

BOROUGH OF PALISADES PARK  
ZONING BOARD OF ADJUSTMENT  
MONDAY, MAY 16, 2022  
7:03 p.m.

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Case No: 21-28 )  
118 Union Associates, LLC ) TRANSCRIPT OF  
118 Union Street ) PROCEEDING  
Block: 107; Lot: 4 & 5 )  
Case No. 22-01 )  
448 1st Street, LLC )  
448 1st Street )  
Block: 305; Lot: 11 )  
Case No. 22-02 )  
A.O.C. LLC/Ioannis Gelestathis )  
113 Abbott Ave )  
Block: 612; Lot: 8 )  
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**B E F O R E :**

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

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
CERTIFIED COURT REPORTERS  
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**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
201-641-1812

07:31PM

| 1   | <u>I N D E X</u>                      | 3                      |
|-----|---------------------------------------|------------------------|
| 2   | <u>WITNESS</u>                        | <u>SWORN TESTIMONY</u> |
| 3   | Case No: 21-28                        |                        |
| 4   | 118 Union Associates, LLC             |                        |
| 5   | 118 Union Street                      |                        |
| 6   | Block: 107; Lot: 4 & 5                | 8                      |
| 7   | Case No: 22-01                        |                        |
| 8   | 448 1st Street LLC                    |                        |
| 9   | 448 1st Street                        |                        |
| 10  | Block: 305; Lot: 11                   | 12                     |
| 11  | VASSILIOS COCOROS, AIA (Zoom)         | 14                     |
| 12  | Direct Examination by Mr. Sokolich    | 15                     |
| 13  | Board/Professional Questions          |                        |
| 14  | Mr. Collazuol                         | 25                     |
| 15  | Chairman Ferguson                     | 27                     |
| 16  | Public Questions                      |                        |
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| 22  | Direct Examination by Mr. Sokolich    | 38                     |
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| 24  | Case No. 22-02                        |                        |
| 25  | A.O.C. LLC/Ioannis Gelestathis        |                        |
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1 CHAIRMAN FERGUSON: Okay. I'll call  
 2 the meeting to order.  
 3 Eleftry, do you want to lead us in the  
 4 flag salute?  
 5 (Whereupon, all rise for a Recitation  
 6 of the Pledge of Allegiance as led by  
 07:03PM 7 Mr. Elefteriou.)  
 07:03PM 8 CHAIRMAN FERGUSON: Okay. Roll call.  
 07:03PM 9 MS. LAMBRINIDES: Mr. Ferguson.  
 07:03PM 10 CHAIRMAN FERGUSON: Here.  
 07:03PM 11 MS. LAMBRINIDES: Mr. Albanese?  
 07:03PM 12 VICE CHAIRMAN ALBANESE: Here.  
 07:03PM 13 MS. LAMBRINIDES: Mr. Elefteriou?  
 07:03PM 14 MR. ELEFTERIOU: Here.  
 15 MS. LAMBRINIDES: Ms. Yoon?  
 16 MS. YOON: Here.  
 17 MS. LAMBRINIDES: Mr. Carnovale?  
 18 MR. CARNOVALE: Here.  
 19 MS. LAMBRINIDES: Mr. Terranova?  
 20 MR. TERRANOVA: Here.  
 21 MS. LAMBRINIDES: Mr. Grala?  
 22 MR. GRALA: Here.  
 23 MS. LAMBRINIDES: Mr. Brogna?  
 24 (No response.)  
 25 MS. LAMBRINIDES: Mr. Chung?  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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1 MR. CHUNG: Here.  
 2 MS. LAMBRINIDES: Mr. Lee?  
 3 (No response.)  
 4 CHAIRMAN FERGUSON: Okay.  
 5 In accordance with the Open Public  
 6 Meeting Act, notice of this meeting has been posted  
 7 on the borough bulletin board. Notice has been  
 07:01PM 8 provided to the official Borough newspapers and filed  
 07:01PM 9 in the borough clerk's office.  
 07:05PM 10 Okay. So welcome, everybody. First  
 07:05PM 11 we'll start off with paying some bills. All the  
 07:05PM 12 bills tonight are from Kauker & Kauker. There's  
 07:05PM 13 five, six, seven of them and the total was \$400 --  
 07:05PM 14 \$4,270.  
 07:05PM 15 VICE CHAIRMAN ALBANESE: I make a  
 07:05PM 16 motion we pay.  
 07:05PM 17 MR. CARNOVALE: I second.  
 07:05PM 18 CHAIRMAN FERGUSON: We have a motion to  
 07:05PM 19 pay.  
 07:05PM 20 Can I get a second?  
 07:05PM 21 MR. CARNOVALE: I second.  
 07:05PM 22 CHAIRMAN FERGUSON: You second?  
 07:05PM 23 Roll call.  
 07:05PM 24 MS. LAMBRINIDES: Mr. Ferguson.  
 07:05PM 25 MR. FERGUSON: Yes.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:05PM 1 MS. LAMBRINIDES: Mr. Albanese?  
 07:05PM 2 VICE CHAIRMAN ALBANESE: Yes.  
 07:05PM 3 MS. LAMBRINIDES: Mr. Elefteriou?  
 07:05PM 4 MR. ELEFTERIOU: Yes.  
 07:05PM 5 MS. LAMBRINIDES: Ms. Yoon?  
 07:05PM 6 MS. YOON: Yes.  
 07:05PM 7 MS. LAMBRINIDES: Mr. Carnovale?  
 07:05PM 8 MR. CARNOVALE: Yes.  
 07:05PM 9 MS. LAMBRINIDES: Mr. Terranova?  
 07:05PM 10 MR. TERRANOVA: Yes.  
 07:05PM 11 MS. LAMBRINIDES: Mr. Grala?  
 07:05PM 12 MR. GRALA: Yes.  
 07:05PM 13 MS. LAMBRINIDES: Mr. Chung?  
 07:05PM 14 MR. CHUNG: Yes.  
 07:05PM 15 CHAIRMAN FERGUSON: Okay. Next we all  
 07:05PM 16 had a -- we all got a copy of the minutes of the  
 07:05PM 17 previous meeting.  
 07:05PM 18 We all had an opportunity to review  
 07:05PM 19 them. Are there any changes that would want to be  
 07:06PM 20 put into the minutes?  
 07:06PM 21 VICE CHAIRMAN ALBANESE: I make a  
 07:06PM 22 motion we accept the minutes.  
 07:06PM 23 CHAIRMAN FERGUSON: There's a motion to  
 07:06PM 24 accept.  
 07:06PM 25 MR. CARNOVALE: I second.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:06PM 1 CHAIRMAN FERGUSON: There's a second.  
 07:06PM 2 Roll call.  
 07:06PM 3 MS. LAMBRINIDES: Mr. Ferguson.  
 07:06PM 4 MR. FERGUSON: Yes.  
 07:05PM 5 MS. LAMBRINIDES: Mr. Albanese?  
 07:05PM 6 VICE CHAIRMAN ALBANESE: Yes.  
 07:05PM 7 MS. LAMBRINIDES: Mr. Elefteriou?  
 07:05PM 8 MR. ELEFTERIOU: Yes.  
 07:05PM 9 MS. LAMBRINIDES: Ms. Yoon?  
 07:05PM 10 MS. YOON: Yes.  
 07:05PM 11 MS. LAMBRINIDES: Mr. Carnovale?  
 07:05PM 12 MR. CARNOVALE: Yes.  
 07:05PM 13 MS. LAMBRINIDES: Mr. Terranova?  
 07:05PM 14 MR. TERRANOVA: Yes.  
 07:05PM 15 MS. LAMBRINIDES: Mr. Grala?  
 07:05PM 16 MR. GRALA: Yes.  
 07:05PM 17 MS. LAMBRINIDES: Mr. Chung?  
 07:05PM 18 MR. CHUNG: Yes.  
 07:06PM 19 CHAIRMAN FERGUSON: Okay. Next case is  
 07:06PM 20 going to be for -- well, we're not hearing this one.  
 07:06PM 21 MS. TESTA: No.  
 07:06PM 22 CHAIRMAN FERGUSON: Okay. The next one  
 07:06PM 23 would be 118 Union Street, which I think is your  
 07:06PM 24 case, Case No. 21-28.  
 07:06PM 25 MR. RAMUNDO: Diane, can I just --  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:07PM 1 MS. TESTA: Yes, please.

07:07PM 2 CHAIRMAN FERGUSON: We're ready,

07:07PM 3 Counsel, whenever you are.

07:08PM 4 MR. RAMUNDO: Does everything look

07:08PM 5 good?

07:08PM 6 MS. TESTA: Yes.

07:08PM 7 MR. RAMUNDO: Oh, good.

07:08PM 8 MS. TESTA: Very good, yes. The board

07:08PM 9 has jurisdiction.

07:08PM 10 MR. RAMUNDO: You got me nervous. You

07:08PM 11 were watching and looking at it for a while.

