the historic building is. 5 That being said, HPC recommends 6 approval to the project to the Jersey City 7 Planning Board with the following conditions: 8 They are our standard conditions with the 9 exception of condition number one, which is that 10 all of the conditions approved under the previous 11 approval shall be carried through to this as well. 12 So those were a lot of very 13 nitty-gritty conditions that staff will note for 14 the record. The applicant was submitting their 15 signature sets for the Planning Board. They did 16 fulfill all of those conditions, so we are -- we 17 believe it's likely that they are going to again. 18 We have no concerns over, just want to make sure 19 that they carry through on this one as well. 20 I do also want to note for the record 21 that even though St. Lucy's is not a local 22 landmark, the phrasing of the redevelopment plan 23 has the HPC approving a certificate of 24 appropriateness on it, so we're going to be 25 following what's written in the redevelopment plan</p>
<p style="text-align: right;">Page 147</p> <p>1 and, again, so it'll be voting on a certificate of 2 appropriateness this evening. 3 Again, the staff recommendation is to 4 approve the COA with conditions and make a 5 recommendation for approval to the Planning Board. 6 Does anyone have any questions? 7 Okay. Hearing none, anyone want to 8 make a motion? 9 COMMISSIONER AMATUZZO: I'll make a 10 motion to approve with conditions to the Planning 11 Board. 12 COMMISSIONER GARRIGA: I'll second. 13 MS. O'NEILL: We will do a roll call 14 vote. 15 Commissioner Sandkamp? 16 COMMISSIONER SANDKAMP: Aye. 17 MS. O'NEILL: Commissioner AmatuZZo? 18 COMMISSIONER AMATUZZO: Aye. 19 MS. O'NEILL: Commissioner Blazak? 20 COMMISSIONER BLAZAK: I'm going to 21 abstain. 22 MS. O'NEILL: Okay. 23 Commissioner Gunther? 24 COMMISSIONER GUNTHER: Aye. 25 MS. O'NEILL: Commissioner Garriga?</p>	<p style="text-align: right;">Page 148</p> <p>1 COMMISSIONER GARRIGA: Aye. 2 MS. O'NEILL: Commissioner Cronin? 3 COMMISSIONER CRONIN: Aye. 4 MS. O'NEILL: Commissioner Lewis is 5 absent. Commissioner Sakong is absent. 6 Vice Chair Gucciardo? 7 VICE CHAIRMAN GUCCIARDO: Aye. 8 MS. O'NEILL: And Chairman Gordon? 9 CHAIRMAN GORDON: 10 MS. O'NEILL: All right. The COA 11 with conditions and recommendation for approval to 12 the Planning Board is granted. 13 MS. PORTER: Thank you very much. 14 MR. CARBALLO: Have a great evening. 15 MS. O'NEILL: Thanks, guys. 16 All right. We could continue up this 17 agenda. I was truly not expecting to finish this 18 agenda tonight, so that is a welcome relief and 19 gives us a much shorter August meeting. 20 Moving on on the agenda for tabled 21 cases, I have no update on French American 22 Academy. 11 Erie Street is actively working on 23 their application. If I do not hear from them, if 24 I don't have an update from them by the August 25 meeting, they will get an email requesting an</p>

<p style="text-align: right;">Page 149</p> <p>1 update because, again, this item has been listed</p> <p>2 on our agenda for a full year without ever</p> <p>3 actually appearing.</p> <p>4 289 Pavonia, we received an updated</p> <p>5 rendering from the architect; however, we have not</p> <p>6 received updated plans, so I would anticipate that</p> <p>7 coming back relatively soon.</p> <p>8 We did receive updated plans for</p> <p>9 247th Street that show a lot of changes that the</p> <p>10 Commission specifically asked for.</p> <p>11 So as of right now, that guy is</p> <p>12 tentatively scheduled for September, but based on</p> <p>13 the fact that we won't be carrying over any</p> <p>14 applications for this, that might go to August.</p> <p>15 We'll see what we can do there.</p> <p>16 Anyone have any questions on tabled</p> <p>17 cases?</p> <p>18 Okay. In that case, we have no</p> <p>19 resolutions to introduce or discuss, no</p> <p>20 resolutions to memorialize. We do not need an</p> <p>21 executive session, so that just leaves us with</p> <p>22 adjournment.</p> <p>23 COMMISSIONER GARRIGA: Motion to</p> <p>24 close.</p> <p>25 VICE CHAIRMAN GUCCIARDO: Second.</p>	<p style="text-align: right;">Page 150</p> <p>1 MS. O'NEILL: Okay. It's 9:48 p.m.</p> <p>2 All in favor?</p> <p>3 (Whereupon, a voice vote was taken; a</p> <p>4 chorus of "ayes" was heard.)</p> <p>5 MS. O'NEILL: All right. Thank you</p> <p>6 guys all for toughing that out.</p> <p>7 (Time noted: 9:48 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 151</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 I, SARA KILLIAN, Notary Public and</p> <p>4 Certified Court Reporter of the State of New</p> <p>5 Jersey, do hereby certify that the foregoing is</p> <p>6 a true and accurate transcript of the testimony</p> <p>7 as taken stenographically by and before me at</p> <p>8 the time, place and the date hereinbefore set</p> <p>9 forth.</p> <p>10 I DO FURTHER CERTIFY that I am neither</p> <p>11 a relative nor employee nor attorney nor</p> <p>12 counsel of any of the parties to this action,</p> <p>13 and that I am neither a relative nor employee</p> <p>14 of such attorney or counsel, and that I am not</p> <p>15 financially interested in the action.</p> <p>16</p> <p>17 -----</p> <p>18 SARA KILLIAN</p> <p>19 Certified Court Reporter</p> <p>20 C.S.R. License No. 30XI00240800</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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