

1 BOROUGH OF PALISADES PARK
 2 ZONING BOARD OF ADJUSTMENT
 3 MONDAY, OCTOBER 17, 2022
 4 7:03 p.m.

5 -----
 6 **Case No. 21-31**)
 7 Fan Associates, LLC) TRANSCRIPT OF
 8 15 Grand Ave) PROCEEDING
 9 Block: 505; Lot: 3 & 4)
 10 **Case No. 21-28**)
 11 112-118 Union Street)
 12 Block: 107; Lots: 4 & 5)
 13 **Case No. 22-04**)
 14 BMK Management)
 15 415 10th Street)
 16 Block: 415; Lot: 31)
 17 **Case No. 22-03**)
 18 Jeong Mi Lee)
 19 25 East Edsall Boulevard)
 20 Block 302, Lot 23)
 21 **Case No. 22-05**)
 22 Soon Nam Suk)
 23 313 East Central Boulevard)
 24 Block 410, Lot 19)
 25 **Case No. 22-06**)
 128 East Edsall Boulevard, LLC)
 128 East Edsall Boulevard)
 Block 320, Lot 23)

B E F O R E:

16 JOSEPH FERGUSON, CHAIRMAN
 17 PAUL ALBANESE, VICE CHAIRMAN
 18 ELEFTERIOS ELEFTERIOU, MEMBER
 19 VINCENT CARNOVALE, MEMBER (ABSENT)
 20 DAVID TERRANOVA, MEMBER
 21 JOHN GRALA, MEMBER
 22 SEONGHYE YOON, MEMBER (ABSENT)
 23 STEVEN BROGNA, ALTERNATE MEMBER 1
 24 CHARLIE CHUNG, ALTERNATE MEMBER 2
 25 MICHAEL LEE, ALTERNATE MEMBER 3

23 **LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**
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 21 Edsall Boulevard, LLC

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 17 STEVE COLLAZUOL, P.E., BOARD ENGINEER (TELEPHONIC)
 18 HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER
 19 MICHAEL KAUKER, P.P., BOARD PLANNER

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CHAIRMAN FERGUSON: I'd like to call the meeting to order. Paul, do you want to lead us in the flag salute.

(Whereupon, all rise for a recitation of the Pledge of Allegiance as lead by Vice Chairman Albanese.)

CHAIRMAN FERGUSON: In accordance with the Open Public Meetings Act, notice of this meeting has been posted on the borough bulletin board. Notice has also been provided to the official borough newspapers and filed with the Borough Clerk's office.

Roll call?

MS. LAMBRINIDES: Mr. Ferguson?

CHAIRMAN FERGUSON: Here.

MS. LAMBRINIDES: Mr. Albanese?

VICE CHAIRMAN ALBANESE: Here.

MS. LAMBRINIDES: Mr. Elefteriou.

MR. ELEFTERIOU: Here.

MS. LAMBRINIDES: Ms. Yoon?

(No response.)

MS. LAMBRINIDES: Mr. Carnovale?

(No response.)

MS. LAMBRINIDES: Mr. Terranova?

MR. TERRANOVA: Here.

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E X H I B I T S

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MS. LAMBRINIDES: Mr. Grala?

MR. GRALA: Here.

MS. LAMBRINIDES: Mr. Brogna.

MR. BROGNA: Here.

MS. LAMBRINIDES: Mr. Chung?

MR. CHUNG: Here.

MS. LAMBRINIDES: Mr. Lee?

(No response.)

CHAIRMAN FERGUSON: Mr. Lee?

(No response.)

CHAIRMAN FERGUSON: Charlie, did you -- he's here. Okay.

So we have five, six, seven, eight. So we have Charlie.

VICE CHAIRMAN ALBANESE: Seven.

CHAIRMAN FERGUSON: Five, six, seven.

Oh, good.

So we're all eligible to vote. Okay.

Okay. So first we're going to okay the minutes of the previous meeting. We all had a copy.

Is there any corrections to the meeting -- to the minutes?

VICE CHAIRMAN ALBANESE: I make a motion we accept the minutes.

CHAIRMAN FERGUSON: Motion to accept.

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1 Can I get a second?
 2 MR. ELEFTERIOU: I'll second.
 3 CHAIRMAN FERGUSON: Roll call.
 4 MS. LAMBRINIDES: Mr. Ferguson?
 5 CHAIRMAN FERGUSON: Yes.
 6 MS. LAMBRINIDES: Mr. Albanese?
 7 VICE CHAIRMAN ALBANESE: Yes.
 8 MS. LAMBRINIDES: Mr. Elefteriou?
 9 MR. ELEFTERIOU: Yes.
 10 MS. LAMBRINIDES: Mr. Terranova?
 11 MR. TERRANOVA: Yes.
 12 MS. LAMBRINIDES: Mr. Grala?
 13 MR. GRALA: Yes.
 14 MS. LAMBRINIDES: Mr. Brogna?
 15 MR. BROGNA: Yes.
 16 MS. LAMBRINIDES: Mr. Chung?
 17 MR. CHUNG: Yes.
 18 CHAIRMAN FERGUSON: Okay.
 19 Next we have one bill from Kauker &
 20 Kauker, and it's for \$525.00.
 21 And I'll make a motion we pay the bill.
 22 VICE CHAIRMAN ALBANESE: Second.
 23 CHAIRMAN FERGUSON: Roll call?
 24 MS. LAMBRINIDES: Mr. Ferguson?
 25 CHAIRMAN FERGUSON: Yes.

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1 CHAIRMAN FERGUSON: Roll call?
 2 MS. LAMBRINIDES: Mr. Ferguson?
 3 CHAIRMAN FERGUSON: Yes.
 4 MS. LAMBRINIDES: Mr. Albanese?
 5 VICE CHAIRMAN ALBANESE: Yes.
 6 MS. LAMBRINIDES: Mr. Elefteriou?
 7 MR. ELEFTERIOU: Yes.
 8 MS. LAMBRINIDES: Mr. Terranova?
 9 MR. TERRANOVA: Yes.
 10 MS. LAMBRINIDES: Mr. Grala?
 11 MR. GRALA: Yes.
 12 MS. LAMBRINIDES: Mr. Brogna?
 13 MR. BROGNA: Yes.
 14 MS. LAMBRINIDES: Mr. Chung?
 15 MR. CHUNG: Yes.
 16 CHAIRMAN FERGUSON: Okay. Next we have
 17 this one. This is from Mayor Sokolich. And he's
 18 asking for a withdrawal from 61 West Edsall
 19 Boulevard, which is not on the agenda tonight.
 20 But can I get a motion?
 21 VICE CHAIRMAN ALBANESE: I make a
 22 motion.
 23 MS. LAMBRINIDES: For a withdrawal.
 24 CHAIRMAN FERGUSON: Without prejudice
 25 obviously.

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1 MS. LAMBRINIDES: Mr. Albanese?
 2 VICE CHAIRMAN ALBANESE: Yes.
 3 MS. LAMBRINIDES: Mr. Elefteriou?
 4 MR. ELEFTERIOU: Yes.
 5 MS. LAMBRINIDES: Mr. Terranova?
 6 MR. TERRANOVA: Yes.
 7 MS. LAMBRINIDES: Mr. Grala?
 8 MR. GRALA: Yes.
 9 MS. LAMBRINIDES: Mr. Brogna?
 10 MR. BROGNA: Yes.
 11 MS. LAMBRINIDES: Mr. Chung?
 12 MR. CHUNG: Yes.
 13 CHAIRMAN FERGUSON: Okay. We have some
 14 adjournments that we have for tonight.
 15 Oh, this is a withdrawal. And it's
 16 from BMK Assets Management, 415-10th Street. And
 17 it's from their attorney. And they're requesting a
 18 withdrawal from the previous application.
 19 So can I get a motion for the
 20 withdrawal?
 21 VICE CHAIRMAN ALBANESE: I make a
 22 motion to withdraw.
 23 MS. DeCARLO: Without prejudice.
 24 CHAIRMAN FERGUSON: Without prejudice.
 25 MR. GRALA: I'll second.

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1 Roll call?
 2 MS. LAMBRINIDES: It's a withdrawal or
 3 ask for a continuation.
 4 CHAIRMAN FERGUSON: No. It's a
 5 withdrawal.
 6 MS. LAMBRINIDES: I'm sorry, I didn't
 7 get that address, 61?
 8 CHAIRMAN FERGUSON: Yes, 61, yes.
 9 MS. DeCARLO: 61 West Edsall Boulevard.
 10 MS. LAMBRINIDES: Who made the motion?
 11 CHAIRMAN FERGUSON: I think Paul did.
 12 MR. ELEFTERIOU: Second.
 13 MS. LAMBRINIDES: Okay.
 14 Mr. Ferguson?
 15 CHAIRMAN FERGUSON: Yes.
 16 MS. LAMBRINIDES: Mr. Albanese?
 17 VICE CHAIRMAN ALBANESE: Yes.
 18 MS. LAMBRINIDES: Mr. Elefteriou?
 19 MR. ELEFTERIOU: Yes.
 20 MS. LAMBRINIDES: Mr. Terranova?
 21 MR. TERRANOVA: Yes.
 22 MS. LAMBRINIDES: Mr. Grala?
 23 MR. GRALA: Yes.
 24 MS. LAMBRINIDES: Mr. Brogna?
 25 MR. BROGNA: Yes.

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1 MS. LAMBRINIDES: Mr. Chung?
 2 MR. CHUNG: Yes.
 3 CHAIRMAN FERGUSON: And last, but
 4 certainly not least, we have Case Number 21-28,
 5 112-118 Union Street.
 6 He's asking to be carried to
 7 the next meeting.
 8 MS. DeCARLO: November 21st.
 9 CHAIRMAN FERGUSON: November 21st.
 10 So if you're here for 112-118 Union,
 11 it's going to be heard.
 12 MS. DeCARLO: The applicant waived time
 13 constraints on that.
 14 CHAIRMAN FERGUSON: Yes. Okay. I make
 15 a motion that we accept.
 16 VICE CHAIRMAN ALBANESE: I'll second
 17 it.
 18 CHAIRMAN FERGUSON: Roll call?
 19 MS. LAMBRINIDES: Mr. Ferguson?
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. LAMBRINIDES: Mr. Albanese?
 22 VICE CHAIRMAN ALBANESE: Yes.
 23 MS. LAMBRINIDES: Mr. Terranova?
 24 MR. TERRANOVA: Yes.
 25 MS. LAMBRINIDES: Mr. Chung?

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1 Chair.
 2 CHAIRMAN FERGUSON: I'm talking to you.
 3 Yes, I'm talking to you.
 4 VICE CHAIRMAN ALBANESE: I second that.
 5 MR. ALAMPI: Again, for the record, my
 6 name is Carmine Alampi. I represent Fan Associates.
 7 My clients are sitting in the audience.
 8 This is our fifth public appearance.
 9 We have Mr. Gerald Naylis, an expert in
 10 fire management and fire control, who is actually
 11 attempting to park his car outside here.
 12 He's hiding on me.
 13 Mr. Naylis will be sworn in and give
 14 his credentials.
 15 But just very quickly, he has been
 16 dealing directly with your fire prevention official
 17 and with the fire chief. They have met, or
 18 corresponded, or tele-communicated or Zoomed --
 19 CHAIRMAN FERGUSON: Right.
 20 MR. ALAMPI: -- at least six or seven
 21 times over a two-month period, or longer.
 22 And there's been extensive discussion
 23 and a lot of ideas exchanged.
 24 And I think that Mr. Naylis will give
 25 his presentation.

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1 MR. CHUNG: Yes.
 2 MS. LAMBRINIDES: Mr. Elefteriou?
 3 MR. ELEFTERIOU: Yes.
 4 MS. LAMBRINIDES: Mr. Grala?
 5 MR. GRALA: Yes.
 6 MS. LAMBRINIDES: Mr. Lee?
 7 (No response.)
 8 MS. LAMBRINIDES: Mr. Brogna?
 9 MR. BROGNA: Yes.
 10 MS. DeCARLO: Case Number 21-28 is
 11 carried to November 21st, 2022.
 12 No further notice.
 13 CHAIRMAN FERGUSON: Okay. So first is
 14 15 Grand.
 15 Counsel, do you want put your...
 16 Before you start, I just want to make a
 17 general -- a general comment. We have a very full
 18 agenda tonight.
 19 I know everybody here wants to put
 20 their case on, and the residents want to ask
 21 questions, which is fine. I don't mind doing that.
 22 But if we could be brief, it would be
 23 greatly appreciated.
 24 Counsel, do you want to put your --
 25 MR. ALAMPI: Are you talking to me,

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1 And I note in the chamber, Michael
 2 Valente and Andy Chiurazzi are here. So they'll
 3 comment.
 4 I think that we've resolved favorably
 5 all of the concerns that the fire department would
 6 have.
 7 After we conclude that element, I'm
 8 going to recall Eric Keller, our engineer, because we
 9 did submit some revisions to the plans.
 10 So we'll identify it.
 11 But we also have an exhibit tonight to
 12 show the ingress and egress on the main driveway
 13 being completely within our boundary line, within our
 14 property line. We want to show that to the board.
 15 I'll make a few comments too as a
 16 summation.
 17 But if you prefer, Chairman, I
 18 understand that you're going to want to digest the
 19 transcripts and the exhibits and not bring a vote
 20 tonight.
 21 CHAIRMAN FERGUSON: That's correct.
 22 MR. ALAMPI: So perhaps I'll hold my
 23 summation until that night, because it will be
 24 fresher.
 25 CHAIRMAN FERGUSON: I've got no problem

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1 with that.

2 MR. ALAMPI: Because otherwise I'll
3 give you two summations.

4 CHAIRMAN FERGUSON: That's fine.

5 MR. ALAMPI: With that, I'm going to
6 call Mr. Naylis.

7 By the way, our exhibits, we were up to
8 A-36. I believe our last exhibit -- A-35 was our
9 last exhibit.

10 So we're going to swear in our expert
11 witness, and he's going to take over.

12 MS. DeCARLO: Your name and address,
13 sir.

14 MR. NAYLIS: Gerard Naylis, 21 South
15 Taylor Street, Bergenfield.

16 MS. DeCARLO: Do you swear or affirm
17 that the testimony you're about to give is the truth,
18 the whole truth, and nothing but the truth, regarding
19 this application?

20 MR. NAYLIS: Yes, I do.

21 G E R A L D N A Y L I S,
22 21 South Taylor Street, Bergenfield, New Jersey,
23 having been duly sworn, testifies as follows:

24 MR. ALAMPI: Thank you.

25 MS. LAMBRINIDES: Can you spell your
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1 VOIR DIRE EXAMINATION

2 BY MR. ALAMPI:

3 Q. Okay. Mr. Naylis, could you give us
4 the benefit of your educational and professional
5 background and certifications in your respective
6 disciplines?

7 A. Yes.

8 I am a graduate of Jersey City State
9 College.

10 I have a Bachelor's degree in Fire
11 Science.

12 I also have a Master's degree in
13 Administrative Science from Fairleigh Dickinson
14 University.

15 And I have an Associate's degree in
16 Applied Science from Bergen County College.

17 Additionally, I am -- I have -- I hold
18 the Associate in Risk Management Designation for the
19 Insurance Institute of America.

20 I worked in Atlantic City for the fire
21 department for a period of ten years, doing both
22 suppression and fire prevention work that included
23 plan review, new construction inspections, existing
24 inspections and fire investigation.

25 When I left Atlantic City, I went to
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1 name for the record, please?

2 The last name.

3 MR. NAYLIS: Naylis, N-A-Y-L-I-S.

4 MS. LAMBRINIDES: Thank you.

5 MR. NAYLIS: Mr. Chairman, I'm going
6 the apologize for my speech.

7 I recently had some surgery, as you can
8 see. I will do the best I can.

9 CHAIRMAN FERGUSON: There's no problem.
10 Take your time.

11 MR. NAYLIS: As part of the surgery, I
12 lost the hearing in my left ear.

13 So if you see me turning like this
14 (indicating), it's not anything against anybody here.
15 I just can't hear out of the left side of my ear.

16 CHAIRMAN FERGUSON: If you could...

17 MR. ALAMPI: I'll stand on your right
18 side.

19 MR. NAYLIS: Thank you, Carmine.

20 CHAIRMAN FERGUSON: Maybe you could
21 move the mic.

22 MR. ALAMPI: I am.

23 I'm going to bring it over.

24 MR. NAYLIS: Thank you very much.

25

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1 work for one of the three companies in the Factory
2 Mutual system. Factory Mutual is an HPR, or Highly
3 Protected Risk insurer, that insures large complexes
4 and large buildings.

5 I was with them for a period of
6 15-and-a-half years doing fire protection as well as
7 loss prevention type of inspections, property
8 reviews, and working with my customers to reduce
9 their long-term cost of risk by implementing --

10 CHAIRMAN FERGUSON: I think we'll
11 accept you as an expert.

12 MR. NAYLIS: Thank you.

13 I have worked on behalf of the Borough
14 of Pal Park as a fire safety expert in the past.

15 CHAIRMAN FERGUSON: Oh, good.

16 MR. NAYLIS: So I just want to make
17 sure that there's no --

18 CHAIRMAN FERGUSON: Yeah, we'll be
19 accepting him as an expert.

20 MR. ALAMPI: Thank you.

21 DIRECT EXAMINATION

22 BY MR. ALAMPI:

23 Q. So, Gerry, essentially you're the
24 fellow that advises insurance companies and risk
25 management, risk assessment, in eliminating as much

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1 risk as possible when it comes to fire code, fire
 2 suppression and construction issues with buildings?
 3 **A.** Yes.
 4 I also consult with fire departments
 5 and municipalities for the same reason.
 6 I've been an expert for different
 7 townships for their boards, reviewing projects and
 8 giving them the same advice.
 9 **Q.** And in your work, do you do -- do you
 10 give instructions?
 11 Do you give classes and courses?
 12 Are you active as a moderator in
 13 symposiums?
 14 **A.** Yes.
 15 Actually, I have taught throughout the
 16 United States, Canada and the United Kingdom.
 17 **Q.** Now, let's concentrate on this
 18 application. Have you had the opportunity to review
 19 the engineering plans, the architect's plans, the
 20 related reports, all relating to the proposal to
 21 construct a 122-unit residential building?
 22 **A.** Yes, I have.
 23 **Q.** Have you visited the site?
 24 **A.** Yes, I have.
 25 **Q.** Have you had the opportunity to

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1 plans and speaking with the architect directly
 2 regarding the building, itself?
 3 **A.** This project is actually going to be
 4 four levels of wood construction over two levels of
 5 concrete parking deck.
 6 So in our vernacular, we call that a
 7 four-over-two, which is permitted, according to the
 8 building code.
 9 The building code would have permitted
 10 this building to be built within an NFPA-13R type
 11 sprinkler system.
 12 After I reviewed the project, I made a
 13 recommendation to my client. I said, "I believe that
 14 this building would be better if it was outfitted
 15 with a complete NFPA-13 system.
 16 What's the difference between the two?
 17 The 13R system is considered a life safety system,
 18 and it's designed so that people have a window of
 19 opportunity for self-evacuation.
 20 An NFPA-13 system is actually designed
 21 to protect the building and the occupants.
 22 As an example, in a 13R system
 23 building, the combustible, concealed spaces do not
 24 have sprinklers in them.
 25 An example would be Avalon at

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1 interface with the Fire Prevention Bureau, Fire
 2 Department and Fire Chief?
 3 **A.** Yes, I have.
 4 **Q.** And what was your task? What were you
 5 charged to do by my office?
 6 **A.** I was asked to look at the plan,
 7 identify what I thought may be any shortcomings, and
 8 identify what improvements could be made that would
 9 make the building safer and more conducive to
 10 operations by the fire department.
 11 **Q.** Now, you had come aboard on this
 12 application maybe four months ago, correct?
 13 **A.** That is correct.
 14 **Q.** And I provided you with the letter
 15 report, the initial letter report of Mister -- of the
 16 Fire Official Andrew Chiurazzi dated July 21, 2022,
 17 correct?
 18 **A.** That is correct.
 19 Yes, you did.
 20 **Q.** And in addition to that report, we
 21 discussed the fire codes and the architectural plans.
 22 So let's start off with the
 23 architectural plans with the building fire
 24 suppression and such.
 25 What did you find from reviewing the

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1 Edgewater. And we know what happened there.
 2 **Q.** Were you involved in the aftermath of
 3 Avalon and doing some forensic review with your
 4 colleagues?
 5 **A.** Yes, I was.
 6 **Q.** And what did they find?
 7 **A.** They found that while the original
 8 building did have cutoffs installed throughout the
 9 building, over time when different trades would come
 10 in and make improvements, or enhancements, or
 11 installations, they would cut holes through the fire
 12 stopping, but they never shut them up.
 13 And as a result, when the fire started
 14 back in January of 2015, the fire went up the
 15 interior walls, and there was nothing to stop it.
 16 And so it just continued from floor to
 17 floor to floor until it hit the roof.
 18 And then it spread laterally. Once it
 19 involved all of that, it continued to spread
 20 laterally.
 21 And if I may, that complex was built
 22 like a big hand. This was the base (indicating).
 23 And you had wings that came out like this
 24 (indicating). The fire started over here
 25 (indicating). It spread down to here (indicating).

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1 It spread across, went up this one,
 2 spread across, went up to this, spread across, went
 3 up to this one (indicating).
 4 Q. For the record, you're gesturing up
 5 each finger, right?
 6 A. That is correct.
 7 And because there were no fire stops in
 8 place, the fire spread. There were also no
 9 sprinklers in those combustibles, concealed spaces.
 10 Q. Now, Gerry, when you say combustible,
 11 concealed spaces, you mean closets and small areas
 12 that didn't have their own separate fire detector,
 13 correct?
 14 A. Correct.
 15 Both closets as well as the space
 16 between the ceiling and the floor above, which
 17 measures approximately anywhere from 8 to 12 inches.
 18 And while it's just a small area, once
 19 a fire gets burning in there, it just runs from one
 20 end to the other.
 21 My recommendation to my client was that
 22 we should go with a full 13 system so that we have
 23 sprinkler protection in all of those combustibles,
 24 concealed voids.
 25 This was also a request from the

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1 areas for a 13R system is minimal. The full 13
 2 system, the design area is anywhere from 1,500 to
 3 2,000 square feet.
 4 And you will have to design it so that
 5 it supplies all of the sprinklers in that design
 6 area.
 7 A 13R system is only designed for four
 8 sprinklers flowing.
 9 The new building, as proposed, will
 10 actually have ten to 12 sprinklers, depending on
 11 where that design area sits that will be flowing.
 12 So we'll have a heavier, beefier,
 13 stronger sprinkler system to attack any fire.
 14 Now, additionally -- that was just the
 15 sprinklers. The other thing that I discussed with
 16 the fire department, and I got my client to agree to,
 17 is that halfway between each side, we are going to
 18 install a fire wall plus fire doors, so that if a
 19 fire actually did get into the hallway, even though
 20 it's sprinklered, we don't want smoke or fire to
 21 spread.
 22 So we're going to have cutoffs that
 23 prevent that from going.
 24 In fact, what we have are one-hour
 25 separations between the common areas and the units as

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1 Fire Prevention Office and the Fire Department.
 2 And I'm happy to say that my client
 3 agreed and said, if that's what we need to do, then
 4 that's what we'll do.
 5 So right away we've gone one step
 6 beyond what the minimum requirements of the building
 7 code are by providing additional sprinkler
 8 protection.
 9 Q. There isn't any more you could do for
 10 the sprinkler and suppression system?
 11 A. Well, for the sprinklers, no, because
 12 we put sprinklers pretty much everywhere they need to
 13 be, including, I will say, in the parking deck.
 14 That will also have sprinkler
 15 protection.
 16 Q. Does the 13R call for sprinklers in the
 17 parking deck?
 18 A. It would, yes.
 19 Q. And this system will have sprinklers in
 20 the parking deck --
 21 A. Yes.
 22 Q. -- even throw it's concrete?
 23 A. However, here's the difference.
 24 The density, which is the amount of
 25 water that comes out of the sprinkler and the design

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1 well as between each unit.
 2 There are one-hour walls. Sprinklers
 3 would activate in under five minutes.
 4 Based on my research, based on testing
 5 that I've done at Factory Mutual, I can stand here
 6 and say that the fire will not get out of a single
 7 apartment. It will be knocked down by the
 8 sprinklers.
 9 And the fire company will actually come
 10 in and do what we refer to as mop up or overhaul type
 11 of operations.
 12 They have a type of thing called a blow
 13 horn which aids in getting the smoke out of the
 14 building. And the way that they would operate is
 15 they would open the windows so that the smoke would
 16 go out the window. They would set up fans in the
 17 hallways to push fresh air into the unit and push
 18 that smoke out, minimizing the amount of smoke
 19 damage.
 20 Q. Now, Gerry, I'm going to jump around a
 21 little bit on that letter.
 22 A. Okay.
 23 Q. Relating to the items you just
 24 articulated, one of the items, Number 10, actually
 25 says:

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1 "To propose a supplemental water supply
2 at the perimeter."
3 I thought that might be an item that's
4 related to the fire suppression system?
5 A. I looked at that.
6 And the recommendation that I made,
7 because I believe that the water main on Grand Avenue
8 is substantial.
9 And I said, before we agree or disagree
10 on any particular thing, I think what we should do is
11 test the water supply.
12 And so I got permission from my client
13 and consulting with the fire department to run a
14 series of water supply tests to make sure that we
15 have an adequate water supply on Grand Avenue to
16 supply this complex.
17 Q. And do we?
18 A. We haven't run that test yet.
19 Q. But you will?
20 A. I will.
21 And I've been given permission from my
22 client. I have to work in conjunction with the water
23 utility. They own it, so they have to give us
24 permission and access.
25 I'm sure they're going to want to be

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1 that there was a concern with having apparatus left
2 on Grand Avenue because of the traffic situation it
3 may create.
4 So we discussed what was the best way
5 to effect complete fire safety and fire protection if
6 there was an alarm here.
7 Quite honestly, given the built-in fire
8 safety that we have between the cutoffs, the
9 construction, the fire walls and so forth
10 My belief is that one command vehicle,
11 either from the Fire Prevention Bureau or Command
12 Staff, would access either one of the driveways,
13 we'll call it north and south. There's plenty of
14 area where they can pull into.
15 It's also sufficient for a single
16 engine to access and be off of Grand Avenue. When I
17 was talking with the fire department, I said, "If I
18 was running this fire operation, I would keep the
19 fire apparatus on the side streets on the east side
20 of Grand Avenue so that they have the best
21 opportunity for providing access if needed."
22 And the question is, if needed.
23 The vast majority of fire alarms in
24 complexes such as these are either: A, false alarms;
25 B, carbon monoxide detectors; food on the stove,

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1 there.
2 Q. That would be Suez, or now Veolia?
3 A. Yes.
4 Q. You've dealt with them before, haven't
5 you?
6 A. Yes.
7 I've done numerous tests.
8 Q. Now, in addition to the suppression
9 system that you explained, and the water supplies,
10 there are a number of other issues in this initial
11 report.
12 Could you just work your way through
13 the comments and how you address them?
14 I know that we caused our arch -- our
15 engineers rather to do turning templates of the
16 various size equipment that the department has. And
17 you've reviewed those turning templates and
18 superimposed them on the site plan and looked at them
19 with the fire department?
20 A. Yes, I have.
21 Q. Can you just describe that process --
22 A. Sure.
23 Q. -- and how you went about it, and
24 whether or not you reconciled any of those concerns?
25 A. The fire department communicated to me

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1 which is limited to usually a pot that produces some
2 smoke to set off a smoke detector. It does not
3 require a lot of fire apparatus to get to the scene.
4 And so in talking with the fire
5 department, they agreed. They said, "We agree with
6 that assessment."
7 And so my client gave me the permission
8 to work with them to develop a response plan that
9 shows that they would come into one of the two
10 driveways. They could access those with a single
11 pumper. They have sufficient equipment to handle the
12 vast majority of any type of situation that happens
13 in this proposed building.
14 But I will tell you, there is always
15 the possibility -- and I can't sit here and say
16 100 percent of the time there will never be a
17 problem, there will never be a fire. There's always
18 a possibility.
19 If that's the case, I'm sitting here
20 and telling you right now, just as if there was a
21 fire across the street, this road would be closed
22 off, because they have to do -- operate safely.
23 And the same thing would be true at
24 this particular property.
25 However, I believe that the design and

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1 the construction will take into account most, if not
2 all, of the foreseeable problems that could occur and
3 enable the fire department to operate with a single
4 apparatus.

