

BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, MARCH 21, 2022
7:00 p.m.

Case No. 21-13) TRANSCRIPT OF
Dae Sok Yang) PROCEEDING
108 E. Harriet Avenue)
Block: 628; Lot: 3)
Case No. 21-22)
Oskihan Demircioglu)
309 7th Street)
Block: 402; Lot: 18)
Case No. 21-23)
CD Developers, LLC)
117 Morningside Lane)
Block: 717; Lot: 18.01)
Case No. 21-25)
71 Henry Street, LLC)
71 Henry Avenue)
Block: 201; Lot: 20)
Case No. 21-26)
PBS Developers Corp.)
55 West Palisades Boulevard)
Block: 211; Lot: 1)
Case No. 21-14)
Grand Bellview, LLC)
254 Grand Ave)
Block: 202; Lot: 4)
Case No. 21-27)
Brian Kim and Zoe Ko)
30 W. Homestead Avenue)
Block: 607; Lot: 14)
Case No. 21-29)
Aniello Lotito)
122 E. Brinkerhoff Avenue)
Block: 606; Lot: 2)
Case No. 21-30)
Suzie Lee)
437 Highland Avenue)
Block: 211; Lot: 18)
Case No. 21-31)
Fan Associates, LLC)
15 Grand Avenue)
Block: 505; Lot: 3 & 4)
Case No. 20-11)
Dong Nam NY LLC)
550 Bergen Boulevard)
Block: 416; Lot: 3)

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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MICHAEL KAUKER, P.P., BOARD PLANNER

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B E F O R E:
JOSEPH FERGUSON, CHAIRMAN
PAUL ALBANESE, VICE CHAIRMAN
ELEFTERIOS ELEFTERIOU, MEMBER
VINCENT CARNOVALE, MEMBER
DAVID TERRANOVA, MEMBER
JOHN GRALA, MEMBER
SEONGHYE YOON, MEMBER
STEVEN BROGNA, ALTERNATE MEMBER 1
CHARLIE CHUNG, ALTERNATE MEMBER 2
MICHAEL LEE, ALTERNATE MEMBER 3 (ABSENT)

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I N D E X
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Case No. 20-11
Dong Nam NY LLC
550 Bergen Boulevard
Block: 416; Lot: 3 10
Case No. 21-31
Fan Associates, LLC
15 Grand Avenue
Block: 505; Lot: 3 & 4 13
Case No: 21-13
Dae Sok Yang
108 E. Harriet Avenue
Block: 628; Lot: 3 19
Case No. 21-22
Oskihan Demircioglu
309 7th Street
Block: 402; Lot: 18 21
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CD Developers, LLC
117 Morningside Lane
Block: 717; Lot: 18.01 22
Case No. 21-25
71 Henry Street, LLC
71 Henry Avenue
Block: 201; Lot: 20 23
Case No. 21-26
PBS Developers Corp.
55 West Palisades Boulevard
Block: 211; Lot: 1 24

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1 CHAIRMAN FERGUSON: Okay. I'd like to
 07:00PM 2 call the meeting to order.
 07:00PM 3 Vinny, do you want to lead us in the
 07:00PM 4 flag salute?
 07:00PM 5 (Whereupon, all rise for a recitation
 07:01PM 6 of the Pledge of Allegiance.)
 07:01PM 7 CHAIRMAN FERGUSON: Okay. In
 07:01PM 8 accordance with the Open Public Meeting Act, notice
 07:01PM 9 of this meeting has been posted on the borough
 07:01PM 10 bulletin board. Notice has been provided to the
 07:01PM 11 official Borough newspapers and filed in the borough
 07:01PM 12 clerk's office.
 07:01PM 13 Roll call.
 07:01PM 14 MS. LAMBRINIDES: Mr. Ferguson?
 07:01PM 15 CHAIRMAN FERGUSON: Here.
 07:03PM 16 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 17 VICE-CHAIRMAN ALBANESE: Here.
 07:03PM 18 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 19 MR. LEFTERIOU: Here.
 20 MS. LAMBRINIDES: Ms. Yoon?
 21 MS. YOON: Here.
 22 MS. LAMBRINIDES: Mr. Carnovale?
 23 MR. CARNOVALE: Here.
 24 MS. LAMBRINIDES: Mr. Terranova?
 25 MR. TERRANOVA: Here.

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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 MS. LAMBRINIDES: Mr. Chung?
 07:07PM 10 MR. CHUNG: Yes.
 07:07PM 11 CHAIRMAN FERGUSON: Okay. Next we have
 07:07PM 12 the minutes of the previous meeting, which was very
 07:07PM 13 late coming out and I haven't had an opportunity to
 07:07PM 14 peruse them, so I think I'm going to table that.
 07:07PM 15 So I make a motion to table.
 07:07PM 16 MR. CARNOVALE: I second.
 07:07PM 17 CHAIRMAN FERGUSON: Roll call.
 07:07PM 18 MS. LAMBRINIDES: Mr. Ferguson?
 07:07PM 19 CHAIRMAN FERGUSON: Yes.
 07:03PM 20 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 21 VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM 22 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 23 MR. LEFTERIOU: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.

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1 MS. LAMBRINIDES: Mr. Grala?
 2 MR. GRALA: Here.
 3 MS. LAMBRINIDES: Mr. Brogna?
 4 MR. BROGNA: Here.
 5 MS. LAMBRINIDES: Mr. Chung?
 6 MR. CHUNG: Here.
 7 MS. LAMBRINIDES: Mr. Lee?
 07:06PM 8 (No response.)
 07:06PM 9 CHAIRMAN FERGUSON: Okay. First we're
 07:06PM 10 going to pay some bills and they are Kauker & Kauker
 07:06PM 11 for \$1,260.00, Staples for \$117.72 and the Borough
 07:06PM 12 Attorney is \$4,312.50.
 07:07PM 13 So can I get a motion to approve the
 07:07PM 14 bills?
 07:07PM 15 MR. CARNOVALE: I make a motion.
 07:07PM 16 MR. GRALA: I'll second.
 07:07PM 17 CHAIRMAN FERGUSON: Roll call?
 07:07PM 18 MS. LAMBRINIDES: Mr. Ferguson?
 07:07PM 19 CHAIRMAN FERGUSON: Yes.
 07:03PM 20 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 21 VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM 22 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 23 MR. LEFTERIOU: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.

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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 MS. LAMBRINIDES: Mr. Chung?
 07:08PM 10 MR. CHUNG: Yes.
 07:08PM 11 CHAIRMAN FERGUSON: Okay. Does any
 07:08PM 12 person have any business before the board before we
 07:08PM 13 -- counsel, do you want to put your name and --
 07:08PM 14 MR. ALAMPI: Thank you, Chairman.
 07:08PM 15 Is it okay if I stand here?
 07:08PM 16 CHAIRMAN FERGUSON: Absolutely.
 07:08PM 17 MR. ALAMPI: Chairman, I have two
 07:08PM 18 matters. Last year the board had approved an
 07:08PM 19 application at 550 Bergen Boulevard. We have not
 07:08PM 20 commenced construction because we are yet to go
 07:08PM 21 before the mayor and council with regard to the
 07:08PM 22 improvement of the paper street Oakdene. We're
 07:08PM 23 working on scheduling that meeting and because of the
 07:08PM 24 uncertainty of the construction materials and
 07:08PM 25 availability, I sent a letter to your board attorney

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07:09PM 1 to request a formal extension of our use variance.
 07:09PM 2 I noticed that your ordinance does not
 07:09PM 3 specifically have, what we call, a sunset ordinance,
 07:09PM 4 but I know that the board is monitoring our progress
 07:09PM 5 or lack thereof. So I'm asking for a full one-year
 07:09PM 6 extension of our use variance rights. It doesn't
 07:09PM 7 seem to be too difficult. I didn't want to take a
 07:09PM 8 chance.
 07:09PM 9 CHAIRMAN FERGUSON: No, I appreciate
 07:09PM 10 that.
 07:09PM 11 MR. ALAMPI: Would you call the roll on
 07:09PM 12 that?
 07:09PM 13 CHAIRMAN FERGUSON: Just so we're clear
 07:09PM 14 on this, you're requesting a one-year extension,
 07:09PM 15 correct?
 07:09PM 16 MR. ALAMPI: Yes, I am.
 07:09PM 17 CHAIRMAN FERGUSON: That's what the
 07:09PM 18 ordinance says?
 07:09PM 19 MR. ALAMPI: The ordinance doesn't
 07:09PM 20 actually have a limitation, but I didn't want it to
 07:09PM 21 expire.
 07:09PM 22 So I'm asking for -- to be on the
 07:09PM 23 record that it's been extended for one year, the
 07:09PM 24 resolution of approval. It's actually dated --
 07:09PM 25 MS. TESTA: Which is fine, yes.
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07:10PM 1 MR. CHUNG: Yes.
 07:10PM 2 MR. ALAMPI: Thank you.
 07:10PM 3 Mr. Chairman, I'm also on the agenda
 07:10PM 4 for your last matter that's on the agenda, 15 Grand
 07:10PM 5 Avenue.
 07:10PM 6 I was advised that you have a heavy
 07:10PM 7 agenda and that you wouldn't be able to reach us.
 07:10PM 8 CHAIRMAN FERGUSON: That's true.
 07:10PM 9 MR. ALAMPI: Since I have an architect
 07:10PM 10 coming from Virginia and four other witnesses, I know
 07:10PM 11 that we're not going to be reached, but I'm here
 07:10PM 12 tonight to place on the record that we did provide
 07:10PM 13 notice and the publication. We provided an affidavit
 07:11PM 14 of publication services to Eleni's office.
 07:11PM 15 And I wanted to ask you to carry our
 07:11PM 16 meeting and to announce to the public that this would
 07:11PM 17 be listed -- I don't know what date it is, Diane, in
 07:11PM 18 April.
 07:11PM 19 MS. TESTA: That's why I'm going to
 07:11PM 20 just look.
 07:11PM 21 CHAIRMAN FERGUSON: Let me just say a
 07:11PM 22 couple of things.
 07:11PM 23 MR. ALAMPI: Absolutely.
 07:11PM 24 CHAIRMAN FERGUSON: Number one is, of
 07:11PM 25 course, we're all aware that it's a pretty big
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07:10PM 1 CHAIRMAN FERGUSON: Okay. So we'll
 07:10PM 2 make that motion to extend the approval --
 07:10PM 3 MR. ALAMPI: Approval for one year from
 07:10PM 4 April 2022 to April of 2023.
 07:10PM 5 CHAIRMAN FERGUSON: Can I get a second?
 07:10PM 6 MR. CARNOVALE: I second.
 07:10PM 7 CHAIRMAN FERGUSON: Roll call for the
 07:10PM 8 approval.
 07:10PM 9 MS. LAMBRINIDES: Mr. Ferguson?
 07:10PM 10 CHAIRMAN FERGUSON: Yes.
 07:03PM 11 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 12 VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM 13 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 14 MR. LEFTERIOU: Yes.
 15 MS. LAMBRINIDES: Ms. Yoon?
 16 MS. YOON: Yes.
 17 MS. LAMBRINIDES: Mr. Carnovale?
 18 MR. CARNOVALE: Yes.
 19 MS. LAMBRINIDES: Terranova?
 20 MR. TERRANOVA: Abstain.
 21 MS. LAMBRINIDES: Mr. Grala?
 22 MR. GRALA: Yes.
 23 MS. LAMBRINIDES: Mr. Brogna?
 24 MR. BROGNA: Yes.
 25 MS. LAMBRINIDES: Mr. Chung?
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07:11PM 1 development that you're looking for.
 07:11PM 2 MR. ALAMPI: Yes, it is.
 07:11PM 3 CHAIRMAN FERGUSON: So I don't believe
 07:11PM 4 that -- why don't we go back. When a previous
 07:11PM 5 application came in, nothing to do with you, right,
 07:11PM 6 it was a major one, same scale as yours and it took
 07:11PM 7 nine months. So anything that we can do to
 07:12PM 8 facilitate the --
 07:12PM 9 MR. ALAMPI: Hearings.
 07:12PM 10 CHAIRMAN FERGUSON: The hearings.
 07:12PM 11 I don't think -- because we have, I
 07:12PM 12 believe, two more cases not on tonight, but going to
 07:12PM 13 be on next.
 07:12PM 14 So maybe it would be beneficial if you
 07:12PM 15 would just bring a couple of your experts, whether
 07:12PM 16 you want to -- whoever you want to come in, because I
 07:12PM 17 don't think we're going to get to all four.
 07:12PM 18 MR. ALAMPI: I would agree, Chairman.
 07:12PM 19 I want to tell you that I'm very appreciative of the
 07:12PM 20 workload of your board. I know you have a heavy
 07:12PM 21 agenda. I know there might be other matters listed
 07:12PM 22 and so we do have four or five witnesses, but I'll
 07:12PM 23 probably bring two witnesses at a time.
 07:12PM 24 CHAIRMAN FERGUSON: That's good.
 07:12PM 25 MR. ALAMPI: We know that it may take
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07:12PM **1** multiple hearings and we'll put it on the record that

07:12PM **2** we will extend the time period for the board to

07:12PM **3** review the application properly even beyond the

07:12PM **4** statutory time period. It's a serious application.

07:13PM **5** It's a larger application and the board wants to

07:13PM **6** digest it and hear from your experts.

07:13PM **7** I have sent full sets of plans to your

07:13PM **8** planning consultant, your traffic engineer and your

07:13PM **9** civil engineer, as well as Ms. Testa.

07:13PM **10** So they've had the opportunity to

07:13PM **11** digest it and I would hope that by April -- I've

07:13PM **12** already started to receive preliminary comment

07:13PM **13** letters. I'm not going into the application tonight,

07:13PM **14** but I am experienced enough to know if I get the

07:13PM **15** materials out to them and they request us to augment

07:13PM **16** the escrow fees, we will provide the escrow fees

07:13PM **17** immediately and we will augment the record and

07:13PM **18** provide them what they need to give you a

07:13PM **19** comprehensive report. I don't expect that it will be

07:13PM **20** wrapped up in one hearing.

07:13PM **21** CHAIRMAN FERGUSON: No, it won't be

07:13PM **22** wrapped up.

07:13PM **23** The other thing is because this is such

07:14PM **24** a large application and I think it's going to be many

07:14PM **25** reviews, you know --

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07:14PM **1** MR. ALAMPI: Yes.

07:14PM **2** CHAIRMAN FERGUSON: -- I would like to

07:14PM **3** see you post an additional \$5,000.00.

07:14PM **4** MR. ALAMPI: That's just what I was

07:14PM **5** asking for. So that's -- we posted \$4,000.00 we'll

07:14PM **6** post an additional five, we will.

07:14PM **7** CHAIRMAN FERGUSON: Okay. That's fine.

07:14PM **8** MR. ALAMPI: And I don't know,

07:14PM **9** Chairman, if you schedule special meetings or not, it

07:14PM **10** may be too soon to do that, but once we get rolling

07:14PM **11** with the application, perhaps you'll consider a

07:14PM **12** special meeting at our cost so that you don't back up

07:14PM **13** the rest of your agenda.

07:14PM **14** CHAIRMAN FERGUSON: Right.

07:14PM **15** Well, I think the census of the board

07:14PM **16** is not to have special meetings.

07:14PM **17** MR. ALAMPI: Okay.

07:14PM **18** CHAIRMAN FERGUSON: But when we come to

07:14PM **19** that bridge, we can cross it.

07:14PM **20** MR. ALAMPI: We might do that for my

07:14PM **21** architect who's traveling from Virginia, possibly,

07:14PM **22** but we'll coordinate with you, you run the show,

07:14PM **23** your's the chairman, I'm your humble servant,

07:15PM **24** whatever you choose.

07:15PM **25** CHAIRMAN FERGUSON: Okay. So we made

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07:15PM **1** the motion. So you're on the agenda for -- we're

07:15PM **2** going to announce?

07:15PM **3** MS. TESTA: Right, April 18th is the

07:15PM **4** next meeting.

07:15PM **5** CHAIRMAN FERGUSON: April 18th.

07:15PM **6** MR. ALAMPI: So we will not re-notice

07:15PM **7** or re-publish?

07:15PM **8** CHAIRMAN FERGUSON: You don't have to

07:15PM **9** re-notice.

07:15PM **10** MR. ALAMPI: April 18th is the date?

07:15PM **11** MS. TESTA: That's correct. And that

07:15PM **12** meeting will be in person.

07:15PM **13** CHAIRMAN FERGUSON: That meeting will

07:15PM **14** be in person.

07:15PM **15** MR. ALAMPI: Thank you, Chairman.

07:15PM **16** MS. TESTA: We need a motion.

07:15PM **17** CHAIRMAN FERGUSON: Yeah, I'll make the

07:15PM **18** motion.

07:15PM **19** MR. CARNOVALE: I second.

07:15PM **20** CHAIRMAN FERGUSON: Roll call.

07:15PM **21** MS. LAMBRINIDES: Mr. Ferguson?

07:15PM **22** CHAIRMAN FERGUSON: Yes.

07:03PM **23** MS. LAMBRINIDES: Mr. Albanese?

07:03PM **24** VICE-CHAIRMAN ALBANESE: Yes.

07:03PM **25** MS. LAMBRINIDES: Mr. Lefteriou?

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20

07:03PM **1** MR. LEFERIOU: Yes.

07:03PM **2** MS. LAMBRINIDES: Ms. Yoon?

07:03PM **3** MS. YOON: Yes.

07:03PM **4** MS. LAMBRINIDES: Mr. Carnovale?

07:03PM **5** MR. CARNOVALE: Yes.

07:03PM **6** MS. LAMBRINIDES: Mr. Terranova?

07:03PM **7** MR. TERRANOVA: Yes.

07:03PM **8** MS. LAMBRINIDES: Mr. Grala?

07:03PM **9** MR. GRALA: Yes.

07:03PM **10** MS. LAMBRINIDES: Mr. Brogna?

07:03PM **11** MR. BROGNA: Yes.

07:03PM **12** MS. LAMBRINIDES: Mr. Chung?

07:03PM **13** MR. CHUNG: Yes.

07:15PM **14** MR. ALAMPI: Thank you, everyone.

07:15PM **15** MS. TESTA: So that's Case No. 21-31,

07:15PM **16** Fan Associates, LLC, 15 Grand Avenue, Block 505, Lot

07:15PM **17** 3 & 4. This is being carried to the April 18th, 2022

07:15PM **18** meeting at 7 p.m. and that meeting will be in person,

07:15PM **19** it will not be held remote.

07:15PM **20** So anybody that's here, online or

07:15PM **21** present, the meeting, again, will take place in the

07:16PM **22** council chambers here in Palisades Park.

07:16PM **23** MR. ALAMPI: Thank you, Ms. Testa.

07:16PM **24** CHAIRMAN FERGUSON: Thank you.

07:16PM **25** Good seeing you again, Counsel.

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07:16PM 1 MR. ALAMPI: Thank you.
 07:16PM 2 Good to see you all.
 07:16PM 3 CHAIRMAN FERGUSON: Okay. We're going
 07:16PM 4 to move a little bit around and we're going to call
 07:16PM 5 -- before I call it, let's do some memorializations.
 07:16PM 6 Case No. 21-13, 108 E. Harriet Avenue.
 07:16PM 7 MS. TESTA: This was a withdrawal.
 07:16PM 8 CHAIRMAN FERGUSON: This is the
 07:16PM 9 withdrawal. I'll make the motion to approve the
 07:16PM 10 withdrawal.
 07:16PM 11 Can I get a second?
 07:16PM 12 MR. CARNOVALE: I second
 07:16PM 13 MR. LEFTERIOU: Second.
 07:16PM 14 CHAIRMAN FERGUSON: Lefty seconds.
 07:16PM 15 Roll call?
 07:16PM 16 MS. LAMBRINIDES: Mr. Ferguson?
 07:16PM 17 CHAIRMAN FERGUSON: Yes.
 07:03PM 18 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 19 VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM 20 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 21 MR. LEFTERIOU: Yes.
 22 MS. LAMBRINIDES: Ms. Yoon?
 23 MS. YOON: Yes.
 24 MS. LAMBRINIDES: Mr. Carnovale?
 25 MR. CARNOVALE: Yes.

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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 MS. LAMBRINIDES: Mr. Chung?
 07:17PM 10 MR. CHUNG: Yes.
 07:17PM 11 CHAIRMAN FERGUSON: Okay. Next we have
 07:17PM 12 Case No. 21-23, CD Developers, LLC, 117 Morningside
 07:17PM 13 Lane.
 07:17PM 14 Can I get a motion to memorialize?
 07:17PM 15 MR. CARNOVALE: Motion.
 07:17PM 16 MR. LEFTERIOU: I second.
 07:17PM 17 CHAIRMAN FERGUSON: Roll call?
 07:17PM 18 MS. LAMBRINIDES: Mr. Ferguson?
 07:17PM 19 CHAIRMAN FERGUSON: Yes.
 07:03PM 20 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 21 VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM 22 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 23 MR. LEFTERIOU: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.

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1 MS. LAMBRINIDES: Mr. Terranova?
 2 MR. TERRANOVA: Yes.
 3 MS. LAMBRINIDES: Mr. Grala?
 4 MR. GRALA: Yes.
 5 MS. LAMBRINIDES: Mr. Brogna?
 6 MR. BROGNA: Yes.
 7 MS. LAMBRINIDES: And Mr. Chung,
 8 please?
 07:16PM 9 MR. CHUNG: Yes.
 07:16PM 10 CHAIRMAN FERGUSON: Okay.
 07:16PM 11 Next we have Case No. 21-22, 309 7th
 07:17PM 12 Street.
 07:17PM 13 Can I -- I'll make a motion to approve
 07:17PM 14 the memorialization.
 07:17PM 15 MR. LEFTERIOU: I second.
 07:17PM 16 CHAIRMAN FERGUSON: There's a second.
 07:17PM 17 Roll call?
 07:17PM 18 MS. LAMBRINIDES: Mr. Ferguson?
 07:17PM 19 CHAIRMAN FERGUSON: Yes.
 07:03PM 20 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 21 VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM 22 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 23 MR. LEFTERIOU: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.

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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Abstain.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 MS. LAMBRINIDES: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 CHAIRMAN FERGUSON: 71 Henry, Case
 12 No. 21-25, another memorialization.
 07:18PM 13 I'll make a motion to memorialize. Can
 07:18PM 14 I get a second?
 07:18PM 15 MR. CARNOVALE: I second.
 07:18PM 16 CHAIRMAN FERGUSON: Roll call?
 07:18PM 17 MS. LAMBRINIDES: Mr. Ferguson?
 07:18PM 18 CHAIRMAN FERGUSON: Yes.
 07:03PM 19 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 20 VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM 21 MS. LAMBRINIDES: Mr. Lefteriou?
 07:03PM 22 MR. LEFTERIOU: Yes.
 23 MS. LAMBRINIDES: Ms. Yoon?
 24 MS. YOON: Yes.
 25 MS. LAMBRINIDES: Mr. Carnovale?

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25

1 MR. CARNOVALE: Yes.

2 MS. LAMBRINIDES: Mr. Terranova?

3 MR. TERRANOVA: Yes.

4 MS. LAMBRINIDES: Mr. Grala?

5 MR. GRALA: Yes.

6 MS. LAMBRINIDES: Mr. Brogna?

7 MR. BROGNA: Yes.

8 MS. LAMBRINIDES: Mr. Chung?

07:18PM 9 MR. CHUNG: Yes.

07:18PM 10 CHAIRMAN FERGUSON: Okay. And last,

07:18PM 11 but certainly not least, Case No. 21-26, PBS

07:18PM 12 Developers, 55 West Palisades Boulevard. I'll make

07:18PM 13 that motion.

07:18PM 14 Can I get a second?

07:18PM 15 MR. CARNOVALE: I second.

07:18PM 16 CHAIRMAN FERGUSON: Second, Vinny?

07:18PM 17 MR. CARNOVALE: I second.

07:18PM 18 CHAIRMAN FERGUSON: Roll call?

07:18PM 19 MS. LAMBRINIDES: Mr. Ferguson?

07:18PM 20 CHAIRMAN FERGUSON: Yes.

07:03PM 21 MS. LAMBRINIDES: Mr. Albanese?

07:03PM 22 VICE-CHAIRMAN ALBANESE: Yes.

07:03PM 23 MS. LAMBRINIDES: Mr. Lefteriou?

07:03PM 24 MR. LEFTERIOU: Abstain.

25 MS. LAMBRINIDES: Ms. Yoon?

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1 MS. YOON: Yes.

2 MS. LAMBRINIDES: Mr. Carnovale?

3 MR. CARNOVALE: Yes.

4 MS. LAMBRINIDES: Mr. Terranova?

5 MR. TERRANOVA: Abstain.

6 MS. LAMBRINIDES: Mr. Grala?

7 MR. GRALA: Yes.

8 MS. LAMBRINIDES: Mr. Brogna?

9 MR. BROGNA: Yes.

10 MS. LAMBRINIDES: Mr. Chung?

07:18PM 11 MR. CHUNG: Yes.

07:18PM 12 CHAIRMAN FERGUSON: Okay. That takes

07:19PM 13 care of business.

07:19PM 14 Now we're going to go, as I said

07:19PM 15 previously, we're going to move it around a little

07:19PM 16 bit, we're going to call Case 21-29,

07:19PM 17 122 E. Brinkerhoff Avenue.

07:19PM 18 Counsel?

07:19PM 19 MR. SOKOLICH: Mr. Chairman, good

07:19PM 20 evening. Mark Sokolich in behalf of the applicant

07:19PM 21 before you this evening, Aniello Lotito, relating to

07:19PM 22 premises known as 122 E. Brinkerhoff Avenue.

07:19PM 23 This is an application that was filed

07:19PM 24 back in actually November. It was ultimately deemed

07:20PM 25 complete and we're here tonight having adequately

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07:20PM 1 noticed the public both by way of publication and

07:20PM 2 certified mailing.

07:20PM 3 I had just handed your board counsel

07:20PM 4 with the affidavit of service, which hoping will be

07:20PM 5 in order vesting the board with jurisdiction to hear

07:20PM 6 the application.

07:20PM 7 The application is relatively straight

07:20PM 8 forward. It's an undersized lot upon which the

07:20PM 9 applicant proposes to construct a six-over-six.

07:20PM 10 The applicant has assembled a

07:20PM 11 development people of Vassilios Cocoros, architect,

07:20PM 12 who's been before this board multiple times in the

07:20PM 13 past to provide architectural testimony and on deck

07:20PM 14 is David Spatz, a licensed planner, to provide a

07:20PM 15 planning assessment.

07:20PM 16 Unless the Chair or any board member

07:20PM 17 had any question of I, I'm prepared to proceed unless

07:20PM 18 you'd like me to --

07:20PM 19 CHAIRMAN FERGUSON: No, we're ready to

07:20PM 20 proceed.

07:20PM 21 MR. SOKOLICH: Thank you, Chairman.

07:20PM 22 Bill, before you get started, get sworn

07:20PM 23 in.

07:20PM 24 MS. TESTA: Please raise your right

07:20PM 25 hand. Do you swear the testimony you will give in

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07:21PM 1 this application will be the truth, the whole and

07:21PM 2 nothing but the truth, so help you God?

07:21PM 3 MR. COCOROS: I do.

4 V A S S I L I O S C O C O R O S, AIA

5 467 Sylvan Avenue, Englewood Cliffs, New Jersey,

6 having been duly sworn, testifies as follows:

7 MS. TESTA: State your name for the

8 record, please.

9 MR. COCOROS: Vassilios,

10 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan

07:21PM 11 Avenue, Englewood Cliffs, New Jersey.

07:21PM 12 CHAIRMAN FERGUSON: Okay. So he's been

07:21PM 13 here many times, many, many times. So we're going to

07:21PM 14 accept him as an expert.

07:21PM 15 MR. SOKOLICH: Thank you, Chairman.

07:21PM 16 DIRECT EXAMINATION

07:21PM 17 BY MR. SOKOLICH:

07:21PM 18 Q. And, Bill, so I don't interrupt you

07:21PM 19 during the course of your testimony, I've premarked,

07:21PM 20 you've also labeled A-1, plans that are entitled

07:21PM 21 "Elevation Site Plan and Zoning Information for 122

07:21PM 22 E. Brinkerhoff," which has a last revised date of

07:21PM 23 November 10 of 2021.