07:08PM 12 MS. TESTA: Yes.

07:08PM 13 CHAIRMAN FERGUSON: Wherever you are,

07:08PM 14 we're ready.

07:08PM 15 MR. RAMUNDO: Thank you very much,

07:08PM 16 Mr. Chairman.

07:08PM 17 Marc Ramundo from the Law Offices of

07:08PM 18 Marc Ramundo here on behalf of the applicant,

07:08PM 19 118 Union Associates, LLC.

07:08PM 20 I did have a brief conversation with

07:08PM 21 Ms. Testa earlier today. We were informed that there

07:08PM 22 is some of the neighbors who were looking at the

07:08PM 23 application and we wanted an opportunity just to

07:08PM 24 carry this one meeting just to discuss what concerns,

07:08PM 25 if any, or what issues they have with the

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

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07:08PM 1 application, if they do have any. We were just

07:08PM 2 giving them the courtesy to do that to give them some

07:09PM 3 time.

07:09PM 4 CHAIRMAN FERGUSON: Okay. So where

07:09PM 5 does that leave us?

07:09PM 6 MR. RAMUNDO: So I just would prefer

07:09PM 7 that we carry one cycle and just not have to

07:09PM 8 re-notice. There was over a hundred mailers in this

07:09PM 9 particular application.

07:09PM 10 So we just didn't want to have to

07:09PM 11 re-notice for the next application.

07:09PM 12 CHAIRMAN FERGUSON: Okay. So --

07:09PM 13 MS. TESTA: Let's see when the next --

07:09PM 14 CHAIRMAN FERGUSON: So he's looking for

07:09PM 15 an adjournment?

07:09PM 16 MS. TESTA: Correct.

07:09PM 17 You're looking to carry --

07:09PM 18 CHAIRMAN FERGUSON: You're looking for

07:09PM 19 an adjournment and you're going to be carried not to

07:09PM 20 next month, you're going to be carried to July.

07:09PM 21 MR. RAMUNDO: I heard June was already

07:09PM 22 full.

07:09PM 23 MS. TESTA: That's correct.

07:09PM 24 CHAIRMAN FERGUSON: It is full.

07:09PM 25 MS. TESTA: So the next meeting would

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

11

1 be July 18th.

2 MR. RAMUNDO: July 18th?

3 MS. TESTA: Right.

07:09PM 4 So you're asking the board to carry the

07:09PM 5 case to July 18th with the provision that there be no

07:09PM 6 further notice by mailing or by the newspaper.

07:09PM 7 MR. RAMUNDO: Correct.

07:09PM 8 MS. TESTA: And that the applicant will

07:09PM 9 waive all time constraints?

07:09PM 10 MR. RAMUNDO: Absolutely.

07:09PM 11 MS. TESTA: So that's what your motion

07:09PM 12 should be.

07:09PM 13 CHAIRMAN FERGUSON: Okay. That will be

07:09PM 14 my motion, I'll make that motion.

07:09PM 15 Can I get a second?

07:10PM 16 VICE CHAIRMAN ALBANESE: Second.

07:10PM 17 CHAIRMAN FERGUSON: Second.

07:10PM 18 Roll call.

07:10PM 19 MS. LAMBRINIDES: Mr. Ferguson.

07:10PM 20 MR. FERGUSON: Yes.

07:05PM 21 MS. LAMBRINIDES: Mr. Albanese?

07:05PM 22 VICE CHAIRMAN ALBANESE: Yes.

07:05PM 23 MS. LAMBRINIDES: Mr. Elefteriou?

07:05PM 24 MR. ELEFTERIOU: Yes.

07:05PM 25 MS. LAMBRINIDES: Ms. Yoon?

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12

07:05PM 1 MS. YOON: Yes.

07:05PM 2 MS. LAMBRINIDES: Mr. Carnovale?

07:05PM 3 MR. CARNOVALE: Yes.

07:05PM 4 MS. LAMBRINIDES: Mr. Terranova?

07:05PM 5 MR. TERRANOVA: Yes.

07:05PM 6 MS. LAMBRINIDES: Mr. Grala?

07:05PM 7 MR. GRALA: Yes.

07:05PM 8 MS. LAMBRINIDES: Mr. Chung?

07:05PM 9 MR. CHUNG: Yes.

07:10PM 10 CHAIRMAN FERGUSON: Okay.

07:10PM 11 MS. TESTA: So that's Application Case

07:10PM 12 No. 21-28, 112-118 Union Street, Block 107, Lots 4 &

07:10PM 13 5.

07:10PM 14 It's being carried from tonight's

07:10PM 15 meeting to the July 18th, 2022 meeting at 7 p.m., no

07:10PM 16 further notice will be provided by the applicant and

07:10PM 17 the meeting will take place here in the council

07:10PM 18 chambers, borough hall.

07:10PM 19 CHAIRMAN FERGUSON: Thank you.

07:10PM 20 See you in two months.

07:10PM 21 Next up is Case 22-01, 448 1st Street.

07:11PM 22 Mayor Sokolich?

07:11PM 23 He's outside.

07:12PM 24 MR. SOKOLICH: Billy, are you there?

07:12PM 25 MR. COCOROS: Yes, I am.

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07:12PM 1 MS. TESTA: Okay.

07:12PM 2 The applicant has satisfied the proofs,

07:12PM 3 so the board has jurisdiction.

07:12PM 4 MR. SOKOLICH: I'm sorry, I brought my

07:12PM 5 affidavit of service to the wrong party.

07:12PM 6 MS. TESTA: No problem.

07:12PM 7 CHAIRMAN FERGUSON: No problem. You

07:12PM 8 may continue.

07:12PM 9 MR. SOKOLICH: Thank you, Chairman.

07:12PM 10 Chairman, I appear before you on behalf

07:12PM 11 of the entity 448 1st Street, LLC. The property

07:12PM 12 which represents the subject matter of this

07:12PM 13 application is known as 448 1st Street, designated as

07:12PM 14 Lot 11 and Block 305 here in the Borough of Palisades

07:12PM 15 Park.

07:12PM 16 This is a request to construct a

07:12PM 17 two-family dwelling. I will place on the record that

07:12PM 18 the applicant is present or a representative of the

07:12PM 19 applicant and we've engaged in a meaningful

07:12PM 20 conversation with a neighbor immediately to our rear

07:12PM 21 that expressed some concern about a wall that I'd

07:12PM 22 like to report has been completely resolved.

07:12PM 23 Now, that has no bearing on whether

07:12PM 24 this board acts favorably or not, but I just wanted

07:13PM 25 to let you know from the onset we had that

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1 the record, please?

2 MR. COCOROS: Vassilios Cocoros,

3 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,

4 New Jersey 07632.

5 DIRECT EXAMINATION

07:13PM 6 BY MR. SOKOLICH:

07:13PM 7 Q. All right. So, Billy, you've appeared

07:13PM 8 before the board multiple times, your credentials

07:13PM 9 have been accepted?

07:13PM 10 A. Yes.

07:13PM 11 MR. SOKOLICH: Chairman, I offer

07:13PM 12 Mr. Cocoros as --

07:13PM 13 CHAIRMAN FERGUSON: Yes, we'll accept

07:13PM 14 him as an expert, right.

07:13PM 15 MR. SOKOLICH: Thank you.

07:13PM 16 BY MR. SOKOLICH:

07:13PM 17 Q. Bill, I'm going to try to do this in

07:13PM 18 summary fashion so we keep this as simple as

07:14PM 19 possible.

07:14PM 20 A. Sure.

07:14PM 21 Q. I just want to confirm that you

07:14PM 22 prepared architectural drawings for the project,

07:14PM 23 448 1st Street consisting of three pages. A-1,

07:14PM 24 entitled, "Elevation, Site Plan and Zoning Info" --

07:14PM 25 sorry, I'm going so fast -- that has a last revised

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07:13PM 1 conversation.

07:13PM 2 Mr. Cocoros has been given permission,

07:13PM 3 I believe, to testify via the cloud, for lack of a

07:13PM 4 better term.

07:13PM 5 CHAIRMAN FERGUSON: Yes, that's

07:13PM 6 correct.

07:13PM 7 MR. SOKOLICH: So I guess from a

07:13PM 8 protocol standpoint, I'll ask Billy some questions.

07:13PM 9 Where are the plans?

07:13PM 10 MR. COCOROS: Should I get sworn in

07:13PM 11 first?

07:13PM 12 MS. TESTA: Yes. Okay.

07:13PM 13 Bill, please raise your right hand.

07:13PM 14 Do you swear --

07:13PM 15 MR. COCOROS: It's up.

07:13PM 16 MS. TESTA: Okay, good.

07:13PM 17 Do you swear that the testimony you

07:13PM 18 will give in this application will be the truth, the

07:13PM 19 whole truth and nothing but the truth?

07:13PM 20 MR. COCOROS: I do.