5 Now, what did we do so that that
6 apparatus could then leave the scene? I worked with
7 the engineer and my client to identify how we could
8 turn around an apparatus on the property so that when
9 they pull out, they don't have to back onto Grand
10 Avenue; they can come up the driveway to the entrance
11 and be able to drive out onto Grand Avenue.

12 So I think we've accomplished what the
13 fire department was looking for, and they agreed with
14 me.

15 Q. Now, a separate issue deals with the
16 garage itself, access to the parking garage, some
17 questions as to access.

18 Could you address accessibility of the
19 equipment?

20 A. Yes.

21 Q. Would any of the firefighting equipment
22 actually go in the garage --

23 A. No.

24 Q. -- if they were combating a fire?

25 A. No.

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1 Three levels. They agreed.

2 I said, "When it comes to the parking garage, my
3 recommendation as part of what I've been told to do
4 is to work with them to identify the distance they
5 would have to go with the hose line and with a
6 back-up hose line so that the firefighters can put
7 out the fire as well as protect each other."

8 Q. So on each floor there's a standpipe or
9 --

10 A. Yes.

11 Q. -- a group of standpipes?

12 A. There would be piping that would be
13 filled with water once there is a fire. And there is
14 a valve that opens up. The water flows through the
15 piping and it goes to the standpipe connection. The
16 fire department hooks up the hose to the standpipe
17 valve. They open that. And they have water in their
18 hoses to fight a fire.

19 Q. And the hoses themselves, are some
20 hoses housed in some cabinets at each level?

21 A. No.

22 Q. They drag them in?

23 A. The fire department will always use
24 their own hose. Their hose is tested every year. It
25 follows NFPA standards for NFPA 1962, which is the

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1 And there's several reasons. One,
2 fires produce smoke. So let's say it's a vehicle on
3 fire. The vehicle is producing large copious amounts
4 of smoke. Smoke is not friendly to a vehicle that is
5 trying to run and operate. It will choke out the
6 vehicle, because the vehicle engine needs oxygen and
7 fuel. If you put smoke into there, it will stall out
8 and not work properly.

9 So what we've done and incorporated
10 into the fire protection system are what are called
11 standpipes, both in the living section up above as
12 well as in the driveway, so that the fire department
13 can bring their hoses in, attach to the standpipe
14 connection, and be able to attack a fire without the
15 necessity of driving an apparatus into the parking
16 garage.

17 Q. Now, you assisted the development staff
18 with the location of these standpipes, or have you
19 suggested any modification to the standpipes?

20 A. For the four floors of living space
21 above, yes, I identified three areas. And the fire
22 department agreed.

23 Q. I think it's three levels of
24 residential.

25 A. I'm sorry.

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1 hose test standard, to make sure that they are
2 functioning correctly.

3 Q. That's a preferred practice to use
4 their own hose?

5 A. I have yet to find a fire department
6 that uses what are called house lines. They will
7 always use their own hoses.

8 Q. Because they're more trustworthy?

9 A. Correct.

10 Q. They've been tested regularly?

11 A. Correct.

12 Q. With regard to the other details of the
13 of the plans, I know that you had more input with the
14 architect to understand their firematic designs and
15 mechanicals.

16 A. Um-hmm.

17 Q. Did you find them all to be high
18 standards?

19 A. Yes, I did.

20 Q. And did you review them with the
21 Palisades Park Fire Department?

22 A. Yes. As I mentioned earlier, they have
23 a series of BlowHard fans.

24 These are large 24-inch diameter
25 electric fans that can move large volumes of air so

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1 that we can get the smoke out of the building very
2 rapidly.

3 **Q.** And what about other elements of the
4 mechanical systems, basically you've covered that
5 with your presentation?

6 **A.** Yep.

7 The other thing that we discussed --
8 again, my client has agreed to already -- I said the
9 fire code will require what are called rapid access
10 boxes with keys that will be at each entry point.

11 Additionally, those rapid access boxes
12 need to be located in each elevator lobby so the fire
13 department can gain control of the elevators should
14 they need to.

15 **Q.** So explain that again. What exactly is
16 that rapid --

17 **A.** The rapid access box is a key vault
18 that will be mounted outside.

19 The fire department has the access key
20 to get into the key vault. No one else can get in
21 there. That's why done that way.

22 So they can open that key vault. They
23 can get the keys to get in if there's nobody
24 available.

25 The difference is, this building is

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1 **Q.** Notwithstanding these practice runs
2 before the building is legally occupied, is there
3 going to be some collaboration with the department,
4 some manuals or instructions for them that they keep
5 them on file again to reinforce where these
6 facilities are located?

7 **A.** Yes.

8 There's going to be -- there's going to
9 be an office right adjacent to the front access point
10 where the manuals will be located so that the fire
11 department can gain access to them on an immediate
12 need basis.

13 And they said that that meets with what
14 they wanted to have.

15 They don't want to put them on a truck
16 for fear that they're going to get lost or fly
17 around.

18 If they're right there in the building,
19 as soon as they get there, they can open it up and
20 all this information will be there for them.

21 **Q.** They don't keep them in firehouses
22 because they can misplace them, they're on the site?

23 **A.** Correct.

24 **Q.** The fire personnel know where to go to
25 reach them?

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1 going to be staffed 24/7, so there will be somebody
2 there.

3 But in the unlikely event somebody is
4 not there, for whatever reason, the fire department
5 can still get in.

6 There will also be this key vault in
7 the elevator lobby with the elevator keys. Now, it's
8 easy to say, well, aren't all elevator keys the same?

9 And the unfortunate reality is, no,
10 they're not.

11 Which is why we need to make sure there
12 is a key vault in the elevator lobby with those
13 specific elevator keys.

14 The other thing that I asked my client,
15 and he agreed to, was to let the fire department
16 conduct training exercises before the building is
17 occupied so that all of their members get the
18 opportunity to go in, see how these work, see where
19 the sprinkler control valves, see where the standpipe
20 control valves are.

21 We discussed the location of fire
22 hydrants on the property and where the fire
23 department connection is, that is where they would
24 pump into the suppression system if there was a need
25 to.

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1 **A.** That is correct.

2 **Q.** With regard to the other elements of
3 the letter, you went way beyond this July 22nd --
4 July 21st letter in your discussions, because your
5 meetings with the fire department went beyond these
6 issues into the next issue, into the next issue, into
7 the different scenarios, right?

8 **A.** Yes.

9 I'll give you an example of where we
10 actually exceeded the code -- the basic code
11 requirements.

12 The New Jersey Fire Code requires that
13 snow be removed -- be removed within 24 hours, if you
14 have a snowfall, from fire hydrants.

15 My client said we're going to go better
16 than that. We're going to make sure that the means
17 of egress are cleared of snow, the fire hydrants will
18 be cleared of snow, and the standpipe connections
19 will be cleared of snow.

20 I suggested, based on some work that
21 I've done in the past, that we are going to endeavor
22 to have snow removal of those items start within four
23 hours of the last falling of snow, even though the
24 code says we have 24 hours.

25 We're very concerned about safety, the

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1 safety of the people in the building as well as the
2 fire department.
3 It's common for a project of this sort
4 to contract with a private entity to do this snow
5 removal.

6 And my belief is that we'll be able to
7 do that, and we'll be able to start within four
8 hours.

9 Q. Is there anything else, Gerry, with
10 regard to your interfacing before we turn over to
11 Mr. Valente and Mr. Chiurazzi, anything else you want
12 to add?

13 You're here to answer questions, but in
14 that collaboration, is there anything else in your
15 presentation?

16 A. I will just say that my client has
17 given me a green light to work with the fire
18 department to assure that any concern that they have
19 is addressed and taken care of.

20 Q. Let's talk about electric vehicles and
21 the challenge.

22 As you know, the State of New Jersey
23 has mandated all new development, residential and
24 commercial, to establish EV stations in so many -- a
25 certain percentage of what we call electric vehicle

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1 various ways to extinguish EV fires. The one thought
2 process is to lift it up with a crane, put it into a
3 container of some type, and flood the container,
4 trying to keep the water in there.

5 The reality is that it doesn't stop the
6 vehicle from burning. It doesn't stop the batteries
7 from breaking down.

8 And the industry -- battery industry
9 has not given us, the fire service, any good
10 information as to how to combat these types of fires.

11 As an example, just to tell you how bad
12 these things are, the City of New York has had over
13 300 EV-type fires in the past year. They are working
14 at coming up with a protocol. And right now they are
15 looking at these as being HAZMAT incidents, and
16 they're trying to come up with a methodology for
17 dealing with them.

18 Unfortunately -- and this is my opinion
19 and my opinion only -- I think that the State of New
20 Jersey and in fact the federal government have rushed
21 in getting electric vehicles into our society.

22 And I dare say that we are going to pay
23 the price. I can tell you for a fact in my
24 department where I'm a firefighter, we've already had
25 two EV fires. One was relatively minor. It involved

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1 parking stalls, correct?

2 A. Correct.

3 Q. You're familiar with the law that was
4 passed last July?

5 A. Yes, I am.

6 Q. And although the state believes that
7 they studied all the situations that could come up,
8 the sad truth is they did not, right?

9 A. That is correct.

10 Q. So from a firematic and first
11 responder's response, what is the big challenge that
12 you face with electric vehicle, say, fires of an
13 electric vehicle in a contained space; what's the
14 challenge that was not -- that did not exist years
15 ago?

16 A. I will start by saying that I am on the
17 State Fire Safety -- State Fire Commission and have
18 been for 30 years. I raised this issue at our
19 meeting in July.

20 My fear is that no fire department will
21 be able to extinguish a fire in an electric vehicle
22 because of the operation and the degradation of
23 lithium ion batteries, which are the types of
24 batteries that are in the electric vehicles.

25 There are some people who have tried

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1 a hummer board. We got it out of the building very
2 quickly.

3 The second wasn't so fortunate. We had
4 people hanging out of windows that had to be rescued
5 because the fire completely ran away and destroyed
6 the second floor of that building. They couldn't get
7 down the stairwell.

8 I wish I could tell you that there's a
9 quick, easy solution. I dare say that your fire
10 department, just like mine and all others, will have
11 nothing more than great challenges trying to contain
12 EV fires. The best thing I can offer right now, and
13 it's the only solution that fire departments are
14 working on, is having winches so that they can pull
15 these vehicles out from a building and have them in a
16 parking lot so that they don't endanger other
17 vehicles or people.

18 Q. Now, if I were to tell you that the
19 State of New Jersey is initiating a grant study in
20 the community colleges to develop a type of a blanket
21 that would go over such a vehicle, something like
22 that that's being -- that's being reviewed, you're
23 not surprised that they're looking at different ways
24 of containing a fire like this?

25 A. I'm not surprised.

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1 I will tell you I am not hopeful.
 2 Q. Okay.
 3 But this is mandated by law, the
 4 electric vehicles, correct?
 5 A. That is correct.
 6 Q. We will do everything that can be done,
 7 and more, based on your training, background and
 8 recommendations to the client?
 9 A. That is correct.
 10 Q. Anything else in regard to the concerns
 11 raised by the fire department?
 12 We talked about vehicles. We evaluated
 13 the fleet, the size of the fleet, the type of
 14 equipment, the location, access to the site, ingress,
 15 egress.
 16 Have we addressed all those terms
 17 satisfactorily?
 18 A. Yes, I believe we have.
 19 Q. Is there anything else, Gerry?
 20 A. No.
 21 MR. ALAMPI: Okay, I don't want to be
 22 redundant.
 23 Chairman, I offer Mr. Naylis's
 24 testimony to you.
 25 You may want to ask your fire
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1 consultants if they have agreed with these comments
 2 or not.
 3 CHAIRMAN FERGUSON: Well, I think that
 4 would be the best course of action. I do have some
 5 questions, but I will defer to our fire department
 6 and see if they cover my concerns.
 7 So, Mr. Chiurazzi, are you willing to
 8 testify?
 9 Stand up and get sworn in.
 10 MS. DeCARLO: Please state your name
 11 and address for the record.
 12 MR. CHIURAZZI: Andrew Chiurazzi,
 13 17 Evergreen Street, Waldwick, New Jersey.
 14 MS. DeCARLO: Do you swear or affirm
 15 that the testimony you're about to give will be the
 16 truth, the whole truth, and nothing but the truth?
 17 MR. CHIURAZZI: I do.
 18 A N D R E W C H I U R A Z Z I,
 19 17 Evergreen Street, Waldwick, New Jersey, having
 20 been duly sworn, testifies as follows:
 21 THE COURT REPORTER: I'm sorry,
 22 Mr. Chairman.
 23 Can I get the spelling of your last
 24 name?
 25 MR. CHIURAZZI: C-H-I-U-R-A-Z-Z-I.
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1 CHAIRMAN FERGUSON: Okay, counsel.
 2 So Mr. Chiurazzi, you heard the
 3 testimony.
 4 Is there any part of that testimony, in
 5 full or in part, that your department doesn't agree
 6 with?
 7 MR. CHIURAZZI: No.
 8 CHAIRMAN FERGUSON: No?
 9 So everything that he said, he covered.
 10 MR. CHIURAZZI: Yes.
 11 Everything has been covered.
 12 As they allude to, we generated a list
 13 of concerns based on our preliminary review of their
 14 site plans --
 15 CHAIRMAN FERGUSON: Right, Number 10.
 16 MR. CHIURAZZI: -- dated July 21st.
 17 Each of those items have been addressed.
 18 I'll caveat that statement with the
 19 maneuverability plan and the challenges that we still
 20 think we have, and they alluded to it during that
 21 testimony, that the top parking lot and being able to
 22 maneuver apparatus in and out is going to be
 23 challenging because some of our drivers are not as
 24 capable as others.
 25 CHAIRMAN FERGUSON: Right.
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1 So when you say that there might be
 2 some maneuverability challenges, why don't you
 3 give...
 4 MR. CHIURAZZI: So the challenges again
 5 are specifically associated with the top lot, the
 6 Grand Avenue access.
 7 What we would do to potentially
 8 mitigate those concerns would be to develop standard
 9 operating guidelines whereby we dedicate our
 10 apparatus to the more northern lot and probably our
 11 Chief's vehicles to the top lot.
 12 CHAIRMAN FERGUSON: Okay.
 13 So, obviously, I'm not a firefighter,
 14 but I just have just a couple questions.
 15 And number one, I looked at the plans.
 16 I see that there's the back section and also one of
 17 the side sections, you don't have access to to fight
 18 that fire.
 19 In other words, you don't have access
 20 to all four sides
 21 Is that correct?
 22 MR. CHIURAZZI: Correct.
 23 CHAIRMAN FERGUSON: Right.
 24 So if there was a fire in the rear of
 25 the building, right, how would the Pal Park Fire
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1 Department -- the standpipes -- I don't know -- how
2 would you fight that fire?

3 MR. CHIURAZZI: So, again, we would
4 probably dedicate our apparatus to the initial
5 driveway.

6 And we would, in all likelihood, need
7 to make use of the adjacent property for access to
8 the other sides of the building that we couldn't get
9 from the 15 Grand side.

10 CHAIRMAN FERGUSON: Okay. So it would
11 depend on another person's property to get in.

12 MR. CHIURAZZI: Potentially.
13 To access the western or the C side of
14 the structure.

15 CHAIRMAN FERGUSON: Now, when -- I
16 don't know when I picked it up or... They had a --
17 you never want to pull the apparatus next to a
18 building in case the building collapses, right?

19 MR. CHIURAZZI: Correct.

20 CHAIRMAN FERGUSON: So you would pull
21 up -- you would come in from Grand Avenue.

22 I'm talking about the most northerly
23 entrance. You would enter that way. Do you -- and
24 I'm going to ask my expert on -- do you think your
25 apparatus can maneuver that turn?

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1 it's me, but when I hear the word "challenging," you
2 know, it's a concern to me that -- because it's the
3 old Murphy's Law: Whatever can go wrong will go
4 wrong.

5 And I'm just -- when I hear
6 "challenging," you know, I don't know where -- you
7 know, that leaves me with a little desire.

8 But the other thing is, how are you
9 going to fight the car fires in the parking garages?

10 From his expert's testimony, he seems
11 to think there is no viable way.

12 MR. CHIURAZZI: So they're going to
13 provide us with standpipe systems within the confines
14 of the building to be able for us to come in, hook
15 our hose lines up to it, and fight a vehicle fire
16 within the confines of the garage.

17 CHAIRMAN FERGUSON: I guess that's just
18 -- and I probably misheard him.

19 A fire department arrives. You take
20 your hoses, empty hoses.

21 You hook up to the standpipes. And
22 that allows you to fight a fire.

23 The standpipes are already charged with
24 water, correct?

25 MR. CHIURAZZI: Correct.

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1 I understand that their expert was you
2 can fight everything from Grand Avenue.

3 But do you think your apparatus can
4 make that turn onto the property?

5 MR. CHIURAZZI: In the northern
6 location? The northern access point?

7 CHAIRMAN FERGUSON: Yes.

8 MR. CHIURAZZI: We have a better
9 opportunity to do it in the north than we do on the
10 eastern portion of the building, by far.

11 CHAIRMAN FERGUSON: By far. Okay.

12 Do you see the need -- let's just say
13 now that the fire isn't in that building.

14 Let's just say that it's in a car, you
15 know -- you know, next to that building. How would
16 you fight that fire? How would you -- I mean, you
17 could pull right in and fight the fire?

18 MR. CHIURAZZI: Yeah.

19 That's the way we would do it, uh-huh.

20 And again, while it's challenging to access the
21 eastern portion of the building off of Grand Avenue,
22 it can be accomplished.

23 And, you know, we would have to
24 dedicate our resources based on the situation.

25 CHAIRMAN FERGUSON: I don't know, maybe

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1 CHAIRMAN FERGUSON: So you just log
2 your hoses and hook them up to the standpipe.

3 Now, what's the distances between
4 standpipes?

5 In other words, is it 100 feet, 150
6 feet?

7 Are they going to add standpipes to...

8 MR. CHIURAZZI: Yes, they are.

9 They are. And I'm going to offer,
10 based on the take-offs that we did, dimensions, they
11 were maybe 100 feet apart. But we as part of our
12 apartment packs, which is what we use in those
13 instances, we carry 150 feet of
14 inch-and-three-quarter hose.

15 CHAIRMAN FERGUSON: So in other words,
16 you would want a standpipe every 150 --

17 MR. CHIURAZZI: Or less.

18 CHAIRMAN FERGUSON: Or whatever.

19 MR. CHIURAZZI: Depending on, you know,
20 wraparound vehicles and, you know, maneuver, navigate
21 through the drive lanes.

22 CHAIRMAN FERGUSON: And the expert said
23 that all areas with this new system is all coupled.

24 In other words, there's no attic or
25 closet. Everything is going to be covered with a

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1 sprinkler system.

2 MR. CHIURAZZI: With a suppression
3 system head.

4 CHAIRMAN FERGUSON: Either within the
5 garage or in the building, itself?

6 MR. CHIURAZZI: In the residential
7 areas as well.

8 CHAIRMAN FERGUSON: Okay. Does your
9 expert have anything to say?

10 MR. ALAMPI: He does.

11 MR. NAYLIS: Yes.

12 With respect to how would we fight or
13 the fire department would fight a fire in the
14 building.

15 CHAIRMAN FERGUSON: Yeah.

16 MR. NAYLIS: Number one, the sprinklers
17 would activate and they would be immediately
18 controlling the fire, even before the fire department
19 rolls out the door to arrive on scene.

20 Secondly, by keeping the doors closed,
21 we're containing the smoke from spreading out. The
22 fire department would go up the noncombustible stair
23 tower to get to the floor where the fire is. They
24 would have their personal protective equipment. They
25 would have a self-contained breathing apparatus. And

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1 set it so that a ladder truck can come in and we can
2 have people climb down a ladder?

3 CHAIRMAN FERGUSON: Right, right.

4 MR. NAYLIS: That's probably the most
5 unsafe way for someone to try to evacuate a building.

6 CHAIRMAN FERGUSON: Right.

7 I probably agree, particularly when you
8 have high-rises when your ladders only go up three,
9 four stories, whatever it is.

10 And then anybody above that is
11 basically -- no way to get them out.

12 MR. ALAMPI: They've got to jump.

13 MR. NAYLIS: Well, we don't anybody to
14 jump. And we want them to follow the directions of
15 the fire department.

16 But I think that the construction
17 elements that we've designed into this building, will
18 make this one of the safest buildings in the entire
19 Borough of Pal Park.

20 CHAIRMAN FERGUSON: Okay.

21 MR. ALAMPI: Chairman, just to that
22 point, can I ask Mr. Chiurazzi maybe two questions.

23 CROSS EXAMINATION

24 BY MR. ALAMPI:

25 Q. Andrew, regarding other residential

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1 restage so that they could attack the fire.

2 But I have to be honest with you. My
3 experience, all the testing that I've done, the fire
4 is going to be quite minor. It's going to be knocked
5 down by the sprinkler system.

6 And again, that's because we're going
7 with an NFPA-13 system which has a beefier design.
8 It's not limited to the amount of water it's going to
9 dispense. It's going to be probably discharging
10 anywhere about 40 gallons per sprinkler.

11 And based on the design and layout of
12 an apartment, you're probably going to be discharging
13 anywhere from 200 to 250 gallons a minimum in that
14 dwelling unit which is, frankly, more than you're
15 going to get out of the inch-and-three-quarter hose
16 that they're bringing in the door.

17 CHAIRMAN FERGUSON: Okay.

18 Anything else?

19 MR. NAYLIS: I will just say that I
20 think that the stair towers, because they're
21 noncombustible, are the safest way for the fire
22 department to attack a fire.

23 It's also the safest way for people to
24 evacuate.

25 A lot of people say, well, why don't we

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1 development, multiple dwelling residential
2 developments, you know that on the east side of Grand
3 Avenue there looks to be a 40- or 45-unit building
4 about two blocks to the north?

5 Yes, you're familiar with that?

6 AUDIENCE MEMBER: The address is
7 560 Grand Avenue.

8 BY MR. ALAMPI:

9 Q. 560 Grand Avenue?

10 A. It's more than two blocks.

11 But, yes, I'm familiar.

12 Q. Then on the Leonia border on Grand
13 Avenue again going north, on the border of Leonia and
14 Palisades Park, there's a new building just being
15 occupied that looks like a four-story building
16 surface parking.

17 Were you involved with this extensive a
18 review of the firematic response on those buildings?

19 A. I don't -- I don't recall that.

20 Q. But they would have the same
21 challenges, wouldn't they?

22 A. Absolutely.

23 Q. So the scrutiny that we reviewed here
24 is really something much higher than you normally are
25 asked to be involved with.