07:21PM 24 A. Right.

25 (Whereupon, Plans entitled, "Elevation

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1 Site Plan and Zoning Information for 122 E.
 2 Brinkerhoff," last revised November 10, 2021
 3 is received and marked as Exhibit A-1 for
 4 identification.)
 07:21PM 5 MR. SOKOLICH: I'm going the pre-mark as
 07:21PM 6 A-2 plans that you've also identified as A-2, which
 07:21PM 7 are titled "Floor Plans for 122 E. Brinkerhoff
 07:21PM 8 Avenue," which likewise has a revised date of
 07:21PM 9 November 10, 2021.
 07:21PM 10 MR. COCOROS: Okay.
 07:21PM 11 (Whereupon, Plans entitled, "Floor
 07:21PM 12 Plans for 122 E. Brinkerhoff Avenue," last
 07:21PM 13 revised November 10, 2021 is received and
 07:21PM 14 marked as Exhibit A-2 for identification.)
 07:21PM 15 MR. SOKOLICH: And then, finally, I'm
 07:22PM 16 going to mark as A-3, if -- excuse me, as A-3 your
 07:22PM 17 plan, which you've identified as S-1, which is
 07:22PM 18 entitled "Stormwater Plan and Details, last revised
 07:22PM 19 November 10, 2021. That also contains your zoning
 07:22PM 20 schedule and some additional site plan information.
 21 (Whereupon, Plan entitled, "Stormwater
 22 Plan and Details, last revised November 10,
 23 2021 is received and marked as Exhibit A-3 for
 24 identification.)
 25

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07:23PM 1 side of us are already developed and there's no
 07:23PM 2 chance to get any additional property for that
 07:23PM 3 property, for the -- to expand ours.
 07:23PM 4 The property itself also has a drop-off
 07:23PM 5 from front to back at the front sidewalk of
 07:23PM 6 approximately 124 feet, 124 feet on the right-hand
 07:23PM 7 side and on the left-hand side it goes down slightly
 07:23PM 8 approximately six inches.
 07:23PM 9 At the rear it goes down about a foot
 07:23PM 10 from front to back. So the property does have a
 07:23PM 11 slight topographic difference from front to rear.
 07:23PM 12 We're proposing a six-over-six,
 07:23PM 13 three-story two-family dwelling. It's 30 feet wide
 07:23PM 14 by 57 feet deep, which is the basic -- the typical
 07:23PM 15 footprint that we propose and have previously had
 07:23PM 16 approved on these properties. However, we're
 07:23PM 17 actually 3-foot-9, instead of 3-foot-6 on the side
 07:23PM 18 yard. So we increased the side yards a little bit
 19 more to provide additional clearance on the side. So
 20 we have a 3-foot-9 side yard on the side, which gives
 21 us the 30-foot building width. At the front we're
 22 setback 20 feet and take the averages of all the
 23 existing dwellings on that portion of E. Brinkerhoff
 07:24PM 24 Avenue. The setback is actually less than 20 feet.
 25 So we do meet the setback requirement of 20 feet. We

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1 BY MR. SOKOLICH:
 07:22PM 2 Q. Just by way of background, Billy, A-1,
 07:22PM 3 A-2, A-3 were prepared by you?
 07:22PM 4 A. Yes, they were.
 07:22PM 5 Q. Either by you personally or under your
 07:22PM 6 direct supervision?
 07:22PM 7 A. Correct.
 07:22PM 8 Q. And the scope of your engagement was to
 07:22PM 9 prepare what?
 07:22PM 10 A. A six-over-six configuration, a
 07:22PM 11 two-family dwelling on the existing property.
 07:22PM 12 Q. Thank you.
 07:22PM 13 I don't want to interrupt you a lot.
 07:22PM 14 So starting on the upper right-hand corner or
 07:22PM 15 wherever you deem appropriate, if you can just talk
 07:22PM 16 about the property in existing conditions?
 07:22PM 17 A. Sure.
 07:22PM 18 The property is located on the south
 07:22PM 19 side of E. Brinkerhoff Avenue, 70 feet east of Glen
 07:22PM 20 Street or I'm sorry, Glen Avenue.
 07:22PM 21 The property is a preexisting
 07:22PM 22 non-conforming lot. It's in the AA zone, which does
 07:22PM 23 allow two families dwellings, however, we're required
 07:23PM 24 50 by 100.
 07:23PM 25 So the existing properties on either

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1 actually exceed the prevailing setback along that
 2 portion of Brinkerhoff Avenue.
 3 The building itself is, as I mentioned,
 4 30 feet wide by 57 feet deep, three levels. We have
 5 a ground floor, a basement level that consists of a
 6 two-car garage and a finished basement that's
 7 connected to the first floor unit.
 8 The first floor unit, which is accessed
 9 by a staircase from the sidewalk and a shared entry
 10 platform has a three-bedroom configuration.
 11 Q. Bill, stay there one second and then
 12 I'm going to let you go.
 07:24PM 13 So the only means of vehicular ingress
 07:24PM 14 to this property is through the driveway and then
 07:25PM 15 through the garage, correct?
 07:25PM 16 A. Correct. There's basically a two-car
 17 driveway that leads into a two-car garage.
 18 Q. And the only means of pedestrian access
 19 from the front is up the front stairs that services
 20 both doors for units, we'll call them A and B for --
 21 A. And we also have a ground floor door,
 22 which, you know, we've done before.
 23 Q. Understood.
 24 A. It's, you know, egress purposes.
 25 Q. And just, if you would just speak to

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1 briefly the exterior facade that you propose for this
 2 dwelling just so that the board has an idea as to
 07:25PM 3 what the applicant's proposing.
 07:25PM 4 A. Sure. It's an all brick dwelling on
 07:25PM 5 all four sides. However, we do have a bay window at
 07:25PM 6 the back and a bay window at the front. So that bay
 07:25PM 7 window will be a stucco finish in addition to some
 07:25PM 8 additional panel material between the windows to kind
 07:25PM 9 of break up the elevation. So there basically will
 07:25PM 10 be three materials on the proposed dwelling, stucco,
 07:25PM 11 the accent panels between the window spaces and brick
 07:25PM 12 on all four sides of the building.
 07:25PM 13 Q. And I think on A-1 it would best be
 07:25PM 14 described here because it's depicted on what you're
 07:25PM 15 calling your right elevation, there are two decks off
 07:25PM 16 the rear of the property.
 07:25PM 17 A. Correct.
 07:25PM 18 Q. You'll talk about them with the floor
 07:25PM 19 plans, but both of them off of the kitchen?
 07:25PM 20 A. Off the kitchen off of each unit, the
 07:25PM 21 first floor and the second floor and there's no
 07:25PM 22 staircase. It's basically a deck that is 12 feet
 07:25PM 23 wide by 9 feet deep.
 07:26PM 24 Q. And finally while you're on A-1, is
 07:26PM 25 there any stormwater management or utilities to speak
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07:26PM 1 Q. Whatever you think most appropriate.
 07:26PM 2 A. As far as the basement plan and the
 07:26PM 3 ground floor, we have a two-car garage in the front.
 07:26PM 4 Each garage space has an individual garage door. The
 07:27PM 5 first floor unit is connected to the lower level.
 07:27PM 6 Well, this has a door that goes into that space. The
 07:27PM 7 second floor will have to basically go out the garage
 07:27PM 8 and up the staircase to their unit from their parking
 07:27PM 9 space.
 07:27PM 10 The first and second floor basement are
 07:27PM 11 the same. The first floor, you see the front, we
 07:27PM 12 have a covered entry platform with the staircase up
 07:27PM 13 from the sidewalk level. At the front we have a
 07:27PM 14 living room, dining room behind it. At the back we
 07:27PM 15 have a kitchen eating area that has a wood deck off
 07:27PM 16 the back as I mentioned before. The actual right --
 07:27PM 17 to the right side of the dwelling -- the left side is
 07:27PM 18 the bedroom side, we have a master, a primary suite
 07:27PM 19 in the back. So an on-suite bathroom, an oversized
 07:27PM 20 shower, double sink, toilet, walk-in closet, regular
 07:27PM 21 closet. There's two secondary bedrooms that share a
 07:27PM 22 hall bathroom and there's also a side-by-side laundry
 07:27PM 23 and linen closet and coat closet in that hallway that
 07:27PM 24 accesses the bedroom in the back.
 07:27PM 25 The second floor is basically the same.
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07:26PM 1 of that are on-site now?
 07:26PM 2 A. Not that I know of. It's an older
 07:26PM 3 house that's in pretty bad shape. I don't think it
 07:26PM 4 had anything -- it may have been even tied into the
 07:26PM 5 sanitary sewer.
 07:26PM 6 Q. And I don't want to -- the board's got
 07:26PM 7 a busy agenda. I don't know -- unless the Chair or
 07:26PM 8 the board wants you to, there is utility -- there are
 07:26PM 9 utilities that and a stormwater management plan that
 07:26PM 10 is proposed for this site, but you and the applicant
 07:26PM 11 acknowledged that were the board to act favorably on
 07:26PM 12 the application, it's subject to Mr. Collazuol's
 07:26PM 13 thorough review?
 07:26PM 14 A. Correct. We do have a letter and we
 07:26PM 15 will comply with all the requirements.
 07:26PM 16 Q. Got it. And we'll go through that
 07:26PM 17 letter at the end, but any reasonable condition
 07:26PM 18 that's imposed, the applicant is prepared to meet
 07:26PM 19 meet it?
 07:26PM 20 A. Yes, he will.
 07:26PM 21 Q. Correct? Okay.
 07:26PM 22 A-2, if you will. Now, A-2, Bill, are
 07:26PM 23 your floor plans. This is what's inside the
 07:26PM 24 building, correct?
 07:26PM 25 A. Correct.
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07:27PM 1 However, we just have the staircase up from the entry
 07:27PM 2 level and then you enter kind of where the dining
 07:28PM 3 room is and the rest of the layout is the same as the
 07:28PM 4 first floor.
 07:28PM 5 Q. Okay. Anything else you would like to
 07:28PM 6 add with regard to the floor plan?
 07:28PM 7 A. No.
 07:28PM 8 Q. And we finally then marked as A-3 -- I
 07:28PM 9 don't know if you need to go through this. This is,
 07:28PM 10 however, your plan depicting the stormwater detail.
 07:28PM 11 Briefly, if you can just give a quick oversight as to
 07:28PM 12 what you're proposing.
 07:28PM 13 A. Sure. At the back we're proposing a
 07:28PM 14 new storm -- a CULTEC chamber. It's basically four
 07:28PM 15 330XLHD units that will be set in a stone trench. It
 07:28PM 16 will be 14 feet -- I'm sorry, about a 10-foot trench
 07:28PM 17 by 18 feet and the stormwater system itself would
 07:28PM 18 have to be, I guess, pre-qualified through a perc
 07:28PM 19 test. So that will be done before we -- you know,
 07:28PM 20 when they're demolishing the property typically, if,
 07:28PM 21 you know, this is granted, the building department
 07:28PM 22 will request or Steve would request a perc test to
 07:28PM 23 make sure that whatever we do, the soil itself can
 07:29PM 24 handle it. We're lucky the property drops off in the
 07:29PM 25 back, so we're able to put the pits in the back and
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07:29PM **1** then we also free up the area in front for any
 07:29PM **2** utilities that come in, like the water lines and the
 07:29PM **3** sanitary sewer that will be an upgraded sanitary line
 07:29PM **4** that would replace the old clay one up to the
 07:29PM **5** sidewalk line and then we'll TV test the existing
 07:29PM **6** lateral to make sure that it works.
 07:29PM **7** **Q.** So, Bill, you're tapping into the
 07:29PM **8** topography of the property as far as where you plan
 07:29PM **9** on putting the chambers and --
 07:29PM **10** **A.** Correct.
 07:29PM **11** **Q.** -- things of that nature, correct?
 07:29PM **12** And again, to reiterate, all subject to
 07:29PM **13** Mr. Collazuol's review and the imposition of any
 07:29PM **14** conditions he deems appropriate??
 07:29PM **15** **A.** Right, and also as far as a site
 07:29PM **16** amenity, we do have an open area under the staircase
 07:29PM **17** so that would help for trash and recycles. We also
 07:29PM **18** have enough room in the garage to store those also.
 07:29PM **19** **Q.** Now, Bill, with regard to the zoning
 07:29PM **20** schedule, I don't know if we have to belabor it,
 07:29PM **21** unless the board wants me to, because I know that
 07:29PM **22** Mr. Spatz will speak to it, but I believe that there
 07:29PM **23** are a lot of preexisting conditions that no matter
 07:29PM **24** what the relief is would be listed as a variance,
 07:29PM **25** correct?

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07:30PM **1** The variance itself has been approved
 07:30PM **2** on other developments and seems to work, especially
 07:30PM **3** this one here is, you know, three more inches on each
 07:30PM **4** side than the other ones that we've approved before
 07:31PM **5** this. So we're trying to keep that 3-foot-9 now.
 07:31PM **6** **Q.** As to rear yard, Bill?
 07:31PM **7** **A.** At the rear yard we have 25 feet is
 07:31PM **8** required, we have 23 feet proposed. They've granted
 07:31PM **9** it before. I know the existing house that's on the
 07:31PM **10** corner of Glen, the back of the house is a little bit
 07:31PM **11** further, I think past our point, so I think that can
 07:31PM **12** be granted.
 07:31PM **13** **Q.** And most critical is the height. I
 07:31PM **14** believe 31.42 is being requested. Could you explain
 07:31PM **15** to the board why?
 07:31PM **16** **A.** Correct.
 07:31PM **17** It's a three-story configuration. Part
 07:31PM **18** of it has to do, since we had those last rains, that
 07:31PM **19** the driveway is approximately 1 foot higher than the
 07:31PM **20** sidewalk and that configuration creates to the
 07:31PM **21** midpoint of the roof a building height of 31 feet, 5
 07:31PM **22** inches where 25 feet is required, which is a typical
 07:31PM **23** duplex -- which is a non-duplex requirement. The
 07:31PM **24** duplex requirement would be 28 feet as far as the
 07:31PM **25** height would be to the midpoint. However, if this

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07:29PM **1** **A.** Correct.
 07:29PM **2** **Q.** That would include lot size, lot width,
 07:30PM **3** lot depth -- excuse me, lot width and lot size?
 07:30PM **4** **A.** Correct.
 07:30PM **5** **Q.** Okay. Number one.
 07:30PM **6** Number two, there were additional
 07:30PM **7** variances, likewise, attributable to the width of the
 07:30PM **8** property, correct?
 07:30PM **9** **A.** Yes.
 07:30PM **10** **Q.** And those would include --
 07:30PM **11** **A.** The side yard setbacks, which 3-foot-9
 07:30PM **12** is proposed where 5 feet is required.
 07:30PM **13** However, we are providing the new
 07:30PM **14** updated side yard for these types of configurations.
 07:30PM **15** Originally we used to have them at 3-foot-1; however,
 07:30PM **16** the board felt that was a little bit tight and then
 07:30PM **17** we had some input from the, I guess, fire department
 07:30PM **18** saying that they would like a little bit more room to
 07:30PM **19** get to the back of the property in case anything
 07:30PM **20** happened. So the side yard setback were -- since
 07:30PM **21** we're not a duplex, there's different requirements.
 07:30PM **22** So 5 feet minimum, we're proposing 3-foot-9, which is
 07:30PM **23** a variance to combine, which is also 14 feet, we have
 07:30PM **24** 7-and-a-half feet. So those are variances that we're
 07:30PM **25** requesting.

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07:32PM **1** was a conforming duplex lot, this would probably have
 07:32PM **2** to go to the board, to the planning board because we
 07:32PM **3** would go for a height variance to keep the driveway
 07:32PM **4** from going down, especially with all the water that
 07:32PM **5** came down Brinkerhoff and the main avenues of the
 07:32PM **6** town during that last storm.
 07:32PM **7** So the height itself is within what
 07:32PM **8** we've had approved before. It's over the 10 percent
 07:32PM **9** threshold, but it's close to what would be proposed
 07:32PM **10** if it was a duplex property on the same lot.
 07:32PM **11** **Q.** Now, Billy, finally, just to conclude,
 07:32PM **12** you do acknowledge receipt of Mr. Collazuol's review
 07:32PM **13** letter of March 17, 2022, do you not?
 07:32PM **14** **A.** Yes.
 07:32PM **15** **Q.** And there were a list of multiple
 07:32PM **16** requirements and conditions that Mr. Collazuol had
 07:32PM **17** pointed out. I just want to go through a few with
 07:32PM **18** you and, again, reconfirm that all of those
 07:32PM **19** conditions will be satisfied in his letter, correct?
 07:32PM **20** **A.** Yes.
 07:32PM **21** **Q.** For example, there will be new curbing
 07:32PM **22** and sidewalks installed along the entire frontage of
 07:32PM **23** the property?
 07:32PM **24** **A.** Yes, that's what we're proposing on the
 07:32PM **25** plan also.

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07:32PM **1** **Q.** You acknowledge that the approval would
 07:32PM **2** be subject to any other approvals that the applicant
 07:32PM **3** would require?
 07:33PM **4** **A.** Yes.
 07:33PM **5** **Q.** As-built survey to be filed prior to
 07:33PM **6** issuance of any COs?
 07:33PM **7** **A.** Correct, yes.
 07:33PM **8** **Q.** Any driveway apron, sidewalks, pavement
 07:33PM **9** construction must be followed per borough
 07:33PM **10** specification?
 07:33PM **11** **A.** Yes.
 07:33PM **12** **Q.** Sanitary sewer connections are going to
 07:33PM **13** approved and inspected by the engineer before
 07:33PM **14** covered, correct?
 07:33PM **15** **A.** Correct.
 07:33PM **16** **Q.** And there's a host of other
 07:33PM **17** requirements. I'm just hitting some of the
 07:33PM **18** highlights, but for the third time the applicant
 07:33PM **19** agrees to comply with any of those conditions.
 07:33PM **20** **A.** Yes, including the drainage
 07:33PM **21** calculations and the perc test.
 07:33PM **22** **Q.** Thank you.
 07:33PM **23** MR. SOKOLICH: Chairman, I have nothing
 07:33PM **24** further of Mr. Cocoros.
 07:33PM **25** CHAIRMAN FERGUSON: Okay. So I have
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07:33PM **1** just a couple of comments.
 07:33PM **2** The first is that I appreciate that you
 07:33PM **3** do have some existing variances, but in total you
 07:33PM **4** have 10. So I would like to work to see if we can
 07:33PM **5** eliminate some of them and make some of them more
 07:34PM **6** practicable. The first one is the rear yard your.
 07:34PM **7** You're required 25 feet, you have 23 feet. Why can't
 07:34PM **8** you just take two feet off the building and make it.
 07:34PM **9** THE WITNESS: Let me talk to the client
 07:34PM **10** for that.
 07:34PM **11** We had to do it to get the rooms the
 07:34PM **12** right way, but he's willing to -- we can at least --
 07:34PM **13** I know we can take a foot off if we have to go
 07:34PM **14** 2 feet, we could too, but I think a foot -- I don't
 07:34PM **15** know if it's a compromise or, you know, would the
 07:34PM **16** board --
 07:34PM **17** CHAIRMAN FERGUSON: Okay. Well, can
 07:34PM **18** you give me a foot?
 07:34PM **19** THE WITNESS: Yeah, that can easily be
 07:34PM **20** done.
 07:34PM **21** CHAIRMAN FERGUSON: So now you're going
 07:34PM **22** to give me a foot.
 07:35PM **23** THE WITNESS: Twenty-four feet.
 07:35PM **24** CHAIRMAN FERGUSON: It would be 24
 07:35PM **25** foot, good.
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07:35PM **1** Next one is, as I look at the picture
 07:35PM **2** on the first page in the front, it seems like you
 07:35PM **3** have a deck there.
 07:35PM **4** THE WITNESS: Yeah, over the front
 07:35PM **5** entryway.
 07:35PM **6** CHAIRMAN FERGUSON: Right.
 07:35PM **7** THE WITNESS: Should I get just the --
 07:35PM **8** CHAIRMAN FERGUSON: That's got to go.
 07:35PM **9** You can put a window there. I have no problem with
 07:35PM **10** putting a good window there, but the deck, I think,
 07:35PM **11** has to go.
 07:35PM **12** THE WITNESS: That was a smoking
 07:35PM **13** balcony.
 07:35PM **14** CHAIRMAN FERGUSON: You already talked
 07:35PM **15** about the side yards. The original application was
 07:35PM **16** 3.7, I believe, or 3.75 and you now increased them.
 07:35PM **17** THE WITNESS: No, we used to go to
 07:35PM **18** 3 foot, we used to go like 3-foot-1 and then it went
 07:35PM **19** to 3-foot-6 and not we're doing 3-foot-9.
 07:35PM **20** BY MR. SOKOLICH:
 07:35PM **21** **Q.** But the plan says 3.75?
 07:35PM **22** **A.** Yeah, that's 3-foot-9.
 07:35PM **23** CHAIRMAN FERGUSON: So I was hoping it
 07:36PM **24** would be 4, but listen, I'm happy with 3-foot-9.
 07:36PM **25** MR. SOKOLICH: Yes, 3 feet, 9 inches.
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07:36PM **1** CHAIRMAN FERGUSON: I was going to --
 07:36PM **2** you know, we're not going over -- is there any way to
 07:36PM **3** lower the height of the building?
 07:36PM **4** THE WITNESS: I'm looking at it now.
 07:36PM **5** We can do a 3-on-12 pitch. Now, don't forget the --
 07:36PM **6** there's -- I can lower -- if I wanted to -- here at
 07:36PM **7** the existing grade I have a step down. I can achieve
 07:36PM **8** a little bit and raise the corner of the grade here
 07:36PM **9** and brought it down another 4 inches, but I know we
 07:36PM **10** can go a 3-on-12 pitch, which would bring us down
 07:36PM **11** maybe, because it's an average grade measured to the
 07:36PM **12** midpoint, if I made -- if I go to a 3-on-12 pitch, it
 07:36PM **13** will be a 9-inch reduction in the height.
 07:36PM **14** CHAIRMAN FERGUSON: Okay. And you'll
 07:36PM **15** leave the grade the same?
 07:36PM **16** THE WITNESS: Yeah, I would leave the
 07:36PM **17** grade the same.
 07:36PM **18** CHAIRMAN FERGUSON: Okay. Now, before
 07:36PM **19** I kick it over to the rest of the board and the
 07:36PM **20** experts, I did get a note from our parking consultant
 07:37PM **21** who tells me he has a problem with it, but I'm going
 07:37PM **22** to defer to him. And any board members have
 07:37PM **23** anything?
 07:37PM **24** (No response.)
 07:37PM **25** CHAIRMAN FERGUSON: Steve, are you on
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07:37PM 1 the line?
07:37PM 2 MR. COLLAZUOL: Yes, thank you, Joe.
07:37PM 3 CHAIRMAN FERGUSON: Okay.
07:37PM 4 MR. COLLAZUOL: I recognize that our
07:37PM 5 letter has been acknowledged and it will be
07:37PM 6 addressed, but I do think the topic of the fences
07:37PM 7 along the side lines should be discussed, because if
07:37PM 8 you look at the drawing on the left-hand side, it
07:37PM 9 appears that the fence is partly mostly, well, a good
07:37PM 10 deal on the neighbor's property and then -- excuse me
07:37PM 11 a second -- and then in the rear it varies along the
07:37PM 12 line. I don't know exactly what kind of a fence it
07:37PM 13 is as well on the right. So if we can talk about
07:37PM 14 what's going to happen to the two existing fences, if
07:37PM 15 a new fence is going to be placed in its place where
07:38PM 16 it's on-site, I'd appreciate it so we know they'll
07:38PM 17 get to that during construction.
07:38PM 18 THE WITNESS: I mean, on the left-hand
07:38PM 19 side, the one fence is clearly on the neighbor's
07:38PM 20 property and then on the back portion it's on their
07:38PM 21 property for about 10, 12 feet and then it's on the
07:38PM 22 line and then it goes into our property maybe 6
07:38PM 23 inches. So I guess the portions that basically are
07:38PM 24 on the line or over, we can replace it with new fence
07:38PM 25 completely on our property. On the right-hand side
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07:38PM 1 it looks like the fence on the front portion, same
07:38PM 2 thing, it straddles the -- it's over the -- on the
07:38PM 3 neighbor's property at the -- at the front and then
07:38PM 4 at the midpoint of the property it's on the line and
07:38PM 5 then at the back it's about 6 inches over and it
07:38PM 6 looks like it's the neighbor's property, neighbor's
07:38PM 7 fence, because it kind of returns back to their
07:38PM 8 property. So that's, I guess, so we can keep that as
07:38PM 9 is.
07:38PM 10 MR. SOKOLICH: But I think even more so,
07:38PM 11 Bill, I just conferred with the applicant, it's our
07:38PM 12 intention to replace the fencing just that if we get
07:39PM 13 pushback because the fence isn't ours, we're going to
07:39PM 14 have to deal with that with the neighbors, so...
07:39PM 15 THE WITNESS: It's an existing PVC
07:39PM 16 fence on the right-hand side, so that might be able
07:39PM 17 to stay.
07:39PM 18 MR. SOKOLICH: Okay.
07:39PM 19 THE WITNESS: I think the one that is
07:39PM 20 in rough shape is the older one on the left-hand
07:39PM 21 side.
07:39PM 22 MR. SOKOLICH: It is our intention,
07:39PM 23 Mr. Collazuol, to replace the fencing where we are
07:39PM 24 legally permissible to do so.
07:39PM 25 MR. COLLAZUOL: And what kind of a
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07:39PM 1 fence are we talking about?
07:39PM 2 MR. SOKOLICH: Whichever one you
07:39PM 3 recommend. Generally white PVC type, all-weather
07:39PM 4 type fence, clad, if that's acceptable.
07:39PM 5 CHAIRMAN FERGUSON: Well --
07:39PM 6 MR. COLLAZUOL: Well, I'm not
07:39PM 7 necessarily sure that that's the most favorable one,
07:39PM 8 but Bill might suggest something himself, perhaps
07:39PM 9 something that has some visibility through it so it's
07:39PM 10 not 6-foot solid.
07:39PM 11 THE WITNESS: We can do the vinyl coded
07:39PM 12 chain link. That's not like a typical like --
07:39PM 13 CHAIRMAN FERGUSON: Before we decide
07:39PM 14 what it is, there's a person in the back waiting.
07:39PM 15 Are you a neighbor?
07:39PM 16 MR. CHOI: Hi, a neighbor.
07:39PM 17 CHAIRMAN FERGUSON: What type of a
07:39PM 18 fence would you like?
07:39PM 19 MR. CHOI: No, we are talking about the
07:40PM 20 size, the location of the fence. Actually, she lives
07:40PM 21 in 118 E. Brinkerhoff, that's the neighbor, but
07:40PM 22 according to the survey, our land is 70-by-100. So
07:40PM 23 we have no objection for the zoning, the change of
07:40PM 24 zoning, but when the contractor is doing the
07:40PM 25 construction, follow exactly the size of my property,
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07:40PM 1 the size. Okay?
07:40PM 2 Now current fence is a little -- is not
07:40PM 3 right in the -- based on the survey. So when you're
07:40PM 4 doing the construction, you should strictly according
07:40PM 5 to the survey and for the future argument and we'd
07:41PM 6 like to mark.
07:41PM 7 MR. SOKOLICH: Okay.
07:41PM 8 MR. CHOI: So don't come over my lane.
07:41PM 9 MR. SOKOLICH: On the plan it
07:41PM 10 specifically says the adjacent property is 70 feet
07:41PM 11 wide by 100 feet.
07:41PM 12 MR. CHOI: Oh, okay.
07:41PM 13 MR. SOKOLICH: It has your exact
07:41PM 14 dimensions on it.
07:41PM 15 Just for the record, board, it's the
07:41PM 16 architectural site plan, number one.
07:41PM 17 Number two, I only offer this to you if
07:41PM 18 you want it, if you want a fence or if you have a
07:41PM 19 preference, we'd be more than willing to probably do
07:41PM 20 whatever it is that you want to make it all new, but
07:41PM 21 that's up to you.
07:41PM 22 MR. CHOI: I'll let you know later.
07:41PM 23 MR. SOKOLICH: No problem. And we'd
07:41PM 24 represent to the board, again, I don't mean to be
07:41PM 25 presumptuous, were the board to act favorable, that
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07:41PM 1 we will confer with the neighbor before we do
 07:41PM 2 anything with a fence. Obviously not touch fence
 07:41PM 3 that's on his property, but if we put up a new one,
 07:41PM 4 we'll confer with the neighbor to determine what, if
 5 anything, he would prefer there, if anything.
 6 THE COURT REPORTER: Sir, can you
 7 please state your first and your last name for the
 8 record?
 9 MR. CHOI: I'm sorry?
 10 THE COURT REPORTER: Your first and
 11 your last name?
 12 MR. CHOI: My first name is -- my last
 13 name is Choi, C-H-O-I. First name is Yoon Hae,
 14 Y-O-O-N H-A-E.
 15 THE COURT REPORTER: And your address?
 16 MR. SOKOLICH: 118.
 17 MR. CHOI: Yes, 118.
 07:42PM 18 THE COURT REPORTER: Thank you.
 07:42PM 19 CHAIRMAN FERGUSON: Steve, you're back
 20 on?
 07:42PM 21 MR. COLLAZUOL: I'm still here. Yes,
 07:42PM 22 that sounds very good.
 07:42PM 23 Thank you very much.
 07:42PM 24 CHAIRMAN FERGUSON: Okay. Hal, do you
 07:42PM 25 have anything?