21 VASSILIOS COCOROS,

22 467 Sylvan Avenue, Englewood Cliffs, New Jersey

23 07632, having been duly sworn, testifies as

24 follows:

25 MS. TESTA: Can you state your name for

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07:14PM 1 date of April 25, 2022. There's a page A-2,

07:14PM 2 entitled, "Floor Plans," last revised April 25, 2022.

07:14PM 3 And the third page, S-1, last revised April 25, 2022

07:14PM 4 and that's entitled, "Stormwater Plan and Details."

07:14PM 5 A. Yes.

6 (Whereupon, Elevation, Site Plan and

7 Zoning Info, last revised April 25, 2022 is

8 receive and marked as Exhibit A-1 for

9 identification.)

10 (Whereupon, Floor Plans, last revised

11 April 25, 2022 is received and marked as

12 Exhibit A-2 for identification.)

13 (Whereupon, Stormwater Plan and

14 Details, last revised April 25, 2022 is

15 received and marked as Exhibit A-3 for

16 identification.)

07:14PM 17 BY MR. SOKOLICH:

07:14PM 18 Q. Okay. And all of those plans were

07:14PM 19 prepared either by you or under your direct

07:14PM 20 supervision?

07:14PM 21 A. Yes, they were.

07:14PM 22 Q. So I'm going to just ask you, Billy, in

07:14PM 23 summary fashion referring to what I've marked as A-1,

07:14PM 24 if you kindly just focus on the upper right-hand

07:14PM 25 corner, talk about some existing conditions and

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07:14PM **1** what's proposed to be constructed there by the  
 07:15PM **2** applicant?  
 07:15PM **3** **A.** Sure.  
 07:15PM **4** The existing dwelling, itself, right  
 07:15PM **5** now consists of a detached two-car garage in the back  
 07:15PM **6** and a delapidated dwelling towards the front.  
 07:15PM **7** The property itself is  
 07:15PM **8** 37-and-a-half-feet wide by 100-feet deep. There's  
 07:15PM **9** also a sewer line that's going to be, kind of,  
 07:15PM **10** located across the property as part of this  
 07:15PM **11** application. It be relocated to it's connection  
 07:15PM **12** point at the back of our property.  
 07:15PM **13** In doing so, we have to adjust the side  
 07:15PM **14** yard where 4 foot -- 4-foot-2 wide, which is a lot  
 07:15PM **15** more wider than a typical 3-foot-6 that the board's  
 07:15PM **16** been asking for.  
 07:15PM **17** However, we are requesting a 2-inch  
 07:15PM **18** variation from previous approvals of 3-feet-4-inches  
 07:15PM **19** on the right-hand side, which is similar to the  
 07:15PM **20** 3-foot-6 setback of the sister house of this  
 07:15PM **21** development.  
 07:15PM **22** The house to right of us has a similar  
 07:15PM **23** setback, similar rear setback and similar side yard.  
 07:15PM **24** For our left side yard we are increased at 4-fooy-2  
 07:15PM **25** and then where we have a manhole for the relocation

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07:17PM **1** are proposed.  
 07:17PM **2** **A.** Well, they'll be similar, but different  
 07:17PM **3** color configuration in different applications of, you  
 07:17PM **4** know, vertical versus horizontal.  
 07:17PM **5** So it doesn't look like, you know, you  
 07:17PM **6** go home to the wrong house.  
 07:17PM **7** **Q.** And the treatment will be consistent,  
 07:17PM **8** front, sides and rear?  
 07:17PM **9** **A.** Correct.  
 07:17PM **10** **Q.** Okay. Bill, by the way, existing  
 07:17PM **11** conditions, did you indicate what was on the site  
 07:17PM **12** now?  
 07:17PM **13** **A.** I went to the house, pretty much  
 07:17PM **14** abandoned, big deck in the back, there's the detached  
 07:17PM **15** garage.  
 07:17PM **16** **Q.** But everything that's on-site now will  
 07:17PM **17** be removed?  
 07:17PM **18** **A.** Correct.  
 07:17PM **19** **Q.** Billy, is there any --  
 07:17PM **20** **A.** Except for the back wall, you  
 07:17PM **21** mentioned, that's going to be done in coordination  
 07:17PM **22** with the neighbor to avoid the deer coming into the  
 07:17PM **23** property.  
 07:17PM **24** **Q.** So they -- we'll address that now. We  
 07:17PM **25** engaged in the dialogue; you, I, the applicant with

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07:16PM **1** of the sewer, it goes back 5-foot-6 to accommodate  
 07:16PM **2** the sewer assembly and the easement that would have  
 07:16PM **3** to be reported to the county and approved by the  
 07:16PM **4** borough engineer.  
 07:16PM **5** It's a 6-over-6 two-family dwelling,  
 07:16PM **6** which means two, three apartments on top of each  
 07:16PM **7** other with a ground floor which includes a two-car  
 07:16PM **8** garage and a two-car driveway.  
 07:16PM **9** Sheet A-2 -- also, I show on Sheet A-1  
 07:16PM **10** on the lower portion you can see the tax map.  
 07:16PM **11** This is located in the AA zone. Right  
 07:16PM **12** now you can see the house, itself, the one next to it  
 07:16PM **13** is on the left-hand side is older, it's a duplex and  
 07:16PM **14** then the one that's on the right, it's showing the  
 07:16PM **15** old house now that's being constructed as a similar  
 07:16PM **16** house as far as the massing, setbacks and  
 07:16PM **17** configuration of this house.  
 07:16PM **18** However, we will have a different  
 07:16PM **19** architectural design to differentiate the two  
 07:16PM **20** dwellings.  
 07:16PM **21** **Q.** Billy, talk to me about the exterior  
 07:16PM **22** upper right-hand corner, some of the facade materials  
 07:17PM **23** the applicant proposes.  
 07:17PM **24** **A.** Say it again?  
 07:17PM **25** **Q.** The exterior facade, the materials that

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07:18PM **1** Mr. Mokbanos who is the neighbor immediately to the  
 07:18PM **2** rear of the property.  
 07:18PM **3** He is at Lot 26, Block -- yeah, Lot 26  
 07:18PM **4** and Block 305.  
 07:18PM **5** **A.** Yes.  
 07:18PM **6** **Q.** Half of his rear yard property line --  
 07:18PM **7** excuse me -- our property line, essentially, dissects  
 07:18PM **8** the middle of his rear yard line?  
 07:18PM **9** **A.** Correct.  
 07:18PM **10** **Q.** There's a preexisting, nonconforming  
 07:18PM **11** garage on our site and we are requested to -- it's  
 07:18PM **12** okay to remove the garage, but he would like the  
 07:18PM **13** stonewall to remain in place that separates these two  
 07:18PM **14** properties until, basically, the house is complete so  
 07:18PM **15** as not to allow animals, deer, things of that nature  
 07:18PM **16** to come from one location onto his property.  
 07:18PM **17** Are we willing --  
 07:18PM **18** **A.** Understood.  
 07:18PM **19** **Q.** Are we willing to accept that as a  
 07:18PM **20** condition if the board acts favorably on the  
 07:18PM **21** application?  
 07:18PM **22** **A.** Yes, we are.  
 07:18PM **23** **Q.** Back to A-2, Bill, if you can just take  
 07:18PM **24** the board briefly through your proposed floor plans.  
 07:18PM **25** **A.** Sure.

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07:18PM **1** The first floor, the basement level,  
 07:18PM **2** we're calling basement, consists of a two-car garage  
 07:19PM **3** that fronts a two-car driveway. There's also a  
 07:19PM **4** staircase up to the first floor. The driveway is  
 07:19PM **5** slightly higher than the sidewalk given the Ida  
 07:19PM **6** storm.  
 07:19PM **7** So we do have a positive pitch away  
 07:19PM **8** from the garage to the street. There's a recreation  
 07:19PM **9** room. There's no full bathroom. There's a powder  
 07:19PM **10** room.  
 07:19PM **11** We have a den and a home office and a  
 07:19PM **12** recreation room. There's also a staircase up to the  
 07:19PM **13** first floor, which is the primary unit. The primary  
 07:19PM **14** unit consists of a three-bedroom configuration, two  
 07:19PM **15** secondary bedrooms that all -- that share a hall  
 07:19PM **16** bathroom. There's a hall laundry side by side.  
 07:19PM **17** There's a primary or master suite in the back with a  
 07:19PM **18** en-suite bathroom. Two closets, one being a walk-in  
 07:19PM **19** and then on the right-hand side of the dwelling is  
 07:19PM **20** the main living space. We have a living room, dining  
 07:19PM **21** room, kitchen and eating area, which are all  
 07:19PM **22** connected.  
 07:19PM **23** In addition we have a wood deck at the  
 07:19PM **24** back that's in the same size and configuration as the  
 07:19PM **25** one that's been approved next door.