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1 Is that a fair statement?
 2 A. Somewhat.
 3 I don't want to say normal.
 4 Q. No.
 5 But what I'm getting at is, we were
 6 very open and candid with the development?
 7 A. Yes, absolutely.
 8 Q. And you were very helpful in your
 9 comments. We came to a -- do you have a real high
 10 confidence in the fire safety of this building?
 11 Forget the zoning and planning, but the
 12 fire safety of the building, do you have a strong
 13 sense of confidence in firefighting here? We've
 14 taken as much as we can to state of the art?
 15 A. Yes, I do.
 16 MR. ALAMPI: Thank you.
 17 CHAIRMAN FERGUSON: Okay, Paulie, go
 18 ahead.
 19 VICE CHAIRMAN ALBANESE: Yeah.
 20 Andy, you said on certain conditions
 21 you're going to have to use the other guy's property
 22 to get the fire truck on, okay?
 23 Now, that property belongs to him.
 24 Now, what happens if he takes that
 25 property and does something where you can't get in?

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1 or not, I don't think you're going to get in with a
 2 truck. You're counting on that property that doesn't
 3 belong to this applicant.
 4 In case there's a certain fire that you
 5 have to get that vehicle in there, the truck, you
 6 can't get it in there
 7 Is that right?
 8 MR. CHIURAZZI: Depending on the
 9 circumstances, that is correct, right.
 10 VICE CHAIRMAN ALBANESE: In other
 11 words, would you be able to get the truck in there
 12 without that property?
 13 MR. CHIURAZZI: Not to the extreme west
 14 end of the building, no.
 15 VICE CHAIRMAN ALBANESE: Okay. That's
 16 all I wanted to know.
 17 CHAIRMAN FERGUSON: Sure.
 18 MR. ALAMPI: Let Mr. Naylis allay
 19 Mr. Albanese's concern.
 20 MR. NAYLIS: The biggest point is that
 21 the fire protection that -- and the construction
 22 elements that my client has designed into the
 23 building is totally irrespective of any access from
 24 the property that we are commonly calling Number 21
 25 Grand Avenue.

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1 Now what?
 2 MR. CHIURAZZI: We're going to be in a
 3 pickle.
 4 VICE CHAIRMAN ALBANESE: That's what
 5 I'm saying.
 6 You're taking somebody's property,
 7 okay?
 8 And then, you know, he could do what he
 9 wants to with it.
 10 For some reason he does something that
 11 blocks it off or something, you can't get in there.
 12 MR. CHIURAZZI: And not only that, you
 13 know, potentially just vehicles, random vehicles
 14 parked within the zone --
 15 VICE CHAIRMAN ALBANESE: Yeah.
 16 He could say -- make it private, you
 17 know. I don't know. I don't think he would do it.
 18 I don't know.
 19 But if something like that happened,
 20 you couldn't get in there with a truck.
 21 Is that right?
 22 MR. CHIURAZZI: It would be extremely
 23 difficult.
 24 VICE CHAIRMAN ALBANESE: I don't think
 25 you're going to get in there with a truck. Extremely

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1 It's all designed so that we can access
 2 and use the construction elements, including the
 3 noncombustible stair towers, the standpipes, the
 4 sprinkler system working in conjunction to keep any
 5 fire situation to the barest minimum.
 6 VICE CHAIRMAN ALBANESE: I understand
 7 what you're saying, but if this vehicle has to get
 8 down there? It can't.
 9 Like you says, something could happen.
 10 Is that what you said before?
 11 MR. NAYLIS: I'm not going to sit here
 12 and say that --
 13 VICE CHAIRMAN ALBANESE: You made a
 14 statement before, you said something could happen.
 15 MR. NAYLIS: Something could happen.
 16 VICE CHAIRMAN ALBANESE: Okay.
 17 If they can't get that vehicle in
 18 there, then what happens?
 19 MR. NAYLIS: Then they're going to have
 20 to go through parking garage. They're going to have
 21 to go through the stair towers. They're going to
 22 have to access other parts of that building.
 23 VICE CHAIRMAN ALBANESE: Somebody could
 24 die in the fire.
 25 MR. NAYLIS: I'm sorry, could you speak

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1 up?
 2 VICE CHAIRMAN ALBANESE: Somebody could
 3 get killed in the fire because they can't get the
 4 fire apparatus down in there.
 5 MR. NAYLIS: I think the fire apparatus
 6 will be able to access the northern driveway.
 7 VICE CHAIRMAN ALBANESE: Excuse me.
 8 I'm talking about you want to get on 21 Grand Avenue.
 9 You want to get on their property.
 10 If the vehicle can't get in there --
 11 MR. NAYLIS: I don't necessarily think
 12 that they will have to access 21 Grand in order to
 13 successfully --
 14 VICE CHAIRMAN ALBANESE: Maybe that's
 15 what you think.
 16 MR. NAYLIS: -- contain or control a
 17 fire.
 18 VICE CHAIRMAN ALBANESE: I'm talking to
 19 the fire department. They have to get that vehicle
 20 down there. They can't get it down there.
 21 MR. NAYLIS: Again, I don't think
 22 that's going to be a necessity.
 23 VICE CHAIRMAN ALBANESE: Well, I don't
 24 think what you think is right.
 25 I think because if that vehicle can't

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1 expert. That's what I'm saying.
 2 Something can happen. If that truck
 3 can't get down there, something can happen.
 4 MR. ALAMPI: Nobody ever said the truck
 5 can't get down there. They said it could be a
 6 challenge to maneuver.
 7 You're the one that said --
 8 VICE CHAIRMAN ALBANESE: No, no.
 9 You're talking about -- they said they might have to
 10 use 21 Grand Avenue's property to get that vehicle
 11 down there.
 12 MR. ALAMPI: Not to get it down there,
 13 but maybe to swing it around.
 14 But not to get down there. It's two
 15 different issues.
 16 MR. CHIURAZZI: Those are distinct
 17 issues, Carmine.
 18 One is the north side. That's the
 19 maneuverability item.
 20 But to the extreme west end of the
 21 building, we can't access it from the property.
 22 VICE CHAIRMAN ALBANESE: Okay.
 23 So -- okay, so now you can't get in
 24 there -- Carmine.
 25 Carmine, you can't get in there if it

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1 get down there, they won't be able to do their job;
 2 somebody is going to get hurt.
 3 MR. ALAMPI: I don't think you can
 4 make --
 5 VICE CHAIRMAN ALBANESE: Something
 6 could happen.
 7 MR. ALAMPI: Mr. Albanese, I don't
 8 think you can make that conclusion.
 9 VICE CHAIRMAN ALBANESE: But he's
 10 making a conclusion.
 11 MR. ALAMPI: Because he's an expert
 12 witness.
 13 VICE CHAIRMAN ALBANESE: I'm asking.
 14 He's an expert.
 15 That makes him exactly right.
 16 MR. ALAMPI: Yes.
 17 That's why we --
 18 VICE CHAIRMAN ALBANESE: He made a
 19 statement. He's your expert witness -- excuse me.
 20 Excuse me.
 21 He made the statement. He says, you
 22 know, something could happen.
 23 MR. ALAMPI: Of course.
 24 Anything can happen.
 25 VICE CHAIRMAN ALBANESE: He's an

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1 happened like he says.
 2 MR. ALAMPI: No, no, you're mixing it.
 3 The north driveway is accessible.
 4 MR. CHIURAZZI: Correct.
 5 MR. ALAMPI: The south driveway is the
 6 real challenge.
 7 MR. CHIURAZZI: And is a challenge.
 8 But the west end of the building is
 9 inaccessible without the use of 21.
 10 MR. ALAMPI: Right.
 11 On the west side of the building.
 12 MR. CHIURAZZI: Correct.
 13 MR. ALAMPI: Right.
 14 Thank you.
 15 VICE CHAIRMAN ALBANESE: In other
 16 words, you can't get in there unless you can use
 17 21 Grand Avenue.
 18 MR. CHIURAZZI: Correct.
 19 MR. ALAMPI: No, no.
 20 You can't get in there by truck.
 21 VICE CHAIRMAN ALBANESE: What are you
 22 using? An ice cream truck or something.
 23 MR. ALAMPI: Let's not be facetious,
 24 okay.
 25 The truck, itself, can get onto the

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1 site. The truck may not get around to the west
 2 aspect, then the men go by foot with equipment in the
 3 fire -- in a safe repose.
 4 VICE CHAIRMAN ALBANESE: Carmine, they
 5 can't get the truck down there, okay?
 6 It's as simple as that. They have to
 7 get that vehicle down there.
 8 You're saying no, they don't have to.
 9 I don't think you're right.
 10 I think they have to get that truck
 11 down there. They're telling you they can't get that
 12 truck down there.
 13 MR. ALAMPI: They didn't say -- not on
 14 the north side, not on the north driveway.
 15 VICE CHAIRMAN ALBANESE: I'm talking
 16 about what he says about getting the fire truck down
 17 there.
 18 He's got to use the 21 Grand Avenue
 19 property.
 20 MR. ALAMPI: Maybe he could clarify the
 21 north driveway.
 22 VICE CHAIRMAN ALBANESE: We're not
 23 talking about --
 24 MR. ALAMPI: I don't agree with what
 25 you're saying.

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1 site.
 2 Does that have any impact on the fire?
 3 MR. NAYLIS: No.
 4 Because I think that the construction
 5 elements, the fire protection built into the
 6 building, more than address what the needs are.
 7 MR. SIMOFF: I'm talking about the
 8 existing building. The existing building.
 9 MR. NAYLIS: Right.
 10 MR. SIMOFF: The existing building is
 11 --
 12 CHAIRMAN FERGUSON: Four stories, five
 13 stories.
 14 MR. SIMOFF: It's like six or seven
 15 stories.
 16 MR. ALAMPI: Six stories.
 17 MR. NAYLIS: And the sprinkler system
 18 will be reinforced. It will have standpipes. It
 19 will have cutoffs.
 20 MR. SIMOFF: The existing building.
 21 MR. NAYLIS: That's my understanding,
 22 yes.
 23 And we have to do that under building
 24 code.
 25 MR. SIMOFF: But I'm just questioning

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1 I don't agree that was his testimony.
 2 VICE CHAIRMAN ALBANESE: Well, I don't
 3 agree with what you're saying.
 4 CHAIRMAN FERGUSON: All right. We get
 5 it.
 6 Any other things -- anything you want
 7 to add, Mr. Chiurazzi?
 8 MR. CHIURAZZI: No.
 9 CHAIRMAN FERGUSON: Counselor, you're
 10 going to put your engineer on.
 11 MR. ALAMPI: I have no other questions
 12 for Mr. Naylis.
 13 CHAIRMAN FERGUSON: I have none.
 14 Let me just go around. Does anyone on
 15 the board have any questions?
 16 (No response.)
 17 CHAIRMAN FERGUSON: Any of our experts?
 18 MR. SIMOFF: I have a question.
 19 CHAIRMAN FERGUSON: Sure.
 20 MR. SIMOFF: The existing building has
 21 access on all four sides?
 22 MR. NAYLIS: That's my understanding.
 23 MR. SIMOFF: And when this housing
 24 project is built, there won't be a cross between the
 25 north side of the site and the south side of the

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1 -- I'm not an expert.
 2 My question is related to site layout.
 3 And right now you can't get -- you can't get on all
 4 sides of the building because you can go from the
 5 north driveway to the south driveway.
 6 But my question is, does that have an
 7 impact on the existing?
 8 MR. NAYLIS: I do not believe it has an
 9 impact on the ability of the fire department to
 10 contain and control a fire.
 11 MR. SIMOFF: That's my question.
 12 CHAIRMAN FERGUSON: Okay.
 13 Anything else?
 14 MR. ALAMPI: Do you want to open to the
 15 public?
 16 I wanted to let...
 17 CHAIRMAN FERGUSON: I want to take care
 18 of my experts first.
 19 MR. KAUKER: Nothing related to fire,
 20 no.
 21 CHAIRMAN FERGUSON: Mr. Kauker,
 22 nothing.
 23 Anybody in the public have anything to
 24 say?
 25 (No response.)

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1 CHAIRMAN FERGUSON: Nobody in the
 2 public has anything to say.
 3 Okay. We want to thank you for your
 4 testimony.
 5 MR. ALAMPI: Chairman, I wanted to
 6 excuse Mr. Naylis so he can go home.
 7 CHAIRMAN FERGUSON: I would agree.
 8 Absolutely.
 9 MR. NAYLIS: Thank you very much,
 10 Mr. Chairman.
 11 Thank you, Board. I appreciate it.
 12 MR. ALAMPI: Thanks, Gerry.
 13 Good job.
 14 Thank you, Chairman.
 15 We have Eric Keller, who has testified
 16 several times before as a civil engineer.
 17 But as you're aware, we had filed some
 18 revisions to the engineering plans.
 19 So he's here to authenticate them. He
 20 also has a new exhibit on the driveway.
 21 So in order to introduce that into the
 22 case record and mark it, I just need Mr. Keller to
 23 give that baseline testimony. He's been sworn at
 24 prior meetings.
 25 CHAIRMAN FERGUSON: Yes.

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1 15 sheets that were last revised on October 5th of
 2 2022.
 3 MR. ALAMPI: So, Chairman, I'm just
 4 going to mark into the record -- we're keeping a
 5 transcript -- that the Engineering Site Plan last
 6 updated October 5th will be A-36.
 7 CHAIRMAN FERGUSON: Okay.
 8 (Whereupon, Engineering Site Plan Last
 9 Updated October 5, 2022 is marked as Exhibit
 10 A-36 for identification.)
 11 MR. ALAMPI: Just give me a second to
 12 write that down.
 13 There was also the Stormwater Plan that
 14 was last revised June 20th. Was this -- this was not
 15 submitted.
 16 MR. KELLER: We hadn't submitted it
 17 previously, so I submitted it with this application.
 18 MR. ALAMPI: So A-37 is the Revised
 19 Stormwater Management Plan.
 20 It was testified to, and I believe it
 21 was reviewed by your engineer, but it wasn't marked
 22 into the record, the revision, the revision of
 23 June 20th, 2022.
 24 And that will be A-37.
 25

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1 And we accept him.
 2 MR. ALAMPI: And we remind him --
 3 CHAIRMAN FERGUSON: He's under oath.
 4 MR. ALAMPI: -- that he's also under
 5 oath.
 6 ERIC KELLER, PE
 7 54 Horsehill Road, Suite 100, Cedar Knolls, New
 8 Jersey, having been previously sworn, continues
 9 to testify as follows:
 10 MR. KELLER: Understood.
 11 And my license is still in good
 12 standing.
 13 MR. ALAMPI: Still.
 14 MR. KELLER: Still, yes.
 15 Surprising.
 16 MR. ALAMPI: That's a good thing.
 17 CHAIRMAN FERGUSON: We have nothing
 18 else for you guys if you want to take off.
 19 MR. CHIURAZZI: Thank you.
 20 CHAIRMAN FERGUSON: Thanks for coming.
 21 MR. KELLER: We submitted a package on
 22 October 5th.
 23 It includes a Stormwater Management
 24 Report, which is dated -- was revised through
 25 June 20th of 2022, and revised site plans containing

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1 (Whereupon, Revised Stormwater
 2 Management Plan Dated June 20, 2022 is marked
 3 as Exhibit A-37 for identification.
 4 CHAIRMAN FERGUSON: Okay.
 5 DIRECT EXAMINATION
 6 BY MR. ALAMPI:
 7 Q. Now, Eric, very briefly, the A-36
 8 exhibit, can you tell us what changes were made on
 9 the plan?
 10 A. Certainly.
 11 There were really fairly minor changes
 12 that were made, based on Mr. Collazuol's
 13 September 13th and June 22nd letters, the prior
 14 letters.
 15 His current letter is dated
 16 October 12th of this year.
 17 We regraded the area on the south side
 18 of the building along -- adjacent to the Route 46
 19 ramp over the existing storm pipe to flatten that
 20 slope out.
 21 He has asked that we provide a profile
 22 of that, which we will do.
 23 We also extended the curb and sidewalk
 24 improvements across the entire Grand Avenue frontage.
 25 We're going to replace the curb. We're going to

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1 replace the sidewalk.
 2 The sidewalk will be 6-inches thick in
 3 non-vehicular areas, and it will be 8-inches thick at
 4 the driveway aprons, both of which are a little
 5 beefier than the standard practice.
 6 But that's what Mr. Collazuol asked
 7 for, and that's what we gave him.
 8 The other item --
 9 **Q.** That dealt with questions that
 10 Mr. Collazuol raised with access for maintenance and
 11 upkeep?
 12 **A.** Correct.
 13 **Q.** We have addressed it with that?
 14 **A.** Yes, we have.
 15 **Q.** Okay.
 16 **A.** The other item that we looked at, there
 17 was a lot of discussion at the last meeting and also
 18 Mr. Collazuol's last review about the building sewer.
 19 We undertook an examination of the
 20 existing building. We have plans that show where the
 21 bathrooms are.
 22 So one of my guys went into the
 23 building. And we followed the sanitary laterals.
 24 Thankfully on the lower levels there is
 25 no ceiling, or drop ceiling or anything, so we could

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1 grade.
 2 And the sewer is -- I forget the exact
 3 distance -- 8 or 9 or 10 feet below grade.
 4 So there's a significant head on that.
 5 And based on that calculation, the
 6 residential units have a greater head than if the
 7 existing sewer main in Grand Avenue is overflowing.
 8 If the manhole comes off, that pressure
 9 gradient on the existing sewer is less than what it
 10 is in the residential building.
 11 And properties of physics, if that has
 12 a higher head, it's going to flow into the sewer.
 13 Now, yes, some of it's going to end up
 14 on the road, but it will still flow positively from
 15 the residential units into the sewer in Grand Avenue.
 16 And I won't speak for Mr. Collazuol,
 17 but his review letter on page 3 --
 18 **Q.** What's the date of that letter?
 19 **A.** October 12th.
 20 Number 2 under Sanitary Sewer, he has
 21 stated that that comment is satisfied so...
 22 And that's really the extent of the
 23 revisions other than the minutia of details and
 24 things like that.

CHAIRMAN FERGUSON: Okay.

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1 follow the pipes.
 2 The entire existing building is served
 3 by one lateral that goes out on the south side of the
 4 liquor store, goes out to the existing sewer in Grand
 5 Avenue.
 6 The restaurant, which is at a lower
 7 level in the back, has a small pipe station.
 8 And that pump station pumps up into the
 9 front buildings, the six-story buildings' plumbing
 10 system, which then goes out through the building.
 11 So we've confirmed that the entire
 12 complex on 15 Grand is served by one existing
 13 sanitary sewer.
 14 Now, the other issue that was raised
 15 was what happens, because during very heavy rainfalls
 16 the existing sewer can overflow.
 17 And we've met with DPW. We've talked
 18 with DPW. So we did an analysis of the residential
 19 building.
 20 Now, the residential building, the
 21 first living level is 11 feet above grade, and then
 22 it goes up from there.
 23 So we did an analysis of the flow
 24 coming from those residential units out into the
 25 sewer, which is a distance of -- it's 11 feet above

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1 So I'm going to ask our expert to go
 2 over his comments.
 3 Then I'm going to ask some questions.
 4 But they get -- you had listed in your
 5 -- in your paperwork all kind -- you gave a report,
 6 paragraph. And there seems to be a lot of pending in
 7 there.
 8 So I'm going to let Mr. Collazuol go
 9 through it and see what's pending.
 10 And then I'm going to ask -- well, what
 11 happens if it's pending and the board passes it?
 12 **MR. ALAMPI: That's when you bring up a**
 13 **developer's agreement.**
 14 In other words, if the board passes the
 15 application, there's a long process of submissions,
 16 more refined plans, development plans, construction
 17 details.
 18 And we'll be working on a more detailed
 19 developer's agreement.
 20 **CHAIRMAN FERGUSON: Okay.**
 21 **MR. ALAMPI: Those items then will be**
 22 **worked on.**
 23 Because now the applicant has an
 24 approval. There's a developer's agreement being
 25 drafted.

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1 So we'll complete those tasks.
 2 CHAIRMAN FERGUSON: I gotcha. Okay.
 3 Do you want to go, Steve?
 4 MR. COLLAZUOL: Certainly.
 5 Mr. Keller, I did write in Item 2 of
 6 our report, October 12th, and respond to your
 7 comment.

8 But for the benefit of the board,
 9 although I did, there's still a question on the
 10 presentation of the calculation you have on the back
 11 of your report.

12 And I think it would be wise if you
 13 could explain the two sheets you provide and
 14 determine the queue or the flow, and why the flow,
 15 even though the pipe in Grand Avenue has a fairly
 16 high pitch, it wouldn't back up in a reverse mode and
 17 pop out of the manhole that's known to pop.

18 So I do refer to the sketch. And I'd
 19 appreciate if you could go through with the board,
 20 not, you know, scientifically but in layman's terms.
 21 Because you have a chart and a graph here.

22 And again, I'm not an expert in
 23 surcharge, because it's not a very common thing that
 24 I think site engineers do as their every day work.

25 So I would appreciate a little
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1 head -- is about 2 percent of what can flow through
 2 that pipe with those flow characteristics.
 3 So we can easily accommodate and
 4 positively flow this residential building out into
 5 the sewer system in Grand Avenue during those
 6 infrequent circumstances where the Grand Avenue sewer
 7 is overloaded, which in discussion with DPW occurs
 8 only during those times where there's a high
 9 intensity, short duration storm where it dumps a lot
 10 of rain and there's inflow and infiltration into the
 11 sewer main that can't be accommodated.

12 Longer, you know, more steady rains,
 13 they don't have that much of an issue, is what the
 14 DPW told us.

15 So that's hopefully a very simple
 16 description of our analysis.

17 MR. COLLAZUOL: And that includes the
 18 crossings that you have in Grand Avenue?

19 You're going either above or below the
 20 stormwater, or you are above or below the water main
 21 in this entire 80 feet.

22 Is that correct?

23 MR. KELLER: That is correct.

24 We took the flattest section of the
 25 pipe.

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1 furtherance with that.
 2 MR. KELLER: So what we've done in kind
 3 of layman's terms is, essentially we're looking at
 4 what would be considered a submerged outfall.

5 You know, this is no different -- we're
 6 talking about sanitary sewer, but it's no different
 7 than if we were looking at storm sewers. You know,
 8 the outlet of this sewer lateral is submerged. You
 9 know, the sewer in Grand Avenue is full. It's full
 10 up to the road surface.

11 So we look at that calculation.

12 And there's standard flow calculations
 13 that say how much flow can I put through, in this
 14 case, an 8-inch diameter pipe with that kind of
 15 submerged condition on the downhill side?

16 And what this says is that we can flow
 17 1.2 million gallons per day through that submerged
 18 pipe.

19 The proposed residential building --
 20 and in this case, I won't take credit for -- the
 21 restaurant has a flow that's being reduced.

22 But that residential building has a
 23 flow, based on the number of units, of 24,000 gallons
 24 a day.

25 So 24,000 -- and I can't do this in my
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1 MR. COLLAZUOL: And then the head
 2 that's produced by the residential building, are you
 3 stating that that's the flow based on the number of
 4 units on the typical day?

5 In other words, N.J.A.C. three-bedroom
 6 units produces 300 gallons per day using those
 7 formulas?

8 MR. KELLER: That's correct.

9 MR. COLLAZUOL: Are you counting on
 10 each and every one of those 122 units that flow at
 11 that particular time?

12 MR. KELLER: Well, whether it's less
 13 than that, you know, there's still because of the
 14 head differential, whether it's 100 gallons or it's
 15 1,000 gallons, that sewage is still going to flow
 16 into the system.

17 We're saying that there's capacity for
 18 many times more flow than what we're producing here.

19 MR. COLLAZUOL: And it's not going to
 20 back up into that manhole on Grand Avenue, then?

21 MR. KELLER: Well, the manhole in Grand
 22 Avenue backs up now during rainfall events, not
 23 because anything with our building, the existing
 24 building or the proposed building.

25 It's backing up based on rainfall
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1 impacts where that rainfall is getting into the
2 existing sanitary system either through illegal sump
3 pump connections, cross connections, or with --
4 Steve, as you well know, old sewer mains have a lot
5 of times short clay pipes and the joints shift and
6 water flows in through the soil.

7 CHAIRMAN FERGUSON: I got it.

8 MR. KELLER: You know, it's a nemesis
9 of old sewer systems.

10 CHAIRMAN FERGUSON: I was with the DPW
11 for 27 years so I'm well acquainted.

12 MR. KELLER: Well, then I don't need to
13 tell you.

14 CHAIRMAN FERGUSON: I'm well acquainted
15 with Grand Avenue.

16 VICE CHAIRMAN ALBANESE: I just want to
17 know, where does that sewer water go in and out of
18 that building?

19 You can't pump in there.

20 MR. KELLER: We're not going to pump it
21 anyplace, Mr. Albanese.

22 It's going into the sewer main. And
23 then it's continuing north on Grand Avenue.

24 MR. COLLAZUOL: They're saying -- Paul,
25 they're saying the head from the units is going to

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1 It's still flowing in the pipe.

2 The problem is that there is too much
3 rainwater that's getting into the pipe that that pipe
4 at the bottom can't handle it all and it starts to
5 raise up in the manhole chimneys and comes out the
6 manhole cover.

7 It doesn't mean that it's still not
8 flowing. Our lateral has more pressure than that
9 pipe in the existing main in Grand Avenue, so it's
10 all going to flow.

11 VICE CHAIRMAN ALBANESE: I doubt it
12 very much.

13 I've been doing this a long time.

14 You're not going to -- you're going to push that
15 rainwater that's coming in.

16 When it comes in, you know, a lot of
17 that flow is going to just flow right past it. I
18 just don't believe you.

19 MR. KELLER: Okay.

20 We've done the calculations and we've
21 shown that it will flow.

22 VICE CHAIRMAN ALBANESE: You know, you
23 do the calculations. I've been in the business over
24 50 years, 60 years.

25 It doesn't happen.

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1 push the flow through the pipe into the main, and
2 it's not going to back up because of the head.