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07:43PM 1 with the -- any of the tenant or the owner that's in
 07:43PM 2 the garage, how do they get out if somebody is
 07:43PM 3 parking in the driveway?
 07:43PM 4 THE WITNESS: Well, each side of the
 07:43PM 5 garage is for one person. So let's say the left-hand
 07:43PM 6 side, there's two tandem spaces, those two tandem
 07:43PM 7 spaces will be for the second, say, the second floor.
 07:43PM 8 The one on the right-hand side will be for the first
 07:44PM 9 floor. So, you know, it's like a typical, you know,
 07:44PM 10 let's say a one-family house has a garage and a space
 07:44PM 11 in front of it. You know, they're in charge of their
 07:44PM 12 own jockeying of cars.
 07:44PM 13 MR. SIMOFF: Okay. Because it wasn't
 07:44PM 14 clear to me. You might have to jockey the cars out
 07:44PM 15 of the driveway.
 07:44PM 16 THE WITNESS: No, not between tenants,
 07:44PM 17 just, you know, if you want to get somebody out of
 07:44PM 18 the garage for -- let's say the second-floor unit was
 07:44PM 19 parked in the garage and let's say their kid or
 07:44PM 20 something who was in that apartment had a car in
 07:44PM 21 front of it in the driveway, they would have to
 07:44PM 22 jockey within themselves. There's no reliance on the
 07:44PM 23 tenants having to move cars for each other. All the
 07:44PM 24 jockeying of cars would be done by --
 07:44PM 25

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07:42PM 1 MR. SIMOFF: I have a couple of things.
 07:42PM 2 First the fence. It appears that the
 07:42PM 3 fence goes all the way forward to the property line
 07:42PM 4 and I think that it should be -- it should not
 07:42PM 5 restrict sight distance for cars backing out.
 07:42PM 6 THE WITNESS: Yeah --
 07:42PM 7 MR. SIMOFF: Excuse me?
 07:42PM 8 THE WITNESS: Whatever fence, we would
 07:42PM 9 end it at the building setback line. We wouldn't put
 07:42PM 10 it into the front yard.
 07:43PM 11 MR. SIMOFF: Right. And then in -- I
 07:43PM 12 just ask Bill, looking at the interior design of the
 07:43PM 13 development of the housing, there's no ability to get
 07:43PM 14 from the garage to the second, the upstairs unit, is
 07:43PM 15 there?
 07:43PM 16 THE WITNESS: No, it's -- on the six
 07:43PM 17 over six, the second-floor unit, the secondary, the
 07:43PM 18 first floor is the primary unit, so whoever is on the
 07:43PM 19 second floor, has a driveway space, a garage space
 07:43PM 20 and they would have to go outside to get up to their
 07:43PM 21 apartment. If we did a staircase, we would lose a
 07:43PM 22 good hundred square feet on the first floor on the
 07:43PM 23 apartments to make that work. We've done it before.
 07:43PM 24 MR. SIMOFF: Because if you have two
 07:43PM 25 spaces, one space in front of the other, what happens

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07:44PM 1 BY MR. SOKOLICH:
 07:44PM 2 Q. The same household?
 07:44PM 3 A. Yeah, within the same household.
 07:44PM 4 MR. SIMOFF: Okay. That was my main
 07:44PM 5 question and then the E. Brinkerhoff is posted that
 07:44PM 6 parking only after 9:00 at night is restricted to
 07:45PM 7 resident permits and I think that that should be --
 07:45PM 8 if it's a rental, that should be in the lease. If
 07:45PM 9 it's a sale, you should make the owner aware of it.
 07:45PM 10 MR. SOKOLICH: Thank you, Mr. Simoff.
 07:45PM 11 We'll stipulate to that and we'll be sure to point it
 07:45PM 12 out in the lease.
 07:45PM 13 CHAIRMAN FERGUSON: Okay.
 07:45PM 14 MR. SIMOFF: And then that's basically
 07:45PM 15 it.
 07:45PM 16 CHAIRMAN FERGUSON: Okay. Thank you,
 07:45PM 17 Hal.
 07:45PM 18 Does anybody in the audience have any
 07:45PM 19 questions for the expert? Any comments? Any
 07:45PM 20 questions?
 07:45PM 21 (No response.)
 07:45PM 22 CHAIRMAN FERGUSON: Okay. Do you want
 07:45PM 23 to call your next witness?
 07:45PM 24 MR. SOKOLICH: Thank you.
 07:45PM 25 CHAIRMAN FERGUSON: I should have said

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07:45PM 1 that at the beginning, but of course, we have a big
 07:45PM 2 agenda tonight, so anything we can do to move it
 07:45PM 3 along.
 07:45PM 4 MR. SOKOLICH: I'm going to move it
 07:45PM 5 along right now, Mr. Chairman.
 07:45PM 6 CHAIRMAN FERGUSON: Okay. That's what
 07:45PM 7 I want to hear.
 07:45PM 8 MR. SOKOLICH: As soon as he's sworn
 07:45PM 9 in, I will get started.
 07:45PM 10 MS. TESTA: Please raise your right
 07:45PM 11 hand. Do you swear the testimony you will give in
 07:45PM 12 this application will be the truth, the whole truth
 07:45PM 13 and nothing but the truth, so help you God?
 07:45PM 14 MR. SPATZ: Yes, I do.
 07:45PM 15 D A V I D S P A T Z, P P
 07:45PM 16 60 Friend Terrace, Harrington Park, New jersey,
 07:45PM 17 having been duly sworn, testifies as follows:
 07:45PM 18 MS. TESTA: State your name for the
 07:45PM 19 record.
 07:45PM 20 MR. SPATZ: David Spatz, S-P-A-T-Z.
 07:45PM 21 MS. TESTA: Thank you.
 07:45PM 22 VOIR DIRE EXAMINATION
 07:45PM 23 BY MR. SOKOLICH:
 07:45PM 24 Q. Now, David, your credentials have been
 07:45PM 25 accepted as a planner?

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07:46PM 1 A. Yes.
 07:46PM 2 Q. In the past by this board?
 07:46PM 3 A. Many times.
 07:46PM 4 MR. SOKOLICH: Mr. Chairman, I offer
 07:46PM 5 Mr. Spatz.
 07:46PM 6 CHAIRMAN FERGUSON: We accept him as an
 07:46PM 7 expert.
 07:46PM 8 MR. SOKOLICH: Thank you.
 07:46PM 9 DIRECT EXAMINATION
 07:46PM 10 BY MR. SOKOLICH:
 07:46PM 11 Q. Now, David, you conducted a planning
 07:46PM 12 assessment, you were in attendance during the course
 07:46PM 13 of Mr. Cocoros's testimony?
 07:46PM 14 A. Yes.
 07:46PM 15 Q. Wherever you think most appropriate, if
 07:46PM 16 you would just outline the scope of your assessment
 07:46PM 17 and what your findings are.
 07:46PM 18 A. Okay. I have a photo exhibit, which
 07:46PM 19 is, I believe, Exhibit A-4.
 07:46PM 20 Q. I'm going to -- I'm sorry, David, let
 07:46PM 21 me just mark these photos as -- it's a series of four
 07:46PM 22 photographs taken by you not modified or cropped in
 07:46PM 23 any way?
 07:46PM 24 A. That's correct, yes.
 07:46PM 25 (Whereupon, Series of Photographs are

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07:46PM 1 received and marked as Exhibit A-4 for
 07:46PM 2 identification.)
 07:46PM 3 BY MR. SOKOLICH:
 07:46PM 4 Q. And just for identification purposes,
 07:46PM 5 upper left-hand corner is the subject property?
 07:46PM 6 A. It's the subject property. The top
 07:46PM 7 right-hand photograph is looking to the right of our
 07:46PM 8 property. The bottom left, looking to the left of
 07:46PM 9 our property and then the bottom right is looking
 07:46PM 10 across the street. We're in a neighborhood which has
 07:46PM 11 got a mixture of ones and twos, some of the newer
 07:46PM 12 structures and you can see them in the photographs to
 07:46PM 13 the right of our property and then across the street
 07:47PM 14 there's a new two-family that was recently
 07:47PM 15 constructed. We are in the double A zone, which
 07:47PM 16 permit two families. The lot is significantly
 07:47PM 17 undersized and we need variances, preexisting
 07:47PM 18 variances for lot area and lot width. There's only
 07:47PM 19 one (d) variance and that's for building height and
 07:47PM 20 then (c) variances for lot area per unit, side yards,
 07:47PM 21 rear yard and lot coverage and those have been
 07:47PM 22 modified as we've been discussing them this evening.
 07:47PM 23 Looking at the height variance, first
 07:47PM 24 in terms of the special reasons, I think the lot is
 07:47PM 25 particularly well-suited for what we're proposed.

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07:47PM 1 The zone permits the two families. There are a
 07:47PM 2 number of two families within the area. So we are
 07:47PM 3 consistent with the neighborhood development. We
 07:47PM 4 meet the purposes of zoning stated in the municipal
 07:47PM 5 land use law.
 07:47PM 6 Purpose A is promoting public health,
 07:47PM 7 safety, morals and general welfare. I believe we
 07:47PM 8 certainly meet that standard.
 07:47PM 9 Purpose G is providing provisions of
 07:47PM 10 appropriate locations for a variety of uses. It's a
 07:47PM 11 zone that permits the two families and there's been a
 07:48PM 12 number of two families in the area, so we meet that
 07:48PM 13 purpose.
 07:48PM 14 Lastly, Purpose I is promoting a
 07:48PM 15 desirable, visual environment. The property itself,
 07:48PM 16 the building that's on the site is in poor condition.
 07:48PM 17 We're replacing it with a modern building that has
 07:48PM 18 been designed to meet the undersized nature of the
 07:48PM 19 lot and fit in with the neighborhood scheme.
 07:48PM 20 That purpose, looking specifically at
 07:48PM 21 the height variance, we are consistent, I believe,
 07:48PM 22 with the neighborhood as can be seen from the
 07:48PM 23 photographs. The other two families in the area are
 07:48PM 24 all three stories in height.
 07:48PM 25 As Mr. Cocoros indicated, the property

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07:48PM **1** is as affected by some slope and then the driveway
 07:48PM **2** itself was put a bit higher to help with drainage and
 07:48PM **3** that raises the building up. As was described this
 07:48PM **4** evening, it was actually, the building has been
 07:48PM **5** reduced in height a bit, so we are close to what is
 07:48PM **6** permitted within the zone.
 07:48PM **7** Looking at the (c) variances, there is
 07:48PM **8** a hardship related to the undersized nature of the
 07:49PM **9** property. The photographs demonstrate that the lots
 07:49PM **10** on either side of us are fully developed, so we can't
 07:49PM **11** enlarge our property without making those properties
 07:49PM **12** non-conforming and that really creates all of the
 07:49PM **13** other variances in terms of the side yard, the lot is
 07:49PM **14** 15 feet -- is narrower than what is required within
 07:49PM **15** the zone. The building that compresses it a bit, it
 07:49PM **16** has been designed to acknowledge the nature of the
 07:49PM **17** lot size. The side yards have actually been
 07:49PM **18** increased over what's typically provided, but still
 07:49PM **19** requires a variance.
 07:49PM **20** In terms of the rear yard, that has
 07:49PM **21** been modified this evening and we are only 1 foot off
 07:49PM **22** what is permitted within the rear yard.
 07:49PM **23** In terms of lot coverage, the building
 07:49PM **24** because it's now been reduced in it's depth, the lot
 07:49PM **25** coverage been reduced also and is close to

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07:49PM **1** conforming.
 07:49PM **2** The balance to the increased lot
 07:49PM **3** coverage is improved drainage improvements to the
 07:49PM **4** property to cover a slightly larger building. Mr.
 07:50PM **5** Cocoros indicated that drainage facilities currently
 07:50PM **6** don't exist on the site. We're providing drainage
 07:50PM **7** facilities and that will help that with a condition
 07:50PM **8** as well. So I think that the (c) variances can be
 07:50PM **9** granted.
 07:50PM **10** Looking at the negative criteria, I
 07:50PM **11** don't believe there's anything that's substantially
 07:50PM **12** negative. We're consistent with the neighborhood
 07:50PM **13** development pattern. We are a permitted use. The
 07:50PM **14** setbacks themselves are created by the undersized
 07:50PM **15** nature of the property, but the building has been
 07:50PM **16** designed to acknowledge that. It is a little bit
 07:50PM **17** narrower than what is typically proposed. It has to
 07:50PM **18** still be wide enough to get two cars within the
 07:50PM **19** garage and that creates side yard variances. There
 07:50PM **20** is additional landscaping and fencing as, again, was
 07:50PM **21** described this evening that help buffer the property
 07:50PM **22** and soften what's there.
 07:50PM **23** Lastly, there is a conforming amount of
 07:50PM **24** parking being provided on-site. So on balance, I
 07:50PM **25** think that the positive impact of what we're

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07:50PM **1** proposing outweighs whatever might be considered
 07:50PM **2** negative and I believe the variances are appropriate
 07:51PM **3** to grant.
 07:51PM **4** So that concludes my testimony.
 07:51PM **5** CHAIRMAN FERGUSON: I have no
 07:51PM **6** questions.
 07:51PM **7** Does any of the board have any
 07:51PM **8** questions?
 07:51PM **9** (No response.)
 07:51PM **10** CHAIRMAN FERGUSON: Mr. Kauker?
 07:51PM **11** MR. KAUKER: Just one question, I'll be
 07:51PM **12** very brief. I'm sorry, I don't have the benefit of
 07:51PM **13** seeing your exhibit, David, but just briefly and I
 07:51PM **14** think you touched on it, the height of the building,
 07:51PM **15** and I believe you said your testimony is consistent
 07:51PM **16** with the heights of other buildings in the area, was
 07:51PM **17** that accurate?
 07:51PM **18** THE WITNESS: Yes, that is accurate.
 07:51PM **19** The two families that are in the area are all three
 07:51PM **20** stories in height and ours was, in fact, reduced in
 07:51PM **21** height this evening by making some changes to getting
 07:51PM **22** close to conformity.
 07:51PM **23** MR. KAUKER: Okay. Thank you, David.
 07:51PM **24** I have nothing else, Mr. Chairman.
 07:51PM **25** CHAIRMAN FERGUSON: Anybody in the

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07:51PM **1** audience have any questions at all?
 07:51PM **2** (No response.)
 07:51PM **3** CHAIRMAN FERGUSON: Hearing none.
 07:51PM **4** Anybody on the computer?
 07:51PM **5** (No response.)
 07:51PM **6** MS. TESTA: No.
 07:51PM **7** CHAIRMAN FERGUSON: Okay. So you want
 07:51PM **8** to close?
 07:51PM **9** MR. SOKOLICH: Chairman, I rest on the
 07:52PM **10** witness testimony.
 07:52PM **11** Thank you, and we appreciate the
 07:52PM **12** board's indulgences.
 07:52PM **13** CHAIRMAN FERGUSON: I'll make a motion
 07:52PM **14** to approve it with the changes that we had talked
 07:52PM **15** about as far as height and one foot in the back,
 07:52PM **16** \$2,000 to the preservation fund and I'll make that a
 07:52PM **17** motion to approve.
 07:52PM **18** MR. CARNOVALE: I second.
 07:52PM **19** CHAIRMAN FERGUSON: Roll call.
 07:52PM **20** MS. LAMBRINIDES: Mr. Ferguson?
 07:52PM **21** CHAIRMAN FERGUSON: Yes.
 07:52PM **22** MS. LAMBRINIDES: Mr. Albanese?
 07:52PM **23** VICE-CHAIRMAN ALBANESE: Yes.
 07:52PM **24** MS. LAMBRINIDES: Mr. Lefteriou?
 07:52PM **25** MR. LEFTERIOU: Yes.

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1 MS. LAMBRINIDES: Ms. Yoon?
 2 MS. YOON: Yes.
 3 MS. LAMBRINIDES: Mr. Carnovale?
 4 MR. CARNOVALE: 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?
 07:52PM 12 MR. CHUNG: Yes.
 07:52PM 13 MR. SOKOLICH: Mr. Chairman, Members of
 07:52PM 14 the Board, thank you, thank you very much. Enjoy the
 07:52PM 15 rest of the evening. Counsel, thank you.
 07:52PM 16 MS. TESTA: Take care.
 07:52PM 17 CHAIRMAN FERGUSON: Okay. Next is 254
 07:52PM 18 Grand Avenue.
 07:52PM 19 Counsel, do you want to put your --
 07:53PM 20 MR. LEE: Yes, Daniel Lee.
 07:53PM 21 CHAIRMAN FERGUSON: Do you want to
 07:53PM 22 submit your --
 07:53PM 23 MR. LEE: If you recall,
 07:53PM 24 Mr. Chairperson and Members of the Board, there was
 07:53PM 25 an issue with the publication in our last appearance.

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07:53PM 1 So we did subsequently correct the situation or that
 07:53PM 2 defect. We have the affidavit of publication. I
 07:53PM 3 would like to approach, please.
 07:53PM 4 MS. TESTA: Thank you.
 07:53PM 5 MR. LEE: And the mailings and the
 07:53PM 6 return receipts were previously provided to the
 07:53PM 7 borough attorney.
 07:53PM 8 MS. TESTA: Okay, and proof of service
 07:53PM 9 is in order, so the board has jurisdiction.
 07:53PM 10 CHAIRMAN FERGUSON: Okay.
 07:53PM 11 MR. LEE: Again, I do apologize for the
 07:53PM 12 mess-up in publication last time.
 07:53PM 13 CHAIRMAN FERGUSON: That's okay.
 07:53PM 14 Everybody makes mistakes.
 07:53PM 15 Okay, next, you want to put your
 07:53PM 16 appearance in?
 07:53PM 17 MR. LEE: Yes, Daniel Lee representing
 07:53PM 18 the applicant and our first witness will be Mr.
 07:54PM 19 Vassilios Cocoros who has testified earlier today and
 07:54PM 20 on numerous occasions previously.
 07:54PM 21 Just to recap this application, this
 07:54PM 22 application originally started as an application for
 07:54PM 23 construction of a four-family unit. Now has been
 07:54PM 24 reduced to a three-family in the construction
 07:54PM 25 application.

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07:54PM 1 CHAIRMAN FERGUSON: Okay.
 07:54PM 2 MS. TESTA: Do you swear the testimony
 07:54PM 3 you will give in this application will be the truth,
 4 the whole truth truth and nothing but the truth?
 5 MR. COCOROS: I do.
 6 VASSILIOS COCOROS, AIA
 7 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 8 having been duly sworn, testifies as follows:
 07:54PM 9 MS. TESTA: State your name, please.
 07:54PM 10 MR. COCOROS: Vassilios,
 07:54PM 11 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan
 07:54PM 12 Avenue, Englewood Cliffs, New Jersey.
 07:54PM 13 CHAIRMAN FERGUSON: Okay. He's been
 07:54PM 14 here many times. We'll accept him as an expert.
 07:54PM 15 DIRECT EXAMINATION
 07:54PM 16 BY MR. LEE:
 07:54PM 17 Q. Mr. Cocoros, can you go over this
 07:54PM 18 application starting with the configuration of the
 07:54PM 19 lot, please?
 07:54PM 20 A. Yes.
 07:55PM 21 The property itself is located on the
 07:55PM 22 east side of Grand Avenue and it's 320 feet south of
 07:55PM 23 West Central Boulevard. The lot width is 59.65 feet
 07:55PM 24 deep. On the left-hand side, it's 126.22 feet deep.
 07:55PM 25 On the right-hand side it's 110.4 feet deep. It's

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07:55PM 1 located in the AA zone. It's an existing oversized
 07:55PM 2 lot on the property.
 07:55PM 3 As was mentioned before, the original
 07:55PM 4 proposal was four units, which I guess the board
 07:55PM 5 considered a little bit rich, so we scaled it back to
 07:55PM 6 a three-unit development with parking for each unit
 07:55PM 7 in addition to a clear area in the front to be able
 07:55PM 8 to do a complete K-turn out the property so you're
 07:56PM 9 noting back out onto Grand Avenue.
 07:56PM 10 We set them up as three townhouses.
 07:56PM 11 However, since we have the constraint of not backing
 07:56PM 12 out onto Grand Avenue, the front unit itself will not
 07:56PM 13 have a basement. It will basically be the covered
 07:56PM 14 parking area for the units and behind that will be
 07:56PM 15 the garbage for the units.
 07:56PM 16 We're proposing a building that is
 07:56PM 17 49 feet 8 inches wide with a side yard setback of
 07:56PM 18 6 feet 10 inches, and I'm sorry, on the left-hand
 07:56PM 19 side we have 6 feet, 10 inches.
 07:56PM 20 The property is slightly irregular on
 07:56PM 21 the south lot line, which is the right-hand side. So
 07:56PM 22 the closest point we have 6 feet, 7 and then 6 feet,
 07:56PM 23 3-and-a-half inches at the rear portion of the
 07:56PM 24 property.
 07:56PM 25 What we've done is we set them up as

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07:57PM 1 townhouses.

07:57PM 2 The lot the building depth on this is

07:57PM 3 66 feet. So we've separated them out into three

07:57PM 4 22-foot units -- I'm sorry, three units. The one in

07:57PM 5 the middle will be 25 feet and the ones on the

07:57PM 6 outside being 20 feet, 6 inches.

07:57PM 7 So we basically turned the three units

07:57PM 8 90 degrees so you're entering from a pedestrian point

07:57PM 9 of view on the right-hand side, so if you look at the

07:57PM 10 elevation, you see this is the front, we have it set

07:57PM 11 up with the driveway in the front, covered parking

07:57PM 12 area and garages and then on the right-hand side you

07:57PM 13 can see we have it set up with the entry for

07:57PM 14 pedestrians if you're coming up Grand Avenue, the

07:57PM 15 staircase, there's a walkway that takes you up

07:57PM 16 towards the back.

07:57PM 17 One thing I forgot to mention is the

07:57PM 18 property itself has a -- it's basically a lot higher

07:57PM 19 in the back than the front. So what we had to do is

07:57PM 20 we're basically, we're digging out the whole front

07:57PM 21 yard and it's similar to what was done next door on

07:57PM 22 the six over six that was built a few years ago and

07:57PM 23 we're providing the turnaround area for the parking

07:58PM 24 for the units and at the back we have to construct a

07:58PM 25 small retaining wall so we can have a little bit of a

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1 (Whereupon, Bergen County Soil Erosion

2 Plan is received and marked as Exhibit A-5 for

3 identification.)

07:59PM 4 BY MR. LEE:

07:59PM 5 Q. Okay. Let's go to A-2.

07:59PM 6 A. Sheet A-2, you can see on the basement

07:59PM 7 plan, which is on the left-hand side, we have the

07:59PM 8 covered parking area. Everything in front of the

07:59PM 9 building line is all open, that can't be parked on.

07:59PM 10 That's required to be able to do a K-turn and then

07:59PM 11 get out onto Grand Avenue, that's the state road.

07:59PM 12 There's no backing out unless you're a two-family

07:59PM 13 house.

07:59PM 14 So at the front portion you can see

07:59PM 15 here there's no -- there's no basement under the

07:59PM 16 unit. If you look at the right-hand side of the

07:59PM 17 drawing, the first floor plan, that portion is

07:59PM 18 basically open and then we're providing two parking

07:59PM 19 spaces for the Unit A and Unit C. So there's two

07:59PM 20 parking spaces, one being covered under the building

08:00PM 21 and then behind it is the turnaround area and then

08:00PM 22 there's a garage space that's 12 feet, 2 inches wide

08:00PM 23 by 24 feet, which has enough room for some additional

08:00PM 24 storage and can comfortably fit a car in that,

08:00PM 25 because we have 10-foot garage doors for those.

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07:58PM 1 yard area for the unit that's in the back.

07:58PM 2 If you go to sheet --

07:58PM 3 Q. For identification purposes, you're

07:58PM 4 looking at the first page, I guess it says elevation

07:58PM 5 site plan?

07:58PM 6 A. So you want to mark this as A-1, the

07:58PM 7 whole thing?

07:58PM 8 MS. TESTA: Yes, A-1.

07:58PM 9 (Whereupon, Elevation Site Plan is

07:58PM 10 received and marked as Exhibit A-1 for

07:58PM 11 identification.)

07:58PM 12 BY MR. LEE:

07:58PM 13 Q. The floor plan is A-2 and the following

07:58PM 14 page is A-3.

07:58PM 15 (Whereupon, Floor Plan is received and

07:58PM 16 marked as Exhibit A-2 for identification.)

07:58PM 17 MS. TESTA: And that was stormwater?

07:58PM 18 MR. LEE: A-4.

07:58PM 19 THE WITNESS: A-4, which is the

07:58PM 20 stormwater plan and detail and then the last is A-4

07:59PM 21 and that's the Bergen County Soil Erosion --

07:59PM 22 MS. TESTA: Soil plan?

07:59PM 23 THE WITNESS: Correct.

24 (Whereupon, Stormwater Plan is received

25 and marked as Exhibit A-4 for identification.)

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08:00PM 1 Now, on the right-hand side, since the

08:00PM 2 middle unit is a little bit bigger, we're proposing a

08:00PM 3 two-car covered parking area and a two-car garage.

08:00PM 4 However, RSIS recognizes that since it's a single

08:00PM 5 door, it has three spaces, but practicably it could

08:00PM 6 be used as four spaces for that middle unit and then

08:00PM 7 since we have access above this portion, the middle

08:00PM 8 unit does not have a basement, however, it does have

08:00PM 9 a garage area that's connected to it with a staircase

08:00PM 10 up to the first floor and then the back unit is the

08:00PM 11 only unit that has a basement and that's connected to

08:00PM 12 a door for the garage space for that unit.

08:00PM 13 So it's weird, the basement level,

08:00PM 14 which is a real basement since we're underground and

08:00PM 15 this unit and this configuration is not your typical

08:01PM 16 townhouse, because we can't turn it 90 degrees,

08:01PM 17 because we don't have enough room. So we're

08:01PM 18 providing the parking and the covered -- the parking

08:01PM 19 covered portion and the interior garage space under

08:01PM 20 the first two units to provide the clearance in the

08:01PM 21 front and then the only one that has a real basement

08:01PM 22 is the one in the back.