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07:19PM **1** The second floor, which is the  
 07:19PM **2** secondary unit is basically the same layout, except  
 07:20PM **3** since there's no entry door, there's just a closet  
 07:20PM **4** where the entry was down below and has the same  
 07:20PM **5** amenities as the -- as the first floor unit.  
 07:20PM **6** **Q.** And the same configuration with the  
 07:20PM **7** deck, correct?  
 07:20PM **8** **A.** Correct, yes.  
 07:20PM **9** **Q.** And the deck is only accessible, is it  
 07:20PM **10** not, from the interior, there are no stairs going  
 07:20PM **11** into the interior yard, correct, Bill?  
 07:20PM **12** **A.** Yes, no steps from any of the decks  
 07:20PM **13** going down to the rear yard.  
 07:20PM **14** **Q.** There -- we've received some comments,  
 07:20PM **15** but as is the practice of this board if it were to  
 07:20PM **16** act favorably on the application, the applicant  
 07:20PM **17** agrees to comply with all the requirements and  
 07:20PM **18** conditions imposed by Collazuol Engineering and  
 07:20PM **19** Surveying Associates, correct?  
 07:20PM **20** **A.** Especially in regards to the sewer  
 07:20PM **21** relocation.  
 07:20PM **22** **Q.** Correct. And also in regards to the  
 07:20PM **23** stormwater comments and so forth and so on that are  
 07:20PM **24** in Mr. Collazuol's review letter of May 10?  
 07:20PM **25** **A.** Yes, we can accommodate that.

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07:20PM **1** **Q.** Okay. And would that also include  
 07:20PM **2** electric service being placed underground?  
 07:21PM **3** **A.** Yeah, if it's possible by the utility  
 07:21PM **4** company, we will do that.  
 07:21PM **5** **Q.** And the landscape plan will likewise be  
 07:21PM **6** presented for approval, correct?  
 07:21PM **7** **A.** Yes, it will.  
 07:21PM **8** **Q.** Okay.  
 07:21PM **9** Is there anything else, Bill, that  
 07:21PM **10** you'd like to add with regard to the architectural  
 07:21PM **11** aspect of this?  
 07:21PM **12** Now, we didn't go through the  
 07:21PM **13** variances. We have Mr. Spatz on deck. He'll be  
 07:21PM **14** going through all of that.  
 07:21PM **15** But is there anything else that you  
 07:21PM **16** would like to add?  
 07:21PM **17** **A.** No, basically it's a preexisting  
 07:21PM **18** nonconforming lot and there's no other way to get any  
 07:21PM **19** other property considering the house next door was  
 07:21PM **20** approved and the house next -- on the other side is a  
 07:21PM **21** relatively newer duplex that, you know, it wouldn't  
 07:21PM **22** make sense to knock down to buy property.  
 07:21PM **23** And like I said, it's in character with  
 07:21PM **24** other six-over-sixes that have been recently approved  
 07:21PM **25** with the enhanced side yard that was -- originally we

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07:21PM **1** were going for a 3-foot side yard, buffered it up to  
 07:21PM **2** 3-foot-6 and 3-foot-8 on some cases.  
 07:21PM **3** **Q.** But as important as your plans, Bill,  
 07:21PM **4** there was a condition the applicant agreed to with  
 07:21PM **5** the rear yard neighbor allowing that wall to remain  
 07:22PM **6** until the house is essentially complete is  
 07:22PM **7** acceptable, correct?  
 07:22PM **8** **A.** Yes, it is.  
 07:22PM **9** **Q.** And a condition of any action this  
 07:22PM **10** board were to take?  
 07:22PM **11** **A.** Yes.  
 07:22PM **12** **Q.** And in addition to that condition, we  
 07:22PM **13** will -- the applicant will construct a fence, which  
 07:22PM **14** is identical to the fence that was constructed on the  
 07:22PM **15** other half of the rear yard line.  
 07:22PM **16** Now, if that fence isn't in place at  
 07:22PM **17** the point our client does it, we'll construct a fence  
 07:22PM **18** and the other guy is going to have to match up, but  
 07:22PM **19** one way or the other, the fence is going to be  
 07:22PM **20** matching on the rear yard. We're acceptable with  
 07:22PM **21** that?  
 07:22PM **22** **A.** Yes, that can be done.  
 07:22PM **23** **Q.** Thank you.  
 07:22PM **24** MR. SOKOLICH: Chairman, I offer  
 07:22PM **25** Mr. Cocoros.

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07:22PM 1 CHAIRMAN FERGUSON: Okay. Steve, do  
 07:22PM 2 you want to take it first and then --  
 07:22PM 3 MR. COLLAZUOL: Sure.  
 07:22PM 4 Good evening. Bill, can you hear me?  
 07:22PM 5 THE WITNESS: Yes, I can.  
 07:22PM 6 MR. COLLAZUOL: Okay. It seems that --  
 07:22PM 7 and of course this is directed towards the 36-inch  
 07:22PM 8 RCP that you have shown that the proposed RCP is  
 07:22PM 9 probably going to be 42 inches and the manhole --  
 07:22PM 10 THE WITNESS: Okay.  
 07:22PM 11 MR. COLLAZUOL: That you show along the  
 07:22PM 12 left rear of the jog in the house might have to be  
 07:23PM 13 reduced, because of the size of the manhole that  
 07:23PM 14 might have to be placed in there. It's going to be a  
 07:23PM 15 large manhole.  
 07:23PM 16 THE WITNESS: Got it.  
 07:23PM 17 MR. COLLAZUOL: So I don't think you  
 07:23PM 18 would have to come back to the board if the building  
 07:23PM 19 got smaller, but I just want to --  
 07:23PM 20 THE WITNESS: Well, what's going to  
 07:23PM 21 happen here is, you know, I guess we'll coordinate  
 07:23PM 22 this with Mark Martins and, you know, we'll take all  
 07:23PM 23 the comments and consideration and he'll submit an  
 07:23PM 24 actual sewer plan with all the proper profiles and  
 07:23PM 25 anything that's required for you guys to review it.

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07:24PM 1 I have nothing further, Chairman.  
 07:24PM 2 CHAIRMAN FERGUSON: I just have a  
 07:24PM 3 couple of quick ones.  
 07:24PM 4 I noticed in the front you got stairs  
 07:24PM 5 coming up and then above the stairs you have --  
 07:24PM 6 THE WITNESS: Oh, yeah, the smoking  
 07:24PM 7 balcony, yup. I believe we can take that out. We  
 07:24PM 8 took that out that last time on the other one.  
 07:24PM 9 CHAIRMAN FERGUSON: What was it now?  
 07:24PM 10 THE WITNESS: It's like a little  
 07:24PM 11 balcony for the second floor, like, you know, just  
 07:24PM 12 like a little space in the front.  
 07:24PM 13 CHAIRMAN FERGUSON: Yeah.  
 07:24PM 14 THE WITNESS: You know --  
 07:24PM 15 BY MR. SOKOLICH:  
 07:24PM 16 Q. Bill, let the Chair ask his question,  
 07:24PM 17 if you don't mind.  
 07:24PM 18 MR. SOKOLICH: Go ahead, Chairman.  
 07:24PM 19 CHAIRMAN FERGUSON: We don't,  
 07:24PM 20 typically, allow decks -- I'll call it a deck -- in  
 07:24PM 21 front of the building, because we don't want people  
 07:25PM 22 hanging their laundry there or their chairs whatever.  
 07:25PM 23 So I don't have a problem with putting  
 07:25PM 24 a window in the front there, but I have a little  
 07:25PM 25 problem with the deck over the doors.

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07:23PM 1 MR. COLLAZUOL: Okay.  
 07:23PM 2 And that may affect your agreement that  
 07:23PM 3 you have with the neighbor regarding that manhole  
 07:23PM 4 that you're placing along that existing garage wall  
 07:23PM 5 now, it might have to get slightly relocated so that  
 07:23PM 6 wall can remain while the manhole is getting  
 07:23PM 7 constructed.  
 07:23PM 8 THE WITNESS: You know, that we could  
 07:23PM 9 work out.  
 07:23PM 10 Like I said, it's close there, but, you  
 07:23PM 11 know, we'll try to keep it on our property and, you  
 07:23PM 12 know, Mark will have the final say as far as the  
 07:23PM 13 final design and also based on your comments and  
 07:23PM 14 guidance.  
 07:23PM 15 MR. COLLAZUOL: And the last question  
 07:23PM 16 is regarding the construction on the adjoining lot to  
 07:23PM 17 the south or to the right as you were describing.  
 07:23PM 18 THE WITNESS: Yes.  
 07:24PM 19 MR. COLLAZUOL: The grading on this  
 07:24PM 20 parcel as you've shown it, does that match the  
 07:24PM 21 grading on the proposed --  
 07:24PM 22 THE WITNESS: Yeah, I basically, since  
 07:24PM 23 I have the old survey of the property next door, we  
 07:24PM 24 aligned them so that they're the same configuration.  
 07:24PM 25 MR. COLLAZUOL: Very good.