3 VICE CHAIRMAN ALBANESE: He's got a
4 check valve.

5 MR. KELLER: No, no check valve.

6 VICE CHAIRMAN ALBANESE: What do you
7 got.

8 You got a valve?

9 How do you pump it?

10 MR. KELLER: It's going to flow by
11 gravity, because there's more pressure in the sewer
12 lateral coming from the residential building than
13 there is pressure under --

14 VICE CHAIRMAN ALBANESE: In other
15 words, when the rain comes and it's flooded and it's
16 pushing all the water into the sewer line, right,
17 that water is going to push the sewer water -- I mean
18 the rainwater out?

19 MR. KELLER: Let me take one step back.

20 Today when that sewer main in Grand Avenue starts to
21 back up through the manhole covers, it's still
22 flowing in the pipe.

23 There is still flow going to the north
24 on Grand Avenue to Henry street where it starts to
25 head west to the BCUA trunk line.

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1 MR. KELLER: The only other thing that
2 I can say is we have an existing building with the
3 liquor store, the health club and the restaurant.
4 That sewer lateral has been there since the building
5 was built.

6 And that -- the first floor of the
7 liquor store is 4 feet above the elevation of Grand
8 Avenue at that lowest manhole down by Route 46.

9 There has never been a back-up in the
10 liquor store, which is going to be -- or, you know,
11 8 feet lower than the lowest floor in the residential
12 building.

13 VICE CHAIRMAN ALBANESE: Now you put
14 120 families in there. It's going to be the same, no
15 effect on the sewer line.

16 MR. KELLER: No.

17 VICE CHAIRMAN ALBANESE: Okay.

18 CHAIRMAN FERGUSON: Okay, Steve.

19 MR. COLLAZUOL: Yes.

20 The next point in our report goes back
21 to the easement.

22 I'm not sure if we resolved if there is
23 an easement, if there is a mutual agreement.

24 And I'm sure Hal, traffic, has
25 something to say.

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1 I thought there was something alluded
 2 to earlier that if we, or you, the applicant, selects
 3 to use the subject property as an entrance and the
 4 exit.
 5 So I don't know where we concluded,
 6 what this application is. Because the plan still
 7 shows entrance from 21 Grand, exit from 15 Grand.
 8 So is there not an easement? Is there
 9 a written common agreement for the use of 21 Grand?
 10 MR. ALAMPI: Steve, there's no written
 11 easement.
 12 And in fact, the attorney for the
 13 21 Grand claims that there is no proscriptive
 14 easement, so that's debatable.
 15 We've decided then, our property line
 16 going southerly to the building, we actually have
 17 24 feet of travel space at its narrowest point.
 18 So we're going to have ingress/egress
 19 on our side of the property line. Because although
 20 the properties have been used jointly and
 21 concurrently voluntarily for six decades like this,
 22 notwithstanding the history, since we have the
 23 physical width, we will have the ingress/egress shown
 24 on our side of our property line.
 25 And we're not abandoning the concept

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1 boundary line, because we have the room so we do it.
 2 We have an exhibit. But we'll...
 3 MR. COLLAZUOL: We didn't to see an
 4 exhibit this evening.
 5 MR. ALAMPI: It's an exhibit this
 6 evening we're showing. We're going to show it. Then
 7 we're going to file it.
 8 Because the Chairman has indicated to
 9 me that we're not going to take it to a vote tonight,
 10 so it will be on file.
 11 MR. COLLAZUOL: Okay. So I will defer
 12 to Mr. Simoff in his review of that exhibit.
 13 MR. ALAMPI: Yeah.
 14 We're going to show it now, Steve. I'm
 15 happy you raised that, because Eric has prepared it
 16 to illustrate it for you and to Hal and the board.
 17 And, Chairman, since you indicated we
 18 won't conclude, this exhibit will be marked for
 19 identification. I'll move it for evidence, because
 20 it's required that it be on file for ten days.
 21 So for the public's purposes, we will
 22 file this promptly. It will be on file. So at the
 23 next meeting I'll just move it as evidence. You'll
 24 see it. It will be in your package.
 25 But since it wasn't on file, I can't

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1 that there's a proscriptive easement.
 2 We just don't have agreement on it.
 3 And short of litigation, we won't have
 4 agreement on it with the neighbor. They're not
 5 opposed. They're just not willing to acquiesce or
 6 acknowledge.
 7 Given their failure to acknowledge --
 8 because we don't intend to shut them out from
 9 egressing through our property. They don't intend to
 10 shut us out from ingressing.
 11 But for purposes of the site plan and
 12 completeness, we're showing -- we're going to be
 13 showing -- I think we have an exhibit here.
 14 MR. KELLER: Yes.
 15 MR. ALAMPI: And we'll file it between
 16 now and the next meeting.
 17 But we have an exhibit. We're going to
 18 have ingress/egress on our side so that we don't have
 19 this legal conundrum, all right.
 20 We know that the ingress and egress has
 21 been shared by both properties for six decades. We
 22 know that it's counterproductive for either party not
 23 to accommodate the other.
 24 But for purposes of this application,
 25 we're going to show our ingress/egress within our

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1 mark it into evidence.
 2 CHAIRMAN FERGUSON: Before we get to
 3 his...
 4 I got a letter from Basil Law Group in
 5 New York City.
 6 You're aware of this?
 7 MR. ALAMPI: Yeah. We went over that.
 8 CHAIRMAN FERGUSON: It seems to me -- I
 9 mean, I can't -- you know, I can read English.
 10 It says:
 11 "My client rejects any claim of
 12 easements or otherwise. Indeed, under the
 13 legal authority cited by Mr. Alampji, such an
 14 easement is available at 15 Grand."
 15 Even though -- that otherwise meets the
 16 requirements or the present easement, which is not.
 17 The 30-year continuous requirement cannot be met.
 18 And then I believe -- I'm not a lawyer -- he's citing
 19 opinions.
 20 MR. ALAMPI: I know.
 21 CHAIRMAN FERGUSON: Right.
 22 So I mean...
 23 MR. ALAMPI: We have opinions, and he
 24 has opinions.
 25 So what I'm saying to you is, since it

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1 appears that they will not acknowledge the
2 proscriptive easement, we would have to either come
3 to terms or litigate that issue.

4 Rather than that, we have this exhibit
5 for identification. We're going to, mark it for
6 identification. It will become an exhibit. And
7 we're going to show you --

8 CHAIRMAN FERGUSON: So on your property
9 you're going to extend --

10 MR. ALAMPI: Yeah.

11 The ingress/egress will be completely
12 on our property, within our property line.

13 Thank you.

14 MR. KELLER: Carmine, we're at A-38,
15 right?

16 MR. ALAMPI: A-38.

17 Just identify what this is and what we
18 call it.

19 (Whereupon, Alternate Driveway Layout
20 Dated October 17, 2022 is marked as Exhibit
21 A-38 for Identification.)

22 MR. KELLER: Dr. Fan is passing it out
23 because I know it's hard to see across the room.

24 So we've handed out to everybody a
25 full-sized plan of what I'm marking here, which is

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1 the rear parking area to the surface parking spaces
2 into the garage.

3 The access into the lower level of the
4 garage is unchanged.

5 There is no change to the southern
6 parking area, the southern driveway, which leads into
7 the upper level of the garage. The garage -- the two
8 levels of the garage are still inner-connected within
9 the building so that the residents who park on the
10 upper level, the upper level parking is all for
11 residents. They have the ability to travel down to
12 the lower level and use the north driveway.

13 Those people who come into the surface
14 lot, which contains 14 spaces, don't have access into
15 the garage because that's gate controlled. When they
16 leave the site, they would have to make a right turn
17 out.

18 The north driveway, as it is today,
19 provides for a full movement. We would like,
20 obviously, to keep it the way it is today.

21 But we can also show that within our
22 property, we can provide an entrance lane and exit
23 lane wholly contained within our property, which is
24 why we proposed to improve our driveway and rebuild
25 the retaining wall that exists next to the existing

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1 entitled, Alternate Driveway Layout." It has a date
2 of 10/17/22.

3 And the site plan is the same as what
4 is dated 10/05.

5 But what we've done is we've shown an
6 inbound lane and an outbound lane 24 feet in width,
7 wholly contained within our property.

8 To provide some separation between the
9 driveway that exists for 21 Grand, we've shown a
10 21-inch-wide striped, call it for lack of a better
11 term, median area to provide separation between their
12 pavement and our pavement.

13 And I will note that today when you go
14 out there, it's -- well, we're widening our side of
15 the driveway to get a full 24-foot width.

16 But the existing pavement, if you go
17 out there today, has no markings at all. There is
18 nothing.

19 CHAIRMAN FERGUSON: It's true.

20 MR. KELLER: So you have anywhere from
21 probably 34 feet to 40-something feet in width, maybe
22 a little bit wider, and there's not a marking on it
23 to define how you're supposed to drive.

24 And this shows two 12-foot lanes with a
25 double yellow line down the middle that leads into

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1 building so that we can provide a full 24-foot width.

2 CHAIRMAN FERGUSON: Okay.

3 So the only question I've got then is,
4 number one, did you to get your additional 12 feet,
5 or whatever you needed, did you do away with any
6 parking.

7 MR. KELLER: No.

8 CHAIRMAN FERGUSON: None.

9 MR. KELLER: No.

10 CHAIRMAN FERGUSON: You just...

11 MR. KELLER: We're still compliant on
12 the number of parking spaces.

13 CHAIRMAN FERGUSON: Oh, good.

14 Now, coming out, I notice they have an
15 in and out.

16 Now, obviously you cannot make a
17 left-hand turn onto Grand Avenue, so you're sending
18 this traffic down to Ridgefield.

19 MR. KELLER: Well, here, just like

20 today, there's no turn restrictions at that location.

21 CHAIRMAN FERGUSON: Right.

22 MR. KELLER: So if traffic is heavy,
23 which I know it is very often, people have the
24 choice.

25 They can make a right out, go down do

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1 Maple Avenue and loop around, or if they feel
 2 comfortable making a left out, which they do today --
 3 we did counts at that intersection. There are left
 4 turns being made at that intersection during the peak
 5 hours. They can make a left out. We aren't
 6 proposing any turn prohibitions. They don't exist
 7 today.

8 We're not proposing any.

9 MR. COLLAZUOL: With this now,
 10 Mr. Keller, you're showing that the entrance to the
 11 diagram spaces is going to be interrupted with a
 12 mountable curb now so that the vehicles making a
 13 right out of there would then traverse over the
 14 mountable curb?

15 MR. KELLER: No.

16 The intent -- I mean, that area exists
 17 today. There was a comment made at the last meeting
 18 about providing for the dimensions of those parking
 19 spaces. That's really employee parking for the
 20 liquor store and for the gym.

21 So the existing parking spaces don't
 22 meet any standards.

23 These provide for
 24 9-foot-wide-by-16-foot-long parking spaces. And we
 25 did lose a space there, Mr. Chairman.

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1 to make -- you know, get out of there. I mean,
 2 you're going to have to back up. I mean, I don't
 3 know, it just seems like it would be very difficult.

4 Plus you have the two ingress and
 5 egress points limited for vehicles. That could
 6 cause...

7 MR. KELLER: I understand it is not
 8 standard. It is not typical.

9 We're also trying to provide four
 10 convenience parking for the employees of the health
 11 club and the liquor store.

12 I mean, look, if --

13 MR. KAUKER: It takes away employee
 14 parking. It's not convenient (inaudible) the
 15 entrance to the facility or the store.

16 But just one other question. I mean,
 17 if you eliminate those four parking spaces, you want
 18 to explain ingress and egress on your property,
 19 couldn't you extend that ingress and provide two
 20 means of ingress?

21 MR. KELLER: No.

22 The grades don't work. The grades
 23 don't work.

24 That angled parking area is at the
 25 liquor store elevation, whereas the driveway

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1 But we're still compliant. And we've
 2 provided to stripe that area for people who are in
 3 those angled spaces to turn around.

4 Or if they choice, they could use the
 5 mountable flush curb area and the island at the end.

6 MR. COLLAZUOL: I'll defer to
 7 Mr. Simoff.

8 But do you really think that those four
 9 spaces and the configuration you show on this exhibit
 10 is safe?

11 MR. KELLER: You know, I mean, it's
 12 functioned for a long time with the use --

13 MR. SIMOFF: That doesn't answer the
 14 question.

15 MR. COLLAZUOL: But you're proposing a
 16 change to it, so it's going to change.

17 MR. KELLER: For the limited amount of
 18 parking, yes, I do believe it's safe.

19 MR. KAUKER: The limited amount of
 20 parking.

21 Wouldn't it be better just to eliminate
 22 those spaces?

23 You could probably -- right now you
 24 have all four spaces.

25 But I don't know how a vehicle is going

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1 slopes down to the back. It doesn't show on here.

2 If you look at the grading plan --

3 MR. KAUKER: That's the higher
 4 elevation of the parking spaces.

5 MR. KELLER: Yes.

6 The angled parking spaces actually
 7 slope up away from Grand Avenue, whereas the main
 8 driveway slopes down to the back.

9 It slopes down to the lower parking
 10 area in the back.

11 CHAIRMAN FERGUSON: Okay.

12 MR. ALAMPI: So anyway, Chairman, you
 13 might demand that we eliminate those spaces. You
 14 might.

15 CHAIRMAN FERGUSON: Right.

16 MR. ALAMPI: And you might not. We're
 17 showing them.

18 VICE CHAIRMAN ALBANESE: I want to ask
 19 a question, okay.

20 CHAIRMAN FERGUSON: Okay.

21 VICE CHAIRMAN ALBANESE: Looking where
 22 the property line is where -- when it gets down by
 23 the end here it says "No Parking, Fire Lane."

24 MR. KELLER: I'm sorry, Mr. Albanese.

25 VICE CHAIRMAN ALBANESE: Where you go

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1 in and out, you follow the in, take that line down,
 2 and it says "No Parking, Fire Lane."
 3 MR. KELLER: That's the striped area
 4 past our -- where you go --
 5 VICE CHAIRMAN ALBANESE: Whose property
 6 is that?
 7 MR. KELLER: That is split between
 8 15 Grand --
 9 VICE CHAIRMAN ALBANESE: And 21.
 10 MR. KELLER: -- and 21 Grand.
 11 VICE CHAIRMAN ALBANESE: So in other
 12 words, you're telling 21 Grand they can't park on
 13 their property.
 14 MR. KELLER: No. It's there today.
 15 That exists.
 16 VICE CHAIRMAN ALBANESE: I'm not
 17 talking to you.
 18 DR. FAN: I'm sorry.
 19 MR. KELLER: It exists.
 20 VICE CHAIRMAN ALBANESE: It exists.
 21 But it's existing.
 22 But it doesn't necessarily have to be
 23 there, because he could take his property back.
 24 MR. ALAMPI: No, he can't.
 25 That's a firematic control. The fire

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1 okay.
 2 MR. KELLER: So we didn't change that.
 3 Mr. Simoff had made a comment about the width of the
 4 driveway next to the 21 Grand building.
 5 We're not changing that either. That's
 6 an existing condition that we're preserving. We're
 7 maintaining what is there today. We are not
 8 impacting it in any way.
 9 VICE CHAIRMAN ALBANESE: In other
 10 words, legally 21 Grand Avenue can't say I'm going to
 11 use this for something else?
 12 MR. ALAMPI: How can you? The fire
 13 department --
 14 MR. KELLER: Not unless they get
 15 approval from the fire department.
 16 VICE CHAIRMAN ALBANESE: I don't think
 17 you can tell them.
 18 MR. ALAMPI: I'm not telling them.
 19 That's the fire department.
 20 VICE CHAIRMAN ALBANESE: No, no, no.
 21 You can say whatever you want. You're using this
 22 guy's property.
 23 MR. ALAMPI: No, we're not.
 24 MR. KELLER: No.
 25 MR. ALAMPI: No, we're not. That's

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1 department installed that. It's just painted on the
 2 black.
 3 MR. KELLER: Yeah, it's just painted.
 4 MR. ALAMPI: Nonetheless, that's
 5 imposed by the fire department.
 6 VICE CHAIRMAN ALBANESE: They're using
 7 his --
 8 MR. ALAMPI: We're not using it, no.
 9 That's been established by the fire department. It's
 10 got nothing to do with us.
 11 MR. KELLER: We're not changing that
 12 area, Mr. Albanese.
 13 It is striped for no parking fire lane
 14 today. And we respected that. We kept our parking
 15 spaces.
 16 There's parking spaces -- if you look
 17 at Sheet 3 of our site plans, there is parallel
 18 parking spaces there today. Because we're
 19 reconfiguring the site, we're putting in
 20 perpendicular parking spaces.
 21 But we did not touch the no parking,
 22 fire lane striping. We held that, because I'm not
 23 having that discussion with the fire department, you
 24 know.

VICE CHAIRMAN ALBANESE: Right. No,
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1 imposed by the fire department, based on the current
 2 condition.
 3 VICE CHAIRMAN ALBANESE: That's because
 4 the fire department probably put it there not
 5 knowing.
 6 MR. ALAMPI: You don't think they know.
 7 VICE CHAIRMAN ALBANESE: That's right.
 8 Do you think they know?
 9 MR. ALAMPI: Mr. Albanese, you know,
 10 respectfully, the fire department has been on this
 11 site repeatedly.
 12 VICE CHAIRMAN ALBANESE: Carmine, they
 13 probably did that going back 40 years.
 14 MR. ALAMPI: Then take it off. Then
 15 take it off.
 16 We don't care about it.
 17 VICE CHAIRMAN ALBANESE: I'm not saying
 18 take it off.
 19 All I'm saying is that, they probably
 20 did that not knowing whose property it was, okay?
 21 All I'm saying is that now this guy has
 22 to lose his property for the fire lane.
 23 MR. ALAMPI: He's not losing anything.
 24 VICE CHAIRMAN ALBANESE: It's his
 25 property. He can't do nothing with it.

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1 MR. ALAMPI: Let him blacktop it, but
 2 he can't.
 3 The fire department imposed that.
 4 VICE CHAIRMAN ALBANESE: That's what
 5 I'm saying.
 6 In other words, you're using his
 7 property for the fire lane.
 8 MR. ALAMPI: No. That's not a fire
 9 lane. That's a --
 10 VICE CHAIRMAN ALBANESE: It says, "No
 11 Parking Fire Lane."
 12 What does it say there?
 13 MR. ALAMPI: That's the existing
 14 condition.
 15 VICE CHAIRMAN ALBANESE: I understand
 16 that.
 17 That's his property.
 18 MR. KELLER: If they want to change it,
 19 we're not going to stop them from doing whatever they
 20 want to do on their side of the property line. We're
 21 preserving what is on our side of the property line
 22 and respecting where the No Parking Fire Lane is.
 23 What they do on their side --
 24 CHAIRMAN FERGUSON: I got it.
 25 MR. KELLER: Thank you, Mr. Chairman.

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1 CHAIRMAN FERGUSON: As I said at the
 2 beginning of the meeting, we would love to move this
 3 along, because there's people here from other cases.
 4 I understand.
 5 But I still want to hear from our
 6 parking expert.
 7 MR. ALAMPI: It's Mr. Albanese's fault.
 8 CHAIRMAN FERGUSON: Well, he's a board
 9 member.
 10 He has a right to talk.
 11 VICE CHAIRMAN ALBANESE: Carmine, it's
 12 your fault for bringing all these witnesses here.
 13 You're paying them.
 14 Okay, why is it my fault.
 15 CHAIRMAN FERGUSON: All right, Paul.
 16 Yes.
 17 MR. COLLAZUOL: I have a question about
 18 the restaurant.
 19 Because the restaurant, it was my
 20 understanding the restaurant is being eliminated.
 21 Now you're talking about the restaurant
 22 remaining. The restaurant was eliminated from the
 23 sanitary calculations.
 24 MR. KELLER: It's not part of this
 25 application.

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1 MR. COLLAZUOL: I don't see the
 2 restaurant as part of the parking calculation for the
 3 parking for the restaurant.
 4 MR. KELLER: It's not part of this
 5 application.
 6 MR. COLLAZUOL: So the restaurant is
 7 being eliminated.
 8 MR. ALAMPI: That's the plan.
 9 MR. KELLER: It's not part of this
 10 application.
 11 MS. LAMBRINIDES: Well, what does that
 12 mean?
 13 MR. COLLAZUOL: Mr. Alamp, my
 14 understanding is the restaurant is not part of this
 15 application; it's being removed.
 16 MR. ALAMPI: It will be eliminated at
 17 the time of the time of construction.
 18 VICE CHAIRMAN ALBANESE: Then it has
 19 something to do with this application.
 20 MR. COLLAZUOL: So it's being -- the
 21 sanitary close for the restaurant is being removed.
 22 The parking calculations are being removed. There's
 23 no designated parking for the restaurant?
 24 MR. KELLER: Correct.
 25 MR. COLLAZUOL: Is that correct.

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1 MR. ALAMPI: Because the restaurant
 2 will be discontinued as we do the construction, which
 3 is another year and a half from now.
 4 CHAIRMAN FERGUSON: Okay.
 5 MR. COLLAZUOL: Will the applicant come
 6 back for a proposed restaurant, then.
 7 MR. ALAMPI: Well, if I had to, right.
 8 If I retained it, we'd have to come back. And if we
 9 entertain a new one, we'd have to come back.
 10 But we're representing that it's being
 11 eliminated. It's on a short-term lease.
 12 MR. COLLAZUOL: Okay, thank you.
 13 May I?
 14 CHAIRMAN FERGUSON: Go ahead.
 15 MR. COLLAZUOL: Just two small -- two
 16 other points.
 17 Mr. Keller, it's my understand you
 18 submitted an application to the Bergen County Soil
 19 Conservation District for this application.
 20 Have you received a response, and have
 21 they approved the scour hole and the other factors
 22 that you mentioned?
 23 MR. KELLER: The application is still
 24 pending. We have not gotten approval yet.
 25 I'm not sure that we've gotten any

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1 comments. If we've gotten comments, they would have
2 been addressed. But I'll have to check with the
3 design engineer as to the status.

4 MR. COLLAZUOL: It's been awhile since
5 you submitted the application. I would have expected
6 you would have received your commentaries back by
7 this time.

8 MR. KELLER: I will -- I will check,
9 Mr. Collazuol.

10 I don't know.

11 CHAIRMAN FERGUSON: You have one more.
12 You said you have two.

13 MR. SIMOFF: If you could just
14 embellish this plan, because there is -- there's a
15 comment on the plan that says:

16 "Concrete retaining wall, 4-foot-high
17 black vinyl fence, chain-link fence."

18 And then it doesn't say how far the
19 wall goes back.

20 MR. KELLER: Yeah.

21 The wall goes back to where -- almost
22 to where the existing stairs are. And then it makes
23 a 90-degree bend, returns to the stairs which exist,
24 and we're going to tie --

25 MR. SIMOFF: No.

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1 area.

2 MR. KELLER: Yeah.

3 Well, I mean, if we revise the site
4 plans to incorporate this, then the grading will be
5 on there, and we can do a turning template.

6 MR. SIMOFF: Well, if you could just
7 provide a blow-up of this area.

8 MR. KELLER: Okay, sure.

9 CHAIRMAN FERGUSON: Before the next
10 meeting.

11 MR. ALAMPI: Yes. We'll do it

12 tomorrow. We'll do it tomorrow.

13 Because he's going back to his office
14 tonight to make the change to do it tomorrow.

15 CHAIRMAN FERGUSON: All right.

16 Do you have anything else, Mr. Simoff?

17 MR. SIMOFF: No.

18 CHAIRMAN FERGUSON: Okay. Let me just
19 ask you one question. And I don't know if it's fair
20 or not.

21 But I have a document here about the
22 existing restaurant/health club. I don't think it's
23 from your...

24 MR. ALAMPI: Health club.

25 MR. KELLER: Well, the health club is

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1 On the property line.

2 MR. KELLER: There's no retaining wall
3 on the property line.

4 MR. SIMOFF: The symbols indicate --

5 MR. KELLER: No.

6 The retaining wall has perpendicular
7 angles. The gore area is labeled as 4-inch-wide
8 yellow stripe 2, with 6-inch-wide yellow gore stripe
9 at 45 degrees, 6 foot on center.

10 We're trying to work with not going
11 onto the neighbor's property but also providing
12 separation between our driveway and their pavement.

13 MR. SIMOFF: If you could just provide
14 a grading and turning templates for these areas.

15 MR. KELLER: Certainly.

16 Well, the grading is going to be no
17 different than what is shown on the site plans today.
18 The grading of that driveway has to match what's
19 already there.

20 And we can provide a...

21 MR. ALAMPI: You can do that, can't
22 you?

23 Add that.

24 MR. KELLER: Yeah, yeah.

25 MR. SIMOFF: Just a blow-up of that

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1 in the front back, in the six-story building.

2 CHAIRMAN FERGUSON: Right.

3 MR. KELLER: The restaurant is in the
4 back.

5 CHAIRMAN FERGUSON: Right.

6 So when you were figuring out -- or
7 maybe, Counselor, can you tell me how many parking
8 spaces that existing building is going to take?