08:01PM 23 So it's a three-unit townhouse, but

08:01PM 24 it's configured the doors themselves are located on

08:01PM 25 the right-hand side and the garage is located in the

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08:01PM 1 front. You know, so it kind of grades like a mews on
 08:01PM 2 the right-hand side to get to the units, but most
 08:01PM 3 people probably come in, except for the Unit A, most
 08:01PM 4 people will probably pull their car in and go in from
 08:01PM 5 the basement or the garage up to that first floor
 08:01PM 6 unit, but if they have guests, the guests themselves
 08:01PM 7 will be able to do the first floor plan, walk up the
 08:01PM 8 staircase on the right-hand side, there's the front
 08:01PM 9 doors into each unit. However, on the left-hand
 08:01PM 10 side, since we have the kitchen back there, we do
 08:01PM 11 provide small yard area with a second staircase for
 08:01PM 12 emergency purposes and for convenience of getting up
 08:01PM 13 to that yard area on the left and then there's doors
 08:01PM 14 that go into the kitchen areas with the first two
 08:01PM 15 units. The back unit, which is Unit C, that will
 08:02PM 16 actually have the use of the backyard, the way it's
 08:02PM 17 proposed right now, the sliding glass door out onto
 08:02PM 18 that backyard.

08:02PM 19 So we have the second floor plan. This
 08:02PM 20 is the bedroom level. We have it set up where it's
 08:02PM 21 three bedrooms each unit. The unit in the middle is
 08:02PM 22 a little bigger, so it has -- it still has the same
 08:02PM 23 amount of bedrooms, however, the bedrooms will be a
 08:02PM 24 little bigger and so are the bathrooms. There's a
 08:02PM 25 master, primary suite at the left-hand -- right-hand

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08:03PM 1 expert has some comments and I'm just going to defer
 08:03PM 2 to him, but any board members have anything?
 08:03PM 3 (No response.)
 08:03PM 4 CHAIRMAN FERGUSON: No? Anybody in the
 08:03PM 5 audience have anything?
 08:03PM 6 (No response.)
 08:04PM 7 CHAIRMAN FERGUSON: Okay. So Steve, do
 08:04PM 8 you want to take over?
 08:04PM 9 MR. COLLAZUOL: Yes. We had a revised
 08:04PM 10 letter based on the change from a four-unit to a
 08:04PM 11 three-unit. The situation is the walls on the
 08:04PM 12 left-hand side present a situation where you're going
 08:04PM 13 to have to build concrete walls, Bill, and they will
 08:04PM 14 have to be made out of concrete reinforcement,
 08:04PM 15 correct?
 08:04PM 16 THE WITNESS: Let me see, because those
 08:04PM 17 walls themselves at the -- they're really -- they're
 08:04PM 18 only 2 feet high, 2 foot 8 high. So they are below
 08:04PM 19 the 3-foot threshold for structural walls, so I think
 08:04PM 20 it can be done with a Keystone wall.
 08:04PM 21 MR. COLLAZUOL: Well, if I'm not
 08:04PM 22 mistaken, I've looked at this several times, but --
 08:04PM 23 THE WITNESS: Are you talking about the
 08:04PM 24 ones in the front portion?
 08:04PM 25 MR. COLLAZUOL: Front portion, left.

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08:02PM 1 side and the right-hand side -- on the left-hand side
 08:02PM 2 we have two secondary bedrooms in the middle unit.
 08:02PM 3 They share a hall bathroom. There's a side-by-side
 08:02PM 4 laundry. The two end units we have it set up with
 08:02PM 5 the two secondary bedrooms towards the left. They
 08:02PM 6 also share a hall bathroom, side by side laundry.
 08:03PM 7 The master, primary suite in the front with its own
 08:03PM 8 on-suite bathroom, double laboratory, toilet and a
 08:03PM 9 shower and two sinks and in this case here, since
 08:03PM 10 we're on Grand Avenue, we are proposing a small
 08:03PM 11 finished attic area with a roof deck facing south.
 08:03PM 12 So it kind of acts like the yard area.
 08:03PM 13 Since the building itself is so much
 08:03PM 14 into the ground, it doesn't really increase the
 08:03PM 15 height itself. Even though we're asking for a
 08:03PM 16 variance, if you look at it from the back of the
 08:03PM 17 property, it's really a two-story structure, plus the
 08:03PM 18 attic. So we, you know, we would like -- you know,
 08:03PM 19 we would like to keep this, it's a nice feature.

08:03PM 20 CHAIRMAN FERGUSON: Okay.
 08:03PM 21 THE WITNESS: On that portion. So
 08:03PM 22 that's pretty much it.
 08:03PM 23 CHAIRMAN FERGUSON: Okay. Good. So
 08:03PM 24 this is the first time in a long time that I have no
 08:03PM 25 comments on your presentation. However, my parking

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08:04PM 1 THE WITNESS: Yeah, those would be a
 08:04PM 2 masonry wall. However, the neighbor's wall is up
 08:04PM 3 against ours, so that's something, if we can talk to
 08:05PM 4 the neighbor, we might take down their wall, which
 08:05PM 5 should actually make it easier for them to pull in
 08:05PM 6 and out and then open up that whole front area. So
 08:05PM 7 that's something if the walls have to stay, they'll
 08:05PM 8 be a reinforced masonry wall. If we have to do
 08:05PM 9 calculations, we'll do it on the front portion;
 08:05PM 10 however, the first approximately 20 feet of that wall
 08:05PM 11 is up against an existing wall, so that's not really
 08:05PM 12 structural. It's really just going to be holding up
 08:05PM 13 the wall that's next to us. Where the retaining wall
 08:05PM 14 ends, that's the portion that's going to be
 08:05PM 15 structural. So we can provide calculations for that
 08:05PM 16 wall if we have to. However, with the front, I mean,
 08:05PM 17 it would be presumptuous to take down the neighbor's
 08:05PM 18 wall without their approval. So we're hoping to get
 08:05PM 19 approval from the neighbor to take down their wall
 08:05PM 20 also, which will create a better situation for
 08:05PM 21 everybody in that between those two developments, the
 08:05PM 22 existing one and our proposed development.
 08:05PM 23 MR. COLLAZUOL: During construction, if
 08:05PM 24 that wall is to remain, you'll be excavating along
 08:05PM 25 that wall, so that would have to be supposed during

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08:05PM 1 the excavation and the construction as well.
 08:05PM 2 THE WITNESS: Yeah, I guess they would
 08:06PM 3 have to do it in sections and brace it as they go
 08:06PM 4 along to make sure --
 08:06PM 5 MR. COLLAZUOL: Right.
 08:06PM 6 THE WITNESS: We're hoping the
 08:06PM 7 neighbors -- it works with --
 08:06PM 8 MR. LEE: We'll work with the neighbors
 08:06PM 9 on that, on that side.
 08:06PM 10 MR. COLLAZUOL: On the right-hand side
 08:06PM 11 you have a similar situation as well.
 08:06PM 12 THE WITNESS: Correct.
 08:06PM 13 MR. COLLAZUOL: And that wall appears
 08:06PM 14 to be greater than 4 feet in height as well.
 08:06PM 15 THE WITNESS: Yeah, that would be a
 08:06PM 16 masonry wall. You know, either reinforced CMU or
 08:06PM 17 Ivany block or poured concrete wall, whatever, you
 08:06PM 18 know, we come up with the engineer.
 08:06PM 19 MR. COLLAZUOL: And then that brings us
 08:06PM 20 to the sanitary sewer. It appears that there's
 08:06PM 21 another sanitary sewer or another sewer on Grand
 08:06PM 22 Avenue which runs closer to the curb on this said of
 08:06PM 23 the property. You're showing the sanitary connection
 08:06PM 24 in the hatched area in the middle of Grand Avenue.
 08:06PM 25 Are you certain that that's the nearest sanitary?

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08:07PM 1 idea is that it appears that for this driveway you'll
 08:08PM 2 have to have ADA ramps on either side of the driveway
 08:08PM 3 at the sidewalk.
 08:08PM 4 MR. LEE: Understood.
 08:08PM 5 THE WITNESS: ADA ramps at the -- I
 08:08PM 6 thought the sidewalk was basically at sidewalk level
 08:08PM 7 and then the apron flares down to the gutter.
 08:08PM 8 MR. COLLAZUOL: I'm not sure if Hal
 08:08PM 9 will speak to that, but I think for a major driveway
 08:08PM 10 like this, you might have to have ADA ramps at each
 08:08PM 11 of the end points of the sidewalk where it meets the
 08:08PM 12 driveway.
 08:08PM 13 MR. SIMOFF: So that's DOT requirement.
 08:08PM 14 THE WITNESS: Okay.
 08:08PM 15 MR. COLLAZUOL: I have nothing further.
 08:08PM 16 Thank you.
 08:08PM 17 CHAIRMAN FERGUSON: Thank you, Steve.
 08:08PM 18 Hal, do you want to take over?
 08:08PM 19 MR. SIMOFF: Yeah, sure. Picking up
 08:08PM 20 what Steve just talked about, the wall height has to
 08:08PM 21 be low enough as to not restrict sight distance from
 08:08PM 22 the cars leaving the site and it's hard to -- you
 08:09PM 23 know, I talked to Steve about it and it's hard to
 08:09PM 24 determine the exact height of the wall.

THE WITNESS: The one at the front is
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08:06PM 1 THE WITNESS: That's what we had on our
 08:06PM 2 survey. Let me just make sure.
 08:06PM 3 MR. COLLAZUOL: The survey is a little
 08:07PM 4 light in the topographic and utility department.
 08:07PM 5 THE WITNESS: Yes. I'm assuming that
 08:07PM 6 the one in the middle, usually the sanitary, you
 08:07PM 7 know, it's actually better if it's the one that's
 08:07PM 8 closer. You know, I guess we would verify what sewer
 08:07PM 9 it is and if that's the case, we'd rather be closer
 08:07PM 10 to the curb than having to shut the whole street down
 08:07PM 11 for the sewer.
 08:07PM 12 MR. COLLAZUOL: However, we're not sure
 08:07PM 13 if that's a storm drain or not. So that would
 08:07PM 14 certainly have to be looked into.
 08:07PM 15 THE WITNESS: Understood.
 08:07PM 16 MR. COLLAZUOL: Let's see. Now, the
 08:07PM 17 data, certainly this is going to have to go to DOT
 08:07PM 18 for their approval, which Hal will speak to, but the
 08:07PM 19 data that this is on, it has to be verified that it's
 08:07PM 20 within the USGS system, not just an assumed data. So
 08:07PM 21 as the plan progresses and it goes towards that,
 08:07PM 22 you'll have to tie this into the data that's
 08:07PM 23 typically used.
 08:07PM 24 THE WITNESS: Understood.
 08:07PM 25 MR. COLLAZUOL: All right. The other

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08:09PM 1 approximately at the corner it looks about a 3-foot
 08:09PM 2 wall and then it kind of goes up. So at the front
 08:09PM 3 right, it's about 3-and-a-half feet and it works its
 08:09PM 4 way up. On the -- the one on the left-hand side,
 08:09PM 5 which is, I guess, the visibility, you know, that one
 08:09PM 6 we're hoping we can take down completely with the
 08:09PM 7 neighbors one, which actually would help them with
 08:09PM 8 their visibility, because they have an existing wall
 08:09PM 9 there, but that one there, I guess, you're not going
 08:09PM 10 to be -- you're going to be backing -- you're going
 08:09PM 11 to be heading out onto Grand Avenue. I guess there
 08:09PM 12 will be a no left-hand turn coming out, so you
 08:09PM 13 basically have to make a right-hand turn, so if the
 08:09PM 14 right side will be open, I guess you have a little
 08:09PM 15 better clearance on that portion. So at the front
 08:09PM 16 it's about 3-and-a-half feet existing.
 08:09PM 17 MR. SIMOFF: Well, there's
 08:09PM 18 requirements, DOT has requirements for sight
 08:10PM 19 distance. I think it is about 3-and-a-half feet for
 08:10PM 20 the driver's eye. So you have to look at the site
 08:10PM 21 lines and then you -- I think you have the advantage
 08:10PM 22 due to the fact that the building or the lot is not
 08:10PM 23 perpendicular to the road, so there might be an
 08:10PM 24 advantage to that, but I think what I asked for and I
 08:10PM 25 think the DOT is going to ask for the same thing, is

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08:10PM 1 a plotting of the sight lines.
 08:10PM 2 THE WITNESS: Sight lines and turning
 08:10PM 3 template.
 08:10PM 4 MR. SIMOFF: And then the other point I
 08:10PM 5 had is I originally asked for it and I think, again,
 08:10PM 6 it's because we'd all agree that it's not practical
 08:10PM 7 to back out onto Grand Avenue.
 08:10PM 8 THE WITNESS: Correct.
 08:10PM 9 MR. SIMOFF: Because of the traffic
 08:10PM 10 volumes and the configuration. So I would like to
 08:10PM 11 see -- I would like you to plot the turning templates
 08:10PM 12 for cars backing out of the garage and the
 08:10PM 13 underground -- under the deck parking, especially on
 08:11PM 14 the south side, the right side, because that's where
 08:11PM 15 the lot is the shortest.
 08:11PM 16 THE WITNESS: Yes, it's tight over
 08:11PM 17 there.
 08:11PM 18 MR. SIMOFF: That is the shortest, but
 08:11PM 19 if you can -- you know, that's -- you use a template
 08:11PM 20 and you plot the template. If it works, fine. If it
 08:11PM 21 doesn't work, we're back to the drawing board.
 08:11PM 22 THE WITNESS: I mean, if we have to,
 08:11PM 23 you know, we can adjust that larger garage to, you
 08:11PM 24 know, have a little more clearance away from that
 08:11PM 25 tighter portion of the lot. So I guess that we can

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08:12PM 1 I would have to see with the turning templates and if
 08:12PM 2 we have any room left after that. So that's
 08:13PM 3 something that would have to be figured out with the
 08:13PM 4 turning templates.
 08:13PM 5 MR. SIMOFF: Okay.
 08:13PM 6 THE WITNESS: You know, we'd like to
 08:13PM 7 get it, you know, kind of approved as is and then if
 08:13PM 8 we get those additional spaces, that's like a bonus,
 08:13PM 9 but I think, you know, given the fact that that area
 08:13PM 10 should stay clear, you know, because people start --
 08:13PM 11 what's going to wind up happening, we got to put
 08:13PM 12 signs up saying that nobody can park there because,
 08:13PM 13 you know, people take the easy way out and just park,
 08:13PM 14 you know, in that area. So we go to try to keep it
 08:13PM 15 from the beginning where it's like they know that
 08:13PM 16 they are not supposed to park there.
 08:13PM 17 MR. SIMOFF: Okay.
 08:13PM 18 CHAIRMAN FERGUSON: That's it, Hal?
 08:13PM 19 MR. SIMOFF: Yes, Mr. Chairman.
 08:13PM 20 CHAIRMAN FERGUSON: Okay. Anybody in
 08:13PM 21 the audience have any comments?
 08:13PM 22 (No response.)
 08:13PM 23 CHAIRMAN FERGUSON: Do you want to put
 08:13PM 24 your next witness on?
 08:13PM 25 MR. LEE: Yes.

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08:11PM 1 -- we're probably going to work with Mark Martins to
 08:11PM 2 submit a turning template and the sight line study
 08:11PM 3 for the --
 08:11PM 4 MR. SIMOFF: You know, what usually
 08:11PM 5 happens is the garage is more narrow than a regular
 08:11PM 6 parking space and when you're backing out of the
 08:11PM 7 garage, you have the mirrors and the -- you have to
 08:11PM 8 be straight for a longer period of time in order to
 08:11PM 9 make the turn.
 08:11PM 10 THE WITNESS: That's why at least on
 08:11PM 11 the two other units we were able to get the 10-foot
 08:11PM 12 garage door and then, you know, we have a 12-foot
 08:12PM 13 width on the parking area and the garage, so you have
 08:12PM 14 a little bit of wiggle room for those two spaces.
 08:12PM 15 However, I guess we'll figure out what to do with the
 08:12PM 16 right-hand side, which has the larger garage.
 08:12PM 17 MR. SIMOFF: With those conditions, you
 08:12PM 18 know, I would -- because, again, the -- there seems
 08:12PM 19 to be enough parking, but also the applicant should
 08:12PM 20 look at you need about -- we need about one or two
 08:12PM 21 spaces designated for visitors, because you can't
 08:12PM 22 park visitors on the street and RSIS requires 0.5 per
 08:12PM 23 unit per visitor. So I think there has to be some
 08:12PM 24 discussion of that, but...

THE WITNESS: The only thing with that,
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08:13PM 1 Our second witness is the planner,
 08:13PM 2 Mr. Harry Tuvel, who has testified on numerous
 08:13PM 3 occasions before.
 08:13PM 4 CHAIRMAN FERGUSON: Harry's been here
 08:13PM 5 many times. We accept him as an expert.
 08:13PM 6 MS. TESTA: Please raise your right
 08:13PM 7 hand. Do you swear the testimony you will give in
 08:13PM 8 this application will be the truth, the whole truth
 08:13PM 9 and nothing but the truth?
 08:13PM 10 MR. TUVEL: Yes, I do.
 08:13PM 11 H A R R Y T U V E L, PE
 08:13PM 12 629 Ridge Court, Ridgefield, New jersey, having
 08:13PM 13 been duly sworn, testifies as follows:
 08:14PM 14 MS. TESTA: State your name for the
 08:14PM 15 record, please.
 08:14PM 16 MR. TUVEL: Harry Tuvel, T-U-V-E-L.
 08:14PM 17 DIRECT EXAMINATION
 08:14PM 18 BY MR. TUVEL:
 08:14PM 19 Q. Mr. Tuvel, can you go over this
 08:14PM 20 application going through the positive and negative
 08:14PM 21 criteria?
 08:14PM 22 A. Okay, sure. So this -- as Mr. Cocoros
 08:14PM 23 has testified, this is a three-unit townhouse, a
 08:14PM 24 triplex building on a 7,079 square foot lot on the
 08:14PM 25 easterly side of Grand Avenue in the double A -- in

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08:14PM **1** the double A zone.
 08:14PM **2** We are asking for a number of bulk
 08:14PM **3** variances, some of which are rather minimal, but they
 08:14PM **4** are subsumed under the use variance. We are seeking
 08:14PM **5** a use variance under (d)(1) of the Municipal Land Use
 08:14PM **6** Law, because this is a one-and two-family zone and
 08:14PM **7** we're asking for a three-unit triplex building.
 08:14PM **8** So, and also we are requesting a (d)(6)
 08:14PM **9** height variance for a structure which exceeds by 10
 08:15PM **10** feet or 10 percent of the maximum height permitted in
 08:15PM **11** the district.
 08:15PM **12** So under the positive criteria, we have
 08:15PM **13** seen from Mr. Cocoros's testimony and the special
 08:15PM **14** reasons that three units proposed can be accommodated
 08:15PM **15** on this lot, which is oversized by 40 percent and
 08:15PM **16** that provides sufficient on-site parking.
 08:15PM **17** The use is consistent with the land use
 08:15PM **18** pattern in the area with the newer trendier
 08:15PM **19** multi-family and townhouse style residential
 08:15PM **20** buildings that you're seeing come up along the Grand
 08:15PM **21** Avenue corridor.
 08:15PM **22** The existing one-and two-family housing
 08:15PM **23** stock is rather old. I think one very, very crucial
 08:15PM **24** and important part of this design is the rather --
 08:16PM **25** instead of the -- because of the step-up in grade

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08:17PM **1** offend the purpose of the height limitation with the
 08:17PM **2** height being -- the height proposed being similar to
 08:17PM **3** the heights of newer development in the area and also
 08:17PM **4** I think that if you applied the duplex requirements,
 08:17PM **5** which are 28 feet instead of 25 feet, we are actually
 08:17PM **6** under the (d)(6) variance. We are within 10 percent
 08:17PM **7** of the existing -- of the existing height. So even
 08:18PM **8** though we're technically requesting a (d)(6) variance
 08:18PM **9** because this is a three-family, we sort of meet the
 08:18PM **10** duplex requirement.
 08:18PM **11** So again, under the negative criteria,
 08:18PM **12** I think that the variance can be granted without
 08:18PM **13** substantial detriment to the public good and would
 08:18PM **14** not substantially impair the intent and purpose of
 08:18PM **15** the zone plan. The proposed use is consistent with
 08:18PM **16** existing development in the area, which is
 08:18PM **17** characterized by a mix of multi-family and one-and
 08:18PM **18** two-family development. It does not adversely affect
 08:18PM **19** the double A district where the residential character
 08:18PM **20** is maintained and I think there will be no problem
 08:18PM **21** associated with the granting of the height variance.
 08:18PM **22** So I feel -- I feel for those reasons
 08:18PM **23** that the board can grant the (d)(1) use variance, as
 08:18PM **24** well as the (d)(6) height variance for this
 08:18PM **25** application. And I tried to be brief.

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08:16PM **1** that you see along this, particularly this portion of
 08:16PM **2** Grand Avenue, the existing house there has a little
 08:16PM **3** carved out driveway and then, of course, that little
 08:16PM **4** carved out driveway that's carved into the grade
 08:16PM **5** backs out onto Grand Avenue and I think a very
 08:16PM **6** significant part of the design, this proposed
 08:16PM **7** development is the fact that you have this good size,
 08:16PM **8** large, I think it's 44 feet wide area that provides
 08:16PM **9** for parking and I understand that Mr. Simoff
 08:16PM **10** indicated that the turning templates should be
 08:16PM **11** provided, but it appears to me that there is a good
 08:16PM **12** size area. It may have to be adjusted somewhat that
 08:16PM **13** we'll provide for having head-out -- head-out of
 08:16PM **14** vehicles and this good-sized maneuvering area that's
 08:16PM **15** now going to be in the front of the building by
 08:16PM **16** basically excavating that grade that exists in front
 08:17PM **17** of the existing -- in front of the existing house so
 08:17PM **18** there will no longer be -- no longer -- removing the
 08:17PM **19** backing out from -- eliminating the backing out on
 08:17PM **20** this property.
 08:17PM **21** Under the height -- for the height
 08:17PM **22** variance, the -- it's due to the removal as I said of
 08:17PM **23** the step-up in grade on Grand Avenue. It is
 08:17PM **24** approximately an 8-foot step-up in grade from --
 08:17PM **25** going from -- rising from west to east. It does not

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08:19PM **1** CHAIRMAN FERGUSON: I appreciate that.
 08:19PM **2** Mr. Kauker, do you have anything?
 08:19PM **3** MR. KAUKER: Yeah, just a clarification
 08:19PM **4** of your testimony, Mr. Tuvel. Thank you.
 08:19PM **5** So would it be your opinion that, I
 08:19PM **6** guess, essentially from what I heard in your
 08:19PM **7** testimony, there are other multiple-family dwellings
 08:19PM **8** in the area and I believe that those are somewhat
 08:19PM **9** newer dwellings if I recall from, you know, looking
 08:19PM **10** at Grand Avenue, but so would you -- I guess would
 08:19PM **11** you say that the proposed development is consistent
 08:19PM **12** with the change of character along Grand Avenue in
 08:19PM **13** this area?
 08:19PM **14** THE WITNESS: Yes, I would. Certainly
 08:19PM **15** as I indicated, you know, you're seeing this going on
 08:19PM **16** with newer development going on along the Grand
 08:19PM **17** Avenue corridor both south of this project, as well
 08:19PM **18** as north of this project.
 08:19PM **19** MR. KAUKER: I have nothing else,
 08:19PM **20** Mr. Chairman.
 08:19PM **21** CHAIRMAN FERGUSON: Okay. Thank you.
 08:19PM **22** Anybody in the audience have anything?
 08:19PM **23** (No response.)
 08:20PM **24** CHAIRMAN FERGUSON: Anybody on the
 08:20PM **25** telephone? Nobody has anything?

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08:20PM **1** (No response.)

08:20PM **2** CHAIRMAN FERGUSON: Okay. So I'm going

08:20PM **3** to make a motion to approve the application with a

08:20PM **4** couple of provisos. Number one, you got to submit it

08:20PM **5** to DOT. You have to prepare a template that

08:20PM **6** Mr. Simoff had talked about. I want you to have that

08:20PM **7** template done by next meeting and I want you to get

08:20PM **8** it right to Mr. Simoff so he can view it in case

08:20PM **9** there's any problems with it. \$2,000.00 to the Tree

08:20PM **10** Preservation Fund. And that's my motion. I'll make

08:20PM **11** that motion.

08:20PM **12** Can I get a second?

08:20PM **13** MR. ELEFTERIOU: I second.

08:20PM **14** CHAIRMAN FERGUSON: Second.

08:20PM **15** Roll call?

08:20PM **16** MS. LAMBRINIDES: Mr. Ferguson?

08:20PM **17** CHAIRMAN FERGUSON: Yes.

07:03PM **18** MS. LAMBRINIDES: Mr. Albanese?

07:03PM **19** VICE-CHAIRMAN ALBANESE: Yes.

07:03PM **20** MS. LAMBRINIDES: Mr. Lefteriou?

07:03PM **21** MR. LEFTERIOU: Yes.

22 MS. LAMBRINIDES: Ms. Yoon?

23 MS. YOON: Yes.

24 MS. LAMBRINIDES: Mr. Carnovale?

25 MR. CARNOVALE: Yes.

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1 MS. LAMBRINIDES: Mr. Terranova?

2 MR. TERRANOVA: No.

3 MS. LAMBRINIDES: Mr. Grala?

4 MR. GRALA: Yes.

5 MS. LAMBRINIDES: Mr. Brogna?

6 MR. BROGNA: Yes.

7 MS. LAMBRINIDES: Mr. Chung?

8 MR. CHUNG: Yes.

08:21PM **9** CHAIRMAN FERGUSON: Okay.

08:21PM **10** MR. LEE: Just to recap, we need to

08:21PM **11** provide the template for DOT by when?

08:21PM **12** CHAIRMAN FERGUSON: Next meeting.

08:21PM **13** MR. LEE: Next meeting?

08:21PM **14** MS. LAMBRINIDES: Before the next

08:21PM **15** meeting you want it.

08:21PM **16** CHAIRMAN FERGUSON: Before the next

08:21PM **17** meeting.

08:21PM **18** MS. TESTA: Template to our traffic

08:21PM **19** expert, not DOT.

08:21PM **20** MR. LEE: I understand, the traffic

08:21PM **21** expert.

08:21PM **22** CHAIRMAN FERGUSON: Okay. This way if

08:21PM **23** he's okay with it, we can pass the memorialization,

08:21PM **24** you know.

08:21PM **25** MR. COCOROS: So basically it's

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08:21PM **1** approved but subject to getting that.

08:21PM **2** MR. LEE: Subject to his approval?

08:21PM **3** CHAIRMAN FERGUSON: Yes. It's got to

08:21PM **4** be --

08:21PM **5** MR. LEE: Understood. Thank you very

08:21PM **6** much, Mr. Chairman and Members of the Board.

08:21PM **7** CHAIRMAN FERGUSON: Okay. We're going

08:21PM **8** to call you again.

08:21PM **9** MR. LEE: I have another case.

10 CHAIRMAN FERGUSON: What?

11 MR. LEE: I have another case.

12 CHAIRMAN FERGUSON: I know.

13 Now, do you guys want to take a break

14 or do --

15 MS. LAMBRINIDES: The court

16 stenographer could use a break. Can we do --

17 CHAIRMAN FERGUSON: What?

18 MS. LAMBRINIDES: The stenographer

19 could use a short break.

20 CHAIRMAN FERGUSON: Okay. We're going

21 to take a five-minute break. Okay?

08:22PM **22** MR. LEE: Thank you.

08:22PM **23** (Whereupon, a short recess is held.)

08:28PM **24** CHAIRMAN FERGUSON: Okay. Do you want

08:28PM **25** to take the roll for attendance?

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08:28PM **1** MS. LAMBRINIDES: Sure.

08:28PM **2** Mr. Ferguson?

08:28PM **3** CHAIRMAN FERGUSON: Here.

07:03PM **4** MS. LAMBRINIDES: Mr. Albanese?

07:03PM **5** (No response.)

07:03PM **6** MS. LAMBRINIDES: Mr. Lefteriou?

07:03PM **7** MR. LEFTERIOU: Here.