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07:25PM 1 As you know, Mr. Cocoros, in the past  
 07:25PM 2 we have eliminated those, you know, decks, so...  
 07:25PM 3 MR. SOKOLICH: Bill --  
 07:25PM 4 THE WITNESS: Yeah, we -- we can take  
 07:25PM 5 it out.  
 07:25PM 6 CHAIRMAN FERGUSON: Yeah, you can leave  
 07:25PM 7 the window, but --  
 07:25PM 8 THE WITNESS: Yeah.  
 07:25PM 9 CHAIRMAN FERGUSON: -- but that decks  
 07:25PM 10 got to go.  
 07:25PM 11 THE WITNESS: Okay.  
 07:25PM 12 CHAIRMAN FERGUSON: The other thing  
 07:25PM 13 that I noticed in the back, now, the rear yard is 23  
 07:25PM 14 -- it's 21 -- 23 feet, correct.  
 07:25PM 15 THE WITNESS: Yes.  
 07:25PM 16 The only reason we did it is because  
 07:25PM 17 we're losing that extra square footage on the -- on  
 07:25PM 18 the rear left portion of the property. I'm trying to  
 07:25PM 19 make it up so the rooms are -- the rooms and the  
 07:25PM 20 areas are the same as the one next door. It matches  
 07:25PM 21 the reconfiguration.  
 07:25PM 22 It looks like a bay window. It's not a  
 07:25PM 23 full wall. So I would like to keep that just to keep  
 07:25PM 24 the room sizes as a decent size, if the board is okay  
 07:26PM 25 with it.

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07:26PM 1 CHAIRMAN FERGUSON: Yeah, I'm okay with  
 07:26PM 2 it, but is it possible -- you have bump-outs in the  
 07:26PM 3 back windows?  
 07:26PM 4 THE WITNESS: Yeah. The bump-out in  
 07:26PM 5 the back goes up to the -- from the basement all the  
 07:26PM 6 way up to second floor.  
 07:26PM 7 CHAIRMAN FERGUSON: Okay.  
 07:26PM 8 THE WITNESS: And that's measured to  
 07:26PM 9 the point -- that's measured to the point of 21 feet.  
 07:26PM 10 CHAIRMAN FERGUSON: Well, does the  
 07:26PM 11 board want to -- I mean, if the board said eliminate  
 07:26PM 12 the bump-outs, is --  
 07:26PM 13 THE WITNESS: I mean can take it out of  
 07:26PM 14 the basement, so it looks like -- you know so it  
 07:26PM 15 looks like a bay window and maybe make it look less  
 07:26PM 16 intense, that's one possibility. I think you  
 07:26PM 17 recommended that before. Keep the size of the stairs  
 07:26PM 18 and then on the first floor, that back little jog  
 07:26PM 19 will be in line with the main building, which will  
 07:26PM 20 also reduce the coverage a little bit.  
 07:26PM 21 CHAIRMAN FERGUSON: Okay. So you're  
 07:26PM 22 saying that you're going to remove the bump-outs.  
 07:26PM 23 Is that correct?  
 07:26PM 24 THE WITNESS: Remove the bump-out on  
 07:26PM 25 the basement level?

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07:26PM 1 CHAIRMAN FERGUSON: Yes.  
 07:26PM 2 THE WITNESS: Yes, that can be done.  
 07:26PM 3 CHAIRMAN FERGUSON: That can be done,  
 07:26PM 4 fine.  
 07:26PM 5 THE WITNESS: Yes.  
 07:27PM 6 CHAIRMAN FERGUSON: And then the last  
 07:27PM 7 thing I have is I keep on hearing things about  
 07:27PM 8 sewerage.  
 07:27PM 9 What's the deal with the sewer? Is  
 07:27PM 10 that the line that comes from the top of the hill  
 07:27PM 11 down?  
 07:27PM 12 MR. COLLAZUOL: Yes, Joe.  
 07:27PM 13 That's the line that goes through  
 07:27PM 14 Lindberg School --  
 07:27PM 15 CHAIRMAN FERGUSON: Right.  
 07:27PM 16 MR. COLLAZUOL: -- and that is the line  
 07:27PM 17 that was flooding 3rd Street before the drainage was  
 07:27PM 18 diverted into Edsall.  
 07:27PM 19 CHAIRMAN FERGUSON: Right.  
 07:27PM 20 MR. COLLAZUOL: So this is the rain,  
 07:27PM 21 but it does carry quite a bit of water, stormwater.  
 07:27PM 22 CHAIRMAN FERGUSON: Is there a sewer  
 07:27PM 23 plate there?  
 07:27PM 24 MR. COLLAZUOL: There's a catch basin  
 07:27PM 25 out in 1st Street and there's a manhole on the

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07:27PM 1 adjoining lot. There's no manhole shown from that  
 07:27PM 2 through the rear of this property until you get to  
 07:27PM 3 2nd Street, which should be determined and that will  
 07:27PM 4 be part of the engineering plan.  
 07:27PM 5 CHAIRMAN FERGUSON: So, on this  
 07:27PM 6 property there's no manhole?  
 07:27PM 7 MR. COLLAZUOL: Correct.  
 07:27PM 8 CHAIRMAN FERGUSON: The manhole, I  
 07:27PM 9 guess, is for clean outs on the other property?  
 07:27PM 10 MR. COLLAZUOL: Yes, the one to the  
 07:27PM 11 left.  
 07:28PM 12 CHAIRMAN FERGUSON: The one to the  
 07:28PM 13 left, which is the new one that's just being built?  
 07:28PM 14 MR. COLLAZUOL: No, the new one that is  
 07:28PM 15 being built is on the right.  
 07:28PM 16 MR. SOKOLICH: To the right.  
 07:28PM 17 CHAIRMAN FERGUSON: Oh, on the right.  
 07:28PM 18 MR. SOKOLICH: As you face the  
 07:28PM 19 property.  
 07:28PM 20 CHAIRMAN FERGUSON: So you have no  
 07:28PM 21 problem with the sewer line?  
 07:28PM 22 MR. COLLAZUOL: Well, it's got to be an  
 07:28PM 23 engineered plan.  
 07:28PM 24 As I mentioned, it's a large pipe. The  
 07:28PM 25 manholes would be large, but Bill acknowledged that

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07:28PM 1 if the building has to get shrunk a little bit, to  
 07:28PM 2 make room for that manhole, they will.  
 07:28PM 3 CHAIRMAN FERGUSON: Okay. So, any  
 07:28PM 4 other board members have anything?  
 07:28PM 5 (No response.)  
 07:28PM 6 CHAIRMAN FERGUSON: No?  
 07:28PM 7 (No response.)  
 07:28PM 8 CHAIRMAN FERGUSON: Anybody in the  
 07:28PM 9 audience have anything? Anything.  
 07:28PM 10 (No response.)  
 07:28PM 11 CHAIRMAN FERGUSON: Anybody? Anything?  
 07:28PM 12 No?  
 07:28PM 13 Yes, my friend, name and address,  
 07:28PM 14 please.  
 07:28PM 15 MR. GOR: I am neighbor. My name is  
 07:28PM 16 Ilya Gor.  
 07:28PM 17 I am neighbor from this house, this is  
 07:28PM 18 448 and I am 450.  
 07:28PM 19 So the question is --  
 07:28PM 20 THE COURT REPORTER: I'm sorry, sir,  
 07:28PM 21 can you please spell your name for the record?  
 07:28PM 22 MR. GOR: I-L-Y-A, and the last name,  
 07:29PM 23 G-O-R.  
 07:29PM 24 THE COURT REPORTER: And your address  
 07:29PM 25 again?