9 Did you go through that?

10 MR. ALAMPI: We did.

11 CHAIRMAN FERGUSON: Oh, good.

12 Could you direct me to that?

13 MR. KELLER: It's on Sheet 2 --

14 CHAIRMAN FERGUSON: Sheet 2.

15 MR. KELLER: -- of the site plan.

16 CHAIRMAN FERGUSON: Oh, boy, we're
17 moving along now. Sheet 2, here.

18 MR. KELLER: Sheet 2 of the site plan,
19 the middle of the page.

20 CHAIRMAN FERGUSON: Right. Parking
21 Analysis.

22 MR. KELLER: Parking Analysis.

23 CHAIRMAN FERGUSON: Right.

24 MR. KELLER: Retail liquor store, 5,149

25 and --

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1 CHAIRMAN FERGUSON: Gotcha.
 2 MR. ALAMPI: So we broke that down for
 3 you, Chairman. You asked for that. A few of the
 4 board members asked for that.
 5 CHAIRMAN FERGUSON: I got it.
 6 Thank you.
 7 MR. KELLER: You're welcome.
 8 CHAIRMAN FERGUSON: Do you have
 9 anything else?
 10 MR. ALAMPI: No.
 11 I think we did quite enough.
 12 CHAIRMAN FERGUSON: Any board members
 13 have anything?
 14 (No response.)
 15 CHAIRMAN FERGUSON: Any audience
 16 members have anything?
 17 (No response.)
 18 CHAIRMAN FERGUSON: No, I didn't think
 19 so.
 20 So, Counselor, you're not going to do a
 21 closing statement?
 22 MR. ALAMPI: So, Chairman, because of
 23 the exhibit that will be refined -- Mr. Simoff wanted
 24 to do more details -- we'll do it.
 25 We'll put it on file then I can move it

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1 MR. ALAMPI: So I think we're good.
 2 But if they need more money, I'm always happy to
 3 spend my client's money.
 4 CHAIRMAN FERGUSON: I know you say
 5 that.
 6 I know. You know, because of the
 7 volume of this, I would be -- I mean, anything that
 8 you don't use, obviously you're going to get
 9 returned.
 10 So we don't have any hang-ups about
 11 what's there and what's not there. Put some more
 12 money in it.
 13 MR. ALAMPI: Yeah.
 14 I haven't gotten any bills. All I get
 15 is a request for money. But usually they're supposed
 16 to send me a bill every month. But it doesn't seem
 17 to be happening.
 18 CHAIRMAN FERGUSON: No, I believe you.
 19 So you'll be willing to spend your client's money?
 20 MR. ALAMPI: Well, we'll be willing to
 21 post the escrows. We've always kept a positive
 22 balance on deposit.
 23 CHAIRMAN FERGUSON: All right. So
 24 you're going to close next meeting.
 25 MR. ALAMPI: Yes. Because we're going

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1 as evidence.
 2 At the next meeting I'll do my
 3 summation.
 4 And I think you have enough information
 5 and transcripts -- you'll have the next transcript.
 6 CHAIRMAN FERGUSON: Correct.
 7 MR. ALAMPI: We'll take it to a vote.
 8 I do ask for an expedited transcript. And we'll pay.
 9 We've been paying the court reporter directly in
 10 addition to the escrow fees, because I received some
 11 instructions somewhere to do that, so that we kept up
 12 with all our obligations.
 13 CHAIRMAN FERGUSON: How long have you
 14 been doing this?
 15 MR. ALAMPI: All along. We've been
 16 paying the court reporter plus the escrow fees. And
 17 I think we're current.
 18 We recently paid over \$10,000.00 in
 19 additional escrows. We've been paying all along.
 20 CHAIRMAN FERGUSON: How do you stand
 21 with your escrows now?
 22 MR. ALAMPI: We're in good shape, I
 23 believe. I don't know who monitors that.
 24 MS. LAMBRINIDES: The Building
 25 Department.

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1 to take Exhibit 38, clean it up, file.
 2 We're going to expedite this transcript
 3 because it was a lot tonight.
 4 CHAIRMAN FERGUSON: Yes, I know.
 5 MR. ALAMPI: I'm going to try to get
 6 the transcript to you, you know, two weeks early so
 7 that we can come in on November 21.
 8 CHAIRMAN FERGUSON: Counsel, it's been
 9 a pleasure.
 10 MS. LAMBRINIDES: Do we need a motion
 11 to continue this.
 12 CHAIRMAN FERGUSON: Yes. I'll make the
 13 motion to grant an adjournment.
 14 MS. LAMBRINIDES: Second, please.
 15 CHAIRMAN FERGUSON: Second.
 16 VICE CHAIRMAN ALBANESE: Second.
 17 CHAIRMAN FERGUSON: So we're going to
 18 wrap this up next meeting. No testimony.
 19 MR. ALAMPI: No testimony.
 20 CHAIRMAN FERGUSON: Just a vote.
 21 MR. ALAMPI: Just a vote and my
 22 summation.
 23 CHAIRMAN FERGUSON: Okay, roll call.
 24 MS. LAMBRINIDES: Mr. Ferguson?
 25 CHAIRMAN FERGUSON: Yes.

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1 MS. LAMBRINIDES: Mr. Albanese?
 2 VICE CHAIRMAN ALBANESE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Chung?
 6 MR. CHUNG: Yes.
 7 MS. LAMBRINIDES: Mr. Elefteriou?
 8 MR. ELEFTERIOU: Yes.
 9 MS. LAMBRINIDES: Mr. Grala?
 10 MR. GRALA: Yes.
 11 MS. LAMBRINIDES: Mr. Brogna?
 12 MR. BROGNA: Yes.
 13 MR. ALAMPI: Chairman, we'll extend the
 14 time for the board to vote on this right through
 15 December 31, 2022, in case something comes up with
 16 the Thanksgiving weekend.
 17 CHAIRMAN FERGUSON: Well, here's the --
 18 just so you know, we're not meeting December.
 19 MR. ALAMPI: I'll extend it to January
 20 2022 -- or 2023.
 21 CHAIRMAN FERGUSON: I appreciate that.
 22 MR. ALAMPI: But we're staying ahead of
 23 the schedule --
 24 CHAIRMAN FERGUSON: I understand that.
 25 MR. ALAMPI: -- in case something comes

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1 MS. LAMBRINIDES: Mr. Albanese?
 2 VICE CHAIRMAN ALBANESE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 (No response.)
 5 MS. LAMBRINIDES: Is Mr. Terranova
 6 here?
 7 MR. TERRANOVA: Here. Yes.
 8 Sorry.
 9 MS. LAMBRINIDES: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 MS. LAMBRINIDES: Mr. Elefteriou?
 12 MR. ELEFTERIOU: Yes.
 13 MS. LAMBRINIDES: Mr. Grala?
 14 MR. GRALA: Yes.
 15 MS. LAMBRINIDES: Mr. Brogna?
 16 MR. BROGNA: Yes.
 17 MS. DeCARLO: Case Number 22-11 will be
 18 carried to November 21st, 2022, with no further
 19 notice.
 20 CHAIRMAN FERGUSON: Okay.
 21 Next is Case Number 22-03, which is
 22 Mr. Lee, 25 East Edsall Boulevard.
 23 And, Marc, you're up?
 24 MR. RAMUNDO: Thank you, sir.
 25 CHAIRMAN FERGUSON: Good to see you.

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1 up.
 2 CHAIRMAN FERGUSON: Okay, we're going
 3 to take a five-minute recess so the court reporter
 4 can stop typing for five minutes.
 5 (Whereupon, a brief recess is held.)
 6 CHAIRMAN FERGUSON: Before you go, we
 7 just received word that Case Number 22-11, which is
 8 133 East Brinkerhoff, is requesting an adjournment.
 9 So if there's anybody in the house --
 10 MR. MACRI: Mr. Chairman, I'm Marc
 11 Macri from Mr. Sokolich's office.
 12 Can that be carried without the
 13 necessity of re-noticing?
 14 CHAIRMAN FERGUSON: Yes.
 15 MS. DeCARLO: The applicant waives time
 16 constraints?
 17 MR. MACRI: Yes.
 18 CHAIRMAN FERGUSON: So I'll make that
 19 motion.
 20 VICE CHAIRMAN ALBANESE: I'll second.
 21 CHAIRMAN FERGUSON: Roll call.
 22 MS. LAMBRINIDES: Hold on, I'm still
 23 trying to remember your name.
 24 Mr. Ferguson?
 25 CHAIRMAN FERGUSON: Yes.

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1 MR. RAMUNDO: Good to see you.
 2 MS. DeCARLO: Likewise.
 3 Thank you.
 4 CHAIRMAN FERGUSON: You went through
 5 your...
 6 MR. RAMUNDO: We're all good.
 7 MS. DeCARLO: The Affidavit and Proof
 8 of Service and the Notice to the Public is
 9 sufficient.
 10 The board has jurisdiction.
 11 CHAIRMAN FERGUSON: Okay.
 12 MR. RAMUNDO: Thank you very much.
 13 Good evening, Mr. Chairman,
 14 Ms. DeCarlo, Honorable Board Members, town
 15 professionals, members of the public, my name is Marc
 16 Ramundo, Office of Marc Ramundo here up the hill at
 17 416 East Central Boulevard.
 18 I'm here humbly representing the
 19 applicant tonight, Jeong Mi Lee, who desires to build
 20 a two-family home at the property located at 25 East
 21 Edsall Boulevard, known as Lot 23, Block 302, in the
 22 AA Zone, which zone parenthetically does permit one-
 23 and two-family dwellings.
 24 The property in question is undersized.
 25 It's a 40-by-100 lot. And which is usually -- it's

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1 less than the usual 50-by-100 lot we see in the AA
2 Zone.

3 By the light of the undersized nature
4 of the lot, the applicant comes before this board
5 respectfully requesting site plan approval for a
6 6-over-6 style two-family home, which as designed,
7 would require certain variances, mostly caused,
8 again, by the undersized lot and the preexisting non
9 -- preexisting condition of the undersized lot, which
10 Mr. Cocoros will talk about very shortly.

11 The six variances -- I'm sorry -- six
12 of the eight variances that are being sought tonight
13 are all part and parcel of the short or small lot
14 size, lot size, lot width. Lot size 40-by-100, not
15 the 50-by-100 that we're used to. Lot width, 40-by
16 -- 40-feet wide, not the 50-feet lot.

17 Area per unit, 2,000 square feet, not
18 2,500 square feet.
19 Right side yard and left side yard
20 setback, and a combined side yard, due to the again
21 shorter width of the lot, the building has been
22 designed to acknowledge the narrowness of the site,
23 which in turn causes the setbacks to be slightly
24 less.

25 Then we have building coverage,
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1 CHAIRMAN FERGUSON: Okay. Mr. Cocoros
2 has been here many, many, many times.

3 And we'll accept him as an expert.
4 MR. COCOROS: Okay. As Marc had
5 mentioned, the property itself is
6 40-feet-by-100-feet-deep. It's a preexisting
7 nonconforming lot.

8 However, there is no opportunity or any
9 chance to buy any additional land. All the lots on
10 this portion of Edsall Boulevard, which is between
11 Lincoln and First Street on the north side of the
12 street, all those lots are 40-feet-wide.

13 But, basically, we're kind of stuck
14 with the 40 feet that we have.

15 We plan to demolish the existing
16 dwelling, which is located pretty close to street,
17 and replace it with a new three-story, up-and-down
18 6-over-6 two-family dwelling.

19 The configuration that we're proposing
20 is a 3-and-a-half-foot side yard setback on each
21 side, which is typical, typical of the newer ones.
22 Before we used 3 inch. Now we have a little bit more
23 room.

24 That decision was based on previous
25 feedback from the board.

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1 47 percent, not 40. And rear yard, 23 not 25.
2 Building height, 31, not 25.

3 The testimony, we only have two
4 witnesses tonight to move this meeting along.
5 Mr. Cocoros, the architect, will talk about what
6 variances are being requested and why they're being
7 needed. And Mr. David Spatz here, our planner, will
8 testify how this application does meet the positive
9 and negative criteria.

10 So without further ado, Mr. Cocoros.
11 MS. DeCARLO: Can you please state your
12 flame and address for the record?
13 MR. COCOROS: Sure.
14 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
15 C-O-C-O-R-O-S. 467 Sylvan Avenue, Englewood Cliffs,
16 New Jersey 07632.

17 MS. DeCARLO: Do you swear or affirm
18 that the testimony you're giving with regard to this
19 application is the truth, the whole truth, and
20 nothing but the truth?

21 MR. COCOROS: I do.
22 VASSILIOS COCOROS, AIA
23 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
24 having been duly sworn, testifies as follows:

25 MS. DeCARLO: Thank you.
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1 We're setting back the building
2 20 feet. The existing building, itself, is about 14,
3 15 feet back from the street, from the property line.
4 The existing neighbors are actually further -- closer
5 to the property line.

6 So we do meet the front yard and side
7 yard setback.

8 The building, itself, is 57-feet deep,
9 which is a typical configuration for a 6-over-6. And
10 we have 23-foot rear yard setback.

11 There is a rear deck off the back of
12 the property for each apartment that's 8-feet deep
13 and 11-feet wide. It is a three-level configuration.

14 I'll go to Sheet A-2. It's an
15 all-brick structure. First, we have the ground floor
16 with the two-car garage in the front, the staircase
17 up to the first floor which connects to the primary
18 apartment.

19 At the back, we have the recreation
20 room, a home office/den. We have a powder room; no
21 full bath.

22 The driveway, itself, as the garage is
23 slightly higher than the street, there's no negative
24 pitch going down from the street to the garage doors.

25 We have a side door with a walkway up
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1 the side. And in the back we have an AC unit and a
2 deck.
3 The first floor and second floor is the
4 same configuration. It's a three-bedroom layout for
5 each one. There's a staircase up from the sidewalk
6 level to a covered platform, which is the roof above
7 it.

8 On the right-hand side, if you look at
9 the second floor apartment, the left door is the
10 first floor apartment.

11 Each one has a three-bedroom layout,
12 two bedrooms, a shared small bathroom, a hall
13 laundry, a primary suite at the back with its own
14 ensuite, living and dining room, kitchen and eating
15 area behind it, this is a bathroom (indicating).

16 MS. LAMBRINIDES: Slow down a little
17 bit for the court reporter. If you could slow down a
18 little bit.

19 MR. COCOROS: Each one has a
20 three-bedroom configuration with a living room,
21 dining room, kitchen, eating area.

22 Then off the eating area is a deck off
23 the back.

24 As I mentioned before, the first and
25 second floor are the same.

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1 of space.

2 CHAIRMAN FERGUSON: Okay. So above the
3 two doors, there's no --

4 MR. COCOROS: No balcony.

5 CHAIRMAN FERGUSON: No balcony.
6 So both of your decks are in the back.

7 MR. COCOROS: Correct.

8 CHAIRMAN FERGUSON: There's nothing on
9 the sides.

10 MR. COCOROS: Nothing on the sides. No
11 bay windows.

12 CHAIRMAN FERGUSON: As I look at the
13 application, I don't -- I don't see -- because we're
14 always concerned about people sneaking in apartments.

15 So I just -- really quickly, I just
16 want to go over this. You have an entrance on one
17 side of the building, correct?

18 MR. COCOROS: Yes.

19 CHAIRMAN FERGUSON: Now, if you go in
20 the garage on that side, do you have access to the
21 first floor?

22 MR. COCOROS: Yes.

23 CHAIRMAN FERGUSON: You do.

24 MR. COCOROS: Yeah.

25 Well, there's a -- from the inside,

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1 And the basement is the main floor.
2 It's slightly different where we have a two-car
3 garage, a hallway, stairs up to the first apartment,
4 a utility room, rec room, home office, powder room
5 and coat closet (indicating).

6 As I mentioned before, most of the
7 variances have to do with the configuration of the
8 house.

9 It's not a duplex, so the height is a
10 25-foot height requirement.

11 In addition, part of the height
12 requirement is based on the original zoning, which
13 is, you know, 25 feet or 28 feet for a duplex. That
14 was before we had all the issues with the water
15 coming down.

16 So part of the height variance is based
17 on having the garage door elevation slightly higher
18 than the sidewalk and Edsall Boulevard. So that
19 creates the height variance.

20 The side yard variance, there's a
21 5-foot requirement, at least that's what we do on a
22 50-foot-wide lot.

23 Here we have a 40-foot-wide lot,
24 3-and-a-half foot has been approved before. I think
25 that is an optimal first floor layout and the quality

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1 there's a door from inside the garage connected to
2 the -- into the hallway which takes you up to the
3 first floor apartment.

4 CHAIRMAN FERGUSON: Okay.

5 Now, you all right, Paulie? You all
6 right? I don't know. You're over there moaning.

7 So at any rate, there's no entrance on
8 the other side, on the inside of the building.

9 MR. COCOROS: No.

10 We have the garage doors in the Front.

11 CHAIRMAN FERGUSON: No.

12 The side of the building, not the
13 front.

14 The other side, not the door side, the
15 other side of the building, there's no way to get
16 into that side?

17 MR. COCOROS: You're talking about --
18 on the left side of the building, there's a walkway
19 that takes you to the backyard.

20 There's a door that provides egress
21 from the ground floor of the basement.

22 CHAIRMAN FERGUSON: Now, on the other
23 side of the building, right there, there's no doors.

24 MR. COCOROS: No.

25 CHAIRMAN FERGUSON: The only way you

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1 can get into the basement, right, is through that one
 2 window -- that one door.
 3 MR. COCOROS: Correct.
 4 CHAIRMAN FERGUSON: And that door leads
 5 up to.
 6 MR. COCOROS: No.
 7 CHAIRMAN FERGUSON: No. It leads up,
 8 then a staircase.
 9 MR. COCOROS: No.
 10 The door is the side -- on the side of
 11 the property. So that leads you to the front of the
 12 driveway or to the backyard.
 13 CHAIRMAN FERGUSON: Right.
 14 But there's a door to get into the
 15 garage, no.
 16 MR. COCOROS: Yeah.
 17 But the garage -- to go into the garage
 18 from inside the building you have to go into the
 19 garage.
 20 CHAIRMAN FERGUSON: Right, there is a
 21 way.
 22 But there's no way to get in.
 23 MR. COCOROS: Correct.
 24 CHAIRMAN FERGUSON: There's two ways to
 25 get in. There's a garage door that opens and closes,

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1 there, or in that area there on the left-hand side,
 2 is my question?
 3 MR. COCOROS: No.
 4 Do you want to add an inlet in the
 5 backyard?
 6 MR. COLLAZUOL: Well, seeing that you
 7 have the concrete inside the landing, then concrete,
 8 then you have the driveway.
 9 So I think you need to capture some of
 10 the runoff there, because everything is coming to the
 11 front and you don't want it to spill to the neighbor.
 12 MR. COCOROS: Would you prefer where
 13 the platform is, or do you want to put it in the
 14 front corner?
 15 MR. COLLAZUOL: Well, I think you have
 16 to capture the water from the driveway.
 17 MR. COCOROS: Yeah.
 18 The water from the driveway is going
 19 towards -- going towards -- away from the sidewalk.
 20 MR. COLLAZUOL: Right.
 21 You have to capture that and retain
 22 that.
 23 MR. COCOROS: So a trench drain at the
 24 property line.
 25 MR. COLLAZUOL: That would be

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1 and then one door.
 2 MR. COCOROS: Yeah.
 3 That's a fire-rated door because it's a
 4 garage.
 5 CHAIRMAN FERGUSON: Okay.
 6 I assume there's no bathroom, there's
 7 powder room in the basement?
 8 MR. COCOROS: There's a powder room.
 9 CHAIRMAN FERGUSON: I'm glad to hear
 10 that. I mean, I don't have anything.
 11 You don't have anything? Any other
 12 board members have anything?
 13 (No response.)
 14 CHAIRMAN FERGUSON: Take it away.
 15 MR. COLLAZUOL: I do.
 16 MR. RAMUNDO: Hey, Steve.
 17 MR. COLLAZUOL: We have a report dated
 18 October 11.
 19 Item Number 6 deals with the stormwater
 20 management. Can you capture the water from the
 21 driveway with a trench drain? On the left-hand side
 22 you have that grading going from the back of the
 23 building forward. And you have that land in the back
 24 with the concrete.
 25 So do you have an inlet at the landing

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1 sufficient, yeah.
 2 And you can pick up the left-hand side
 3 as well, some impervious areas as well. That will
 4 prevent that from going onto the neighbor's.
 5 MR. COCOROS: Right.
 6 Now it's basically going from front to
 7 back.
 8 So would you want another drain to
 9 intercept it at the corner somewhere.
 10 MR. COLLAZUOL: Yeah.
 11 On sanitary sewer, the borough in the
 12 past few years installed that 36-inch reinforced
 13 concrete pipe.
 14 From your topographic information, it
 15 looks like the sanitary is considerably deeper.
 16 So it looks like you're going to go
 17 under the storm line for the sanitary.
 18 MR. COCOROS: The other item would be
 19 if we could find the existing lateral and reuse that,
 20 get it inspected.
 21 MR. COLLAZUOL: When that 36-inch was
 22 put in, there was a lot of conflicts.
 23 I think you should bring that to the
 24 contractor's attention if this gets approved.
 25 MR. COCOROS: But if you use the old

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1 lateral --
 2 MR. COLLAZUOL: It might be a
 3 refurbished lateral as well.
 4 So you probably need the video.
 5 MR. COCOROS: Okay.
 6 MR. COLLAZUOL: And then the plan shows
 7 one tree in the right-of-way between the curb and the
 8 sidewalk.
 9 MR. COCOROS: Yes.
 10 MR. COLLAZUOL: Do you know what size
 11 tree that is? It's to be removed, correct?
 12 I don't see anything that shows the
 13 size.
 14 MR. COCOROS: They don't have anything
 15 on their survey.
 16 MR. COLLAZUOL: But the tree is to be
 17 removed.
 18 MR. COCOROS: Yes.
 19 MR. COLLAZUOL: So the board knows, one
 20 tree is being removed in the right-of-way.
 21 That's all I have, Chairman.
 22 CHAIRMAN FERGUSON: Okay. Anybody from
 23 the audience have any questions for this individual?
 24 Can I get your name and address, dear?
 25 MS. GRAINGER: Sandy Grainger, 27 East

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1 MR. COCOROS: This is Edsall Boulevard
 2 here (indicating).
 3 This is Lincoln (indicating).
 4 And First Street is over here
 5 (indicating).
 6 Are you on the corner?
 7 MS. GRAINGER: I'm right in the middle.
 8 MR. COCOROS: So you're on the
 9 right-hand side.
 10 MS. GRAINGER: Five houses. I'm in the
 11 middle.
 12 MR. COCOROS: Yeah. We are -- yeah,
 13 this is Number 27.
 14 MS. GRAINGER: 22, to the left.
 15 MR. COCOROS: Yeah.
 16 So this is the right (indicating).
 17 This is the left side (indicating).
 18 That's the right side elevation
 19 (indicating).
 20 MS. GRAINGER: So this is the side
 21 that's going to face --
 22 MR. COCOROS: You.
 23 In your case, you're lucky, your house
 24 is -- you know, this house is a little bit closer
 25 (indicating).

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1 Edsall Boulevard.
 2 THE COURT REPORTER: What is your last
 3 name?
 4 MS. GRAINGER: Grainger,
 5 G-R-A-I-N-G-E-R. Palisades Park.
 6 CHAIRMAN FERGUSON: Okay.
 7 And where do you live?
 8 You're next to this building?
 9 MS. GRAINGER: I'm 11 feet away from
 10 him.
 11 CHAIRMAN FERGUSON: Okay, go ahead.
 12 MS. GRAINGER: How -- all these houses
 13 are all so close to one another. How -- can I see?
 14 CHAIRMAN FERGUSON: Watch yourself,
 15 dear.
 16 MS. GRAINGER: What are they going to
 17 look at?
 18 MR. COCOROS: That's the front here
 19 (indicating).
 20 That's the side (indicating).
 21 That's the other side (indicating).
 22 That's the left side, right side, the
 23 back. And that's the front (indicating).
 24 MS. GRAINGER: The left side.
 25 Where am I?

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1 Your house is about 10 feet away from
 2 the property.
 3 You've got the driveway separating the
 4 houses. So it won't be as impacted.
 5 You have your driveway that's close in
 6 the back here, and the house is over here
 7 (indicating).
 8 MS. GRAINGER: How close is this house
 9 (indicating)?
 10 MR. COCOROS: It's 3-and-a-half feet
 11 from the property line, which is typical for this
 12 configuration.
 13 MS. GRAINGER: On each side?
 14 MR. COCOROS: Yes.
 15 MS. GRAINGER: Where are the driveways
 16 going?
 17 MR. COCOROS: In front.
 18 There's a two-car driveway here
 19 (indicating).
 20 MS. GRAINGER: They're right next to
 21 each other.
 22 MR. COCOROS: Yeah.
 23 There's two garage doors.
 24 MS. GRAINGER: Oh, I see.
 25 MR. COCOROS: It's one driveway that's

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1 22-and-a-half-foot wide.
 2 MS. GRAINGER: So you're using every
 3 inch of the property to build.
 4 MR. COCOROS: Not every inch. It's
 5 basically, like, your typical...
 6 MS. GRAINGER: How do you plan on
 7 knocking down this house?
 8 That's what my concern is. I park my
 9 car in my driveway.
 10 MR. COCOROS: I mean, the existing
 11 house, itself, is 8 feet from the property line.
 12 MS. GRAINGER: I measured it the other
 13 night.
 14 From my driveway is 11 feet 4 inches.
 15 MR. COCOROS: There's about another,
 16 let's say, 6 feet.
 17 MS. GRAINGER: Then his starts.
 18 MR. COCOROS: You know, they demolish
 19 houses closer.
 20 You know, you have to be careful of
 21 course. You would have to coordinate any issues.
 22 You probably have to, as you know, use water to make
 23 sure the dust is down.
 24 So that's something, you know, you
 25 could coordinate with the builder.