8 MS. LAMBRINIDES: Ms. Yoon?

9 MS. YOON: Yes.

10 MS. LAMBRINIDES: Mr. Carnovale?

11 MR. CARNOVALE: Here.

12 MS. LAMBRINIDES: Mr. Terranova?

13 MR. TERRANOVA: Here.

14 MS. LAMBRINIDES: Mr. Grala?

15 MR. GRALA: Here.

16 MS. LAMBRINIDES: Mr. Brogna?

17 MR. BROGNA: Here.

18 MS. LAMBRINIDES: Mr. Chung?

08:29PM **19** MR. CHUNG: Yes, here.

08:29PM **20** CHAIRMAN FERGUSON: Okay.

08:29PM **21** MR. LEE: This is Daniel Lee

08:29PM **22** representing the applicant for this application

08:29PM **23** involved with the property at 437 Highland Avenue.

08:29PM **24** MR. LEFTERIOU: I have to recuse

08:29PM **25** myself.

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08:29PM **1** MS. TESTA: Yes, let the record
 08:29PM **2** reflect.
 08:29PM **3** (Whereupon, Mr. Lefteriou recuses
 08:29PM **4** himself and steps off the dais.)
 08:29PM **5** MR. LEE: Our first witness is
 08:29PM **6** Mr. Vassilios Cocoros.
 08:29PM **7** MS. TESTA: If I can have your mailing,
 08:29PM **8** please.
 08:29PM **9** And raise your right hand, Bill. Do
 08:30PM **10** you swear the testimony you will give in this
 08:30PM **11** application will be the truth, the whole truth and
 08:30PM **12** nothing but the truth?
 08:30PM **13** MR. COCOROS: I do.
 08:30PM **14** VASSILIOS COCOROS, AIA
 08:30PM **15** 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 08:30PM **16** having been duly sworn, testifies as follows:
 08:30PM **17** MS. TESTA: State your name for the
 08:30PM **18** record.
 08:30PM **19** MR. COCOROS: Vassilios Cocoros,
 08:30PM **20** V-A-S-S-I-L-I-O-S, C-O-C-O-R-O-S, 467 Sylvan Avenue,
 08:30PM **21** Englewood Cliffs, New Jersey.
 08:30PM **22** CHAIRMAN FERGUSON: Okay. Mr. Cocoros.
 08:30PM **23** DIRECT EXAMINATION
 08:30PM **24** BY MR. LEE:
 08:30PM **25** Q. Okay. Mr. Cocoros, let's go over what
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08:30PM **1** this application is all about. Let's start with the
 08:30PM **2** unusual nature of the land, the configuration of the
 08:30PM **3** land.
 08:30PM **4** A. Sure.
 08:30PM **5** The existing property is located at
 08:30PM **6** 437 Highland Avenue. It's located on the west side
 08:30PM **7** of Highland Avenue. It's 181.45 feet south of
 08:30PM **8** Ackerman Place.
 08:30PM **9** The property itself is 47 -- 43 feet,
 08:30PM **10** 9 inches wide and 43.75 feet and the depth is 225
 08:30PM **11** feet deep, it's a slight parallelogram, so it's not
 08:30PM **12** exactly square.
 08:30PM **13** We're proposing a side-by-side
 08:31PM **14** two-family dwelling on the property that is proposed
 08:31PM **15** to be 35 feet setback from the front. At the rear
 08:31PM **16** we're proposing 111 feet. The building itself will
 08:31PM **17** be 89 feet deep by at this time 36 feet, 8 inches
 08:31PM **18** wide and it's a side-by-side configuration. However,
 08:31PM **19** the property does drop off in the back quite a bit.
 08:31PM **20** We have a front sidewalk approximately 74 feet and
 08:31PM **21** then at the back it goes down to 62 feet. So we're
 08:31PM **22** proposing a retention system, actually three
 08:31PM **23** different separate retention systems. One in the
 08:31PM **24** front for the front half of the building, which will
 08:31PM **25** also be attached to a trench drain that we probably
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08:31PM **1** have to add based on Steve's comments. At the back
 08:31PM **2** we'll have two seepage pits for each side and at the
 08:31PM **3** rear we have one seepage pit with field inlets to
 08:31PM **4** catching any drainage that runs down to the backyard.
 08:31PM **5** It's a three-story configuration.
 08:32PM **6** However, since the back of the property drops off
 08:32PM **7** quite a bit, it's -- we are requesting a height
 08:32PM **8** variance where 20 feet is required to the midpoint,
 08:32PM **9** we're proposing three stories and 35 feet to the
 08:32PM **10** midpoint.
 08:32PM **11** Q. Just for identification purposes, you
 08:32PM **12** have submitted a four-page document to the board,
 08:32PM **13** right?
 08:32PM **14** A. Correct.
 08:32PM **15** Q. The first page being the elevation and
 08:32PM **16** site plan, we'll mark as A-1.
 08:32PM **17** A. And this was last revised 1/28/22.
 08:32PM **18** (Whereupon, Elevation and Site Plan,
 08:32PM **19** Last Revised 1/28/22 is received and marked as
 08:32PM **20** Exhibit A-1 for identification.)
 08:32PM **21** BY MR. LEE:
 08:32PM **22** Q. Okay.
 08:32PM **23** A. The second sheet, A-2, which is also
 08:32PM **24** marked as A-2.
 08:32PM **25** Q. A-2 is --
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08:32PM **1** A. The floor plan.
 08:32PM **2** Q. Shows the -- marked as the floor plan.
 08:32PM **3** A. Correct.
 08:32PM **4** (Whereupon, Floor Plan is received and
 08:32PM **5** marked as Exhibit A-2 for identification.)
 08:32PM **6** THE WITNESS: And then Sheet S-1 and
 08:32PM **7** S-2 of the engineering -- the stormwater plan and the
 08:32PM **8** Bergen County Soil plan.
 08:32PM **9** If you stay on Sheet A-2, you can see
 08:32PM **10** the floor plan. At the front we have a garage, which
 08:32PM **11** is set up as a one-car garage with additional room
 08:32PM **12** for storage. Behind that we have a utility room,
 08:33PM **13** hallway into the basement space, the staircase up to
 08:33PM **14** the first floor. At the back we have the recreation
 08:33PM **15** room, the den, another recreation room, powder rooms.
 08:33PM **16** There's no bathroom on this configuration. We have a
 08:33PM **17** sliding glass door, french door, sliding glass door
 08:33PM **18** out to the back under the balcony that goes out to
 08:33PM **19** the backyard, it steps down to it.
 08:33PM **20** The first floor, which is also accessed
 08:33PM **21** by a staircase from the driveway level, at the
 08:33PM **22** sidewalk level consists of the living room, dining
 08:33PM **23** room. At the back we have a kitchen, eating area and
 08:33PM **24** a family room.
 08:33PM **25** The top floor is a four-bedroom
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08:33PM 1 configuration on each side. We have a bedroom at the
 08:33PM 2 front that has its on-suite. The bedroom -- two
 08:33PM 3 bedrooms in the middle share a bathroom in the
 08:33PM 4 hallway. At the back we have a master, a primary
 08:33PM 5 suite that has its own master bathroom and a walk-in
 08:33PM 6 closet.
 08:33PM 7 We stuck the masters in the back so we
 08:33PM 8 get the view of the backyard, because we have the
 08:33PM 9 100 foot rear yard setback.
 08:33PM 10 If you go to Sheet S-1, the site plan
 08:34PM 11 and you see at the front we have two seepage pits, a
 08:34PM 12 thousand gallons each. In the back we have two
 08:34PM 13 1,000 gallons each set in a trench and in the back we
 08:34PM 14 have two field inlets with a 1,000-gallon seepage
 08:34PM 15 pit, which, you know, we're proposing to alleviate
 08:34PM 16 any drainage that runs down from the top of the
 08:34PM 17 property towards the back. You know, the roof
 08:34PM 18 leaders themselves will all be piped into the
 08:34PM 19 proposed seepage pits to the buildings.
 08:34PM 20 In addition, what we've done before is
 08:34PM 21 at the front of the driveway, as Steve requested, we
 08:34PM 22 can do a trench drain to prevent any water coming out
 08:34PM 23 towards Highland Avenue.
 08:34PM 24 CHAIRMAN FERGUSON: That's it?
 08:34PM 25 THE WITNESS: Yeah.

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08:36PM 1 to keep? The two in the back on the back property
 08:36PM 2 line, are those two trees --
 08:36PM 3 THE WITNESS: Yes, they are. Yes,
 08:36PM 4 those will stay.
 08:36PM 5 CHAIRMAN FERGUSON: They're going to
 08:36PM 6 stay?
 08:36PM 7 THE WITNESS: Correct.
 08:36PM 8 CHAIRMAN FERGUSON: Fine. What other
 08:36PM 9 trees are going to stay?
 08:36PM 10 THE WITNESS: The evergreens along the
 08:36PM 11 -- along the actual property line.
 08:36PM 12 CHAIRMAN FERGUSON: Right.
 08:36PM 13 THE WITNESS: And that's it. The only
 08:36PM 14 two trees that we're proposing to take out are the --
 08:36PM 15 at the front corner and I'm actually looking at it
 08:36PM 16 right now. I think the one tree in the -- the
 08:36PM 17 14-inch tree is an evergreen tree.
 08:36PM 18 CHAIRMAN FERGUSON: What is it?
 08:36PM 19 THE WITNESS: There's a 14-inch
 08:36PM 20 evergreen tree that we're going to be taking out on
 08:36PM 21 the rear right corner and there's a 32-inch --
 08:36PM 22 CHAIRMAN FERGUSON: You keep on talking
 08:37PM 23 about the -- I'm talking about these two trees up
 08:37PM 24 here.
 08:37PM 25 THE WITNESS: Oh, in the back. We're

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08:34PM 1 CHAIRMAN FERGUSON: Okay. So I have
 08:34PM 2 some -- my main problem with this one -- but it's two
 08:34PM 3 main problems. First is the seepage pits and the
 08:35PM 4 second problem is because Highland is higher than
 08:35PM 5 Hillside, I'm a little concerned about people looking
 08:35PM 6 into people's houses.
 08:35PM 7 So let's take the seepage pits first.
 08:35PM 8 I noticed on the plans you have four trees. You have
 08:35PM 9 two, which I believe -- and then you got two all the
 08:35PM 10 way up on top.
 08:35PM 11 THE WITNESS: Yes, there's one on the
 08:35PM 12 -- one proposed to be taken out on the rear, I guess
 08:35PM 13 the rear corner of the building, which is the rear
 08:35PM 14 left, that's a tree to be removed and then there's
 08:35PM 15 one that's on the rear right, the rear right also and
 08:35PM 16 that's a 14-inch tree on the right and there's a
 08:35PM 17 32-inch tree on the left-hand side. The trees in the
 08:36PM 18 back, we plan to keep those in addition to the
 08:36PM 19 evergreen trees that are on the property line on the
 08:36PM 20 left-hand side.
 08:36PM 21 However, I just realized we might have
 08:36PM 22 to move the seepage pit in the back a little bit
 08:36PM 23 closer to the building itself to avoid the roots of
 08:36PM 24 those trees in the back.
 08:36PM 25 Okay. So how many trees are you going

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08:37PM 1 not touching those.
 08:37PM 2 CHAIRMAN FERGUSON: You're not touching
 08:37PM 3 those?
 08:37PM 4 THE WITNESS: Not at all.
 08:37PM 5 CHAIRMAN FERGUSON: Okay. So they're
 08:37PM 6 staying?
 08:37PM 7 THE WITNESS: Correct.
 08:37PM 8 CHAIRMAN FERGUSON: Okay. Now, you
 08:37PM 9 have two -- you said three seepage pits, but you
 08:37PM 10 really have five?
 08:37PM 11 THE WITNESS: Five altogether.
 08:37PM 12 CHAIRMAN FERGUSON: Five altogether?
 08:37PM 13 THE WITNESS: Correct.
 08:37PM 14 CHAIRMAN FERGUSON: So you got two in
 08:37PM 15 the front for the front of the building?
 08:37PM 16 THE WITNESS: Correct.
 08:37PM 17 CHAIRMAN FERGUSON: You got two in the
 08:37PM 18 back for the back of the building and you got one all
 08:37PM 19 the way further back towards that line, right?
 08:37PM 20 THE WITNESS: Yes.
 08:37PM 21 CHAIRMAN FERGUSON: Now, how do --
 08:37PM 22 because the property is so large, how do I know
 08:37PM 23 you're going to capture all of the runoff on that one
 08:37PM 24 seepage pit?
 08:37PM 25 THE WITNESS: I guess we can, if this

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08:37PM **1** is approved, we can provide drainage calculations for
 08:37PM **2** whatever grass area there is. I mean, hopefully, you
 08:37PM **3** know, the grass is going to absorb some of the -- you
 08:37PM **4** know, a good portion of it. I guess we got to figure
 08:37PM **5** out what the formula would be for like a voracity of
 08:37PM **6** the grass and then whatever is running down that way,
 08:38PM **7** we can swale it to those two inlets in the back and
 08:38PM **8** then maybe if we have to increase it, we can maybe do
 08:38PM **9** two pits instead of one if we have to.
 08:38PM **10** CHAIRMAN FERGUSON: Okay. Because, A,
 08:38PM **11** it's a big piece of property and, B, that all of
 08:38PM **12** those houses on Hillside, I think, every time there's
 08:38PM **13** a case, they always bring up the thing. So I want to
 08:38PM **14** make sure --
 08:38PM **15** THE WITNESS: You know, the other thing
 08:38PM **16** we do too is if, let's say, you know, we have two
 08:38PM **17** outside inlets, maybe we can do an inlet above each
 08:38PM **18** seepage pit also, which acts like an access hole for
 08:38PM **19** -- you know, servicing them.
 08:38PM **20** CHAIRMAN FERGUSON: Good. And how
 08:38PM **21** about do one on the other one, the one in the back,
 08:38PM **22** you got to put an access hole in that one too?
 08:38PM **23** THE WITNESS: Two in the back.
 08:38PM **24** Yeah, the one, that's the main one back
 08:38PM **25** there. That one is going to have the most important
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08:39PM **1** CHAIRMAN FERGUSON: And you're going to
 08:39PM **2** save two trees?
 08:39PM **3** THE WITNESS: Correct.
 08:39PM **4** CHAIRMAN FERGUSON: And that's --
 08:39PM **5** THE WITNESS: Two trees and also
 08:39PM **6** there's some evergreens along the right-hand side
 08:39PM **7** that's going to stay also.
 08:39PM **8** CHAIRMAN FERGUSON: Okay. So there's
 08:39PM **9** going to be a total of three trees?
 08:39PM **10** MR. LEE: Only two trees will be
 08:39PM **11** removed from the property.
 08:39PM **12** THE WITNESS: Two trees that we're
 08:39PM **13** going to save. We're going to save -- we're going to
 08:39PM **14** keep one, two, three, four, five, six, six trees.
 08:39PM **15** CHAIRMAN FERGUSON: Six trees?
 08:39PM **16** THE WITNESS: Correct.
 08:39PM **17** CHAIRMAN FERGUSON: Okay. And two are
 08:39PM **18** going?
 08:39PM **19** THE WITNESS: Yes.
 08:39PM **20** CHAIRMAN FERGUSON: Okay. Now, in the
 08:40PM **21** -- and because I'm going to defer to Steve to make
 08:40PM **22** sure that, you know, we do these calculations and
 08:40PM **23** everything, as I'm looking in -- you have powder
 08:40PM **24** rooms in the basement.
 08:40PM **25** THE WITNESS: Yes.
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08:38PM **1** use. You know, the ones in the -- the ones for the
 08:38PM **2** building themselves, you know, I think they should be
 08:38PM **3** more than adequate because they're going to have
 08:38PM **4** basically 2,000 gallons, 2,000 for each side.
 08:39PM **5** CHAIRMAN FERGUSON: Okay. For each
 08:39PM **6** side?
 08:39PM **7** THE WITNESS: Yes.
 08:39PM **8** CHAIRMAN FERGUSON: The front and the
 08:39PM **9** back, okay.
 08:39PM **10** THE WITNESS: Yeah, so it's 1,000
 08:39PM **11** gallon in the front, 1,000 gallon in the back and
 08:39PM **12** then we can do two 1,000s in the rear.
 08:39PM **13** CHAIRMAN FERGUSON: Okay. So how many
 08:39PM **14** trees -- we'll get back to -- forget the two up here.
 08:39PM **15** How many trees are you going to remove on the side of
 08:39PM **16** the building?
 08:39PM **17** THE WITNESS: Two. On the rear left of
 08:39PM **18** the building, there's a 32-inch tree to be removed.
 08:39PM **19** CHAIRMAN FERGUSON: Okay.
 08:39PM **20** THE WITNESS: And then in the rear left
 08:39PM **21** there's a 14-inch, I think, evergreen-type tree
 08:39PM **22** that's going to be removed.
 08:39PM **23** CHAIRMAN FERGUSON: Okay. So there's
 08:39PM **24** two trees you're going to remove?
 08:39PM **25** THE WITNESS: Correct.
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08:40PM **1** CHAIRMAN FERGUSON: That's good. You
 08:40PM **2** got decks in the back. You got plenty of room for
 08:40PM **3** decks, because it's such a large piece of property.
 08:40PM **4** THE WITNESS: Correct.
 08:40PM **5** CHAIRMAN FERGUSON: And I guess that's
 08:40PM **6** all I got. Any board members have anything? No?
 08:40PM **7** (No response.)
 08:40PM **8** CHAIRMAN FERGUSON: Steve, do you have
 08:40PM **9** anything? Steve?
 08:40PM **10** MR. COLLAZUOL: All good? You can hear
 08:40PM **11** me?
 08:40PM **12** CHAIRMAN FERGUSON: Yeah.
 08:40PM **13** MR. COLLAZUOL: Okay. Point No. 6,
 08:40PM **14** rear and side yard drainage should be addressed to
 08:40PM **15** prevent runoff to adjacent properties. You brought
 08:41PM **16** it up, Joe, and we usually don't push the design, but
 08:41PM **17** when talking about it, it could be that just at the
 08:41PM **18** rear of the deck area in the middle of the site going
 08:41PM **19** down the site, that is, along the sides, two more
 08:41PM **20** lawn inlets could be placed catching the water that
 08:41PM **21** runs along the side of each side of the building.
 08:41PM **22** Those lawn inlets can be captured and piped into the
 08:41PM **23** system, either the mid-system with the two seepage
 08:41PM **24** pits or the seepage pit in the rear. The drainage
 08:41PM **25** calculations will prove that that can take that
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08:41PM **1** amount of water.

08:41PM **2** The inlets that you put on the plan,

08:41PM **3** Bill, if you would put inlet, grate inlet, inverts,

08:41PM **4** grate elevations and inverts, that would be good for

08:41PM **5** the contractor should this get approved.

08:41PM **6** THE WITNESS: Got it. Would you prefer

08:41PM **7** for the rear yard, if we do two, let's say, pits and

08:42PM **8** the one all the all way in the rear for the runoff,

08:42PM **9** you know, to avoid water going on the neighbor's

08:42PM **10** property, would you prefer like a precast seepage pit

08:42PM **11** with like a neck that comes up with a grate on that

08:42PM **12** of would you rather have inlets, prefab inlet that

08:42PM **13** ties into it?

08:42PM **14** MR. COLLAZUOL: Just the way you have

08:42PM **15** it on the plan, because if you do it the first way

08:42PM **16** you say, usually what happens is all the debris goes

08:42PM **17** in the seepage pit and it becomes non-functional.

08:42PM **18** THE WITNESS: Got it, okay.

08:42PM **19** MR. COLLAZUOL: All right. So we

08:42PM **20** mentioned that.

08:42PM **21** Grading for the driveways, you're

08:42PM **22** indicating you'll provide grading and some type of

08:42PM **23** drainage, such as a trench drain to capture that

08:42PM **24** runoff as well.

08:42PM **25** THE WITNESS: At the front.

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08:42PM **1** MR. COLLAZUOL: That should be tied

08:42PM **2** into the system as well, not go out into Highland

08:42PM **3** Avenue, correct?

08:42PM **4** THE WITNESS: Correct.

08:42PM **5** MR. COLLAZUOL: Okay. And then I would

08:42PM **6** suggest that we talk about fencing. There's been no

08:43PM **7** fencing shown either proposed or to be placed. Is

08:43PM **8** there any plan for the fencing for the site?

08:43PM **9** THE WITNESS: I guess it would be like

08:43PM **10** if we're doing any fencing, I guess it would be maybe

08:43PM **11** privacy fence in the back portion of it, but since,

08:43PM **12** you know, the buildings on either side of us, they

08:43PM **13** may have fences that we either just not have to do a

08:43PM **14** fence because they have a fence up already, but if we

08:43PM **15** do a fence on the sides, it might be like a vinyl

08:43PM **16** coded chain link just to keep it a little more

08:43PM **17** transparent than having a 6-foot vinyl fence.

08:43PM **18** MR. COLLAZUOL: I think that should be

08:43PM **19** settled and it should be on the plan so that, you

08:43PM **20** know, when it comes to the building department, it's

08:43PM **21** clear, it's not maybe this, maybe that.

08:43PM **22** MR. LEE: All right. So we'll

08:43PM **23** indicated that with the drawings submitted to the

08:43PM **24** building department.

08:43PM **25** CHAIRMAN FERGUSON: There's a

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08:43PM **1** delegation from the back. So after we get done,

08:43PM **2** we're going to go to them and maybe they can help us

08:43PM **3** figure out what -- if they want the fencing or don't

08:43PM **4** want the fencing.

08:43PM **5** MR. LEE: Good idea.

08:44PM **6** MR. COLLAZUOL: All right. Then the

08:44PM **7** last item I have is regarding the railroad tie

08:44PM **8** curbing along the rear line. It looks on the plan

08:44PM **9** that it's a raised bed, it's square. I don't know if

08:44PM **10** it supports any earth or if it's a tall railroad tie

08:44PM **11** along the rear line or not, but I think what's going

08:44PM **12** to happen with it should be noted on the plan as

08:44PM **13** well.

08:44PM **14** Bill did just note that the trees are

08:44PM **15** going to remain, but I think we should just mention

08:44PM **16** and show on the plan what's happening with that, what

08:44PM **17** appears to be like a garden area.

08:44PM **18** THE WITNESS: Right now it's acting

08:44PM **19** like a dam a little bit. So I don't know, I guess we

08:44PM **20** can try to -- would you prefer to keep it or is it

08:44PM **21** better off you take it out and just regrade the area

08:44PM **22** and swale everything to the inlets?

08:44PM **23** MR. COLLAZUOL: I think that's a good

08:44PM **24** idea, because the railroad ties probably are on the

08:44PM **25** older side and need to be replaced most likely. So

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08:44PM **1** if the board were to approve this, you would show

08:44PM **2** some type of curbing back there and redirecting of

08:45PM **3** the grade towards those rear lawn inlets then,

08:45PM **4** correct?

08:45PM **5** THE WITNESS: Yeah. So I guess the

08:45PM **6** curb would -- would you want the curb behind the

08:45PM **7** trees to kind of be the last like, I guess, a stop

08:45PM **8** gap to get to the neighbors or in front of the trees?

08:45PM **9** MR. COLLAZUOL: Right. I think that

08:45PM **10** has to be looked at how, because I can't read the

08:45PM **11** elevations on the small scale survey and you don't

08:45PM **12** have sufficient information on that, but I don't know

08:45PM **13** if the board wants to have any input in that. I do

08:45PM **14** know that there was neighbors on other applications

08:45PM **15** in the areas and it may be prudent to have that on

08:45PM **16** the uphill side of the trees rather than on the

08:45PM **17** downhill side.

08:45PM **18** THE WITNESS: So before it gets to the

08:45PM **19** trees, it kind of gets stopped and then swaled back

08:45PM **20** to the inlets.

08:45PM **21** MR. COLLAZUOL: Yes. Okay. Very good.

08:45PM **22** Thank you.

08:45PM **23** CHAIRMAN FERGUSON: Hal, do you have

08:45PM **24** anything?

08:45PM **25** MR. SIMOFF: Yeah, I have a quick

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08:45PM **1** question.

08:45PM **2** CHAIRMAN FERGUSON: Okay.

08:46PM **3** MR. SIMOFF: In front of the building,

08:46PM **4** in front of each unit there's a 4-foot landing and

08:46PM **5** 13-foot steps.

08:46PM **6** THE WITNESS: Correct.

08:46PM **7** MR. SIMOFF: Which comes to 17 feet and

08:46PM **8** the setback, if I read it correctly, is 35 feet.

08:46PM **9** THE WITNESS: Correct.

08:46PM **10** MR. SIMOFF: It leaves 18 feet per the

08:46PM **11** parking space.

08:46PM **12** THE WITNESS: Yes.

08:46PM **13** MR. SIMOFF: Which is what's required,

08:46PM **14** but does the parking space about the steps? I mean,

08:46PM **15** if somebody wants to carry a package up the steps --

08:46PM **16** THE WITNESS: What we could do there is

08:46PM **17** we can maybe put some of the steps on the inside of

08:46PM **18** the building, take 4 feet out so you have basically

08:46PM **19** 18 feet and then 4 feet in front of that for

08:46PM **20** clearance, if that's something that would make it

08:46PM **21** work a little bit better.

08:46PM **22** MR. SIMOFF: There should be clearance

08:46PM **23** for somebody to walk up the steps carrying a package.

08:46PM **24** THE WITNESS: Yeah, so we could have --

08:46PM **25** we could leave 4 feet and whatever steps we lose in

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08:46PM **1** the front yard, we can put them inside the building.

08:46PM **2** MR. SIMOFF: Okay.

08:46PM **3** CHAIRMAN FERGUSON: Okay. So just

08:46PM **4** looking before we turn it over to the residents, let

08:47PM **5** me just say, let's just spend a minute on the side

08:47PM **6** yards.

08:47PM **7** THE WITNESS: Yes.

08:47PM **8** CHAIRMAN FERGUSON: The side yards are

08:47PM **9** 3.53?

08:47PM **10** THE WITNESS: Yeah, 3 foot 6 inches.

08:47PM **11** CHAIRMAN FERGUSON: Is there any way we

08:47PM **12** can up them?

08:47PM **13** THE WITNESS: Yeah, I think what we did

08:47PM **14** before, we've gone to 4 feet, so we can do a 4-foot

08:47PM **15** setback. I know the ones next door are like

08:47PM **16** 3-foot-8, I think. So we can increase it the way

08:47PM **17** they did next door, we can go up to 4 feet, if that's

08:47PM **18** okay.

08:47PM **19** CHAIRMAN FERGUSON: Yeah, we want as

08:47PM **20** much room as we can. Right?

08:47PM **21** THE WITNESS: Okay.

08:47PM **22** CHAIRMAN FERGUSON: So you're going to

08:47PM **23** go 4 foot instead of what you got, right?

08:47PM **24** MR. LEE: Four feet, right?

08:47PM **25** THE WITNESS: Yes. And that would also

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08:47PM **1** -- I mean, we're brining the building height slightly

08:47PM **2** down.

08:47PM **3** CHAIRMAN FERGUSON: And the other thing

08:47PM **4** that I'm just curious, it says, front yard, 25 feet.

08:47PM **5** Isn't the front yard 20 feet?

08:47PM **6** THE WITNESS: Well, it's 25 feet, so

08:47PM **7** all the houses there are basically 35 feet now. So

08:47PM **8** we're keeping --

08:47PM **9** CHAIRMAN FERGUSON: The ordinance is 25

08:47PM **10** feet?

08:47PM **11** THE WITNESS: The ordinance is 25 feet,

08:47PM **12** except -- unless you have a prevailing setback, it

08:48PM **13** can go as close as 20 feet, but the maximum we can do

08:48PM **14** is 35 feet.

08:48PM **15** CHAIRMAN FERGUSON: Okay.

08:48PM **16** THE WITNESS: So we're at the maximum

08:48PM **17** setback, which also aligns with the newer houses in

08:48PM **18** the area.

08:48PM **19** CHAIRMAN FERGUSON: Okay. As long as

08:48PM **20** it lines up.

08:48PM **21** Okay. Anybody on the telephone?

08:48PM **22** (No response.)

08:48PM **23** CHAIRMAN FERGUSON: Take it away,

08:48PM **24** anybody that wants to talk, name and address.