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07:29PM 1 MR. GOR: 450 1st Street.  
 07:29PM 2 THE COURT REPORTER: Thank you.  
 07:29PM 3 CHAIRMAN FERGUSON: Okay. Go ahead.  
 07:29PM 4 MR. GOR: The question is: How are you  
 07:29PM 5 going to protect my property when you're going to  
 07:29PM 6 work on this, because it's too close to my property  
 07:29PM 7 and --  
 07:29PM 8 CHAIRMAN FERGUSON: What?  
 07:29PM 9 THE WITNESS: We've done it before --  
 07:29PM 10 MR. SOKOLICH: Hold on, hold on, hold  
 07:29PM 11 on, Bill.  
 07:29PM 12 MR. GOR: Is it possible to build some  
 07:29PM 13 maybe fence to protect it when the house will be  
 07:29PM 14 built?  
 07:29PM 15 MR. SOKOLICH: So by law, Bill, are we  
 07:29PM 16 not required to put a construction fence up during  
 07:29PM 17 the course of --  
 07:29PM 18 THE WITNESS: Oh, yeah, of course.  
 07:29PM 19 MR. SOKOLICH: All right. And that  
 07:29PM 20 fence will be, I believe, it's required minimum  
 07:29PM 21 4-feet high.  
 07:29PM 22 THE WITNESS: So there will be a fence  
 07:29PM 23 that will be erected immediately once and prior to  
 07:29PM 24 demolition and during the course of construction,  
 07:30PM 25 obviously. There's also insurance that, God forbid,

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07:30PM 1 CHAIRMAN FERGUSON: So --  
 07:30PM 2 THE WITNESS: I think they're 5-feet  
 07:30PM 3 high too.  
 07:30PM 4 MR. SOKOLICH: Five-feet high.  
 07:30PM 5 THE WITNESS: The construction fence.  
 07:30PM 6 CHAIRMAN FERGUSON: So if you -- if  
 07:30PM 7 they start building and the fence isn't up, you can  
 07:31PM 8 call the building department and they're going to  
 07:31PM 9 come and make them put the fence up, correct,  
 07:31PM 10 Counsel?  
 07:31PM 11 MR. SOKOLICH: That's correct and I  
 07:31PM 12 think actually, if I'm not mistaken, the fence is  
 07:31PM 13 6-feet-high, but whatever fence is required, it will  
 07:31PM 14 be placed there.  
 07:31PM 15 CHAIRMAN FERGUSON: Okay. So, if they  
 07:31PM 16 start building and there's no fence, the building  
 07:31PM 17 department and we're going to mandate it on the  
 07:31PM 18 plans, okay?  
 07:31PM 19 MR. GOR: Thank you.  
 07:31PM 20 CHAIRMAN FERGUSON: No problem.  
 07:31PM 21 Anybody else? Yes, your name and  
 07:31PM 22 address, my friend?  
 07:31PM 23 MR. MOKANOS: Nick Mokanos. My house  
 07:31PM 24 is on the back of what they're trying to build.  
 07:31PM 25 CHAIRMAN FERGUSON: Okay.

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07:30PM 1 if there were any damage, you will be fully claimed  
 07:30PM 2 and fully covered.  
 07:30PM 3 MR. SOKOLICH: And I'm not the expert,  
 07:30PM 4 Bill, but correct me if I'm wrong, this is a common  
 07:30PM 5 condition, we're not excessively --  
 07:30PM 6 THE WITNESS: Correct, and actually on  
 07:30PM 7 this side we're a little bit more than -- on this  
 07:30PM 8 type of house, it's usually 3 and a half feet or  
 07:30PM 9 3-foot-2. We're 4-foot-2, so we have a little more  
 07:30PM 10 room than typical.  
 07:30PM 11 So, hopefully, it gives a little more  
 07:30PM 12 of a buffer.  
 07:30PM 13 CHAIRMAN FERGUSON: Okay? So they're  
 07:30PM 14 going to put a temporary fence up.  
 07:30PM 15 MR. GOR: Sounds good, but how it will  
 07:30PM 16 be is --  
 07:30PM 17 CHAIRMAN FERGUSON: Well, the board is  
 07:30PM 18 going to direct it, so...  
 07:30PM 19 MR. SOKOLICH: And the fence -- excuse  
 07:30PM 20 me, the fence is a code requirement. It falls under  
 07:30PM 21 their safety regulations, which would immediately  
 07:30PM 22 justify a warrant to stop work order if the fence  
 07:30PM 23 weren't there, so we don't have a choice, we have to  
 07:30PM 24 put the fence up.  
 07:30PM 25 THE WITNESS: Correct.

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07:31PM 1 THE COURT REPORTER: Please spell your  
 07:31PM 2 name for the record, your last name.  
 07:31PM 3 MR. MOKANOS: Mokanos, M-O-K-A-N-O-S.  
 07:31PM 4 THE COURT REPORTER: And your address?  
 07:31PM 5 MR. MOKANOS: 443 2nd Street.  
 07:31PM 6 THE COURT REPORTER: Thank you.  
 07:31PM 7 MR. MOKANOS: It's a question that I  
 07:31PM 8 don't want to a lawyer. What is the -- if, let's  
 07:31PM 9 say, somebody promised you to do something and they  
 07:32PM 10 don't do it?  
 07:32PM 11 VICE CHAIRMAN ALBANESE: They're going  
 07:32PM 12 to have to do it, because it's going to be mentioned  
 07:32PM 13 in the variance, when they get the variance that that  
 07:32PM 14 has to be done.  
 07:32PM 15 MR. MOKANOS: Yeah, I know, but in this  
 07:32PM 16 case, I'm very satisfied what they're going to do if  
 07:32PM 17 they do it, but what do I have to do? Do I have to  
 07:32PM 18 go to the building department to complain about the  
 07:32PM 19 other property that they built?  
 07:32PM 20 VICE CHAIRMAN ALBANESE: The other  
 07:32PM 21 property has nothing to do with this, so we can't  
 07:32PM 22 talk about that.  
 07:32PM 23 MR. MOKANOS: Can you advise me what to  
 07:32PM 24 do or it's not your --  
 07:32PM 25 MR. SOKOLICH: I think, if I may?

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07:32PM 1 VICE CHAIRMAN ALBANESE: Yeah, go  
 07:32PM 2 ahead.  
 07:32PM 3 MR. SOKOLICH: So this board is not an  
 07:32PM 4 enforcement board, they're an appellate board.  
 07:32PM 5 MR. MOKANOS: I know, but --  
 07:32PM 6 MR. SOKOLICH: Let me just finish the  
 07:32PM 7 answer. So if there's a -- if there's a violation of  
 07:32PM 8 their resolution of approval, you should bring it,  
 07:32PM 9 you know, to the building department's attention in  
 07:32PM 10 this case. Specifically, the attorney is going to  
 07:32PM 11 list this is a condition. If we deviate from that  
 07:33PM 12 condition, the building department is not going to  
 07:33PM 13 allow them to continue with construction.  
 07:33PM 14 MR. MOKANOS: So I have to go to the  
 07:33PM 15 building department and complain what happened --  
 07:33PM 16 VICE CHAIRMAN ALBANESE: On the other  
 07:33PM 17 side.  
 07:33PM 18 MR. SOKOLICH: Yes.  
 07:33PM 19 MR. MOKANOS: -- on the other side?  
 07:33PM 20 MS. TESTA: Yes.  
 07:33PM 21 MR. MOKANOS: Okay. That's all, thank  
 07:33PM 22 you very much.  
 07:33PM 23 CHAIRMAN FERGUSON: Okay. Anybody  
 07:33PM 24 else?  
 07:33PM 25 (No response.)

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07:33PM 1 CHAIRMAN FERGUSON: Okay. Counsel, do  
 07:33PM 2 you want to call your next witness.  
 07:33PM 3 MR. SOKOLICH: Thank you, Chairman.  
 07:33PM 4 David.  
 07:33PM 5 MS. TESTA: Please raise your right  
 07:33PM 6 hand. Do you swear the testimony you will give in  
 07:33PM 7 this application will be the truth, the whole truth  
 07:33PM 8 and nothing but the truth?  
 07:33PM 9 MR. SPATZ: Yes, I do.  
 07:33PM 10 D A V I D S P A T Z, P.P.  
 07:33PM 11 60 Friend Terrace, Harrington Park, New Jersey,  
 07:33PM 12 having been duly sworn, testifies as follows:  
 07:33PM 13 MS. TESTA: State your name for the  
 07:33PM 14 record, please.  
 07:33PM 15 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 07:33PM 16 CHAIRMAN FERGUSON: And of course  
 07:33PM 17 David's been here many times, probably more than me,  
 07:33PM 18 so we're going to accept him as an expert.  
 07:33PM 19 MR. SPATZ: Thank you.  
 07:33PM 20 DIRECT EXAMINATION  
 07:33PM 21 BY MR. SOKOLICH:  
 07:33PM 22 Q. So, David, your credentials have been  
 07:33PM 23 accepted as an expert in the field of professional  
 07:33PM 24 planning.  
 07:33PM 25 A. Correct.