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1 All the contractors will be insured. I
 2 believe the Building Department requires notices to
 3 be sent to all the neighbors as to when and where,
 4 how, time everything is going to be demolished.
 5 I'm sure they'll be in contact with you
 6 to coordinate, like Mr. Cocoros said, as far as the
 7 damping of the dust to make sure --
 8 MS. GRAINGER: Yeah, I've seen them do
 9 that across the street. Every house is knocked down.
 10 MR. RAMUNDO: Of course we will be
 11 insured.
 12 MS. GRAINGER: Everything across the
 13 street is down.
 14 MR. COCOROS: Yeah.
 15 CHAIRMAN FERGUSON: So she's on the
 16 side of not of the driveway.
 17 MR. COCOROS: Yeah.
 18 She's on the side of the staircase.
 19 She's not on the right-hand side.
 20 CHAIRMAN FERGUSON: So there's no
 21 driveway on that side?
 22 MR. COCOROS: No.
 23 Like I said, you know, her driveway is
 24 next to us.
 25 I mean, they do put up a fence, like, a

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1 And if there's any issues, call the
 2 Building Department.
 3 CHAIRMAN FERGUSON: Maybe you could
 4 include the board in this conversation so...
 5 MR. COCOROS: Oh, sure.
 6 She's worried about as far as
 7 demolition goes, any issues.
 8 MS. GRAINGER: Without doing damage to
 9 my car, or my driveway, or my garage, or my house.
 10 CHAIRMAN FERGUSON: You're talking
 11 about when the building comes down.
 12 MS. GRAINGER: Yeah.
 13 CHAIRMAN FERGUSON: Okay.
 14 Doesn't your client have --
 15 MS. GRAINGER: I mean, you've got all
 16 those big machines across the street.
 17 I've seen every house that comes down.
 18 I've been there for 42 years.
 19 CHAIRMAN FERGUSON: No, I appreciate
 20 that.
 21 Counselor?
 22 MR. RAMUNDO: Yes, Mr. Chairman.
 23 CHAIRMAN FERGUSON: I assume you have
 24 insurance for that.
 25 MR. RAMUNDO: Absolutely.

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1 construction fence along the property line when
 2 they're building it.
 3 MS. GRAINGER: Stuff that flies around.
 4 MR. COCOROS: No.
 5 It's, like, 6-foot-high sections. They
 6 have little stanchions. They put them on.
 7 CHAIRMAN FERGUSON: It keeps the debris
 8 not on your property.
 9 MS. GRAINGER: So they're not going to
 10 do any damage to my driveway?
 11 MR. COCOROS: No, they shouldn't.
 12 MS. GRAINGER: How are they going to
 13 get the machine in there?
 14 It's knocked down.
 15 MR. COCOROS: There's room on the side.
 16 Maybe we'll start from the corner.
 17 MS. GRAINGER: There's a driveway.
 18 MR. COCOROS: Basically start from the
 19 front corner and work their way back.
 20 You know, they'll knock it away from
 21 your house of course. The closest point here, we
 22 have about 7 feet from the property line.
 23 So it's about 18 feet from your house.
 24 Let's say the existing house, itself,
 25 is about 6 feet from the property line from your

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1 driveway.

2 CHAIRMAN FERGUSON: Okay.

3 MS. GRAINGER: This is what I'm going

4 to be looking at from my driveway. Okay.

5 CHAIRMAN FERGUSON: Okay.

6 MS. GRAINGER: I just don't want any

7 damage done to my property.

8 CHAIRMAN FERGUSON: I understand.

9 He already said there's going to be an

10 insurance policy.

11 Naturally you can put a claim in for

12 anything that they do.

13 MR. COCOROS: Take pictures before to

14 make sure.

15 CHAIRMAN FERGUSON: All right.

16 Anybody else in the audience have

17 anything for this property?

18 (No response.)

19 CHAIRMAN FERGUSON: No?

20 Okay, call your next witness.

21 MR. RAMUNDO: Okay.

22 We've got Mr. Spatz, who will have a

23 nice exhibit for the board.

24 CHAIRMAN FERGUSON: Just so the person

25 knows, dear, this isn't a duplex. This isn't one of

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1 those big ones. This is small.

2 MS. GRAINGER: Yeah, I know. This is

3 what they did across the street.

4 CHAIRMAN FERGUSON: A duplex couldn't

5 fit here. No, no, it's 6-by-6.

6 MS. GRAINGER: I'm concerned about --

7 CHAIRMAN FERGUSON: Your property. I

8 got you.

9 MS. GRAINGER: When they knock it down,

10 where is all this stuff going to go?

11 All over the place.

12 CHAIRMAN FERGUSON: I understand.

13 They're going to take care of it for you.

14 All right?

15 MS. GRAINGER: I just don't want my car

16 getting damaged.

17 CHAIRMAN FERGUSON: No.

18 I absolutely agree. I agree.

19 What are they going to do? I mean,

20 they've got to knock the building down.

21 Okay, do you want to...

22 MS. DeCARLO: Please state your name

23 and address for the record.

24 MR. SPATZ: David Spatz, S-P-A-T-Z.

25 My business address is 60 Friend

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1 Terrace in Harrington Park.

2 MS. DeCARLO: Do you swear or affirm

3 that the testimony you're giving regarding this

4 application is the truth, the whole truth, and

5 nothing but the truth?

6 MR. SPATZ: Yes, I do.

7 D A V I D S P A T Z, PP,

8 60 Friend Terrace, Harrington Park, New Jersey,

9 having been duly sworn, testifies as follows:

10 MS. DeCARLO: Thank you.

11 CHAIRMAN FERGUSON: Okay.

12 Mr. Spatz has been here many times,

13 many, many times. Probably not as much Cocoros. But

14 you're catching up.

15 MR. SPATZ: I'm closing in.

16 I'm getting closer.

17 CHAIRMAN FERGUSON: Okay, go ahead.

18 (Whereupon, Photoboard is marked as

19 Exhibit A-1 for identification.)

20 MR. SPATZ: I have a photo exhibit

21 which I submitted, which is marked A-1.

22 The top left-hand photograph is of the

23 subject property (indicating).

24 The top right is looking to the right

25 of our property, including the neighbor's house,

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1 which is a single-family home (indicating).

2 The bottom left is looking to the left

3 of our house (indicating). It's also a single-family

4 home. And then a multifamily building next to that

5 (indicating).

6 And then the bottom right-hand

7 photograph is looking directly across the street,

8 which is a two-family house (indicating).

9 And on that side of the street there

10 are mostly two-family homes. We're the AA Zone,

11 which permits the two-family that we're proposing.

12 As was described, the lot is undersized

13 in terms of area and width, only 40-feet wide.

14 We're seeking one D variance, which is

15 for building height, and then additional C variances

16 for building coverage, rear yard and side yards.

17 Looking at the height variance, we do

18 meet the purposes of zoning as stated in the

19 Municipal Land Use Law.

20 We meet Purpose A, which is promoting

21 public health, safety, morals and general welfare.

22 We're providing a residential use in a residential

23 zone.

24 Purpose E is the establishment of

25 appropriate population densities. The proposal is to

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1 build a two-family home in a two-family zone in a
2 neighborhood that contains a significant number of
3 two-family homes.

4 And then, lastly, Purpose I, which is
5 promoting a desirable visual environment. We're
6 replacing an existing smaller home with a new home
7 that is consistent with the development. It has been
8 designed to acknowledge the narrower lot and still
9 provide significant side yards and rear yard.

10 The dwelling does exceed the height.
11 As Mr. Cocoros stated, in order to get the correct
12 pitch of the driveway, the building is a little bit
13 taller than what would be permitted.

14 The existing dwelling actually contains
15 three units. And we're reducing it by making it a
16 two-family home. So that has a benefit to the
17 surrounding properties.

18 Looking at the bulk variances, the
19 front yard setback is conforming, whereas the current
20 situation is nonconforming. We are consistent with
21 the development in that property.

22 Again, the lot is 10 foot narrower than
23 what would be required within the zone. The
24 properties, as can be seen are developed on either
25 side of us, so there's no ability to increase the

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201-641-1812

1 Currently there's no parking onsite,
2 and we are providing the parking.

3 So on balance I think the positive
4 criteria is met. It exceeds whatever might be
5 considered negative. And I think it would be
6 appropriate to grant those variances.

7 So that concludes my testimony. I'm
8 open to any questions.

9 CHAIRMAN FERGUSON: Do any board
10 members have anything?

11 (No response.)

12 CHAIRMAN FERGUSON: Mr. Kauker?

13 MR. KAUKER: Just one quick question
14 with respect to height, Mr. Spatz.

15 MR. SPATZ: Yes.

16 MR. KAUKER: Is the height of the
17 building, or the proposed height, consistent with
18 other buildings in this area?

19 MR. SPATZ: It is.

20 On our side of the street there are
21 primarily two-families. We do have a multifamily
22 building.

23 But across the street are all
24 consistently two-families that are at least three
25 stories in height, similar to what we are proposing,

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201-641-1812

1 size of our property without making them
2 nonconforming.

3 They are all 40-foot on that side of
4 the property (indicating). The building has been
5 designed to acknowledge that narrowness. And that's
6 why we have a 6-over-6 versus a duplex, as can be
7 seen across the street.

8 The coverage also exceeds what is
9 permitted in the zone. That's also a function of the
10 smaller lot size.

11 Drainage improvements are being made on
12 the property, which will mitigate against the
13 slightly larger building.

14 So I think are the positive criteria
15 there for the C variances.

16 In terms of the negative criteria,
17 there's nothing that's substantially negative. We're
18 in character with the surrounding neighborhood. We
19 are permitted within the zone. We're reducing the
20 density on the property. The setbacks are consistent
21 with the neighborhood and consistent with the
22 narrower property. We have a conforming amount of
23 parking on the property.

24 There is a reduction in the amount of
25 parking demand because of the reduction of one unit.

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1 so we are consistent.

2 MR. KAUKER: Thank you.

3 I have nothing else.

4 CHAIRMAN FERGUSON: Okay. Counselor,
5 do you want to sum up?

6 MR. RAMUNDO: No, Mr. Chairman. I've
7 been here many times.

8 CHAIRMAN FERGUSON: Wait.

9 We've got to open it to the public.

10 Does anybody in the public have
11 anything to say, any questions?

12 Yes, my friend.

13 Your name and address.

14 MR. PRETTYPAUL: My name is Kevin. I
15 live on 5th Street, 467.

16 CHAIRMAN FERGUSON: 5th Street?

17 MR. PRETTYPAUL: Yeah.

18 I have three kids that I take to
19 school -- to school.

20 That property, there's no sidewalks.
21 So to put up a two-family unit, it's going to create
22 pedestrians filling into the streets.

23 There are also going to be -- with two
24 units there are going to be parked cars on the
25 streets as well, making it narrow for motorists to go

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1 up, as well as pedestrians.
 2 I don't see a sidewalk in the plan.
 3 So that's my main concern.
 4 THE COURT REPORTER: Sir, what is your
 5 last name?
 6 MR. PRETTYPAUL: Pretty paul.
 7 MS. LAMBRINIDES: Can you spell that
 8 please for the record?
 9 CHAIRMAN FERGUSON: Are you talking
 10 about this application?
 11 MR. COCOROS: It's not this one.
 12 MR. PRETTYPAUL: It's not this one.
 13 CHAIRMAN FERGUSON: It's the next one.
 14 Okay. All right.
 15 Anybody else?
 16 (No response.)
 17 CHAIRMAN FERGUSON: Okay. So I'll make
 18 a motion that we approve this application --
 19 VICE CHAIRMAN ALBANESE: I'll second.
 20 CHAIRMAN FERGUSON: -- as submitted.
 21 Can I get a second?
 22 VICE CHAIRMAN ALBANESE: I second.
 23 CHAIRMAN FERGUSON: There's a second.
 24 Roll call.
 25 MS. LAMBRINIDES: Mr. Ferguson?

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1 AUDIENCE MEMBER: Not against.
 2 But we just have a couple questions.
 3 No.
 4 CHAIRMAN FERGUSON: No problem. We're
 5 here to answer those questions, I hope.
 6 Counselor, take it away.
 7 MR. MACRI: Good evening, Mr. Chairman,
 8 Members of the Board, for the record, my name is Marc
 9 Macri.
 10 I represent the applicant in connection
 11 with this evening's application.
 12 With me I have two expert witnesses. I
 13 have our architect, Mr. Vassilios Cocoros, our
 14 Professional Planner, Mr. David Spatz.
 15 This property is located at 213 [sic]
 16 Central Boulevard in the borough.
 17 We're seeking to develop and to
 18 construct a two-family, side-by-side, duplex-style
 19 residential dwelling.
 20 I'd like to begin by having Mr. Cocoros
 21 sworn in. I'm sorry, 313 East Central Boulevard. My
 22 mistake.
 23 MS. DeCARLO: Please state your name
 24 and address for the record.
 25 MR. COCOROS: Sure.

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1 CHAIRMAN FERGUSON: Yes.
 2 MS. LAMBRINIDES: Mr. Albanese?
 3 VICE CHAIRMAN ALBANESE: Yes.
 4 MS. LAMBRINIDES: Mr. Terranova?
 5 MR. TERRANOVA: No.
 6 MS. LAMBRINIDES: Mr. Chung?
 7 MR. CHUNG: Yes.
 8 MS. LAMBRINIDES: Mr. Elefteriou?
 9 MR. ELEFTERIOU: Yes.
 10 MS. LAMBRINIDES: Mr. Grala?
 11 MR. GRALA: Yes.
 12 MS. LAMBRINIDES: Mr. Brogna?
 13 MR. BROGNA: Yes.
 14 CHAIRMAN FERGUSON: Okay.
 15 MR. RAMUNDO: Thank you very much.
 16 CHAIRMAN FERGUSON: All right. The
 17 next one is 113 [sic] East Central Boulevard.
 18 AUDIENCE MEMBER: It's 313.
 19 CHAIRMAN FERGUSON: I'm sorry, 313.
 20 Is that yours? Okay.
 21 Are you opposing, or are you here for
 22 or against?
 23 AUDIENCE MEMBER: Against, I guess.
 24 CHAIRMAN FERGUSON: Okay. You're
 25 allowed to.

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1 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
 2 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
 3 New Jersey.
 4 CHAIRMAN FERGUSON: You have been sworn
 5 in.
 6 You understand that?
 7 MR. COCOROS: Yes.
 8 Thank you.
 9 V A S S I L I O S C O C O R O S, AIA
 10 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 11 having been previously sworn, continues to
 12 testify as follows:
 13 CHAIRMAN FERGUSON: Take it away.
 14 DIRECT EXAMINATION
 15 BY MR. MACRI:
 16 Q. Mr. Cocoros, can you please describe to
 17 the board the dwelling that we propose to construct
 18 on the property?
 19 A. This property is located northwest
 20 corner of 9th and Central Boulevard. It's
 21 50-feet-wide-by-100-feet-deep.
 22 The property, itself, does have quite a
 23 bit of topographic difference.
 24 MS. LAMBRINIDES: Can we keep the
 25 background noise to a minimum so the court reporter

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1 can hear the testimony, please?
 2 Thank you.
 3 MR. COCOROS: This is a corner lot.
 4 At the corner we have, let's say, 197.
 5 Heading north on 9th Street it goes up to about 205.
 6 So there's a good 7-foot difference along 9th Street
 7 going down towards East Central Boulevard
 8 (indicating).
 9 Then going from east to west down to
 10 Central Boulevard, we have an approximate difference
 11 of 6 feet.
 12 So the property, itself, has a
 13 topographic difference from front to back and also
 14 from side to side (indicating).
 15 We're proposing to demolish the
 16 existing dwelling. The existing dwelling does have
 17 some nonconforming issues. We're proposing a
 18 side-by-side, two-family duplex that's facing on
 19 9th Street (indicating).
 20 Given the fact that Central Boulevard
 21 is a busier street, we're locating the driveways and
 22 the front doors for each one of the units on
 23 9th Street.
 24 Since the property does have quite a
 25 bit of a slope difference, we are stepping the units.

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1 partially on the back, like you do typically.
 2 It's broken up with either stucco and a
 3 panelized system to help break up to give it a
 4 different look on each, each of the façades.
 5 So if you go to Sheet A-2, we have the
 6 two-car covered parking -- you know, covered two-car
 7 parking area.
 8 The parking is covered so the parking
 9 goes into this part of the building (indicating).
 10 We have an oversized garage, a small
 11 recreation room, a utility room with the mechanicals
 12 behind the garage, and a powder room, a recreation
 13 room with a door that goes into the yards of each of
 14 the units (indicating).
 15 At the front corners we have the entry
 16 hall with a coat closet, a small little linen closet,
 17 a staircase up to the first floor, which is the main
 18 living space (indicating).
 19 Each side is basically a mirror image
 20 of each other.
 21 But, however, as I mentioned before,
 22 the unit which is Unit A is 4 feet lower than Unit B.
 23 And that's because of the difference along 9th Street
 24 which goes higher as you're going north.
 25 You can also see it in the left

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1 So the two driveways of the two units
 2 will be stepped -- the step itself is approximately
 3 -- is actually 4 feet.
 4 So that is to avoid burying it into the
 5 ground and having a negative pitch for the driveway.
 6 So part of the height issue is the fact
 7 that we're using the taller, fuller unit for the
 8 height, which is based on the average four corners.
 9 And given the grade differences and the
 10 huge drop-off, that's why we have a considerable
 11 height that we're going for.
 12 The building footprint, itself, is
 13 68-feet deep and 35-feet wide. We will have a
 14 10-foot side yard with a 4-foot enclosure for the
 15 entry platform.
 16 However, there are no steps like a
 17 typical duplex.
 18 You enter on the ground level and have
 19 a flight of stairs up to the interior.
 20 We have a three-level configuration.
 21 We also have a partial finished attic with a roof
 22 deck to take advantage of the views west, since we're
 23 high up on the hill on 9th Street.
 24 So it's an all-brick structure;
 25 however, we do have bay windows on the side and

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1 elevation, which is the rear of the units, because
 2 we're orienting the units on 9th Street.
 3 Here, this is the first floor. We have
 4 the main living space. We have the entry hall, which
 5 is the staircase up from the ground floor
 6 (indicating).
 7 We have the kitchen, a deck off the
 8 kitchen, a living room at the front (indicating).
 9 And behind the kitchen we have a dining
 10 room that's connected with a half wall between the
 11 kitchen eating area (indicating). And then we also
 12 have an arched opening into the living room.
 13 The second floor is the bedroom level.
 14 We have a primary or master suite at the front, two
 15 walk-in closets, an ensuite bathroom with a
 16 freestanding tub, shower area, a double vanity and
 17 the toilet. The two secondary bedrooms share a
 18 bathroom in the hall (indicating). They each have
 19 their own closets.
 20 In addition, we have a side-by-side
 21 laundry in the hallway (indicating). Up above we
 22 have a small finished attic, which is via a staircase
 23 from the hall below.
 24 We have small powder room, a bar area,
 25 a closet and a door onto the deck (indicating).

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1 What we've done is we've hidden the
2 deck behind the roof, so you don't really see it from
3 the street.

4 Let me go to the elevations. You see
5 the actual -- on the left elevation with the rear
6 units we see the decks, themselves, are hidden up on
7 the back portion and then from the front
8 (indicating).

9 And the rear elevations, which are the
10 side of the units, the roof decks are hidden by the
11 gable of the roof, itself (indicating).

12 The same thing in the front. When you
13 look at it from the front, you don't see the decks.
14 It's kind of like a small portion, like 12-, 13-foot
15 wide facing out towards the Meadowlands.

16 So the configuration is typical for
17 these sized lots. You know, we usually do this sized
18 house on the property. And then we try to --
19 especially here with the hill coming down
20 (indicating), we definitely have to make sure the
21 driveways are higher than the sidewalk, itself.

22 CHAIRMAN FERGUSON: That's it?

23 MR. COCOROS: Yes.

24 CHAIRMAN FERGUSON: I've got a couple
25 questions.

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1 adds about 2 feet to the height.

2 CHAIRMAN FERGUSON: Because, you know,
3 I appreciate that too, that you can't hear it -- see
4 it.

5 But, I mean, you're at 37 -- you're at
6 37, almost 38 feet.

7 MR. COCOROS: Yes.

8 I mean, a lot of that has to do -- part
9 of it has to do with that it's also measured to the
10 higher -- the higher gable because there are steps.

11 So 4 feet of that is the step of the
12 building, itself.

13 CHAIRMAN FERGUSON: Okay.

14 But if you reduce the attic, it would
15 be -- you would reduce the height by 2 feet; is that
16 you're telling me?

17 MR. COCOROS: There's one way we could
18 do it is we...

19 You know, one thing we could do is if
20 we -- you know, we could bring the roof down maybe,
21 let's say, 4 feet. It would be a 2-foot reduction.

22 And then we could do, like, a hatch that opens up
23 from the floor below to get to that roof.

24 You know, you still wouldn't really see
25 it, but you would have like --

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1 The way the house sits now, which way
2 does it face?

3 Does it face Central?

4 AUDIENCE MEMBER: It faces Central.

5 CHAIRMAN FERGUSON: Okay. And the
6 reason why you're turning it around is because of
7 traffic on Central.

8 MR. COCOROS: Yeah.

9 Not to back out onto...

10 CHAIRMAN FERGUSON: Now, you said
11 something about the attic can't be seen, right?

12 MR. COCOROS: No.

13 CHAIRMAN FERGUSON: It's hidden?

14 MR. COCOROS: Yeah.

15 CHAIRMAN FERGUSON: Again, because
16 you're going down and you want to build it up.

17 MR. COCOROS: Yeah.

18 It's hidden behind the gable.

19 CHAIRMAN FERGUSON: Right.

20 Now, does it contribute to the height
21 of the building?

22 MR. COCOROS: A little bit.

23 CHAIRMAN FERGUSON: Well, what's a
24 little bit.

25 MR. COCOROS: The average height, it

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1 CHAIRMAN FERGUSON: But it still would
2 be there.

3 MR. COCOROS: It would still be there.

4 But you would have a lower roof -- you
5 know, a lower roof pitch. You know, you can probably
6 bring your peak down maybe, you know, 3 or 4 feet,
7 which would be -- you know, which would be like, say,
8 a foot-and-a-half, to be on the safe side, reduction.

9 CHAIRMAN FERGUSON: Now, the thing I'm
10 really concerned about is the decks because you're so
11 close.

12 Let's take the one that you're facing
13 on Central.

14 MR. COCOROS: The only thing on
15 Central, though, if you look at the existing house,
16 the existing house on is on the property line. I can
17 show you on the survey.

18 CHAIRMAN FERGUSON: Okay.

19 MR. COCOROS: So that's the property
20 line. That's the house.

21 I think here is a little bit more
22 manageable, you know, considering what's there.

23 If you go back, I think it might be a
24 little bit more of an issue.

25 I know there are a couple sheds in the

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1 back in that portion. This one here, I think that
2 could be granted, because we're basically on the
3 property line recessed 6 feet. We're still going to
4 be -- even with the deck it's actually still going to
5 be back.

6 Right now it's 6 feet from the property
7 line, this portion.

8 So I think we have -- the decks we have
9 -- in the front we have 12 feet. So we're still
10 going to be double to the deck. And the building,
11 itself, is located 20 feet from that line.

12 So if we can keep the one on the front
13 that would -- you know, I think it would help.

14 CHAIRMAN FERGUSON: Is there any other
15 decks in the area?

16 MR. COCOROS: Yeah.

17 CHAIRMAN FERGUSON: I mean, on that
18 side in the back? The answer is no.

19 Because I don't see any, that's why
20 I'm...

21 MR. COCOROS: I think there was another
22 further down.

23 CHAIRMAN FERGUSON: Further down.

24 MR. COCOROS: Yeah.

25 I think it was by 46 where we had a

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1 deck.

2 But I think we had to cut back a little
3 bit.

4 CHAIRMAN FERGUSON: Not what we had
5 before. This one is standing on its own.

6 Now, on the other side, right, is the
7 one I'm really concerned about. What's the distance
8 between your property line and the end of the deck?

9 MR. COCOROS: We have 4 feet.

10 So it's 8-foot deck, then 4 feet to the
11 property line.

12 CHAIRMAN FERGUSON: Well, I can't -- I
13 can't vote for that.

14 I mean, you're right on -- you're right
15 on -- you're right on the property line.

16 I think you've got to eliminate that
17 deck completely.

18 MR. COCOROS: I mean, yeah, what we've
19 done before, we've done, like, a 3-foot like
20 overhang, and then, you know, we recess it, recess
21 part of the deck into a bay window.

22 CHAIRMAN FERGUSON: We want to
23 eliminate. I want to eliminate. I don't know how
24 the board feels. I want to eliminate that deck
25 completely.

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1 MR. COCOROS: If that's the case, could
2 I do, like, a landing and a stair down to the yard
3 area so we can use the yard from the kitchen?
4 Because if I'm cutting off that roof,
5 full roof --

6 CHAIRMAN FERGUSON: But you said you
7 only have 3 feet.

8 MR. COCOROS: We have a 12-foot
9 setback. If we do -- say we do a 4-foot landing and
10 step down to, like, the yard area, it's a little bit
11 more in line with the side yard.

12 CHAIRMAN FERGUSON: Yeah.

13 But you're still -- but you're still
14 encroaching.

15 MR. COCOROS: Yeah.

16 If we do 4 feet, you'll have 8 feet --
17 say, this building here, you have 4 feet. You know,
18 then you have a small landing.

19 It's not a deck anymore. It's really
20 landing and a set of steps going down toward the
21 yard.

22 CHAIRMAN FERGUSON: But the deck is
23 going to go.

24 MR. COCOROS: Yeah.

25 It's going to be basically a platform.

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1 It's not going to be a deck anymore. It's really
2 just going to be, like, a platform.

3 CHAIRMAN FERGUSON: How close to that
4 property line is it going to be, the deck?

5 MR. MACRI: Chairman, what if we
6 eliminated that deck that you are requesting.
7 Eliminate it.

8 CHAIRMAN FERGUSON: Right.

9 MR. MACRI: To allow us to have, rather
10 than hatch upstairs, a door to walk out. This way
11 that will be their deck.

12 MR. COCOROS: We get rid of both decks.
13 We have an actual -- the deck will be on the roof via
14 a real staircase and a real door.