08:48PM **25** MR. MIRAKIAN: Michael Mirakian,
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08:48PM **1** M-I-R-A-K-I-A-N, 432 Hillside Avenue, Palisades Park,

08:48PM **2** of course.

08:48PM **3** Mr. Chair, I'm not exactly sure about

08:48PM **4** the rear fence that is existing there now. I believe

08:48PM **5** it was put up by the people at 434 Hillside. So that

08:48PM **6** extra high chain link fence might be there's.

08:48PM **7** THE WITNESS: It's actually -- on the

08:48PM **8** survey it's on the property behind us. The

08:48PM **9** chain-link fence that's there is clear about 1 foot

08:49PM **10** -- it's about 11 inches clear on the left side --

08:49PM **11** I'm sorry, 11 inches clear on the right side and left

08:49PM **12** side is about --

08:49PM **13** MR. MIRAKIAN: I'm not talking about

08:49PM **14** that, I'm talk about ownership.

08:49PM **15** THE WITNESS: Yeah, it's not our fence.

08:49PM **16** It's the neighbor's.

08:49PM **17** MR. MIRAKIAN: It's not yours?

08:49PM **18** THE WITNESS: Right.

08:49PM **19** MR. MIRAKIAN: So I just thought I'd

08:49PM **20** bring that up, I'm sorry.

08:49PM **21** CHAIRMAN FERGUSON: It's fine.

08:49PM **22** MR. MIRAKIAN: Could you please explain

08:49PM **23** to me Item No. 3 and 4, right side yard, left side

08:49PM **24** yard, they're both the same? 7.7 and in parenthesis

08:49PM **25** 3.7 where 6 foot is required.

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08:49PM 1 THE WITNESS: You might have the older
 08:49PM 2 -- we actually -- the setbacks now based on the
 08:49PM 3 board's comments are going to be 4 feet and the --
 08:49PM 4 MR. MIRAKIAN: I'm just trying to --
 08:49PM 5 I'm looking for configuration. I'm not challenging
 08:49PM 6 the --
 08:49PM 7 THE WITNESS: The building itself now,
 08:49PM 8 we had 3 foot 5 inches, 3 foot 6 inches to the side
 08:49PM 9 yard. Now we're going to be 4 feet away from the
 08:49PM 10 property line. Before we had the steps hanging into
 08:49PM 11 the side yard a little bit. Now the steps are lined
 08:50PM 12 up with the edge of the building.
 08:50PM 13 MR. MIRAKIAN: Well, what's the 7.7?
 08:50PM 14 MR. LEE: Where do you get that number?
 08:50PM 15 MR. MIRAKIAN: It's on the notice,
 08:50PM 16 Items No -- I'm sorry, Items No. 3 and 4, it says,
 08:50PM 17 right side yard of 7.7 feet, parenthesis, 3.70 feet.
 08:50PM 18 MS. LAMBRINIDES: Is that the combined?
 08:50PM 19 MS. TESTA: Yes.
 08:50PM 20 Mr. MIRAKIAN: Then there's a two a
 08:50PM 21 parenthesis and 6 foot required and it's similar for
 08:50PM 22 the other side. I'm trying to figure out what's
 08:50PM 23 being asked for here.
 08:50PM 24 THE WITNESS: Oh, we're asking for a
 08:50PM 25 side yard variance. 6 feet is required.

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08:51PM 1 storm or excessive runoff; is that correct?
 08:51PM 2 THE WITNESS: Well, we're going to
 08:51PM 3 coordinate with the borough engineer to make sure
 08:51PM 4 that we have drainage calculations supporting.
 08:51PM 5 MR. MIRAKIAN: Thank you.
 08:51PM 6 I think you've answered my second
 08:51PM 7 question.
 08:51PM 8 Mr. Chair, I'd like to hear from the
 08:51PM 9 borough engineer if he felt that what was being
 08:51PM 10 proposed was sufficient for unusual events, like the
 08:51PM 11 ones we had this year where everybody's sewer backed
 08:51PM 12 up and everybody's basements were flooded. I don't
 08:51PM 13 want to go through that again.
 08:51PM 14 CHAIRMAN FERGUSON: Steve, do you want
 08:52PM 15 to --
 08:52PM 16 MR. COLLAZUOL: Well, you know, the
 08:52PM 17 storm event known as Hurricane Ida is not in the
 08:52PM 18 record books and the requirements of the applicant is
 08:52PM 19 not to meet the requirements of Ida. It is to try to
 08:52PM 20 address it, but regulations state that it shall be
 08:52PM 21 designed for the 2-, the 10- and 100-year storm and I
 08:52PM 22 would suggest that Mr. Cocoros's plan accommodates
 08:52PM 23 that storm and he will have to prove it through
 08:52PM 24 calculations and also through soil testing prior to
 08:52PM 25 the issuance of a building permit or during

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08:50PM 1 MR. MIRAKIAN: Correct.
 08:50PM 2 THE WITNESS: Now, we're proposing --
 08:50PM 3 we're proposing -- we originally proposed
 08:50PM 4 3-and-a-half feet to the closest point. Now we're 4
 08:50PM 5 feet.
 08:50PM 6 MR. MIRAKIAN: Then what's the 7.7?
 08:50PM 7 THE WITNESS: I'm not sure.
 08:50PM 8 MS. LAMBRINIDES: That's the combined.
 08:50PM 9 THE WITNESS: That's a combined number.
 08:50PM 10 It was a combined number.
 08:50PM 11 MR. MIRAKIAN: Well, it's in the
 08:50PM 12 application.
 08:50PM 13 THE WITNESS: That's a combined number
 08:51PM 14 for the side yard setbacks when you add the two of
 08:51PM 15 them together.
 08:51PM 16 MR. MIRAKIAN: Okay. So it's 4 feet
 08:51PM 17 and the 6-foot is required. You're asking for a
 08:51PM 18 2-foot variance on each side; is that correct?
 08:51PM 19 THE WITNESS: Yes.
 08:51PM 20 MR. MIRAKIAN: Okay. I think I
 08:51PM 21 understand now.
 08:51PM 22 You spoke about drainage, okay.
 08:51PM 23 THE WITNESS: Yes.
 08:51PM 24 MR. MIRAKIAN: And you indicated that
 08:51PM 25 you felt that this would be adequate for any kind of

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08:52PM 1 construction.
 08:52PM 2 MR. MIRAKIAN: Mr. Chair, if the
 08:52PM 3 borough engineer is satisfied, then I'm satisfied.
 08:52PM 4 Okay? I'm not going to -- that's not my area of
 08:52PM 5 expertise and I defer to him and the board of course.
 08:52PM 6 I have two main objections here, Mr.
 08:52PM 7 Chair. I have an objection to the coverage of 3,050
 08:53PM 8 feet, square feet where the maximum, according to the
 08:53PM 9 code, is 2,500. We've heard a lot of applications
 08:53PM 10 here prior to this one today and I can't speak for
 08:53PM 11 the history of everything that comes in front of the
 08:53PM 12 board, but everything that was proposed to you was
 08:53PM 13 within 10 percent and this request of 5,050 square
 08:53PM 14 feet is beyond, well beyond, double as a matter of
 08:53PM 15 fact the -- what has been coming up in front of this
 08:53PM 16 board, like we're looking like over 20 percent.
 08:53PM 17 CHAIRMAN FERGUSON: Take it away.
 08:53PM 18 THE WITNESS: There's two components to
 08:53PM 19 the coverage. The 40 percent is allowed, however,
 08:53PM 20 they do have a maximum footprint of 2,500 square
 08:53PM 21 feet. So right now we're proposing and it's going to
 08:53PM 22 be less because we increased the side yard setback,
 08:54PM 23 right now we're proposing 3,268 square feet, which is
 08:54PM 24 33.16 percent where technically if it was a regular
 08:54PM 25 lot, you can go 40 percent coverage. So there's two

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08:54PM 1 portions. We're requesting a variance not from the
 08:54PM 2 percent coverage, just for the maximum building
 08:54PM 3 footprint allowed. So, you know, it is a variance.
 08:54PM 4 I'm not negating that, but there's two components for
 08:54PM 5 the coverage portion of that.
 08:54PM 6 CHAIRMAN FERGUSON: Would I be fair to
 08:54PM 7 say that it has to do with the size of the lot?
 08:54PM 8 THE WITNESS: Yeah, it's like -- you
 08:54PM 9 know, it's like -- you know, this case here, we have
 08:54PM 10 100 feet from the front to the back. I mean, and
 08:54PM 11 also if you look at it, we actually line up -- we're
 08:54PM 12 actually a foot less than the building next to us. I
 08:54PM 13 tried to keep in line with the two other -- the other
 08:54PM 14 dwellings that are being developed in that area.
 08:54PM 15 MR. MIRAKIAN: Now, if you have a
 08:54PM 16 4-foot clearance on the left side and a 4-foot
 08:54PM 17 clearance on the right side and you're going to be
 08:54PM 18 putting up -- did you say -- I know you said you were
 08:54PM 19 going to leave certain trees, but did you say that
 08:54PM 20 you were going to be planting other trees on the side
 08:55PM 21 or did I miss --
 08:55PM 22 THE WITNESS: No, we didn't.
 08:55PM 23 MR. LEE: We did not say that.
 08:55PM 24 MR. MIRAKIAN: I withdraw that
 08:55PM 25 question, please.

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08:56PM 1 from the back point of view. However, we can reduce
 08:56PM 2 the height by putting a small retaining wall on the
 08:56PM 3 side, but it still looks the same size. We're trying
 08:56PM 4 to keep the natural grade. So, you know, we can
 08:56PM 5 reduce the height by adding a retaining wall, you
 08:56PM 6 know, which we would be allowed to. So, you know, we
 08:56PM 7 can provide a reduction if the board wants by doing
 08:56PM 8 an L-shape retaining wall basically up against, you
 08:56PM 9 know, the neighbors, which is already about 3 feet
 08:57PM 10 high and then we can kind of come up the side on the
 08:57PM 11 right-hand side to meet the existing grade and that
 08:57PM 12 would bring our height down maybe a foot.
 08:57PM 13 CHAIRMAN FERGUSON: A foot?
 08:57PM 14 THE WITNESS: Yeah, from a calculation
 08:57PM 15 point of view. It will look the same basically.
 08:57PM 16 CHAIRMAN FERGUSON: Look the same,
 08:57PM 17 yeah.
 08:57PM 18 THE WITNESS: And then, you know,
 08:57PM 19 looking at sidewalk right now just to see if we have
 08:57PM 20 any room to bring it up to -- at the sidewalk I have
 08:57PM 21 74, let's say, 74 feet elevation and then it goes up
 08:57PM 22 to 75.67. I mean, I might have like, you know, five
 08:57PM 23 or six inches to bring it down a little bit and have
 08:57PM 24 more of a dead level driveway.
 08:57PM 25 CHAIRMAN FERGUSON: I don't know. You

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08:55PM 1 I have an issue with the height, Mr.
 08:55PM 2 Chair, the height is 35 feet.
 08:55PM 3 CHAIRMAN FERGUSON: Okay.
 08:55PM 4 MR. MIRAKIAN: And what's required or
 08:55PM 5 what is by code is 28 feet. When people came here
 08:55PM 6 with the property immediately behind me at 435
 08:55PM 7 Highland Avenue, we had some discussion about the
 08:55PM 8 height of the building. The board made adjustments
 08:55PM 9 as to the rear yard coverage, etcetera, etcetera, we
 08:55PM 10 appreciate that, but this is a huge building that's
 08:55PM 11 behind me and if I'm not mistaken, they had requested
 08:56PM 12 less than 35 foot and it's been a year-and-a-half and
 08:56PM 13 I don't want to -- I don't want to swear by that, but
 08:56PM 14 if I'm not mistaken, I think they requested
 08:56PM 15 32-and-a-half feet. I don't know if this gentleman
 08:56PM 16 --
 08:56PM 17 THE WITNESS: That was --
 08:56PM 18 CHAIRMAN FERGUSON: Let him explain it.
 08:56PM 19 THE WITNESS: That building, we had a
 08:56PM 20 retaining wall, that was a 4-foot-high -- we had a
 08:56PM 21 4-foot-high retaining wall installed to bring the
 08:56PM 22 grade up in the back. That's why when you average
 08:56PM 23 out, let's say, 4 feet, it comes out to a 2-foot
 08:56PM 24 reduction in the height. We can do the same thing
 08:56PM 25 here and, you know, the building will look the same

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08:57PM 1 know, I don't know, I think the height has to do with
 08:57PM 2 the --
 08:57PM 3 THE WITNESS: The drop off.
 08:57PM 4 CHAIRMAN FERGUSON: Right, the lay of
 08:57PM 5 the land.
 08:57PM 6 MR. MIRAKIAN: Mr. Chair, it's very
 08:57PM 7 simple. The height is -- what bothers me is the
 08:57PM 8 morning sun. Okay? Now, maybe 4 feet, 5 feet is not
 08:57PM 9 a big deal for anybody on the board here, but we
 08:58PM 10 already have a very tall building immediately behind
 08:58PM 11 me and to the left of it from my perspective is going
 08:58PM 12 to be an equal or probably a little bit higher and is
 08:58PM 13 blocking my morning sun. You know, I know it's a
 08:58PM 14 large property. I know it's a very desirable
 08:58PM 15 property. I have no problem with that. I'm hoping
 08:58PM 16 that whatever they put up is going be adding to the
 08:58PM 17 neighborhood and I'm hopeful of that, but I also have
 08:58PM 18 to remind the architect respectfully that when you --
 08:58PM 19 when we were talking about 435 Highland, we spoke
 08:58PM 20 about a privacy wall and then we were supposed to
 08:58PM 21 have evergreens. The evergreens were supposed to be
 08:58PM 22 in front or my front, the back of that property. The
 08:58PM 23 evergreens was supposed to be blocking that wall.
 08:58PM 24 They are now on top of the wall and the 3 foot or
 08:59PM 25 3-and-a-half foot where those evergreens were

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08:59PM 1 supposed to be has now become a dog run with a wire,
 08:59PM 2 a chain link fence. That was not what was -- that
 08:59PM 3 was not what was promised here. Okay?
 08:59PM 4 So those kind of changes are offensive
 08:59PM 5 to me and do we have to put every dot and cross every
 08:59PM 6 T on a piece of paper and sign it? We have to have
 08:59PM 7 some good will here and if you tell us you're going
 08:59PM 8 to be doing something, please do it, don't change it.
 08:59PM 9 THE WITNESS: You know, this
 08:59PM 10 resolution, if it's approved, they can -- I guess the
 08:59PM 11 most critical thing is the drainage, you know, to try
 08:59PM 12 to mitigate any --
 08:59PM 13 MR. MIRAKIAN: I agree wholeheartedly.
 08:59PM 14 That is a primary concern of mine and the Chairman
 08:59PM 15 and the Borough Engineer already addressed that to my
 08:59PM 16 satisfaction. It will be if the borough engineer
 08:59PM 17 signs off on it.
 09:00PM 18 I thank you, Mr. Chair, I really don't
 09:00PM 19 want -- I really don't want skyscrapers behind me.
 09:00PM 20 It sounds like it's not a skyscraper at even 35 feet,
 09:00PM 21 but when your property is a good 11-foot down, a drop
 09:00PM 22 from the back of the other property that's being
 09:00PM 23 proposed over here, now we're talking in the 40s,
 09:00PM 24 okay? And that's a lot. So I ask for the board's
 09:00PM 25 consideration on that. Thank you.

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09:00PM 1 CHAIRMAN FERGUSON: Next, name and
 09:00PM 2 address.
 09:00PM 3 Go ahead.
 09:00PM 4 MS. GIACOBONE: Thank you,
 09:00PM 5 Mr. Chairman. First name is Susan, S-U-S-A-N and
 09:00PM 6 I'll spell the last, G-I-A-C-O-B-O-N-E.
 09:00PM 7 And you have to forgive me, because I
 09:00PM 8 can only hear half of what you're saying, because you
 09:00PM 9 talk to the board and I'm terribly hard of hearing.
 09:01PM 10 MR. LEE: What's your address?
 09:01PM 11 MS. GIACOBONE: 438 Hillside, everybody
 09:01PM 12 knows. You're welcome any time.
 09:01PM 13 With that said, I am not satisfied with
 09:01PM 14 the drainage situation. It's not just a matter of
 09:01PM 15 what the engineer says. It's also a matter of coming
 09:01PM 16 -- my yard is self-evident. All right? Not only do
 09:01PM 17 we have the grade from Highland down to me, okay, but
 09:01PM 18 where I am is where the grade begins to level off
 09:01PM 19 and at the end of my yard into the yard next door,
 09:01PM 20 then we become practically flat.
 09:01PM 21 I have a serious issue in my yard,
 09:01PM 22 which obviously I'm going to have to get somebody in
 09:01PM 23 construction to address. I need some kind of
 09:02PM 24 drainage. Now at this point after the weather, I
 09:02PM 25 can't get in my yard. So now let's go back to the

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09:02PM 1 tree situation, because I firmly believe that when
 09:02PM 2 you wipe out the grass, wipe out the trees and plant
 09:02PM 3 concrete, I'm going to be in big trouble.
 09:02PM 4 Now, the engineer said to remove a
 09:02PM 5 tree. Which tree specifically was that?
 09:02PM 6 THE WITNESS: We're not removing -- the
 09:02PM 7 trees that we're removing are at the corners of the
 09:02PM 8 building. The trees at the rear are going to stay.
 09:02PM 9 You're talking about the railroad -- there's a
 09:02PM 10 railroad tie curb around the trees, he wants us to
 09:02PM 11 remove that and then in front of the trees put a curb
 09:02PM 12 that will stop the water from going behind the
 09:02PM 13 property and then we can maybe come up the sides a
 09:02PM 14 little bit so we can funnel the water into the --
 09:02PM 15 MS. GIACOBONE: So on the north side of
 09:02PM 16 the property you have about four or five established
 09:02PM 17 pines.
 09:02PM 18 THE WITNESS: Yeah, there's one going
 09:02PM 19 to be removed on that side.
 09:02PM 20 MS. GIACOBONE: Sparse as they are,
 09:02PM 21 they're there.
 09:02PM 22 THE WITNESS: Correct, those are going
 09:02PM 23 to stay.
 09:03PM 24 MS. GIACOBONE: And they do serve a
 09:03PM 25 function. I want to know if we can have some type of

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09:03PM 1 fencing and I'd like what would choose to be specific
 09:03PM 2 to the plans, not to go through what the Mirakians
 09:03PM 3 are going through now where the planting was to be
 09:03PM 4 behind the concrete wall to hide the wall and to give
 09:03PM 5 some privacy and very cleverly they planted 2-foot
 09:03PM 6 arborvitae. Well, until those suckers grown, we're
 09:03PM 7 going to be long gone, you know, and they created of
 09:03PM 8 all things a dog run and if anybody loves dogs.
 09:03PM 9 CHAIRMAN FERGUSON: It's you.
 09:03PM 10 MS. GIACOBONE: Yeah, you know, Joe,
 09:03PM 11 that's me.
 09:03PM 12 CHAIRMAN FERGUSON: Right.
 09:03PM 13 MS. GIACOBONE: But I also want to be
 09:03PM 14 very specific that the width of the deck -- do I
 09:03PM 15 understand that the deck will have steps going into
 09:03PM 16 the yard?
 09:03PM 17 THE WITNESS: No, in the basement,
 09:03PM 18 there's steps from the basement down to the yard, but
 09:03PM 19 the deck itself, there's no -- there are no steps
 09:03PM 20 from the deck down to the backyard.
 09:04PM 21 MS. GIACOBONE: I'd like to know what
 09:04PM 22 we can have, fencing specifically in the plans,
 09:04PM 23 whether it's chain link or that white PVC and the
 09:04PM 24 chain link, there's a lot of ways to look at that.
 09:04PM 25 It deteriorates quickly, it rusts, I understand, but

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09:04PM **1** yet you have a little more movement, a little more
 09:04PM **2** air, but in front of that fencing, we need to have
 09:04PM **3** some kind of Leyland cypress, something that's going
 09:04PM **4** to augment.
 09:04PM **5** THE WITNESS: The only thing if we do
 09:04PM **6** trees in front of the fence, it's either going to be
 09:04PM **7** on your property -- you're directly behind us, right?
 09:04PM **8** MS. GIACOBONE: No, I'm not. I'm one
 09:04PM **9** to the north.
 09:04PM **10** THE WITNESS: Okay. So I mean, there's
 09:04PM **11** two things, if we do a vinyl fence and we put trees
 09:04PM **12** in front of it, you're not going to see them from the
 09:04PM **13** back. If we do a chain link fence, then put trees in
 09:04PM **14** front of it, then it's --
 09:04PM **15** MS. GIACOBONE: I will see them,
 09:04PM **16** provided you plant a tree. Not what they did three
 09:05PM **17** houses down on Highland, very clever, they planted a
 09:05PM **18** tree. You get my point?
 09:05PM **19** CHAIRMAN FERGUSON: Listen, what's the
 09:05PM **20** recommendation for the plants?
 09:05PM **21** MS. GIACOBONE: In the back for
 09:05PM **22** privacy, Leyland cypress. Start with a nice 4-foot
 09:05PM **23** Leyland cypress and watch it grow.
 09:05PM **24** THE WITNESS: The only problem is where
 09:05PM **25** there's an existing tree back there, there's not that

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09:05PM **1** much room between the property line and the tree. I
 09:05PM **2** can only do maybe three quarters of that back
 09:05PM **3** property with those trees without interfering of the
 09:05PM **4** root system of the two big existing trees in the
 09:05PM **5** back.
 09:05PM **6** MS. GIACOBONE: That's a valid point,
 09:05PM **7** but still you can plant something, can you not?
 09:05PM **8** THE WITNESS: Yeah, we can do like a
 09:05PM **9** random planting between the two or then, you know --
 09:05PM **10** or put them in front.
 09:05PM **11** MS. GIACOBONE: Because after all what
 09:05PM **12** are we talking about, a 42-foot lot? That's been the
 09:05PM **13** objection all along for the building on those
 09:05PM **14** particular lots on the -- what is that, the west side
 09:05PM **15** of Highland.
 09:05PM **16** THE WITNESS: I mean, those trees back
 09:06PM **17** there, 11 inch and a 15 inch, they're not really big.
 09:06PM **18** MS. GIACOBONE: That's established.
 09:06PM **19** THE WITNESS: Yeah, so, you know, those
 09:06PM **20** I guess we're keeping them, but whatever we can do in
 09:06PM **21** between them, you know, I guess we do on the left
 09:06PM **22** side of the property up to the tree and in the middle
 09:06PM **23** between those two trees and maybe something in the
 09:06PM **24** corner. So I guess it would be like --
 09:06PM **25** MS. GIACOBONE: I will leave that to

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09:06PM **1** your discretion, but I'm asking you to at least plant
 09:06PM **2** something substantial.
 09:06PM **3** CHAIRMAN FERGUSON: We don't -- listen
 09:06PM **4** --
 09:06PM **5** MS. GIACOBONE: That I'll see grow
 09:06PM **6** before I'm gone.
 09:06PM **7** CHAIRMAN FERGUSON: No, no, no, no.
 09:06PM **8** We're not going to leave it to them. We're going to
 09:06PM **9** mandate a certain type of tree at least 4 foot.
 09:06PM **10** MS. GIACOBONE: Then a Leyland cypress.
 09:06PM **11** CHAIRMAN FERGUSON: What is it?
 09:06PM **12** MS. GIACOBONE: A Leyland cypress.
 09:06PM **13** They call them --
 09:06PM **14** CHAIRMAN FERGUSON: Leyland cypress.
 09:06PM **15** MS. GIACOBONE: Very hearty, grows
 09:06PM **16** beautifully.
 09:06PM **17** CHAIRMAN FERGUSON: That's what's going
 09:06PM **18** to go there.
 09:06PM **19** MS. GIACOBONE: Thank you.
 09:06PM **20** CHAIRMAN FERGUSON: There won't be any
 09:06PM **21** other trees.
 09:06PM **22** MR. LEE: You got it, you got it, you
 09:06PM **23** got Leyland cypress in the back of the property.
 09:06PM **24** MS. GIACOBONE: You're lucky I don't
 09:06PM **25** want tulips.

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09:06PM **1** (Laughter.)
 09:06PM **2** CHAIRMAN FERGUSON: Okay. We're good?
 09:07PM **3** MS. GIACOBONE: Thank you,
 09:07PM **4** Mr. Chairman.
 09:07PM **5** See what you have to understand that
 09:07PM **6** we're in a very special situation, what, 40 years
 09:07PM **7** we've been on top of each other and it's --
 09:07PM **8** MS. MIRAKIAN: Forty-six.
 09:07PM **9** MS. GIACOBONE: At least, I'm
 09:07PM **10** embarrassed to admit it and we want to try to
 09:07PM **11** maintain this nice sense of cohesiveness and the
 09:07PM **12** sense of privacy and peace when we come home.
 09:07PM **13** MR. LEE: We'll certainly work with
 09:07PM **14** you.
 09:07PM **15** MS. GIACOBONE: We're all very hard
 09:07PM **16** working people.
 09:07PM **17** MR. LEE: We're certainly work with you
 09:07PM **18** to accommodate any of your concerns.
 09:07PM **19** MS. GIACOBONE: Thank you.
 09:07PM **20** CHAIRMAN FERGUSON: Okay. So we're
 09:07PM **21** good?
 09:07PM **22** MR. LEE: We're good.
 09:07PM **23** CHAIRMAN FERGUSON: Any other questions
 09:07PM **24** back there? Everything is good?
 09:07PM **25** (No response.)

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09:07PM **1** CHAIRMAN FERGUSON: Is there --

09:07PM **2** MS. GIACOBONE: I don't -- he got an

09:07PM **3** emergency call. He is the gentleman immediately

09:07PM **4** adjacent to the property on Highland and he's done a

09:08PM **5** lot of work on the house.

09:08PM **6** MS. TESTA: We still have to do the

09:08PM **7** planner.

09:08PM **8** CHAIRMAN FERGUSON: What?

09:08PM **9** MS. TESTA: The planner.

09:08PM **10** CHAIRMAN FERGUSON: Yeah, let's do --

09:08PM **11** MS. GIACOBONE: He told me he had an

09:08PM **12** emergency call and he left.

09:08PM **13** MR. LEE: Okay. We'll have our next

09:08PM **14** witness.

09:08PM **15** CHAIRMAN FERGUSON: We're going to do

09:08PM **16** the planner in the meantime.

09:08PM **17** MS. GIACOBONE: I will see him

09:08PM **18** tomorrow, Mr. Chairman.

09:08PM **19** CHAIRMAN FERGUSON: There's no -- let's

09:08PM **20** get the planner on before we lose total control.

09:08PM **21** MR. LEE: Our second to last witness,

09:08PM **22** Mr. Tuvel, Harry, let's go.

09:08PM **23** MR. TUVEL: Okay. So --

09:08PM **24** MS. TESTA: You're still under oath

09:08PM **25** from the previous application, correct?

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09:08PM **1** MR. TUVEL: Yes, I acknowledge that.

09:08PM **2** H A R R Y T U V E L, PE

09:08PM **3** 629 Ridge Court, Ridgefield, New jersey, having

09:08PM **4** been duly sworn, testifies as follows:

09:08PM **5** MR. TUVEL: So we're going to be

09:08PM **6** demoing an existing house and constructing a new

09:08PM **7** duplex on a 9,840-square-foot lot on the westerly

09:08PM **8** side of Highland Avenue.

09:08PM **9** The variances that we seek for this are

09:08PM **10** under (c)(1) and (c)(2). The bulk variances dealing

09:09PM **11** with the shape of the property being -- it being

09:09PM **12** very, very -- it's twice the size of a conventional

09:09PM **13** -- nearly twice the size of a conventional lot. It

09:09PM **14** just happens to be slightly narrower and much deeper.

09:09PM **15** This property as proposed will have 100 foot -- have

09:09PM **16** 100 foot rear yard and under (c)(2) to grant a

09:09PM **17** variance relating to a specific piece of property

09:09PM **18** where the purposes of zoning would be advanced by a

09:09PM **19** deviation and that deviation being the build -- the

09:09PM **20** building coverage, which is over on the square

09:09PM **21** footage, but under on the percentage because of this

09:09PM **22** being -- of this being such a large lot and as well

09:09PM **23** under the height of the (d)(6), the height variance.