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07:33PM 1 Q. You've been here multiple times in the  
 07:33PM 2 past. I'm not going to bore either the board or the  
 07:34PM 3 public with preliminary questions, except to ask you  
 07:34PM 4 that you've been engaged to conduct a planning  
 07:34PM 5 assessment of 4481st Street, correct?  
 07:34PM 6 A. That's correct, yes.  
 07:34PM 7 Q. And you've had an opportunity to  
 07:34PM 8 carefully review Mr. Cocoros's plans?  
 07:34PM 9 A. I have.  
 07:34PM 10 Q. You've also reviewed the zoning  
 07:34PM 11 schedule and confirmed what precisely the variances  
 07:34PM 12 are that are being sought?  
 07:34PM 13 A. Correct.  
 07:34PM 14 Q. I trust that since this property is, as  
 07:34PM 15 we put it, undersized poses various challenges from a  
 07:34PM 16 planning perspective?  
 07:34PM 17 A. It does, yes.  
 07:34PM 18 Q. And you've taken that into account in  
 07:34PM 19 conducting your assessment?  
 07:34PM 20 A. Correct, yes.  
 07:34PM 21 Q. Wherever you deem most appropriate, if  
 07:34PM 22 you would, please, give the benefit of your analysis  
 07:34PM 23 to the board.  
 07:34PM 24 A. Certainly.  
 07:34PM 25 MS. TESTA: Do we first want to mark

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07:34PM 1 this as A-2?  
 07:34PM 2 MR. SOKOLICH: Excuse me, A-4.  
 07:34PM 3 MS. TESTA: Oh, I'm sorry, yes.  
 07:34PM 4 (Whereupon, Series of Four Photographs  
 07:34PM 5 is received and marked as Exhibit A-4 for  
 07:34PM 6 identification.)  
 07:34PM 7 BY MR. SOKOLICH:  
 07:34PM 8 Q. A-4, and it's a series of four  
 07:34PM 9 photographs, correct, David?  
 07:34PM 10 A. That's correct.  
 07:34PM 11 Q. And each of these photographs were  
 07:34PM 12 taken by you?  
 07:34PM 13 A. Correct.  
 07:34PM 14 Q. And not modified, they depict what's  
 07:34PM 15 within the four corners of those photos?  
 07:34PM 16 A. Absolutely.  
 07:34PM 17 Q. And I believe -- and we'll talk about  
 07:34PM 18 them from a counter clock -- from a clockwise  
 07:34PM 19 standpoint.  
 07:34PM 20 So upper left is the subject site?  
 07:35PM 21 A. Correct, that is the subject site.  
 07:35PM 22 There's also, you can't see from the photograph, but  
 07:35PM 23 there's a detached garage to the rear.  
 07:35PM 24 The top right-hand photograph is  
 07:35PM 25 looking to the right of our property and there's, as

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07:35PM 1 you can see, there's a new two-family being  
 07:35PM 2 constructed there and then a series of newer  
 07:35PM 3 two-family homes. The bottom left is looking to the  
 07:35PM 4 left of our property and those are also two-family  
 07:35PM 5 homes. They are a little bit older and then the  
 07:35PM 6 bottom right is directly across the street, which are  
 07:35PM 7 also newer two-family homes.

07:35PM 8 So we're in the double A zone, which  
 07:35PM 9 permits two families and obviously the neighborhood  
 07:35PM 10 is primarily designed with two families. The  
 07:35PM 11 existing lot doesn't conform to the lot area or lot  
 07:35PM 12 width requirement, it's slightly undersized.

07:35PM 13 We need one D variance, which is for  
 07:35PM 14 building height and then several C variances, lot  
 07:35PM 15 area per unit, side yards, rear yard and then lot  
 07:35PM 16 coverage.

07:35PM 17 So first looking at the D variance for  
 07:35PM 18 building height, the site, I think, is particularly  
 07:35PM 19 well suited for what we're proposing. It's located  
 07:36PM 20 in a zone that permits two-family dwellings and it is  
 07:36PM 21 in a neighborhood that has both older and newer  
 07:36PM 22 two-family dwellings, including one directly adjacent  
 07:36PM 23 to us being constructed.

07:36PM 24 In terms of supporting the special  
 07:36PM 25 reasons, the project meets several of the purposes of  
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07:37PM 1 development pattern within the neighborhood.  
 07:37PM 2 Looking at the bulk variances, they can  
 07:37PM 3 be supported under the C-1 hardship standards, as  
 07:37PM 4 well as the C-2 more relaxed standards. The lot  
 07:37PM 5 itself is undersized in terms of lot area and lot  
 07:37PM 6 width. As I've indicated, we are 37-and-a-half feet  
 07:37PM 7 wide where 50 foot is required, but the tax map  
 07:37PM 8 indicates that most of the dwellings and properties  
 07:37PM 9 on 1st in this area are the same 37.5 feet in width,  
 07:37PM 10 so we are consistent.

07:38PM 11 Both properties on either side of us  
 07:38PM 12 are fully developed or under development, so we can't  
 07:38PM 13 purchase any property to expand our site to make a  
 07:38PM 14 conforming width. This affects the lot area per  
 07:38PM 15 unit. It also affects the side yards, but the  
 07:38PM 16 building is designed to provide a larger side yard on  
 07:38PM 17 the side adjacent to the older existing home. The  
 07:38PM 18 newer home, we provide similar side yards. The  
 07:38PM 19 garages have to be a certain width in order to have  
 07:38PM 20 vehicles parked there, as well as the driveway so  
 07:38PM 21 that we can provide space for two cars. So the  
 07:38PM 22 building is slightly wider, although we are nearly  
 07:38PM 23 conforming on one side and similar to the setbacks on  
 07:38PM 24 the other side. The photographs indicate that  
 07:38PM 25 although it's a smaller dwelling, we are closer to  
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07:36PM 1 zoning as stated in the Municipal Land Use Law. It  
 07:36PM 2 meets Purpose A, promoting the public health, safety,  
 07:36PM 3 morals and general welfare. Providing housing  
 07:36PM 4 certainly meets that standard. Purpose G is the  
 07:36PM 5 provision of sufficient space for a variety of uses.  
 07:36PM 6 We certainly do that. It's a permitted use within  
 07:36PM 7 the zone and consistent with the development that's  
 07:36PM 8 in the surrounding area on 1st Street.

07:36PM 9 Lastly, we also meet Purpose I, which  
 07:36PM 10 is promotion of a desirable visual environment.  
 07:36PM 11 We're removing an older essentially abandoned  
 07:36PM 12 dwelling with a detached garage right at the rear  
 07:36PM 13 yard and replacing it with a two-family home that is  
 07:36PM 14 consistent with the neighborhood.

07:37PM 15 The case law specifically as to  
 07:37PM 16 building heights finds that for a permitted use, if  
 07:37PM 17 the height that's being proposed is consistent with  
 07:37PM 18 the neighborhood, then it's appropriate to grant the  
 07:37PM 19 variance. I think the photographs clearly state and  
 07:37PM 20 show that all of the newer homes are similar in terms  
 07:37PM 21 of stories and height, including the adjacent  
 07:37PM 22 property, which is having a two-family under  
 07:37PM 23 construction.

07:37PM 24 So our height, although it exceeds the  
 07:37PM 25 ordinance, is still certainly consistent with the  
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07:38PM 1 the side yards than what is being proposed.  
 07:38PM 2 In terms of lot coverage, that, again,  
 07:38PM 3 is created by not the size of the building, but by  
 07:38PM 4 the undersized nature of the property. Drainage  
 07:39PM 5 improvements are being made on the site to mitigate  
 07:39PM 6 the slightly larger building. There is landscaping  
 07:39PM 7 being made to enhance and buffer the adjacent  
 07:39PM 8 properties. So I think the positive criteria exists  
 07:39PM 9 for the C variances.

07:39PM 10 So, lastly, looking at the negative  
 07:39PM 11 criteria, there's nothing that is substantially  
 07:39PM 12 negative from what we're proposing. We are in  
 07:39PM 13 character with the surrounding uses. It is primarily  
 07:39PM 14 a two-family development in that area. The setbacks  
 07:39PM 15 are consistent with the surrounding properties as  
 07:39PM 16 Mr. Cocoros described.

07:39PM 17 In terms of the rear yard, by making  
 07:39PM 18 some adjustments this evening, the rear yard is  
 07:39PM 19 actually being expanded closer to conforming and then  
 07:39PM 20 the height is, again, similar to what is there. It's  
 07:39PM 21 a conforming amount of parking being provided on the  
 07:39PM 22 property, which reduces impacts on the street. So on  
 07:39PM 23 balance, I think, the positive criteria is met and it  
 07:39PM 24 far outweighs anything that could be considered  
 07:40PM 25 negative and I think it's appropriate to grant the  
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07:40PM 1 variances.

07:40PM 2 So any questions, I'll be happy to

07:40PM 3 answer them.

07:40PM 4 CHAIRMAN FERGUSON: I don't have any.

07:40PM 5 Does any of the board have anything?

07:40PM 6 MR. KAUKER: I have nothing,

07:40PM 7 Mr. Chairman.

07:40PM 8 CHAIRMAN FERGUSON: You have nothing?

07:40PM 9 MR. KAUKER: Nothing.

07:40PM 10 CHAIRMAN FERGUSON: Anybody in the

07:40PM 11 audience have anything?

07:40PM 12 (No response.)

07:40PM 13 CHAIRMAN FERGUSON: Any questions at

07:40PM 14 all?

07:40PM 15 (No response.)

07:40PM 16 CHAIRMAN FERGUSON: Okay. Counsel, is

07:40PM 17 that --

07:40PM 18 MR. SOKOLICH: Mr. Chairman, that

07:40PM 19 concludes our presentation for 4481st Street.

07:40PM 20 For the reasons articulated by

07:40PM 21 Mr. Cocoros from afar, it will constitute what we

07:40PM 22 believe to be an aesthetic improvement. We believe

07:40PM 23 the house fits. We believe it's consistent with your

07:40PM 24 zone plan. We believe it's consistent with the zone

07:40PM 25 pattern as Mr. Spatz points out. We believe that

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07:42PM 1 fence that matches the other side.