15 And then, you know, we could get rid of
16 the decks on the...

17 CHAIRMAN FERGUSON: So you're
18 eliminating both decks on each side of the building;
19 is that what you're doing?

20 MR. COCOROS: Yeah.

21 MR. MACRI: This way leave the
22 full-size door upstairs as a compromise.

23 This way if they want to go outside for
24 fresh air, they'll have to go upstairs.

25 CHAIRMAN FERGUSON: How do you get

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1 there, by stair?
 2 MR. MACRI: The interior staircase.
 3 CHAIRMAN FERGUSON: What?
 4 MR. MACRI: The interior staircase.
 5 MR. COCOROS: The way we show it right
 6 now.
 7 This is basically a stair up, like, a
 8 small attic (indicating). There will be an actual
 9 man door or a person door to get out to the deck.
 10 CHAIRMAN FERGUSON: So right now the
 11 way -- are you still going to eliminate the height of
 12 the building, some of the height of the building with
 13 it?
 14 MR. COCOROS: I wouldn't be able to.
 15 CHAIRMAN FERGUSON: So we're back to
 16 the height of the building.
 17 MR. COCOROS: Yeah.
 18 This is the minimum I could do with a
 19 real door out to the roof deck.
 20 CHAIRMAN FERGUSON: Well, I don't know.
 21 Me personally, I don't think the deck fits.
 22 So I think the deck's got to go.
 23 MR. MACRI: The exterior?
 24 The side decks?
 25 CHAIRMAN FERGUSON: I'm talking about

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1 the sidewalk or maybe one -- you know, one step down.
 2 CHAIRMAN FERGUSON: Yeah.
 3 Well, it's got to be higher.
 4 MR. COCOROS: No.
 5 If you look at the -- you know, if you
 6 look here (indicating), you see the ceiling of the
 7 garage is so tall.
 8 The reason why we have this door up
 9 higher (indicating) is we have a little bit higher
 10 than the sidewalk. But the garage door, itself, by
 11 bringing this down (indicating), the garage door
 12 stays where it is.
 13 We still have the minimum height. So
 14 bringing this side down by 16 inches, which will be a
 15 net reduction of 16 inches of the building because
 16 we're measuring the height to the highest point.
 17 CHAIRMAN FERGUSON: Right.
 18 MR. COCOROS: You know, the higher
 19 unit.
 20 So, you know, if we do that, we're
 21 still giving you guys a reduction in height of
 22 16 inches.
 23 CHAIRMAN FERGUSON: And you eliminate
 24 your two decks on each side?
 25 MR. COCOROS: Yes.

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1 the one side, the left and right side.
 2 MR. MACRI: I'm saying we can leave the
 3 top deck the way it was and do one of these
 4 (indicating)?
 5 MR. COCOROS: I mean, I have some room
 6 on this one here (indicating).
 7 I can move the building down 16 inches.
 8 Instead of going to a 4-foot step, I could do a -- I
 9 could do a 6- -- a 2-foot-8 step, so the height,
 10 itself, would go down by 1 foot 4 inches.
 11 CHAIRMAN FERGUSON: So on top of the
 12 building, right, you're going to have a deck?
 13 MR. COCOROS: Yes.
 14 CHAIRMAN FERGUSON: So a person -- a
 15 door is going to open up.
 16 You're going to go to the deck. You're
 17 going to see a view. Then you're going -- right?
 18 Is that what you're telling me?
 19 MR. COCOROS: Yeah. Like a small --
 20 CHAIRMAN FERGUSON: Then you're going
 21 to drop it so we still have the pitch.
 22 MR. COCOROS: Yeah.
 23 I'm going the drop the unit, the higher
 24 unit.
 25 So I can basically make it a level with

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1 CHAIRMAN FERGUSON: There will be no
 2 decks on the side.
 3 What does the rest of the board have to
 4 say about it?
 5 MR. TERRANOVA: I don't understand why
 6 they need the whole top.
 7 MR. COCOROS: It's a roof deck. It's
 8 an attic. You have a view. You know, people like
 9 them.
 10 MR. TERRANOVA: I understand.
 11 I mean, I like them too. But I don't
 12 understand.
 13 You already have -- the bottom level is
 14 at 8, 7. You've got 2, 8, feet, and you're adding
 15 8 feet more on the top. Why?
 16 MR. COCOROS: It's the finished attic.
 17 They have a door to go out to the deck.
 18 MR. TERRANOVA: I understand.
 19 I mean, I just don't understand the
 20 need for it. Every other house in the area is three
 21 levels. Why do you need a fourth level on this
 22 house?
 23 That's all I'm asking, why do we need
 24 it?
 25 MR. COCOROS: You know, it's part the

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1 plan request.
 2 It's part of the design.
 3 MR. TERRANOVA: I understand. I
 4 understand.
 5 You're asking for a variance. So I
 6 don't think it's needed.
 7 CHAIRMAN FERGUSON: Yeah. I don't
 8 think -- you know, I'm really concerned about the
 9 decks. You know, that's what I'm...
 10 MR. MACRI: We'll stipulate that
 11 they're going to be removed.
 12 CHAIRMAN FERGUSON: Say again?
 13 MR. MACRI: We're going to remove the
 14 exterior decks.
 15 CHAIRMAN FERGUSON: I understand.
 16 His problem is that you're making --
 17 instead of reducing it by 2, you're reducing it by
 18 16, 18 inches, whatever it is.
 19 He feels like just eliminate the whole
 20 thing.
 21 So he's in favor -- if I'm listening --
 22 you want to eliminate the two decks plus you want to
 23 eliminate the whole top?
 24 MR. TERRANOVA: Yeah.
 25 CHAIRMAN FERGUSON: Okay. All right.

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1 Well, we'll see what the motion says.
 2 MR. COCOROS: We actually -- you know,
 3 he mentioned before, the master, the primary is in
 4 the front.
 5 I can go with an 8-foot-high plate.
 6 So we could bring the whole building
 7 down by 2 foot 4 inches, you know, overall.
 8 So the second floor ceiling will be
 9 8 feet. And then, you know, we're going to bring it
 10 down by 1 foot 4. So it's basically a net reduction
 11 of 2 feet 4 inches.
 12 CHAIRMAN FERGUSON: In addition to
 13 lowering that building?
 14 MR. COCOROS: No.
 15 It's going to be 1 foot plus --
 16 MR. TERRANOVA: He's saying to lower
 17 the whole building by 2 foot 4.
 18 MR. COCOROS: Yeah. The height. The
 19 height -- the height number is going to be lowered by
 20 2 feet 4 inches.
 21 CHAIRMAN FERGUSON: All right.
 22 Any board members have anything?
 23 Steve, do you have anything?
 24 MR. COLLAZUOL: Yes.
 25 CHAIRMAN FERGUSON: Okay.

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1 MR. COLLAZUOL: Good evening, Bill, on
 2 the left-hand side it appears a retaining wall will
 3 be needed.
 4 Where the existing entry is there's a
 5 set, sort of, stairs and then an abrupt change in
 6 grade there.
 7 So I think --
 8 MR. COCOROS: The retaining wall is on
 9 the other guy's property, so I'm basically meeting
 10 the existing grade.
 11 MR. COLLAZUOL: You have a proposed
 12 grade of 196. At the building corner the ground is
 13 194.76.
 14 MR. COCOROS: I'm sorry, this is in the
 15 front.
 16 MR. COLLAZUOL: Around the left front,
 17 I think you need a retaining wall.
 18 MR. COCOROS: Well, I have 198.33. The
 19 platform is 200.5.
 20 And it looks like the -- I have the
 21 sidewalk, I guess we're going to be somewhere like
 22 190 -- 198-and-a-half or something.
 23 MR. COLLAZUOL: You might need some
 24 further grades.
 25 But I think you're going to need a wall

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1 there.
 2 MR. COCOROS: Okay.
 3 We can add it, you know, I guess when
 4 we get some more...
 5 MR. COLLAZUOL: Truthfully, if you had
 6 a retention system there, it wouldn't hurt to do so.
 7 The driveways should be captured with
 8 the runoff.
 9 MR. COCOROS: Okay.
 10 MR. COLLAZUOL: We would recommend a
 11 trench drain.
 12 In our report -- yes.
 13 On the right-hand side at the corner,
 14 the county is providing a corner ramp program from
 15 Grand Avenue all the way into Fort Lee.
 16 If the county is going to do the ramp,
 17 this applicant wouldn't have to put it in.
 18 But if the county doesn't proceed with
 19 that, you would have to replace that ramp, the corner
 20 ramp.
 21 MR. COCOROS: Is it in bad shape.
 22 MR. COLLAZUOL: Regardless, it doesn't
 23 meet ADA regulations at this point, unless you're
 24 going to get an engineer to say so.
 25 But the borough, in conjunction with

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1 the county, did a corner ramp program from Grand
2 Avenue all the way up to Bergen Boulevard. If they
3 follow that plan -- it starts -- it looks like they
4 started in Fort Lee.

5 If they follow that, the applicant may
6 want have to put that it. They may get it done
7 before this development takes place.

8 Other than that, I have nothing,
9 Chairman.

10 CHAIRMAN FERGUSON: By the way, you
11 have a triangle for this, a sight triangle.

12 MR. COCOROS: Yes.

13 CHAIRMAN FERGUSON: Yes, you do.

14 MR. MACRI: Yeah.

15 It's on the plan.

16 MR. COCOROS: The building, itself, is
17 right on the property line.

18 CHAIRMAN FERGUSON: Anybody else have
19 anything?

20 (No response.)

21 CHAIRMAN FERGUSON: Take it away. Name
22 and address.

23 MS. A. LEWRIS: Hi, my name is Alexa
24 Lewris, L-E-W-R-I-S.

25 And we live at 313 9th Street. The

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1 their property and they say they've never seen it
2 and, you know.

3 So how would this --

4 MR. MACRI: The tax assessor will give
5 us a new address.

6 MR. COCOROS: Across the street is 277.
7 So we have enough room.

8 What number is yours again?

9 MS. A. LEWRIS: 313 9th Street.

10 MR. COCOROS: So we would be, let's
11 say, 309 and maybe 307, that would add -- you know,
12 you have enough room.

13 If you have to do a duplex, you could
14 give yourself two addresses.

15 MS. A. LEWRIS: Okay.

16 And, you know, obviously we took photos
17 of the retaining wall and all of the stuff that is on
18 our property.

19 However, I do believe that our property
20 line exceeds past the retaining wall.

21 MR. MACRI: It does.

22 MS. A. LEWRIS: It does.

23 How much?

24 MR. COCOROS: On the one corner it's
25 about 5 inches.

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1 same number, but different address.

2 Please excuse me if I refer to my phone
3 because I have a few things written.

4 CHAIRMAN FERGUSON: No, no problem.

5 MS. A. LEWRIS: So we are here just to
6 ensure that -- we have a retaining wall that is
7 separating our property from the property in
8 question, and as well as a fence and two air
9 conditioning units.

10 And we wanted to ensure that it's on
11 the record that any builder is responsible for any
12 damage that we might sustain on our retaining wall
13 or, you know, anything on that side.

14 VICE CHAIRMAN ALBANESE: That goes
15 without saying.

16 MS. A. LEWRIS: Oh, okay. Okay, great.

17 Also, since it is facing 9th Street,
18 and we are also 313, so it's 313 Central and
19 313 9th Street, we've already had a lot of problems
20 in the past since the numbers are exactly the same
21 and we live next door to each other.

22 Actually, our neighbors, currently they
23 steal a lot of our packages and a lot of our
24 deliveries go there. And we have, like, pictures,
25 you know, from UPS and stuff that it's clearly on

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1 Over here it's maybe about a foot
2 (indicating).

3 So only on your property is the
4 retaining wall. Then the fence is basically on
5 the...

6 MS. A. LEWRIS: On top of the retaining
7 wall.

8 MR. MACRI: I'll show you.

9 CHAIRMAN FERGUSON: What was that? I
10 just heard "air conditioning."

11 MS. A. LEWRIS: We have two air
12 conditioning units on that side of the property.

13 MR. COCOROS: Next to the -- yeah, so
14 do you see the building right here (indicating).

15 CHAIRMAN FERGUSON: Is it on their
16 side, or is it in the back?

17 MS. A. LEWRIS: It's on their side. We
18 just want to make sure no debris falls, you know,
19 into it and, you know.

20 CHAIRMAN FERGUSON: Okay. So it's not
21 about the air conditioning.

22 MS. A. LEWRIS: No. It's ours.

23 It's ours. Yeah. We have two units
24 there. We have the retaining wall.

25 MS. M. LEWRIS: Also the driveway now

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1 comes literally right up to my retaining.
 2 It's over my property line.
 3 And I'm afraid when they rip all that
 4 up. They also have a platform attached to my
 5 retaining wall that they built, and you know --
 6 MS. A. LEWRIS: When it is removed,
 7 especially with the rain and the runoff --
 8 MS. M. LEWRIS: Yeah, that retaining
 9 wall is going to --
 10 MS. LAMBRINIDES: We need one person at
 11 a time.
 12 CHAIRMAN FERGUSON: Is there going to
 13 -- after you tear everything up, are you going to put
 14 a wall up, a retaining wall.
 15 MR. COCOROS: I don't think so.
 16 Basically when you take it out you be
 17 careful that they don't rip anything out, you know.
 18 MS. M. LEWRIS: Okay. But what if it
 19 were to rain?
 20 THE COURT REPORTER: Ma'am, what is
 21 your name?
 22 I didn't get your name.
 23 MS. M. LEWRIS: I'm sorry.
 24 Michele Lewris.
 25 VICE CHAIRMAN ALBANESE: Whatever

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1 But that's going to be brought down by
 2 reducing the second floor plate to 8 feet. We're
 3 going to lower this unit by 16 inches.
 4 So this is going to be -- this top of
 5 the building is going to be lowered by
 6 2 feet 4 inches from where it is.
 7 Then the deck is going to be taken off.
 8 MS. A. LEWRIS: Well, we agree with the
 9 board's sentiments as far as that's concerned.
 10 CHAIRMAN FERGUSON: Okay.
 11 So anybody else?
 12 (No response.)
 13 CHAIRMAN FERGUSON: No?
 14 Okay, my friend, I guess you're back
 15 on.
 16 MR. MACRI: Have him sworn in.
 17 MS. DeCARLO: Your name and address?
 18 MR. SPATZ: Sure.
 19 David Spatz, S-P-A-T-Z.
 20 My business address 60 Friend Terrace
 21 in Harrington Park.
 22 CHAIRMAN FERGUSON: You were already
 23 sworn in, so we're fine.
 24 MR. SPATZ: Thank you.
 25 I am still under oath.

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1 damage?
 2 MR. MACRI: If they do damage, right.
 3 VICE CHAIRMAN ALBANESE: Yeah. That
 4 goes without saying.
 5 MS. M. LEWRIS: The other question I
 6 have is, you know, the height, it's really high with
 7 a big deck literally overlooking my house.
 8 Right, the top deck is going to be
 9 removed?
 10 MR. COCOROS: No, no.
 11 MR. MACRI: No.
 12 The exterior deck.
 13 MR. COCOROS: Also, that unit on your
 14 side is basically going down by 2 feet 4 inches
 15 lower.
 16 So we're going to take away and make
 17 the second floor --
 18 MS. A. LEWRIS: That's going from 37.5
 19 to 33.5.
 20 MR. COCOROS: Yeah.
 21 I won't say it's 37. Well, they
 22 measured it from all four corners. On your side --
 23 this is your side here (indicating).
 24 It's called the rear elevation. So
 25 it's really to the midpoint, which is 34 feet.

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1 D A V I D S P A T Z, PP,
 2 60 Friend Terrace, Harrington Park, New Jersey,
 3 having been previously sworn, continues to
 4 testify as follows:
 5 MR. MACRI: Chairman, I'm going to hand
 6 out a photo exhibit to be marked A-1.
 7 CHAIRMAN FERGUSON: A-1.
 8 (Whereupon, Photoboard is marked as
 9 Exhibit A-1 for identification.)
 10 MR. SPATZ: So the two photographs on
 11 the left-hand side are the two façades of the
 12 existing being looking at it from Central, looking at
 13 it from 9th at the bottom one (indicating).
 14 And then the other two photographs, the
 15 top photograph on the right is looking down Central
 16 (indicating).
 17 Then the bottom right is looking along
 18 9th, just to give you an idea of what is in the
 19 neighborhood (indicating).
 20 We're in AA Zone, which does permit
 21 two-families. We need one D variance which his
 22 building height, which we've been discussing this
 23 evening.
 24 And then C variances for building
 25 coverage, rear yard and side yard.

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1 Looking at the height variance, we do
 2 meet the purposes of zoning, as stated in the
 3 Municipal Land Use Law.
 4 Purpose A is promoting public health,
 5 safety, morals and general welfare. Providing
 6 residential uses in a residential zone meets that
 7 standard.
 8 Purpose E is establishing appropriate
 9 population densities. We are proposing a two-family
 10 home in a two-family zone. The neighborhood has a
 11 mixture of one- and two-families.
 12 And then lastly Purpose I, which is
 13 promoting a desirable visual environment. And I
 14 think -- what's been designed I think certainly meets
 15 that. We're changing -- right now the building has
 16 -- the front faces East Central, but there's also an
 17 entrance to the building to the other unit on 9th.
 18 We're chaining -- excuse me -- the orientation so
 19 it's all on 9th Street. So I think we meet the
 20 standard.
 21 Mr. Cocoros described the topographical
 22 challenges on the property which create the height
 23 variances. Discussion this evening has been to
 24 reduce the building height by 2 foot 4 inches.
 25 So I think we're addressing that.

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1 increased by the removal of the decks.
 2 Landscaping is being provided to buffer
 3 the property.
 4 The variances, to some extent, are
 5 created by the topographical conditions.
 6 We now have a conforming amount of
 7 parking being provided on the property. And all
 8 driveways will be on 9th, which reduces the traffic
 9 impacts on East Central, which is a much busier
 10 street.
 11 We are consistent in terms of the
 12 height with the surrounding homes, both the older and
 13 newer two-family homes.
 14 So on balance I think the positive
 15 criteria is met. And it far outweighs anything that
 16 could be considered negative.
 17 And I believe the variances are
 18 appropriate to grant.
 19 So thank you.
 20 That concludes my testimony.
 21 CHAIRMAN FERGUSON: Thank you.
 22 Mr. Kauker, do you have anything?
 23 (No response.)
 24 CHAIRMAN FERGUSON: Wait a minute.
 25 Later?

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1 In terms of the bulk variances, as I
 2 noted, the building has entrances both on 9th and
 3 East Central. We're changing the orientation by
 4 removing of the decks on the exterior of the side and
 5 the rear. We've eliminated or reduced some of those
 6 setback variances. Now the building is closer to
 7 conformity.
 8 In terms of the coverage, removing the
 9 decks also reduces the building coverage. We meet it
 10 in terms of percentage. We do not meet it in terms
 11 of percentage, but the square footage permitted, we
 12 do meet that standard. But that's being further
 13 reduced.
 14 Additional drainage improvements are
 15 being made to the property to address the slightly
 16 larger building.
 17 So I think the positive criteria are
 18 met for the C variances as well.
 19 In terms of negative criteria, I don't
 20 think there's anything substantially negative.
 21 We're compatible with the existing
 22 neighborhood, which has both one- and two-families.
 23 The setbacks, again, are consistent
 24 with what is in the neighborhood and what exists for
 25 the two-families in the neighborhood. They're being

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1 MR. KAUKER: Yeah. I'm sorry, I didn't
 2 hear.
 3 But just in terms because this building
 4 height is a little bit taller than the other
 5 application.
 6 In your evaluation, your analysis, did
 7 you determine that it was consistent with the heights
 8 of the other buildings in the area.
 9 MR. SPATZ: It is.
 10 Where it's caused -- we have
 11 significant topographical conditions both along 9th
 12 and along East Central.
 13 In terms of the building height, it's
 14 been reduced, so we are close to conformity.
 15 But we are consistent with the newer
 16 homes, even some of the older homes that are three
 17 stories, because they're affected by the topography,
 18 just like we are.
 19 MR. KAUKER: Okay, thank you.
 20 CHAIRMAN FERGUSON: Any questions?
 21 MS. A. LEWRIS: We just had one more
 22 comment.
 23 CHAIRMAN FERGUSON: No problem.
 24 MS. A. LEWRIS: Alexa Lewris,
 25 L-E-W-R-I-S, 313-9th.

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1 The powder rooms in the basement, will
 2 they just be powder rooms, or will they be bathrooms?
 3 CHAIRMAN FERGUSON: No, no.
 4 A powder room.
 5 MS. A. LEWRIS: A powder room.
 6 MS. M. LEWRIS: Because there's a lot
 7 of illegal --
 8 CHAIRMAN FERGUSON: I'm aware. That's
 9 why -- that's why we insist on no showers or bathtubs
 10 in the basement.
 11 MS. A. LEWRIS: Perfect.
 12 CHAIRMAN FERGUSON: There is a powder
 13 room. Okay.
 14 Okay. Any questions from the board?
 15 (No response.)
 16 CHAIRMAN FERGUSON: Anything?
 17 (No response.)
 18 CHAIRMAN FERGUSON: Comments?
 19 (No response.)
 20 CHAIRMAN FERGUSON: Do you want to sum
 21 up?
 22 MR. MACRI: I'd like go over the
 23 stipulations with Counsel.
 24 So we're going to eliminate the
 25 exterior deck, reduce the building height by
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1 MS. LAMBRINIDES: Mr. Elefteriou?
 2 MR. ELEFTERIOU: Yes.
 3 MS. LAMBRINIDES: Mr. Grala?
 4 MR. GRALA: Yes.
 5 MS. LAMBRINIDES: Mr. Lee?
 6 (No response.)
 7 MS. LAMBRINIDES: He's not here.
 8 Mr. Brogna?
 9 MR. BROGNA: Yes.
 10 MS. LAMBRINIDES: Mr. Chung?
 11 MR. CHUNG: Yes.
 12 CHAIRMAN FERGUSON: Okay.
 13 MR. MACRI: Thank you.
 14 CHAIRMAN FERGUSON: Do you need a
 15 five-minute break, dear, or can you go for another
 16 half-hour?
 17 THE COURT REPORTER: I'm okay.
 18 CHAIRMAN FERGUSON: Thank you for
 19 coming.
 20 MR. MACRI: Mr. Chairman, Members of
 21 the Board, for the record, again my name is Marc
 22 Macri.
 23 I represent 128 East Edsall, who owns
 24 the property at 128 East Edsall Boulevard.
 25 We're here this evening seeking the
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1 2 foot 4 inches. Mr. Collazuol requires a retaining
 2 wall, which will be installed.
 3 In the event that the county does not
 4 install corner ramps before we finish the project,
 5 we'll install the corner ramps.
 6 CHAIRMAN FERGUSON: Okay.
 7 So I'll make a motion to that we
 8 eliminate the two decks, reduce the height by
 9 2 feet 4 inches, \$2,000.00 to the Tree Preservation
 10 Fund, as always.
 11 Did I miss anything?
 12 MR. MACRI: Corner ramp.
 13 CHAIRMAN FERGUSON: And the ramp.
 14 MR. MACRI: If required.
 15 CHAIRMAN FERGUSON: If required.
 16 That's my motion.
 17 Can I get a second?
 18 VICE CHAIRMAN ALBANESE: Second.
 19 CHAIRMAN FERGUSON: Roll call?
 20 MS. LAMBRINIDES: Mr. Ferguson?
 21 CHAIRMAN FERGUSON: Yes.
 22 MS. LAMBRINIDES: Mr. Albanese?
 23 VICE CHAIRMAN ALBANESE: Yes.
 24 MS. LAMBRINIDES: Mr. Terranova?
 25 MR. TERRANOVA: No.
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1 board's approval to construct a two-family dwelling
 2 on the property.
 3 It's a typical side-by-side residential
 4 dwelling with no rooftop decks.
 5 I'm proposing two experts:
 6 Mr. Vassilios Cocoros and Mr. David Spatz.
 7 I'll begin by having Mr. Cocoros sworn
 8 in.
 9 MS. LAMBRINIDES: He's already under
 10 oath, isn't he, Joe?
 11 MS. DeCARLO: Please state your name
 12 and address?
 13 MR. COCOROS: Sure.
 14 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
 15 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
 16 New Jersey.
 17 CHAIRMAN FERGUSON: He's sworn in.
 18 V A S S I L I O S C O C O R O S, AIA
 19 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 20 having been previously sworn, continues to
 21 testify as follows:
 22 CHAIRMAN FERGUSON: Take it away.
 23 MR. COCOROS: Sure.
 24 This is a corner application also.
 25 It's on the corner -- I guess it would be the
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1 southeast corner of 4th and Edsall Boulevard.
 2 The property itself is 50-by-100. This
 3 also has a difference in topography where the corner
 4 is at approximately 174, and it goes down to 167.54
 5 on 4th Street.
 6 It also goes from 173 down to about 168
 7 along Edsall Boulevard.
 8 We're proposing a side-by-side
 9 two-family dwelling that is fronting on 4th Street.
 10 We're proposing a setback of 20 feet
 11 from the front property line along Edsall, 12 feet
 12 from the rear of Edsall.
 13 We also have depth, as the previous
 14 application, 8 feet off the building.
 15 There is a three-level configuration.
 16 There's no roof decks.
 17 Once again, since the property is
 18 sloped, we are stepping these units. We are stepping
 19 them 2 feet 8 inches. And this is also to
 20 accommodate the grade.
 21 We also see here the two driveways have
 22 also a different elevation.
 23 And that's -- so they're not too steep
 24 as far as pointing that out from 4th Street.
 25 So what we've done is we've done your