09:09PM **24** So covering the positive criteria, the

09:10PM **25** proposed duplex is permitted and can easily be

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09:10PM **1** accommodated on this oversized lot, which is nearly

09:10PM **2** two times larger as I said.

09:10PM **3** The lot width is an existing

09:10PM **4** non-conformity and the variance for side yard is

09:10PM **5** somewhat mitigated by the absence of projections into

09:10PM **6** the size yard and I believe it was testified that

09:10PM **7** they would increase the side yards to 4 feet.

09:10PM **8** The height variance is due to the

09:10PM **9** drop-off in grade, which varies from 8 to 10 feet

09:10PM **10** from the front to the rear. It does not offend the

09:10PM **11** purpose of the height limitation. It does not

09:10PM **12** obstruct anybody's views. It doesn't give anyone a

09:10PM **13** height advantage and it's going to be similar to the

09:10PM **14** height of the newer -- of the new development, which

09:10PM **15** is immediately -- immediately next door.

09:11PM **16** The -- this will be a conventional

09:11PM **17** duplex with at grade and being three stories high,

09:11PM **18** rather than having driveways that slope downward.

09:11PM **19** So under the negative criteria, I

09:11PM **20** believe that the (d)(6) variance, as well as the two

09:11PM **21** (c) variances can be granted without substantial

09:11PM **22** detriment to the public good and would not

09:11PM **23** substantially impair the intent and purpose of the

09:11PM **24** zone plan, especially since we're doing a permitted

09:11PM **25** use duplex.

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09:11PM **1** So there's -- it's -- there's no

09:11PM **2** detriment arising from this and I believe that the --

09:11PM **3** my forgoing comments support the granting of the

09:11PM **4** variances.

09:11PM **5** CHAIRMAN FERGUSON: Mr. Kauker?

09:11PM **6** MR. KAUKER: Yes, Mr. Chairman. I have

09:11PM **7** one question. I appreciate your testimony. Thank

09:12PM **8** you.

09:12PM **9** There was one variance that I did not

09:12PM **10** hear you mention, a duplex is required to have two

09:12PM **11** two-car garages for a total of four enclosed parking

09:12PM **12** spaces. Could you just provide a justification for

09:12PM **13** that variance as well if you did not?

09:12PM **14** MR. TUVEL: These -- you're saying that

09:12PM **15** these have one-car garages?

09:12PM **16** MR. KAUKER: Well, I guess that's a

09:12PM **17** question. To me it appears that they're one-car

09:12PM **18** garages. Actually it's, you know -- so I guess

09:12PM **19** that's the first question, is it a one-or two-car

09:12PM **20** garage and if it is a one-car garage each --

09:12PM **21** MR. LEE: Mr. Kauker, could you repeat

09:12PM **22** that question again?

09:12PM **23** MR. TUVEL: It's a one-car garage, but

09:12PM **24** there's enough room for storage and it's basically

09:12PM **25** with the adjustments that Mr. Simoff had made, it's

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09:12PM **1** going to be a three-car driveway, two tandem and one
 09:12PM **2** off to the side in front of the staircase. So it's
 09:12PM **3** basically three parking spaces on the driveway and
 09:12PM **4** then one-car garage space in each side and that
 09:13PM **5** configuration. There's enough room for storage and a
 09:13PM **6** car on each side.
 09:13PM **7** MR. KAUKER: Okay. So then,
 09:13PM **8** technically, that would be another (c) bulk variance
 09:13PM **9** for the application.
 09:13PM **10** MR. TUVEL: Okay. Yes, that should be
 09:13PM **11** reflected on the record, yes.
 09:13PM **12** CHAIRMAN FERGUSON: That's it?
 09:13PM **13** MR. KAUKER: I have nothing else.
 09:13PM **14** CHAIRMAN FERGUSON: Okay. Thank you.
 09:13PM **15** MR. LEE: No further witnesses.
 09:13PM **16** CHAIRMAN FERGUSON: No further
 09:13PM **17** witnesses, that's what I wanted to hear.
 09:13PM **18** So we're going to --
 09:13PM **19** MS. TESTA: Open to the public.
 09:13PM **20** CHAIRMAN FERGUSON: Go ahead, anybody
 09:13PM **21** in the public have anything?
 09:13PM **22** (No response.)
 09:13PM **23** CHAIRMAN FERGUSON: Anybody online?
 09:13PM **24** No?
 09:13PM **25** (No response.)

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09:13PM **1** CHAIRMAN FERGUSON: By the way, next
 09:13PM **2** month we're going to go the good old way where
 09:13PM **3** everybody is going to be here.
 09:13PM **4** MR. LEE: When is the next hearing?
 09:13PM **5** CHAIRMAN FERGUSON: What?
 09:13PM **6** MR. LEE: When is the next --
 09:13PM **7** MS. TESTA: April 18th.
 09:13PM **8** CHAIRMAN FERGUSON: April 18th. Why,
 09:13PM **9** you got another one coming in?
 09:13PM **10** MR. LEE: Not really.
 09:13PM **11** CHAIRMAN FERGUSON: So at any rate, I'm
 09:13PM **12** going to move to approve it with the variances, the
 09:14PM **13** specific type of trees that are going to go in the
 09:14PM **14** back and any other recommendation as far as drainage
 09:14PM **15** that our borough engineer will mandate. In other
 09:14PM **16** words, you got to work this out with Steve and make
 09:14PM **17** sure that everything is hunky-dory.
 09:14PM **18** MR. LEE: Understood, understood.
 09:14PM **19** CHAIRMAN FERGUSON: I'll make that
 09:14PM **20** motion.
 09:14PM **21** Can I get a second?
 09:14PM **22** MR. CARNOVALE: I second.
 09:14PM **23** CHAIRMAN FERGUSON: All in favor --
 09:14PM **24** roll call, I'm sorry.
 09:14PM **25** MS. LAMBRINIDES: Mr. Ferguson?

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09:14PM **1** CHAIRMAN FERGUSON: Yes.
 07:03PM **2** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **3** VICE-CHAIRMAN ALBANESE: Yes.
 07:03PM **4** MS. LAMBRINIDES: Ms. Yoon?
 07:03PM **5** MS. YOON: Yes.
6 MS. LAMBRINIDES: Mr. Carnovale?
7 MR. CARNOVALE: 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.
 09:14PM **16** MR. LEE: Thank you, Mr. Chairperson
 09:14PM **17** and Members of the Board.
 09:14PM **18** Thank you very much.
 09:14PM **19** CHAIRMAN FERGUSON: Okay. Counsel,
 09:15PM **20** we're ready, let's move it up.
 09:15PM **21** MR. RAMUNDO: Let's do it.
 09:15PM **22** CHAIRMAN FERGUSON: Okay, people.
 09:15PM **23** MR. SIMOFF: Mr. Chairman, I really
 09:15PM **24** don't have any comment on this last application. So
 09:15PM **25** I'm going to say goodnight.

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09:15PM **1** CHAIRMAN FERGUSON: What is it?
 09:15PM **2** MS. TESTA: Hal is saying goodnight,
 09:15PM **3** because he has no comments for this application.
 09:15PM **4** CHAIRMAN FERGUSON: Goodnight, Hal.
 09:16PM **5** MR. SIMOFF: Goodnight, Board Members.
 09:16PM **6** MR. COLLAZUOL: Goodnight, Hal.
 09:16PM **7** MR. KAUKER: Goodnight, Hal.
 09:16PM **8** MR. RAMUNDO: We're all set?
 09:16PM **9** MS. TESTA: The proof of publication is
 09:16PM **10** in order, good to go.
 09:16PM **11** MR. RAMUNDO: Thank you, Ms. Testa.
 09:16PM **12** All right. Good evening, Mr. Chairman,
 09:16PM **13** Ms. Testa, Honorable Board Members, Secretary, Madam
 09:16PM **14** Secretary and professionals, whether here or on Zoom,
 09:16PM **15** and members of the public, whether here or on Zoom,
 09:16PM **16** my name is Marc Ramundo. I'm here humbly
 09:16PM **17** representing the applicant tonight, Brian Kim and Zoe
 09:17PM **18** Ko. Brian is in the back. They are residents
 09:17PM **19** themselves currently residing at 524 4th Street here
 09:17PM **20** in Palisades Park.
 09:17PM **21** The applicants are also the individual
 09:17PM **22** owners of the oversized lot, the subject lot we're
 09:17PM **23** here today on, 30 W. Homestead Avenue, which is Block
 09:17PM **24** 607, Lot 14 in the AA zone at which location the
 09:17PM **25** applicants wish to build themselves a two-family

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09:17PM 1 personnel residence for themselves and I stress that,
 09:17PM 2 because this is a lot -- typically I'm here where the
 09:17PM 3 applicant is a builder or the applicant is planning
 09:17PM 4 on building something and selling it. That's not the
 09:17PM 5 case here. This is a -- these are -- the individuals
 09:17PM 6 appear on the deed and they're staying here.
 09:18PM 7 They're proposing to build this
 09:18PM 8 two-family house as set forth on the architectural
 09:18PM 9 plans that were submitted. They went to great
 09:18PM 10 lengths and expense to design this very specific
 09:18PM 11 floor plan for their families personal residence.
 09:18PM 12 It's very unique as you can see. Again, this is a
 09:18PM 13 very special and detailed and very thought-out
 09:18PM 14 layout, which we're going to go through at length.
 09:18PM 15 Very unique to most, if not all of the two-family
 09:18PM 16 duplexes I've seen. I'm not even going to call it a
 09:18PM 17 duplex, because it's really not. It's very unique to
 09:18PM 18 most, if not all, of the two-family side-by-side
 09:18PM 19 dwellings that I've seen before this board and
 09:18PM 20 planning board for that matter. I personally never
 09:18PM 21 seen anything like it before.
 09:18PM 22 I would like to point out that the
 09:18PM 23 applicant live in town and they want to stay in town
 09:18PM 24 to accomplish this. Although the applicant is
 09:19PM 25 respectfully requesting certain variances on this
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09:19PM 1 very oversized 30 [sic] by 139 lot.
 09:19PM 2 MR. COCOROS: Sixty.
 09:19PM 3 MR. RAMUNDO: Excuse me, 60 by 139.
 09:19PM 4 And Mr. Cocoros is going to fill in for
 09:19PM 5 the architect today who had another matter, which
 09:19PM 6 could not be present. So Mr. Cocoros will explain
 09:19PM 7 the layout tonight and the variances which are being
 09:19PM 8 sought and why they're needed.
 09:19PM 9 Being this is a very unique application
 09:19PM 10 and that the applicants themselves are going to be
 09:19PM 11 living there, after Mr. Cocoros presents, I will have
 09:19PM 12 Mr. Kim just say a few words and describe the layout
 09:19PM 13 that he himself pretty much designed for his family
 09:19PM 14 and we have Mr. Mark Martins here, the engineer and
 09:19PM 15 Mr. Spatz as well, the planner, he's also here to
 09:19PM 16 testify.
 09:19PM 17 So without further length, Mr. Cocoros.
 09:20PM 18 MS. TESTA: Do you swear the testimony
 09:20PM 19 you'll give in this application will be the truth,
 09:20PM 20 the whole truth and nothing but the truth?
 09:20PM 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 MR. COCOROS: Vassilios Cocoros,
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1 V-A-S-S-I-L-I-O-S, C-O-C-O-R-O-S, 467 Sylvan Avenue.
 09:20PM 2 I'm here tonight to present for Robert
 09:20PM 3 Zampolin of Zampolin & Associates.
 09:20PM 4 I am a licensed architect and I have
 09:20PM 5 reviewed the plans and ready to explain them to the
 09:20PM 6 board.
 09:20PM 7 CHAIRMAN FERGUSON: All right. Let's
 09:20PM 8 go.
 09:20PM 9 MR. COCOROS: Okay. As Marc mentioned,
 09:20PM 10 this is an oversized property. This is a -- I guess
 09:20PM 11 a dream house for the owner or developer of the
 09:20PM 12 property, which they plan to live in it.
 09:20PM 13 The dwelling itself on the lot is going
 09:20PM 14 to be 46 feet wide by 72 feet deep. This is going to
 09:20PM 15 be a three-level configuration. Basically the garage
 09:20PM 16 is going to be a little slightly higher than the road
 09:20PM 17 providing, you know, there's no drainage issues for
 09:20PM 18 water going down towards the property itself. The
 09:20PM 19 property does drop off from front to back. So there
 09:20PM 20 are some issues with the retaining wall to help level
 09:21PM 21 the property and also add to the height variance that
 09:21PM 22 we're going for.
 09:21PM 23 I have the architectural plans, A-1,
 09:21PM 24 which is the first floor plan. There's A-2, which is
 09:21PM 25 the second floor plan. A-3 is the third floor plan,
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09:21PM 1 which is the bedroom level. Then we also have the
 09:21PM 2 elevation sheets, A-4, which shows the -- let's start
 09:21PM 3 with the ground floor.
 09:21PM 4 In this case here --
 5 (Whereupon, Architectural Plans is
 6 received and marked as Exhibit A-1 for
 7 identification.)
 8 (Whereupon, Second Floor Plan is
 9 received and marked as Exhibit A-2 for
 10 identification.)
 11 (Whereupon, Third Floor Plan is
 12 received and marked as Exhibit A-3 for
 13 identification.)
 14 (Whereupon, Elevation Sheets are
 15 received and marked as Exhibit A-4 for
 16 identification.)
 09:21PM 17 MS. TESTA: Bill, just what's the date
 09:21PM 18 of the plans?
 09:21PM 19 THE WITNESS: It says, planning board
 09:21PM 20 set, it looks like last revised, 11/8/21.
 09:21PM 21 MS. TESTA: Thank you.
 09:21PM 22 THE WITNESS: We'll start with the
 09:21PM 23 ground floor plan. In this case, this does not have
 09:21PM 24 any staircases in the front or the side yard.
 09:21PM 25 So the building itself, which is
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09:21PM **1** 48 feet, 4 inches wide, I guess to the -- then we
 09:21PM **2** have 22 foot, 8 inches on each side. At the front we
 09:21PM **3** have a real two-car garage with a two-car garage door
 09:21PM **4** and then the entry is via a sidewalk down the side to
 09:22PM **5** a covered entry platform, which is actually cut out
 09:22PM **6** into the building. There's no -- other than the
 09:22PM **7** overhangs for the bay windows, there's no building
 09:22PM **8** line over that portion.
 09:22PM **9** So you enter in the middle of the
 09:22PM **10** ground floor plan. At the back we have a family
 09:22PM **11** room, a guest bedroom, a home office. We have it set
 09:22PM **12** up where there's an entry foyer, a little walk-in
 09:22PM **13** closet/mudroom. He has an elevator proposed, which
 09:22PM **14** is accessed off of the hallway itself. There's a
 09:22PM **15** staircase that brings you up to the first floor and
 09:22PM **16** then in the two-car garage we have an equipment room
 09:22PM **17** and a mechanical room.
 09:22PM **18** The second floor plan, which is for the
 09:22PM **19** main living space. At the front we have a living
 09:22PM **20** room, dining room, the staircase that brings you up
 09:22PM **21** from the basement level to the ground floor level,
 09:22PM **22** the first floor.
 09:22PM **23** At the front we have a small powder
 09:22PM **24** room, a little alcove area pantry that's connected to
 09:22PM **25** the kitchen. The kitchen itself has a small little

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09:24PM **1** you have two bedroom suites with their own on-suite
 09:24PM **2** bathrooms and their own walk-in closets. In addition
 09:24PM **3** to that we have a laundry room with a utility sink
 09:24PM **4** and a side-by-side laundry in addition to a pull-down
 09:24PM **5** stair to get up to the attic to service for AC units.
 09:24PM **6** In addition to the floor plan, you have
 09:24PM **7** the A-4 sheet, some nice renderings of the building
 09:24PM **8** itself, you can see them. We're going for a French
 09:24PM **9** look with a mansard rood, so it's a pretty nicely
 09:24PM **10** done layout. This is the front. You see the two-car
 09:24PM **11** garages down below, two-car driveway, the bay
 09:24PM **12** windows.
 09:24PM **13** DIRECT EXAMINATION
 09:24PM **14** BY MR. RAMUNDO:
 09:24PM **15** **Q.** Let me help you with that.
 09:24PM **16** **A.** Thank you.
 09:25PM **17** This is the side of the dwelling, the
 09:25PM **18** front of the house. You can see this is the side
 09:25PM **19** yard from the driveway at the front. These are the
 09:25PM **20** doors. This is portion that's cut out. It creates
 09:25PM **21** like a two-story window that illuminates the entry
 09:25PM **22** hall and the stairways up to the top floor.
 09:25PM **23** This is kind of a shot on an angle
 09:25PM **24** looking from the front and the corner of the
 09:25PM **25** building.

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09:22PM **1** eating nook, which is incorporated into the bay
 09:23PM **2** window. We also see here where there's a portion
 09:23PM **3** open to the second floor where it creates a balcony.
 09:23PM **4** The first floor kind of gets cut out where the roof
 09:23PM **5** entry is below. So the building itself has some
 09:23PM **6** variety along the sides of the property with the bay
 09:23PM **7** windows in addition to a cut out into the building
 09:23PM **8** footprint.
 09:23PM **9** At the back we have a family room that
 09:23PM **10** has also sliding glass doors out to a deck in the
 09:23PM **11** back, which is across the back of the property that's
 09:23PM **12** 10 feet, 7 off the building and 22 feet wide.
 09:23PM **13** The third floor or the top floor, which
 09:23PM **14** is the bedroom level, we have a three-bedroom
 09:23PM **15** configuration on each side. At the front we have a
 09:23PM **16** master suite with an on-suite bathroom, sink, tub
 09:23PM **17** area, double sink, shower, toilet alcove, and we also
 09:23PM **18** have the -- two walk-in closets, his and hers.
 09:24PM **19** There's a staircase that comes up from the first
 09:24PM **20** floor. You can see there's also a railing with a
 09:24PM **21** balcony looking down to the first floor and then that
 09:24PM **22** little area that's also cut out that comes up
 09:24PM **23** throughout the whole building has a window that
 09:24PM **24** illuminates the whole hallway up on the second floor.
 09:24PM **25** The hall takes you to the back where

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09:25PM **1** This is the rear. Nice sliding glass
 09:25PM **2** doors out into the backyard. This is the deck
 09:25PM **3** portion. This is the sliding glass door from the
 09:25PM **4** actual family room and then above we have the windows
 09:25PM **5** from the bedroom.
 09:25PM **6** The building, itself, is set up where
 09:25PM **7** it has a lot of variety as far as like the
 09:25PM **8** configuration. It's not basically four slab walls.
 09:25PM **9** It's nicely done and that's the function of having an
 09:25PM **10** oversize lot that we're working with.
 09:26PM **11** Here's another front elevation on the
 09:26PM **12** angle. It's not your typical duplex. This is kind
 09:26PM **13** of their dream house, so they put a lot of thought
 09:26PM **14** into this and Robert did a really nice job with the
 09:26PM **15** layout and the design.
 09:26PM **16** So, you know, it's like I said, this is
 09:26PM **17** their -- you know, their it-house they want to build.
 09:26PM **18** So they went all out with the design and the
 09:26PM **19** configuration.
 09:26PM **20** CHAIRMAN FERGUSON: So just so I'm
 09:26PM **21** clear, the people that own this house now are going
 09:26PM **22** to build the house and move into it?
 09:26PM **23** THE WITNESS: Correct.
 09:26PM **24** CHAIRMAN FERGUSON: Does that complete
 09:26PM **25** your --

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09:26PM 1 THE WITNESS: Yeah, pretty much.
 09:26PM 2 CHAIRMAN FERGUSON: I just got a couple
 09:26PM 3 of questions. Number one, what's the side yards?
 09:26PM 4 THE WITNESS: Side yards?
 09:26PM 5 CHAIRMAN FERGUSON: Yeah, the side
 09:26PM 6 yards. I don't see the box where it tells you --
 09:26PM 7 THE WITNESS: It's on the engineer's
 09:26PM 8 plan.
 09:26PM 9 CHAIRMAN FERGUSON: What's that?
 09:26PM 10 THE WITNESS: It's on the engineer's
 09:26PM 11 plan.
 09:26PM 12 Now, the -- basically I'll go through
 09:27PM 13 the use. The use is a duplex side-by-side. There's
 09:27PM 14 no variance. Lot area is 5,000 square feet. It's in
 09:27PM 15 the AA zone. The existing lot size is 8,331 square
 09:27PM 16 feet. Lot width, 50 feet. We have a lot width of 60
 09:27PM 17 feet. Front yard setback, we have a 30-foot where
 09:27PM 18 25-foot is required in that portion, that portion of
 09:27PM 19 the street. The rear yard setback, 25 feet, we have
 09:27PM 20 36 feet, 9 inches. So we exceed the front yard and
 09:27PM 21 the rear yard in addition to exceeding the lot width
 09:27PM 22 and the lot size.
 09:27PM 23 Now, the actual side yard, since this
 09:27PM 24 is a lot that's more than 50 feet, the side yards are
 09:27PM 25 9 feet, 4 inches for each side.

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09:28PM 1 being a regular wall.
 09:28PM 2 When we do -- let's say when we do a
 09:28PM 3 duplex that's on a 50-foot wide lot, we usually do
 09:28PM 4 2-foot overhangs. That gives you a 4-foot, a 4-foot
 09:28PM 5 setback to the side. So this one here is like -- you
 09:29PM 6 know, it's a trade-off. We're requesting a 7-foot
 09:29PM 7 side yard, which is part of, you know, kind of, you
 09:29PM 8 know, what they wanted as far as like getting a real
 09:29PM 9 two-car garage and the room sizes that they wanted,
 09:29PM 10 but they sacrificed not putting a staircase in the
 09:29PM 11 front and the bay windows themselves are basically --
 09:29PM 12 they're not overdone. There's really two of them
 09:29PM 13 here on the side and then if you look at part of the
 09:29PM 14 middle here that's recessed into the building. So
 09:29PM 15 it's not -- you know, if you measure the setback to
 09:29PM 16 where this entry is, it's actually, you know, almost
 09:29PM 17 like another 5, 6 feet more to that --
 09:29PM 18 CHAIRMAN FERGUSON: Yeah, I'm just
 09:29PM 19 concerned with the bump-outs that there's enough
 09:29PM 20 space.
 09:29PM 21 THE WITNESS: Yeah, it's 5 foot, 4.
 09:29PM 22 So, you know, we can do them even without having the
 09:29PM 23 fire rating. So it's like when you go -- in some
 09:29PM 24 cases, you know, when you do these duplexes, you have
 09:29PM 25 -- you basically have like 4 feet, 4 feet away from

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09:27PM 1 Now, since we have 9 foot, 4, we are
 09:27PM 2 requesting a 7-foot side yard. However, if this was
 09:27PM 3 a regular duplex, we could do a 6-foot side yard,
 09:27PM 4 plus a 3-foot encroachment of the stairs in that side
 09:27PM 5 yard. So we are requesting a variance for a side
 09:27PM 6 yard of 2 feet, 4 inches. However, there is no
 09:28PM 7 staircase in the front. The building itself does
 09:28PM 8 have some variety and part of the building is also
 09:28PM 9 cut within the -- in the setbacks.
 09:28PM 10 CHAIRMAN FERGUSON: Well, here's -- you
 09:28PM 11 have cut-outs --
 09:28PM 12 THE WITNESS: Yeah, they're small.
 09:28PM 13 They're maybe like 20 inches out, but there's also a
 09:28PM 14 cutout where it goes away the size yard setback.
 09:28PM 15 CHAIRMAN FERGUSON: So the cutout --
 09:28PM 16 the cutouts are 20 inches, you know,
 09:28PM 17 THE WITNESS: The bump-outs. Yeah, the
 09:28PM 18 bump-outs.
 09:28PM 19 CHAIRMAN FERGUSON: Yeah, the
 09:28PM 20 bump-outs. So after the bump-outs, what's the size
 09:28PM 21 of the side yards?
 09:28PM 22 THE WITNESS: 5 foot, 4 inches, which
 09:28PM 23 is still within -- you know, it will probably still
 09:28PM 24 be -- it's -- anything less than 5 foot has to be
 09:28PM 25 fire rated, so it's still within the threshold of

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09:29PM 1 each other. Here, since it's a completely different
 09:29PM 2 design, the bay windows don't line up with either
 09:29PM 3 neighbor and I don't think it would be a detriment to
 09:29PM 4 the neighbor -- you know, to the adjoining property
 09:29PM 5 since we have that 7-foot side yard setback.
 09:30PM 6 CHAIRMAN FERGUSON: I don't know if you
 09:30PM 7 want to -- I got a little problem with the design.
 09:30PM 8 If you want to wait for the --
 09:30PM 9 THE WITNESS: The only thing with the
 09:30PM 10 design is that it's nicely done, but --
 09:30PM 11 CHAIRMAN FERGUSON: It's not -- it's
 09:30PM 12 the laboring, like in the basement, just so you know
 09:30PM 13 and I know you know, we don't allow bathtubs behind
 09:30PM 14 the -- because we're trying to eliminate three -- you
 09:30PM 15 know, illegal three-family houses is what we're
 09:30PM 16 doing, right?
 09:30PM 17 If you look at your plans, you have
 09:30PM 18 guest bedroom, you know, I mean I know you need rooms
 09:30PM 19 there, because you want to make the house -- but the
 09:30PM 20 laboring of guest bedrooms and --
 09:30PM 21 THE WITNESS: But you see this one
 09:30PM 22 here, the entry's in that basement. So it's a lot
 09:30PM 23 more -- anybody can convert a basement easily, but
 09:30PM 24 they set this up --
 09:30PM 25 CHAIRMAN FERGUSON: I understand.

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09:30PM **1** THE WITNESS: You know, it's like this

09:30PM **2** is their dream house. I don't think they're going to

09:30PM **3** be partitioning it out as rentals. It might be for a

09:31PM **4** family member, like the kids get older, they want to

09:31PM **5** have like their own suite downstairs, but it's --

09:31PM **6** CHAIRMAN FERGUSON: But how does the

09:31PM **7** board know that?

09:31PM **8** THE WITNESS: I mean, deed restriction.

09:31PM **9** CHAIRMAN FERGUSON: Well, how does the

09:31PM **10** board know?

09:31PM **11** MR. RAMUNDO: I can ask the architect.

09:31PM **12** BY MR. RAMUNDO:

09:31PM **13** Q. Is there anywhere else but the side

09:31PM **14** entrance that anyone else can get into the house?

09:31PM **15** A. No, because like you see the access to

09:31PM **16** the backyard is sliding glass doors, a triple slider,

09:31PM **17** you know, so that's a slider. Here, this is the

09:31PM **18** entry to get to the first floor. So to get to the

09:31PM **19** space here, you would have to go from the sliding

09:31PM **20** glass door. You know, there's no man door or person

09:31PM **21** door that goes in, you know, like a 36 inch swing

09:31PM **22** door. It's basically the sliding glass door, this is

09:31PM **23** the only way to get up to the -- for the main, you

09:31PM **24** know, the main portion of the house.

09:31PM **25** So, you know, a typical duplex you have

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09:31PM **1** a staircase up to the -- you know, people just lock

09:31PM **2** that whole area out, but you know, here it's a little

09:31PM **3** more difficult to do that.

09:31PM **4** I'm just asking, you know, like I said,

09:31PM **5** if it was a developer, it would be a little harder to

09:31PM **6** sell this. This is for a client that, you know,

09:31PM **7** would like to have it.

09:31PM **8** CHAIRMAN FERGUSON: All right.

09:31PM **9** MR. RAMUNDO: And Mr. Chairman --

09:31PM **10** CHAIRMAN FERGUSON: Any board members

09:31PM **11** have anything?

09:31PM **12** (No response.)

09:32PM **13** CHAIRMAN FERGUSON: Anybody on

09:32PM **14** telephone?

09:32PM **15** (No response.)

09:32PM **16** CHAIRMAN FERGUSON: No? Thank you.

09:32PM **17** Next.

09:32PM **18** MR. RAMUNDO: Mr. Kim, if you can,

09:32PM **19** please, come up. I just wanted to -- Mr. Kim is

09:32PM **20** going to have a very limited purpose to explain that

09:32PM **21** first floor layout, if you could just be -- raise

22 your hand to be sworn in.

23 MS. TESTA: Yeah, raise your hand.

24 Do you swear the testimony you will

25 give in this application, will be the truth, the

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1 whole truth and nothing but the truth?

2 MR. KIM: Yes.

3 B R I A N K I M,

4 30 W. Homestead Avenue, Palisades Park, New

5 Jersey, having been duly sworn, testifies as

6 follows:

7 MS. TESTA: Please state your name.

8 MR. KIM: Brian Kim.

9 CHAIRMAN FERGUSON: Brian Kim is the

10 owner of the building, I assume?

11 MR. KIM: Yes, I am.

12 DIRECT EXAMINATION

13 BY MR. RAMUNDO:

14 Q. Mr. Kim, you live in town right now?

15 A. I do.

16 Q. And on 4th Street?

09:32PM **17** A. I do.

09:32PM **18** Q. All right. Can you, please, explain to

09:32PM **19** the board to alleviate their concerns --

09:32PM **20** A. Sure.

09:32PM **21** Q. And, again, typical duplex layout, you

09:32PM **22** do have a lot of room to convert these into illegal

09:32PM **23** three families or illegal basements.

09:32PM **24** A. Yup.

09:32PM **25** Q. I know you went -- because we met for

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09:32PM **1** months and months prior to me submitting this

09:32PM **2** application.

09:32PM **3** A. Sure.

09:32PM **4** Q. What -- to what length did you go to

09:33PM **5** ensure to this board that this can never -- that

09:33PM **6** basement or first floor, ground floor can never be

09:33PM **7** converted to a --

09:33PM **8** A. Well, I think the main point is what we

09:33PM **9** did was we wanted -- we wanted the aesthetic. We

09:33PM **10** didn't -- you know, we thought the duplex would look

09:33PM **11** great without the staircase and we just created

09:33PM **12** instead of the two entrances, we created the one

09:33PM **13** entrance. So you walk into a grand entry foyer and

09:33PM **14** then you have -- whoever walks into that grand entry

09:33PM **15** foyer has immediate access to the U-shape staircase

09:33PM **16** to access all three levels as well as the elevator.

09:33PM **17** Yeah, absolutely, so there's really no way.

09:33PM **18** CHAIRMAN FERGUSON: Okay.

09:33PM **19** BY MR. RAMUNDO:

09:33PM **20** Q. Is there anything else that you--

09:33PM **21** A. Yeah, I mean, it's just -- you know, I

09:33PM **22** mean, I think, Mr. Chairman, like if you take a look

09:33PM **23** at the design, I mean, we're spending quite a bit.

09:34PM **24** CHAIRMAN FERGUSON: It's unique.

09:34PM **25** THE WITNESS: Yeah, we're spending

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09:34PM **1** quite a bit of money and, you know, I don't think
 09:34PM **2** we're going to house, you know, an illegal tenant
 09:34PM **3** down there, you know, investing this type of time and
 09:34PM **4** money.
 09:34PM **5** BY MR. RAMUNDO:
 09:34PM **6** **Q.** And Mr. Kim, to satisfy this board, if
 09:34PM **7** the board were to look favorable on this application,
 09:34PM **8** would you mind, as part of a condition of approval,
 09:34PM **9** you would have no problem whatsoever including an
 09:34PM **10** affidavit in the building department's file that you
 09:34PM **11** will not rent the basement?
 09:34PM **12** **A.** Absolutely, on both sides.
 09:34PM **13** CHAIRMAN FERGUSON: Okay, thank you.
 09:34PM **14** Any board member have anything?
 09:34PM **15** (No response.)
 09:34PM **16** CHAIRMAN FERGUSON: Next.
 09:34PM **17** MR. RAMUNDO: And let's go to Mr. Spatz
 09:34PM **18** -- let's go to Mr. Martins real quick.
 09:34PM **19** CHAIRMAN FERGUSON: I didn't open it
 09:34PM **20** up, I'm sorry, I didn't open it up to Steve.
 09:34PM **21** Steve, do you have any comments on this
 09:34PM **22** application?
 09:34PM **23** MR. COLLAZUOL: I was wondering if
 09:34PM **24** Mr. Ramundo is going to have Mr. Martins testify and
 09:34PM **25** then I would ask him a few questions.

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1 expert.
2 MR. MARTINS: Thank you, Mr. Chairman.
3 DIRECT EXAMINATION
4 BY MR. RAMUNDO:
 09:35PM **5** **Q.** Mr. Martins, so not to interrupt you
 09:35PM **6** and because we're pressed for time, if you can just
 09:35PM **7** testify in the --
 09:35PM **8** **A.** Sure. I'll try to be brief as it is a
 09:35PM **9** late hour here and Billy went over most of the zoning
 09:35PM **10** and he also described the site to some extent. We
 09:35PM **11** have a lot that's 60 feet in width and 139 feet in
 09:35PM **12** depth and an area of 8,331 square feet. So it's an
 09:35PM **13** oversized lot.
 09:36PM **14** There are some existing improvements on
 09:36PM **15** the property, existing house, detached garage,
 09:36PM **16** driveway, all of those will be removed to construct a
 09:36PM **17** new residence for the applicant, two-family
 09:36PM **18** structure, which will be three stories in height.
 09:36PM **19** In addition to the variances that Billy
 09:36PM **20** had mentioned before regarding the side yard, we also
 09:36PM **21** will need a height variance. We have a three-story
 09:36PM **22** building with a height of 32.57 where 2-and-a-half
 09:36PM **23** stories and 28 feet is permitted.
 09:36PM **24** And part of that reason is due to the
 09:36PM **25** topography of the site. So I believe Billy also

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09:34PM **1** Is that not the case tonight?
 09:34PM **2** MS. TESTA: He's going to do it right
 09:34PM **3** now.
 09:34PM **4** MR. RAMUNDO: Hi, Steve, it's Marc
 09:35PM **5** Ramundo. Mark Martins is up next.
 09:35PM **6** MR. COLLAZUOL: Okay. My questions are
 09:35PM **7** for him, not for Mr. Cocoros. Thank you.
 09:35PM **8** MS. TESTA: Please raise your right
 09:35PM **9** hand. Do you swear the testimony you will give in
 09:35PM **10** this application will be the truth, the whole truth
 09:35PM **11** and nothing but the truth so help you God?
 09:35PM **12** MR. MARTINS: I do.
 09:35PM **13** M A R K M A R T I N S, P E
 09:35PM **14** 55 Walnut Street, Norwood, New Jersey, having
 09:35PM **15** been duly sworn, testifies as follows:
 09:35PM **16** MS. TESTA: State your name for the
 09:35PM **17** record, please.
 09:35PM **18** MR. MARTINS: Mark Martins,
 09:35PM **19** M-A-R-T-I-N-S, and my office address is 55 Walnut
 09:35PM **20** Street, Norwood, New Jersey.
 09:35PM **21** I'm a licensed professional engineer
 09:35PM **22** and a licensed land surveyor in the State of New
 09:35PM **23** Jersey.
 09:35PM **24** CHAIRMAN FERGUSON: Okay. Mr. Martins
 09:35PM **25** has been here many times, we'll accept him as an

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09:36PM **1** mentioned we have a cross slope across the front of
 09:36PM **2** the property. So looking at the site from the left
 09:36PM **3** side down to the right side, it slopes down by about
 09:36PM **4** 4 feet and then also from the front towards the back
 09:36PM **5** diagonally speaking, we also have a drop of about 5
 09:36PM **6** feet in elevation. So we do have to make up that
 09:36PM **7** grade and to do so, we created some retaining walls
 09:36PM **8** to level out and terrace the property. So we have a
 09:36PM **9** wall along the left side of our plan or the westerly
 09:37PM **10** side of the property and also a wall along the rear
 09:37PM **11** side, which will absolutely meet an existing wall
 09:37PM **12** that's along the easterly side of the property, which
 09:37PM **13** is on neighbor's side of the property.
 09:37PM **14** The maximum height of that wall will be
 09:37PM **15** 4 foot, 4 inches and that will be back, at the back
 09:37PM **16** line of the building on the westerly side. The
 09:37PM **17** remaining wall is in the area of two to three feet in
 09:37PM **18** height and it varies. Obviously the front is lesser
 09:37PM **19** and the middle and the back, as I said before, is 5
 09:37PM **20** foot, 4 inches.
 09:37PM **21** So in terms of the grading of the site
 09:37PM **22** to work with that, again, creating the terraced
 09:37PM **23** walls, but also setting the garage floor elevation so
 09:37PM **24** that we're pretty much level with the higher side so
 09:37PM **25** we it pitched down, so we have no back pitching

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09:37PM 1 essentially creating any adverse drainage conditions
 09:37PM 2 into the garage. The rest of the site is relatively
 09:37PM 3 flat around, which of course we have to be because
 09:37PM 4 the entrance is on the side, which means we have to
 09:37PM 5 basically have our entrance at the same elevation as
 09:37PM 6 the garage floors and then it's pitched slightly
 09:37PM 7 towards the back of the property.
 09:37PM 8 So to address drainage, we have
 09:37PM 9 systems, underground systems, retention chambers for
 09:38PM 10 each units will be separated. So in the front we'll
 09:38PM 11 have three underground CULTEC chambers to capture the
 09:38PM 12 front runoff from the house and in the back we'll
 09:38PM 13 have three chambers as well in the rear yard, which
 09:38PM 14 will capture the rear property, the rear half of the
 09:38PM 15 house.
 09:38PM 16 In addition to that, obviously we have
 09:38PM 17 our typical utility connection, sanitary sewer, gas
 09:38PM 18 and in this case there's a pole right in front of the
 09:38PM 19 property. So to if the applicant does want to do an
 09:38PM 20 underground utility connection for electric and
 09:38PM 21 telecom purposes.
 09:38PM 22 And that's my testimony, if you have
 09:38PM 23 any questions.
 09:38PM 24 CHAIRMAN FERGUSON: Any board members?
 09:38PM 25 (No response.)

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09:39PM 1 neighboring property.
 09:39PM 2 Obviously, at some point that house
 09:39PM 3 will be removed, it won't be necessary, but at least
 09:39PM 4 for the time being, we felt it necessary to make that
 09:39PM 5 little cut-out and protect the neighboring property.
 09:39PM 6 MR. COLLAZUOL: And for the board's
 09:39PM 7 information, what's the dimension from that wall to
 09:39PM 8 the building corner where the main walkway to the
 09:39PM 9 house is going to be in width?
 09:39PM 10 THE WITNESS: Right, so that would be 5
 09:40PM 11 feet from the wall to the house. So we basically
 09:40PM 12 would have a 4-foot walk along that side.
 09:40PM 13 MR. COLLAZUOL: Four-foot walk?
 09:40PM 14 THE WITNESS: Correct.
 09:40PM 15 MR. COLLAZUOL: Okay. All right.
 09:40PM 16 Turning to the walls along the westerly side, you're
 09:40PM 17 proposing a wall 5 foot, 4 inches in height, which
 09:40PM 18 exceeds the 4 foot height requirement for maximum
 09:40PM 19 heights for walls for duplexes. So it's my
 09:40PM 20 understanding that a variance would be required for
 09:40PM 21 that wall height.
 09:40PM 22 THE WITNESS: Correct, we would then --
 09:40PM 23 MR. COLLAZUOL: Because otherwise walls
 09:40PM 24 would have to be separated by an additional 4 feet if
 09:40PM 25 they were going to get tiered.

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09:38PM 1 CHAIRMAN FERGUSON: Steve, take it
 09:38PM 2 away.
 09:38PM 3 MR. COLLAZUOL: Okay. Hi, Mark.
 09:38PM 4 THE WITNESS: Hi, Steve.
 09:38PM 5 MR. COLLAZUOL: Can you please explain
 09:38PM 6 what appears to be a very close proximity situation
 09:38PM 7 with the dwelling on the west? Is there an
 09:38PM 8 encroachment and that's why you designed the wall
 09:38PM 9 going around the wire fence or could you explain it
 09:39PM 10 further?
 09:39PM 11 THE WITNESS: Sure, sure.
 09:39PM 12 So what Mr. Collazuol is referring to
 09:39PM 13 is on the westerly side of the property, the
 09:39PM 14 adjoining building, there's an existing adjoining
 09:39PM 15 building which is very close to the property line,
 09:39PM 16 you know, within inches of the property line. So in
 09:39PM 17 order to provide some kind of buffer to the house,
 09:39PM 18 you know, we didn't want to put the wall right up to
 09:39PM 19 the property line and basically in essence right up
 09:39PM 20 to the house. We set it in, but we kind of cut it
 09:39PM 21 around the house so they could have some means of
 09:39PM 22 access around there if they needed to. So we set
 09:39PM 23 that wall in 2 feet from the property line in that
 09:39PM 24 location and that was the purpose to provide access,
 09:39PM 25 to provide some kind of air and space for the

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09:40PM 1 So Mr. Ramundo, you're aware that an
 09:40PM 2 additional variance is required for this?
 09:40PM 3 THE WITNESS: No, and we are seeking
 09:40PM 4 the variance for that wall height and in this case, I
 09:40PM 5 think, you know, a 5 foot, 4 inch wall versus having
 09:40PM 6 a stepped wall makes sense in this particular
 09:40PM 7 location.
 09:40PM 8 MR. COLLAZUOL: Right, I agree, but
 09:41PM 9 would you please make sure on the final plans if the
 09:41PM 10 board were to approve this, that that variance
 09:41PM 11 requirement is on your zoning schedule.
 09:41PM 12 THE WITNESS: Yeah, I believe it is,
 09:41PM 13 Steve. It's in the zoning schedule. We have maximum
 09:41PM 14 retaining wall height required 4 feet and proposed 5
 09:41PM 15 --
 09:41PM 16 MR. COLLAZUOL: Okay, very good. Thank
 09:41PM 17 you.
 09:41PM 18 THE WITNESS: You're welcome.
 09:41PM 19 MR. COLLAZUOL: Turning to drainage for
 09:41PM 20 the driveway, there's no storm drainage system in
 09:41PM 21 West Homestead Avenue, correct?
 09:41PM 22 THE WITNESS: Not that I know of,
 09:41PM 23 Steve, correct.
 09:41PM 24 MR. COLLAZUOL: Right. So with the way
 09:41PM 25 you designed the driveway and the contours, it would

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09:41PM 1 be best if you provided some kind of drainage to be

09:41PM 2 capturing that large paved driveway area. Can you

09:41PM 3 place a drain and capture that and bring it back into

09:41PM 4 your drainage system?

09:41PM 5 THE WITNESS: Yeah, we can do something

09:41PM 6 like that, perhaps a trench drain across the lower

09:41PM 7 driveway will capture most of that runoff and we can

09:42PM 8 pipe that into our chambers. We have excess volume

09:42PM 9 there. We should be able to do that, that's

09:42PM 10 acceptable.

09:42PM 11 MR. COLLAZUOL: All right. By the way,

09:42PM 12 did you get a copy of our report?

09:42PM 13 THE WITNESS: I don't believe so. No,

09:42PM 14 I did not see it.

09:42PM 15 MR. COLLAZUOL: Oh, okay. Then I'm

09:42PM 16 sure Mr. Ramundo can get it to you.

09:42PM 17 It appears that there could be some

09:42PM 18 additional rear yard drainage addressed with trench

09:42PM 19 drains, because you are -- appear to be placing that

09:42PM 20 wall along the back line. So we indicated in our

09:42PM 21 report that might be a good idea to put some drainage

09:42PM 22 in the backyard.

09:42PM 23 THE WITNESS: Yeah, that's not a

09:42PM 24 problem. We can certainly put some lawn inlets in

09:42PM 25 the backyard and, again, pipe those into the

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09:42PM 1 underground system.

09:42PM 2 MR. COLLAZUOL: All right. Then

09:42PM 3 turning to sanitary sewer in the report on rules for

09:42PM 4 the duplexes are such that there be one service

09:43PM 5 lateral from the right of way line to the sewer main.

09:43PM 6 You have two laterals shown, so that needs to be

09:43PM 7 changed to one lateral.

09:43PM 8 THE WITNESS: We will do so.

09:43PM 9 MR. COLLAZUOL: Okay.

09:43PM 10 THE WITNESS: So just to clarify, we'll

09:43PM 11 have two separate lines from each unit, but then

09:43PM 12 connecting into one connection into the main?

09:43PM 13 MR. COLLAZUOL: Yes, yes.

09:43PM 14 The last item is the -- any fencing.

09:43PM 15 It appears that since the wall, if the variances were

09:43PM 16 granted, would be 5 feet, would need fall protection.

09:43PM 17 So what has been demonstrated as fencing around that

09:43PM 18 in those areas or fall protection or privacy fencing?

09:43PM 19 THE WITNESS: Yeah, so you're correct,

09:43PM 20 so any wall that's more than 2-and-a-half feet to my

09:43PM 21 knowledge requires fall protection. So I do believe

09:43PM 22 we have a note on there to provide that. We haven't

09:43PM 23 decided what type of fencing, what materials, what

09:44PM 24 colors, etcetera, but we will comply with the code

09:44PM 25 requirements of having a safety rail on top of that

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09:44PM 1 fence. I'm sorry, a safety fence on top of the

09:44PM 2 wall.

09:44PM 3 MR. COLLAZUOL: I'm sorry, I didn't get

09:44PM 4 the details of that. There's a lot of papers moving

09:44PM 5 around.

09:44PM 6 THE WITNESS: Sure, Steve. I'm not

09:44PM 7 where the microphone is, but so I said we haven't

09:44PM 8 determined the exact nature and type of the railing

09:44PM 9 or fence that would be on top of the wall, but we

09:44PM 10 will comply with all applicable codes to put the

09:44PM 11 safety railing on top of the wall where required.

09:44PM 12 MR. COLLAZUOL: Well, I think the board

09:44PM 13 might like to know, so I'm not sure, Mr. Chairman, if

09:44PM 14 you would like to know more about the proposed fenced

09:44PM 15 before the application is --

09:44PM 16 CHAIRMAN FERGUSON: Are you going to --

09:44PM 17 THE WITNESS: What kind of fence would

09:44PM 18 you like to put?

09:44PM 19 MR. KIM: Whatever is required.

09:44PM 20 THE WITNESS: We'll just say we'll put

09:44PM 21 a minimum 3-foot-high PVC fence on top of the wall.

09:44PM 22 CHAIRMAN FERGUSON: Okay.

09:44PM 23 THE WITNESS: Your standard type of

09:44PM 24 residential fence.

09:44PM 25 CHAIRMAN FERGUSON: Is that good,

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09:44PM 1 Steve?

09:45PM 2 MR. COLLAZUOL: I think then if that's

09:45PM 3 the case then, if board were to approve this,

09:45PM 4 conditions of approval would indicate the fence on

09:45PM 5 the plans with the detail for the fence.

09:45PM 6 THE WITNESS: Certainly.

09:45PM 7 CHAIRMAN FERGUSON: Okay. Anything

09:45PM 8 else, Steve?

09:45PM 9 MR. COLLAZUOL: Oh, that's it.

09:45PM 10 Thank you.

09:45PM 11 CHAIRMAN FERGUSON: Thank you.

09:45PM 12 THE WITNESS: Thank you.

09:45PM 13 CHAIRMAN FERGUSON: Next up.

09:45PM 14 MS. TESTA: If I may, I just forwarded

09:45PM 15 the engineer's report to Mr. Ramundo. It was

09:45PM 16 forwarded to a different attorney.

09:45PM 17 MR. RAMUNDO: It's okay. I was trying

09:45PM 18 to find it.

09:45PM 19 MS. TESTA: Okay. So if you can just

09:45PM 20 look at it just -- you know, that your client will

09:45PM 21 comply with all of his recommendations.

09:45PM 22 MR. RAMUNDO: Absolutely. I'm sending

09:45PM 23 it to Mark now.

09:45PM 24 THE WITNESS: Thank you.

09:45PM 25 MR. COLLAZUOL: Thank you, Diane.

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09:45PM **1** MS. TESTA: You're welcome.

09:46PM **2** MS. TESTA: Beautiful day today. Blue

09:46PM **3** sky? Very nice.

09:46PM **4** MR. SPATZ: Yeah, I try to pick nice

09:46PM **5** days to take pictures.

09:46PM **6** MS. TESTA: Marc, do you want to mark

09:46PM **7** this as --

09:46PM **8** MR. RAMUNDO: A-2?

09:46PM **9** MS. TESTA: That's fine, A-2.

09:46PM **10** (Whereupon, Series of Photos is

11 received and marked as Exhibit A-2 for

12 identification.)

13 D A V I D S P A T Z, P P

14 60 Friend Terrace, Harrington Park, New jersey,

15 having been duly sworn, testifies as follows:

09:46PM **16** MR. SPATZ: So what's coming around is

09:46PM **17** my -- I'm still under oath.

09:46PM **18** MS. TESTA: Yes, you're still under

09:46PM **19** oath.

09:46PM **20** MR. SPATZ: Okay. Photographs, a

09:46PM **21** series of four photographs.

09:46PM **22** The left left-hand photograph is of the

09:46PM **23** subject property.

09:46PM **24** The top right-hand photograph is

09:46PM **25** looking to the right of our property. There's a

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09:46PM **1** single-family home and there's a series of two-family

09:46PM **2** homes, including a newer one as can be seen at the

09:46PM **3** edge of the photograph.

09:46PM **4** The bottom left-hand photograph is

09:46PM **5** looking to the left of our property. They're all

09:47PM **6** two-family homes, including a significant number of

09:47PM **7** newer ones and then the bottom right is directly

09:47PM **8** across the street, which are newer two-family homes.

09:47PM **9** So we're in the double A zone, which

09:47PM **10** permits two-family dwellings. We need only one (d)

09:47PM **11** variance and that's for building height and then two

09:47PM **12** (c) variances, side yards and lot coverage.

09:47PM **13** So looking at the height variance, we

09:47PM **14** are consistent with the neighborhood. The

09:47PM **15** photographs clearly depict all of the newer

09:47PM **16** two-family homes are three stories in height and this

09:47PM **17** is caused on our property by the slope of the

09:47PM **18** property, which goes from east to west and then also

09:47PM **19** towards the rear of the property and then, again, we

09:47PM **20** are consistent with the neighborhood development. So

09:47PM **21** I think that (d) variance can be granted for the

09:47PM **22** building height.

09:47PM **23** In terms of the bulk variances, we meet

09:47PM **24** the front and rear yard setbacks. We meet the

09:47PM **25** conforming lot area per unit. Removing the detached

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09:47PM **1** garage actually provides a greater rear yard, a

09:47PM **2** setback that currently exists. The only other (c)

09:48PM **3** variance we need for the setbacks is for side yards

09:48PM **4** and we are at 7 feet where a larger setback is

09:48PM **5** required because of the width of the property, but

09:48PM **6** that was described by Mr. Cocoros and is shown on Bob

09:48PM **7** Zampolin's plans. So the widths, I think, are

09:48PM **8** greater than what is normally provided.

09:48PM **9** In terms of the lot coverage, we exceed

09:48PM **10** the square footage limitation, but we do meet the

09:48PM **11** percentage limitation, drainage improvements are

09:48PM **12** being made to the property to compensate for the

09:48PM **13** slightly increased building coverage. So I believe

09:48PM **14** that the positive criteria exists for the bulk

09:48PM **15** variances.

09:48PM **16** As to the negative criteria, I don't

09:48PM **17** believe there's anything that's substantially

09:48PM **18** negative. We're consistent with the neighborhood

09:48PM **19** development. We are a permitted use within the zone.

09:48PM **20** The setbacks are actually being improved over what

09:48PM **21** currently exists and are greater what is typically

09:48PM **22** provided. Drainage improvements are being made where

09:48PM **23** ones currently don't exist and likewise, we have a

09:49PM **24** conforming amount of parking on the property. So I

09:49PM **25** don't believe there's anything negative.

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09:49PM **1** The positive criteria are met, they

09:49PM **2** outweigh anything that might be considered negative

09:49PM **3** and I believe that the variances could be granted.

09:49PM **4** Any questions, I'll be happy to answer.

09:49PM **5** CHAIRMAN FERGUSON: Does anybody on the

09:49PM **6** board have anything?

09:49PM **7** (No response.)

09:49PM **8** CHAIRMAN FERGUSON: Mr. Kauker, are you

09:49PM **9** with us?

09:49PM **10** MR. KAUKER: I'm still here. I have no

09:49PM **11** questions.

09:49PM **12** He addressed typical issues with

09:49PM **13** respect to the height and the consistency with the

09:49PM **14** neighborhood. So I have nothing else, Mr. Chairman.

09:49PM **15** CHAIRMAN FERGUSON: Okay. Thank you.

09:49PM **16** Anybody on the phones?

09:49PM **17** (No response.)

09:49PM **18** CHAIRMAN FERGUSON: Nobody is here.

09:49PM **19** Okay. So I'm going to make a motion to

09:49PM **20** accept the application as submitted with one or two

09:49PM **21** provisos. Number one, obviously we got to conform

09:49PM **22** with the borough engineer. We have to donate

09:50PM **23** \$2,000.00 to the Tree Preservation Fund and that's my

09:50PM **24** motion and approve all of the variance that you're

09:50PM **25** requesting.

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09:50PM 1 MR. LEFTERIOU: I second.

09:50PM 2 CHAIRMAN FERGUSON: That's my motion.

3 Can I get a second?

4 MR. LEFTERIOU: I'll second.

5 CHAIRMAN FERGUSON: Second by Lefty.

6 Roll call.

7 MS. LAMBRINIDES: Mr. Ferguson?

8 CHAIRMAN FERGUSON: Yes.

07:03PM 9 MS. LAMBRINIDES: Mr. Albanese?

07:03PM 10 CHAIRMAN FERGUSON: Mr. Albanese went

07:03PM 11 to bed.

07:03PM 12 (Laughter.)

07:03PM 13 MS. LAMBRINIDES: Mr. Lefteriou?

07:03PM 14 MR. LEFTERIOU: Yes.

15 MS. LAMBRINIDES: Ms. Yoon?

16 MS. YOON: Yes.

17 MS. LAMBRINIDES: Mr. Carnovale?

18 MR. CARNOVALE: Yes.

19 MS. LAMBRINIDES: Mr. Terranova?

20 MR. TERRANOVA: Yes.

21 MS. LAMBRINIDES: Mr. Grala?

22 MR. GRALA: Yes.

23 MS. LAMBRINIDES: Mr. Brogna?

24 MR. BROGNA: Yes.

25 MS. LAMBRINIDES: Mr. Chung?

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C E R T I F I C A T E

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4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
Public of the State of New Jersey, Notary ID.
#50094914, Certified Court Reporter of the State of
5 New Jersey, and a Registered Professional Reporter,
hereby certify that the foregoing is a verbatim
6 record of the testimony provided under oath before
any court, referee, board, commission or other body
7 created by statute of the State of New Jersey.
I am not related to the parties
8 involved in this action; I have no financial
interest, nor am I related to an agent of or employed
9 by anyone with a financial interest in the outcome of
this action.
10 This transcript complies with
regulation 13:43-5.9 of the New Jersey Administrative
11 Code.

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13
14
15 LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
16 Expiration Date December 3, 2023

17 Dated: _____

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09:50PM 1 MR. CHUNG: Yes.

09:50PM 2 MR. RAMUNDO: Do I need Pauly's vote?

3 I'll call him right now and wake him up.

4 (Laughter.)

5 CHAIRMAN FERGUSON: Goodnight. Next

6 month we're going to be -- everybody is going to be

7 here.

8 VICE-CHAIRMAN ALBANESE: I vote yes.

9 (Laughter.)

10 VICE-CHAIRMAN ALBANESE: I had to go to

11 the bathroom.

12 (Laughter.)

13 MR. KAUKER: Goodnight everybody, see

14 you next month.

15 VICE-CHAIRMAN ALBANESE: Have a

16 goodnight.

17 MR. COLLAZUOL: You too.

18 (Whereupon, the meeting is concluded.

19 Time noted: 9:51 p.m.)

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