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1 floor. Stairs up from the floor below. A small hall
 2 area (indicating).
 3 The master or primary bedroom in the
 4 front, an ensuite, double sink, toilet, freestanding
 5 tub, shower (indicating).
 6 Behind that will be two secondary
 7 bedrooms, each with their own closet. They also
 8 share a hall bathroom with covered shower, toilet,
 9 sink (indicating).
 10 There's also a side-by-side laundry
 11 (indicating).
 12 There's no roof deck (indicating).
 13 This is a basic duplex configuration.
 14 CHAIRMAN FERGUSON: Okay. All right.
 15 I'll ask the same question I had.
 16 This is at the base of Edsall?
 17 MR. COCOROS: Yes. Actually, the
 18 driveway, itself, is also on Edsall.
 19 CHAIRMAN FERGUSON: Okay. And you're
 20 trying to get it away from Edsall because of the --
 21 MR. COCOROS: It's a busier street,
 22 yes.
 23 CHAIRMAN FERGUSON: Okay.
 24 Well, it's the same basic -- you know,
 25 to me it's the same problem. You've got decks on

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1 typical corner configuration, where the entry is in
 2 the ground floor. There's no steps outside of the
 3 building. It's basically a platform on the left
 4 unit, which is further down on 4th Street. We have a
 5 couple steps up to the platform. That's because of
 6 the grade dropping off as you go down that way
 7 (indicating).
 8 Back here (indicating). We have a
 9 two-car parking area, a two-car driveway that's
 10 accessed off 4th Street. An oversized garage,
 11 utility room, powder room, recreation room. Stairs
 12 out to the yard area (indicating).
 13 You can see a deck above. AC unit,
 14 entry hall, coat closet, linen closet, staircase up
 15 to the first floor which is the main living space
 16 (indicating).
 17 The first floor is the main living
 18 room. We have a living room, dining room, kitchen,
 19 hall area with a staircase that comes up from the
 20 entry level down below and a set of stairs up to the
 21 bedroom level above (indicating). Kitchen, deck.
 22 The kitchen has an island area, eating area, the
 23 dining room that's connected to it. The dining room
 24 is also open to the living room (indicating).
 25 The top floor, which is the second

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1 each side. What's the front of the -- on the Edsall
 2 side, how big are -- you're showing a deck there?
 3 MR. COCOROS: Yeah.
 4 We have -- we have basically 12 feet to
 5 the deck, and it's a 8-foot deck off the building.
 6 CHAIRMAN FERGUSON: Eight foot?
 7 So what's the distance between the end
 8 of the deck and the --
 9 MR. COCOROS: The property.
 10 CHAIRMAN FERGUSON: Yeah.
 11 MR. COCOROS: Yeah, 12 feet.
 12 CHAIRMAN FERGUSON: Twelve feet, okay.
 13 MR. COCOROS: Yes.
 14 CHAIRMAN FERGUSON: How about on the
 15 other side?
 16 MR. COCOROS: We have 4 feet. And it's
 17 an 8-foot deck. So the edge of the deck to the
 18 property line is 4 feet as proposed.
 19 CHAIRMAN FERGUSON: Okay.
 20 So, obviously, we want to eliminate
 21 that deck.
 22 MR. COCOROS: Yes.
 23 The other thing is there's no roof deck
 24 on this.
 25 Can we go at least 4 foot, like almost

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1 like, a balcony there instead?
 2 So it would be -- we would have 8 feet
 3 to the property line, which a typical side yard
 4 setback for a duplex is 6 feet.
 5 So I think, you know, 4 feet would be
 6 enough room, you know, just like to smoke a
 7 cigarette.
 8 CHAIRMAN FERGUSON: Why do we have --
 9 MR. COCOROS: I mean, people do want a
 10 small area outside the kitchen door. You know, I
 11 think 4 feet is more in line with a landing.
 12 CHAIRMAN FERGUSON: But you're going to
 13 put a smaller deck on the side of the building, is
 14 that what you're telling me?
 15 MR. COCOROS: Yeah.
 16 Barely -- just 4 feet, just to give
 17 them something.
 18 CHAIRMAN FERGUSON: Yeah, I understand.
 19 But, you know, they didn't have to turn
 20 the house around either. Do you know what I mean?
 21 They could have left it.
 22 I personally feel that you should
 23 eliminate the deck.
 24 As a matter of fact, I'm not convinced
 25 that they should keep a deck on the other side. I

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1 sidewalks on both sides.
 2 MR. MACRI: Both sides as well as the
 3 corner.
 4 CHAIRMAN FERGUSON: You're going to put
 5 a ramp down?
 6 MR. MACRI: Right.
 7 CHAIRMAN FERGUSON: All right. I guess
 8 we'll go to the basement. There's a powder room down
 9 there.
 10 MR. COCOROS: Yeah. No full bath. A
 11 powder room.
 12 CHAIRMAN FERGUSON: Then the entrance
 13 is where, to get to the basement?
 14 MR. COCOROS: On the side.
 15 It goes out to the yard area.
 16 CHAIRMAN FERGUSON: On the -- on what
 17 side.
 18 MR. COCOROS: On the front, and also in
 19 the back. We're calling it front and back. That's
 20 from a zoning point of view. It's basically the
 21 sides of the units.
 22 CHAIRMAN FERGUSON: You have your
 23 choice, right.
 24 MR. COCOROS: Yeah.
 25 CHAIRMAN FERGUSON: So you have two

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1 mean, is there -- what does your backyard look like?
 2 MR. COCOROS: The backyard right now is
 3 12 feet. You know, like I said -- let's say if it
 4 was in the front yard, you're allowed a 4-foot
 5 platform into the front yard.
 6 That's why 4 feet would be like a
 7 decent, okay, compromise.
 8 CHAIRMAN FERGUSON: I don't know if I
 9 share that opinion.
 10 Let me ask you about the sidewalk,
 11 though. Do you have a sidewalk?
 12 MR. COCOROS: No.
 13 There's no sidewalk there now. You're
 14 talking about on 4th Street or on Edsall Boulevard?
 15 I guess the other thing would be, I guess, the pitch,
 16 how they typically handle it when it's that steep.
 17 CHAIRMAN FERGUSON: Well, let's take
 18 both. You can't put the sidewalk.
 19 MR. COLLAZUOL: The requirement for new
 20 construction and development would be to provide the
 21 sidewalks both along 4th and Edsall with a new ADA
 22 ramp.
 23 MR. MACRI: Yeah, we'll comply with
 24 that.
 25 CHAIRMAN FERGUSON: So we'll put

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1 doors.
 2 MR. COCOROS: Yeah.
 3 One for the unit. There's the garage
 4 door. There's the front door, you know, for the main
 5 unit there. Then there's the door that goes -- that
 6 goes to the yard area.
 7 CHAIRMAN FERGUSON: So there's two --
 8 there's two doors, one that goes to the side.
 9 MR. COCOROS: Yeah, one goes to the
 10 side, which is connected to the yard.
 11 CHAIRMAN FERGUSON: Okay.
 12 MR. COCOROS: And then one is by the
 13 front door. Where the new sidewalk is going to be,
 14 there will be a walkway from the new sidewalk to,
 15 like, a little -- a small -- a small walkway a couple
 16 steps up. Then you go into the front door.
 17 CHAIRMAN FERGUSON: You go into the
 18 front door.
 19 MR. COCOROS: Correct.
 20 CHAIRMAN FERGUSON: Now, are they
 21 connected to the first floor.
 22 MR. COCOROS: Yeah.
 23 Well, the first floor is all connected.
 24 You know, the first floor connected to the garage
 25 access. There's also access to the recreation room

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1 in the back.
 2 CHAIRMAN FERGUSON: Just satisfy me.
 3 MR. COCOROS: Yeah, of course.
 4 CHAIRMAN FERGUSON: What's to stop
 5 somebody from just, you know, lowering that entrance
 6 to the first floor?
 7 What's to prevent --
 8 MR. COCOROS: It's an open -- I mean,
 9 it's like anything. You could prevent an old house
 10 and do the same thing. But it's open layout.
 11 So when you walk in, it's like the
 12 whole idea is to have this big open configuration.
 13 CHAIRMAN FERGUSON: No. But I'm
 14 talking about from the basement to the first floor.
 15 All right. The first floor, you have the stairway
 16 that goes up, I'm assuming, right?
 17 MR. COCOROS: Yes.
 18 CHAIRMAN FERGUSON: What's to prevent a
 19 builder from blocking that whole -- basically making
 20 an apartment?
 21 MR. COCOROS: It would be more
 22 difficult, because on these layouts, it's the corner,
 23 a lot of the space gets taken up by the recess for
 24 the driveway.
 25 You're only going to have a tiny room

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1 make it lower.
 2 How much?
 3 MR. COCOROS: By a foot.
 4 CHAIRMAN FERGUSON: One foot.
 5 MR. COCOROS: Yeah.
 6 Because if I do it anymore, there's not
 7 enough room on this one here(indicating).
 8 Because to get the clearances to work,
 9 the driveways would be -- you know, there's a chance
 10 there's water going back towards the driveway because
 11 we have it flat on one portion and a little bit
 12 higher on the other side.
 13 If I sunk it down more to the ground,
 14 one side --
 15 CHAIRMAN FERGUSON: Okay. You can't do
 16 it. So you're talking about one foot.
 17 MR. COCOROS: Yes.
 18 And like I said, if this was a level
 19 lot, we'd be closer to that 32 foot, probably within
 20 10 percent. There's such a big difference from the
 21 corner heading south.
 22 CHAIRMAN FERGUSON: So you're going to
 23 eliminate the two decks.
 24 MR. COCOROS: No. We're going to cut
 25 them back.

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1 left over. So it's very -- it's a lot more difficult
 2 than a regular -- a regular duplex.
 3 Plus, a typical good footprint of that
 4 area. If we had a staircase up to the landing on the
 5 first floor, we'd have a lot more room for an
 6 apartment if you wanted to.
 7 CHAIRMAN FERGUSON: Okay. So at any
 8 rate, so here's the deal, so what -- let's go to the
 9 height.
 10 What's your height of your building?
 11 MR. COCOROS: The height is also
 12 measured to the higher -- the higher point, which is
 13 taken from the average grade. There's a big drop-off
 14 in distance. Measured at the highest unit is 36.5.
 15 CHAIRMAN FERGUSON: Thirty-seven feet?
 16 MR. COCOROS: On this one here, you
 17 know, we're at a 4/12 pitch, which is, you know,
 18 basically your minimum. You know, he wasn't crazy
 19 about that.
 20 CHAIRMAN FERGUSON: Vinnie is not here.
 21 MR. COCOROS: Just to give you an idea.
 22 4/12 is the optimum minimum pitch.
 23 We have, basically, 9 foot. There's
 24 room if we were to go to 8 feet on the second floor.
 25 CHAIRMAN FERGUSON: You're going to

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1 CHAIRMAN FERGUSON: No.
 2 The one on the one side, we're not
 3 going to cut back. We're eliminating that deck.
 4 That's going to go.
 5 We're not going to do 4 foot.
 6 MR. COCOROS: In the backyard, or which
 7 one.
 8 CHAIRMAN FERGUSON: I thought you said
 9 you're going to put -- make a smaller deck on the
 10 side there.
 11 MR. COCOROS: No.
 12 Well, it's the actual back. There's a
 13 deck in the front yard, in the rear yard, but it's
 14 the sides of the unit.
 15 CHAIRMAN FERGUSON: Wait.
 16 Right now you have a deck on the one
 17 side which is --
 18 MR. COCOROS: Technically the rear.
 19 No, no. That's the front.
 20 MR. MACRI: That's facing Edsall
 21 Boulevard. The deck on the opposite side, we have to
 22 reduce 4 feet just so you have an opportunity to go
 23 outside.
 24 CHAIRMAN FERGUSON: We don't want to
 25 reduce it. That's what I'm trying to tell you. We

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1 want to eliminate it.
 2 I don't want to reduce it to 4 feet. I
 3 want -- I want to -- I don't know how the rest of the
 4 board feels, but, you know, if you know...
 5 We don't want any -- I don't want
 6 anything on that side of the house.
 7 Now, unless you have a way to put it in
 8 the back, but you know --
 9 MR. COCOROS: In the back it's 5 feet.
 10 It's not a variance, but still it's much closer. You
 11 know, 4 feet is, like, this much (indicating).
 12 It's a 6-foot side yard setback on a
 13 regular duplex plus the bay window.
 14 No. I'm saying without a variance you
 15 go 6 feet from the property line. So it's only a
 16 deck that's 3 feet 8. And if it comes out 4 feet,
 17 it's more, like, a small landing. You put a
 18 staircase down to the yard.
 19 CHAIRMAN FERGUSON: My view is
 20 eliminate it.
 21 MR. TERRANOVA: Yes, eliminate.
 22 CHAIRMAN FERGUSON: The board can vote
 23 yes or no, whatever they want to do.
 24 But I have no -- nothing there. I
 25 mean, I don't know if your clients are not -- if you

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1 CHAIRMAN FERGUSON: The opposite.
 2 MR. TERRANOVA: So on the Edsall side.
 3 CHAIRMAN FERGUSON: No.
 4 That's what we're going to talk about
 5 next. You know, I think, you know...
 6 MR. COCOROS: No. We're taking -- you
 7 know, what side do you want to take it off, the back
 8 or the front?
 9 MR. KAUKER: I think you should take it
 10 off. Decks are not permitted in the front yard,
 11 though. You need a variance for that.
 12 They're permitted in the sides and rear
 13 yard.
 14 CHAIRMAN FERGUSON: My friend, you've
 15 got to speak up.
 16 MR. KAUKER: I'm sorry. As I said
 17 before, the decks are not permitted in the front
 18 yard.
 19 MR. TERRANOVA: It's done. Let's go
 20 cross them off.
 21 MR. MACRI: Both decks eliminated,
 22 Mr. Chairman.
 23 CHAIRMAN FERGUSON: All right. You're
 24 going to eliminate both decks, okay.
 25 MR. COCOROS: Yeah, whatever we do.

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1 want to wait until the next meeting, we can do that.
 2 MR. MACRI: What we can do is eliminate
 3 it and just put a railing.
 4 CHAIRMAN FERGUSON: You've got to speak
 5 up.
 6 MR. MACRI: Eliminate the deck and put
 7 a sliding grass door there.
 8 Put a railing so you can at least open
 9 the door and not fall out.
 10 MR. COCOROS: It's a bay window with a
 11 sliding glass door. No deck. Just a railing in
 12 front of it so if you open the door you won't fall
 13 out.
 14 MR. MACRI: No deck.
 15 CHAIRMAN FERGUSON: As long as the deck
 16 is eliminated, unless you want to postpone to next
 17 meeting and go for my money, you know.
 18 MR. TERRANOVA: Joe, is that on both
 19 sides, or eliminate just one.
 20 CHAIRMAN FERGUSON: I'm sorry, my
 21 friend, I can't hear you.
 22 MR. TERRANOVA: Which side are you
 23 eliminating, Edsall?
 24 MR. MACRI: No.
 25 On the other side.

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1 CHAIRMAN FERGUSON: All right.
 2 Any other board members have anything?
 3 (No response.)
 4 CHAIRMAN FERGUSON: Yes, Steve.
 5 MR. COLLAZUOL: Yes.
 6 The proposed retaining wall, Bill, if
 7 you could show the maximum?
 8 MR. COCOROS: We'll get an engineer to
 9 figure it out.
 10 Yeah, we'll have somebody else figure
 11 it out.
 12 MR. COLLAZUOL: I don't think it's more
 13 than 4 feet. I don't think you need fall protection
 14 if you just put top and bottom wall elevation.
 15 Again, the driveway runoff should be
 16 addressed with perhaps a trench drain. You have a
 17 detention system for the rear that comes around. It
 18 appears it's a little close to the wall.
 19 MR. COCOROS: I've got them in the
 20 driveway. We have room to put it closer to the
 21 building, if we have to. There's no deck anymore
 22 some we could put it closer.
 23 MR. COLLAZUOL: To the north.
 24 If the grades are actually higher to
 25 the north it may be okay.

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1 Otherwise, you might have to set it
 2 back a foot or two more from the lot.
 3 MR. COCOROS: Well, no.
 4 If you go north, it actually gets
 5 lower. 165, existing grade of 163.
 6 MR. COLLAZUOL: The only grade I can
 7 see on the topo shows out to the street it's 167.
 8 MR. COCOROS: Yeah, 167.
 9 But if you go to the neighbor's to the
 10 north, it's 163.21.
 11 MR. COLLAZUOL: So it's going down.
 12 MR. COCOROS: Yeah, it's going down.
 13 That's why we've got the retaining wall.
 14 MR. COLLAZUOL: We discussed the
 15 sidewalks and the corner ramp already.
 16 MR. MACRI: Yes.
 17 CHAIRMAN FERGUSON: You're going to put
 18 sidewalks in.
 19 MR. MACRI: Yes.
 20 MR. COLLAZUOL: I have nothing else.
 21 CHAIRMAN FERGUSON: My friend, do you
 22 have anything?
 23 MR. PRETTYPAUL: Yeah.
 24 The sidewalk was -- my address.
 25 CHAIRMAN FERGUSON: Your name and

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1 CHAIRMAN FERGUSON: When it's snow
 2 covered, okay.
 3 MR. PRETTYPAUL: So multiple units,
 4 it's going to be a problem.
 5 MR. COCOROS: There's a driveway now
 6 that goes to the garage.
 7 CHAIRMAN FERGUSON: Just a driveway.
 8 MR. COCOROS: Yes. On Edsall.
 9 We're going to be closing off that
 10 driveway and put the driveways on 4th Street.
 11 CHAIRMAN FERGUSON: So there's no
 12 parking on Edsall, but there's parking for this
 13 house.
 14 MR. MACRI: Yeah.
 15 There's parking in garage and parking
 16 in the driveway.
 17 CHAIRMAN FERGUSON: You've got two in
 18 the garage and two in the front.
 19 MR. COLLAZUOL: They have parking for
 20 eight vehicles.
 21 CHAIRMAN FERGUSON: So you've got two
 22 that go in the garage, two cars, you know. So you've
 23 got four spaces that that house is going to go.
 24 The other comment was about the
 25 sidewalks.

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1 address.
 2 MR. PRETTYPAUL: Kevin Prettypaul.
 3 My address is 467 9th Street, Palisades
 4 Park, New Jersey.
 5 MS. LAMBRINIDES: Can you spell the
 6 last name, please?
 7 MR. PRETTYPAUL: Sure,
 8 P-R-E-T-T-Y-P-A-U-L.
 9 MS. LAMBRINIDES: Thank you, sir.
 10 MR. PRETTYPAUL: On East Edsall when
 11 the road is snow covered there's no parking. You're
 12 putting two units there.
 13 MR. COCOROS: We're not putting any
 14 parking.
 15 MR. PRETTYPAUL: Yeah.
 16 But you can't park on there when it's
 17 snow covered. So they're going to spill into the
 18 side streets. The cars cause the residents, you
 19 know, problems parking.
 20 So that's another concern of mine with
 21 that two units.
 22 CHAIRMAN FERGUSON: That you can't park
 23 on Edsall Boulevard.
 24 MR. PRETTYPAUL: When it's snow
 25 covered.

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1 MR. COCOROS: Which we've got.
 2 CHAIRMAN FERGUSON: Yeah.
 3 Anything else, my friend?
 4 MR. PRETTYPAUL: No. That's it.
 5 Thank you.
 6 CHAIRMAN FERGUSON: Okay.
 7 MR. MACRI: Mr. Chairman, at this time
 8 I'd like to have Mr. David Spatz sworn in.
 9 MS. DeCARLO: Name and address for the
 10 record?
 11 MR. SPATZ: David Spatz, S-P-A-T-Z.
 12 My business address is 60 Friend
 13 Terrace in Harrington Park.
 14 CHAIRMAN FERGUSON: Okay. You've been
 15 sworn in already, so let's proceed.
 16 D A V I D S P A T Z, PP,
 17 60 Friend Terrace, Harrington Park, New Jersey,
 18 having been previously sworn, continues to
 19 testify as follows:
 20 (Whereupon, Photoboard is marked as
 21 Exhibit A-1 for identification.)
 22 MR. SPATZ: I have a photo exhibit
 23 which has been marked A-1.
 24 The top left-hand photograph is of the
 25 subject property looking at it from East Edsall

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1 (indicating).
 2 And you can see the driveway and how
 3 the building is sunk into the property (indicating).
 4 The top right-hand photograph is
 5 looking along 4th. There's a new two-family home
 6 directly next to us with another two-family home
 7 adjacent to that (indicating).
 8 The bottom left-hand photograph is
 9 looking to the west from our property along East
 10 Edsall. You can see the significant slope of the
 11 properties, with the adjacent property to us being
 12 significant lower (indicating).
 13 And then the bottom right is looking
 14 directly across the street from our property, which
 15 includes a number of newer two-family homes that are
 16 in a similar design to what we're proposing
 17 (indicating).
 18 We're in the AA Zone, which permits
 19 two-family dwellings. This lot is conforming.
 20 We need one D variance for building
 21 height, and then C variances for building coverage
 22 rear yard and side yards.
 23 In term of the height variance, we meet
 24 the purposes of zoning, as stated in the Municipal
 25 Land Use Law.

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1 Looking at the bulk variance, the front
 2 yard setback is conforming. We've removed the decks
 3 so the building, itself, is now fully conforming, and
 4 that variance has been eliminated.
 5 We are switching the orientation from
 6 East Edsall to 4th, which provides safer traffic
 7 conditions. And we have similar exterior setbacks
 8 from those adjacent properties.
 9 In terms of coverage, we meet the terms
 10 -- the coverage in terms of square feet. It's been
 11 reduced slightly by removing the decks. And
 12 testimony has been provided that drainage
 13 improvements are being provided.
 14 So I think the positive criteria are
 15 met for the C variances as well.
 16 In terms of negative criteria, there's
 17 nothing substantially negative. We are consistent
 18 with the neighborhood, as the photographs
 19 demonstrate.
 20 The setbacks are consistent with the
 21 neighborhood. They've been improved, based on the
 22 changes being made this evening. Landscaping is
 23 being provided to buffer.
 24 We have a conforming amount of parking
 25 on the property. A large part of the East Edsall

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1 Purpose A is promoting public health,
 2 safety, morals and general welfare. And we're
 3 providing a residential use in a residential zone.
 4 Purpose E is establishing appropriate
 5 population density. The zone permits two-families,
 6 and that's what we're proposing.
 7 Then lastly, Purpose I, promoting a
 8 desirable visual environment. And the plans that
 9 have been provided by Mr. Cocoros certainly meet that
 10 standard. What we're proposing is similar in height
 11 to the existing newer two-family homes in the
 12 surrounding neighborhood, including directly next to
 13 us.
 14 They addressed the topographic
 15 conditions on the property.
 16 In terms of the height, we do exceed
 17 the height. It's been reduced, based on discussion
 18 this evening.
 19 Again, it's primarily caused by the
 20 topographical conditions, which go both north to
 21 south and east to west on the property.
 22 As can be seen from the photographs, we
 23 can consistent with the surrounding neighborhood,
 24 which consists of a number of newer two-family homes
 25 (indicating).

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1 frontage can't be parked, but, as the photographs
 2 indicate, there is parking.
 3 We are providing one additional street
 4 space by eliminating a driveway. The orientation
 5 onto 4th Street makes it safer traffic conditions
 6 because we're now putting it on the less trafficked
 7 street.
 8 So on balance, I think the positive
 9 criteria are met. It outweighs anything that could
 10 be considered negative.
 11 And I believe the variances could be
 12 granted.
 13 So that concludes my testimony.
 14 CHAIRMAN FERGUSON: Counsel.
 15 MR. MACRI: No further questions.
 16 CHAIRMAN FERGUSON: Do you want to sum
 17 up or...
 18 MR. MACRI: Open it to the public.
 19 There's no one here.
 20 CHAIRMAN FERGUSON: I make a motion
 21 that eliminate the deck, \$2,000.00 to the Tree
 22 Preservation Fund.
 23 MR. MACRI: Sidewalks all the way
 24 around.
 25 CHAIRMAN FERGUSON: Yeah, sidewalks all

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1 the way around.
 2 MR. MACRI: That's all.
 3 MS. LAMBRINIDES: Can I get a second?
 4 CHAIRMAN FERGUSON: Second.
 5 VICE CHAIRMAN ALBANESE: Yeah, second.
 6 MS. LAMBRINIDES: Mr. Ferguson?
 7 CHAIRMAN FERGUSON: Yes.
 8 MS. LAMBRINIDES: Mr. Albanese?
 9 VICE CHAIRMAN ALBANESE: Yes.
 10 MS. LAMBRINIDES: Mr. Terranova?
 11 MR. TERRANOVA: Yes.
 12 MS. LAMBRINIDES: Mr. Chung?
 13 MR. CHUNG: Yes.
 14 MS. LAMBRINIDES: Mr. Elefteriou?
 15 MR. ELEFTERIOU: Yes.
 16 MS. LAMBRINIDES: Mr. Grala?
 17 MR. GRALA: Yes.
 18 MS. LAMBRINIDES: Mr. Brogna?
 19 MR. BROGNA: Yes.
 20 MR. COCOROS: Thank you.
 21 CHAIRMAN FERGUSON: I make a motion to
 22 adjourn.
 23 MR. TERRANOVA: Second.
 24 (Whereupon, this meeting is concluded.
 25 Time noted: 10:17 p.m.)

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1 C E R T I F I C A T E
 2
 3 I, RONDA L. REINSTEIN, a Certified Court
 4 Reporter of the State of New Jersey, authorized to
 5 administer oaths pursuant to R.S.41:2-2, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the testimony as taken stenographically
 8 by and before me at the time, place and on the date
 9 herein before set forth, to the best of my ability.
 10 I DO FURTHER CERTIFY that I am neither a
 11 relative nor employee nor attorney nor counsel of any
 12 of the parties to this action, and that I am neither
 13 a relative nor employee of such attorney or counsel,
 14 and that I am not financially interested in the
 15 action.
 16
 17
 18
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 20
 21
 22
 23
 24 -----
 RONDA L. REINSTEIN, CCR No. 30X100217800

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