07:42PM 2 CHAIRMAN FERGUSON: Okay.

07:42PM 3 VICE CHAIRMAN ALBANESE: I'll second

07:42PM 4 that motion.

07:42PM 5 CHAIRMAN FERGUSON: Roll call.

07:42PM 6 MS. LAMBRINIDES: Mr. Ferguson.

07:42PM 7 MR. FERGUSON: Yes.

07:05PM 8 MS. LAMBRINIDES: Mr. Albanese?

07:05PM 9 VICE CHAIRMAN ALBANESE: Yes.

07:05PM 10 MS. LAMBRINIDES: Mr. Elefteriou?

07:05PM 11 MR. ELEFTERIOU: Yes.

07:05PM 12 MS. LAMBRINIDES: Ms. Yoon?

07:05PM 13 MS. YOON: Yes.

07:05PM 14 MS. LAMBRINIDES: Mr. Carnovale?

07:05PM 15 MR. CARNOVALE: Yes.

07:05PM 16 MS. LAMBRINIDES: Mr. Terranova?

07:05PM 17 MR. TERRANOVA: Yes.

07:05PM 18 MS. LAMBRINIDES: Mr. Grala?

07:05PM 19 MR. GRALA: Yes.

07:05PM 20 MS. LAMBRINIDES: Mr. Chung?

07:05PM 21 MR. CHUNG: Yes.

07:42PM 22 MR. SOKOLICH: Thank you, Chairman,

07:42PM 23 Members of the Board.

07:43PM 24 Thank you.

07:43PM 25 MS. TESTA: Okay. Let the record

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07:40PM 1 we've satisfied the positive and negative criteria

07:40PM 2 for all the variance relief that's being sought. I

07:40PM 3 don't plan on recanting it now, nor would you want me

07:40PM 4 to, but for all the reasons that have been placed on

07:40PM 5 the record, we respectfully request that the board

07:40PM 6 act favorably on this application and thank you in

07:41PM 7 advance for your consideration.

07:41PM 8 CHAIRMAN FERGUSON: Okay.

07:41PM 9 So, I'm going to make a motion we

07:41PM 10 accept the application. I'll move that all the

07:41PM 11 variances that were requested we approve. I, as

07:41PM 12 always, like to donate \$2,000.00 to the Tree

07:41PM 13 Preservation Fund. I want to -- in the approval, we

07:41PM 14 want to put about the backyard, about the fence, the

07:41PM 15 wall in the back and all of Steve's recommendations

07:41PM 16 that Steve made.

07:41PM 17 MS. TESTA: Right. And the applicant

07:41PM 18 had amended his application to remove the balcony

07:41PM 19 from the front?

07:41PM 20 MR. SOKOLICH: We have, we have and

07:41PM 21 also to remove the bump-out at the basement level in

07:41PM 22 the rear and just to clarify that condition with the

07:41PM 23 neighbor, it's -- we can take down the garage, but

07:41PM 24 the stone wall will remain until predominantly the

07:42PM 25 house is constructed, we'll then install a brand new

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07:43PM 1 reflect that I'm going to recuse myself from this

07:44PM 2 application and Mr. Ramundo will sit in for me.

07:44PM 3 (Whereupon, Ms. Testa recuses herself

4 and steps off the dais. Mr. Ramundo is now

5 acting Board of Adjustment counsel.)

6 CHAIRMAN FERGUSON: Okay. You're going

7 to put your appearance in?

8 MR. PELLINO: I will.

9 Mr. Chairman, Members of the Zoning

10 Board, good evening. My name, as some of you know,

11 is Stephen Pellino with the law firm of Basile

12 Birchwale and Pellino, we have an office down the

13 street and it's my pleasure tonight to represent

14 A.O.C. LLC and its principal John Gelestathis who is

15 no stranger to Palisades Park and this board,

16 property at 113 Abbott Avenue.

17 If I may submit and affidavit of

18 service to Mr. Ramundo for his review.

19 MR. RAMUNDO: Thank you, Mr. Pellino.

20 MR. PELLINO: Thank you for filling in.

21 MR. RAMUNDO: It's my pleasure.

07:45PM 22 MR. PELLINO: If I can start while

23 Mr. Ramundo's reviewing.

24 CHAIRMAN FERGUSON: Sure.

25 MR. PELLINO: Just to tell you a little

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07:45PM **1** bit about the application, this property, as I said,  
 07:45PM **2** 113 Abbott Avenue, it's on the corner with Abbott and  
 07:45PM **3** Harwood and it's an oversized lot, 50 by 156. It is  
 07:46PM **4** an older home that exists there now.  
 07:46PM **5** Mr. Gelestathis will tell you that  
 07:46PM **6** regardless of how it's zoned, it clearly has been  
 07:46PM **7** used as a three-family. We've got three hookups  
 07:46PM **8** there. And our proposal basically is to build three  
 07:46PM **9** townhouses that would front on Harwood and we think  
 07:46PM **10** it's a better, much better alternative than building  
 07:46PM **11** a long, skinny duplex that would front on Abbott  
 07:46PM **12** Avenue.  
 07:46PM **13** There's a lot of advantages to it.  
 07:46PM **14** We're going to have excess parking. It's a nice  
 07:46PM **15** design, which you'll hear about, and without further  
 07:46PM **16** ado, I also have Mr. Cocoros in the cloud so to  
 07:46PM **17** speak.  
 07:46PM **18** Bill, are you there?  
 07:46PM **19** (No response.)  
 07:46PM **20** CHAIRMAN FERGUSON: That's a problem.  
 07:46PM **21** MR. PELLINO: That's a problem.  
 07:46PM **22** Can you give him a call, John, and see  
 07:46PM **23** -- step outside, give him a call.  
 07:46PM **24** I'll start with our engineer then,  
 07:46PM **25** Mr. Steve Koestner.

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07:47PM **1** BY MR. PELLINO  
 07:47PM **2** Q. Mr. Koestner, you've been engaged as  
**3** the engineer on this project, have you not, sir?  
**4** A. I have.  
**5** Q. Okay. And I see you've put plans up on  
**6** the easel. Would you identify those plans, please?  
**7** A. Certainly. It's a site plan of Lot 8  
**8** and Block 612 in the Borough of Palisades Park, of  
**9** course, dated April 26, 2022.  
**10** Q. And there's a second sheet; is there  
**11** not?  
 07:48PM **12** A. There is.  
 07:48PM **13** There's a site plan and we also have a  
 07:48PM **14** soil erosion and sediment control plan on the second  
 07:48PM **15** sheet. Virtually the same footprint, obviously the  
 07:48PM **16** same footprint with the various soil and sediment  
 07:48PM **17** control measures.  
 07:48PM **18** Q. And these plans obviously,  
 07:48PM **19** Mr. Koestner, were prepared by you or someone under  
 07:48PM **20** your direction?  
 07:48PM **21** A. Under my direction, yes.  
 07:48PM **22** Q. And they accurately depict the site and  
 07:48PM **23** the proposed structure; does it not?  
 07:48PM **24** A. It does.  
 07:48PM **25** Q. Before I let you just go and tell us,  
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07:47PM **1** If you can be sworn, Mr. Koestner.  
 07:47PM **2** MR. RAMUNDO: Please raise your right  
 07:47PM **3** hand. Do you swear or affirm the testimony you're  
 07:47PM **4** about to give is the truth, the whole truth and  
 07:47PM **5** nothing but the truth?  
 07:47PM **6** MR. KOESTNER: I do.  
**7** S T E V E N K O E S T N E R, P E  
**8** 61 Hudson Street, Hackensack, New Jersey 07601,  
**9** having been duly sworn, testifies as follows:  
**10** CHAIRMAN FERGUSON: Okay. Have you  
**11** appeared before the board?  
**12** MR. KOESTNER: I have.  
**13** DIRECT EXAMINATION  
**14** BY MR. PELLINO:  
**15** Q. You license is in good standing,  
**16** Mr. Koestner? Your engineering license good standing  
**17** in the State of New Jersey?  
**18** A. It is.  
**19** CHAIRMAN FERGUSON: Okay. We're going  
**20** to accept him.  
**21** MS. LAMBRINIDES: State his name for  
**22** the record and spell.  
**23** THE WITNESS: Steven L. Koestner,  
**24** S-T-E-V-E-N K-O-E-S-T-N-E-R, 61 Hudson Street,  
**25** Hackensack, New Jersey.

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07:48PM **1** one of the things that strikes me especially  
 07:48PM **2** significant is the slope on this property. Could you  
 07:48PM **3** talk to us about the slope?  
 07:48PM **4** A. Sure.  
 07:48PM **5** Yeah, the property being located at the  
 07:48PM **6** southwesterly corner of Abbott Avenue and East  
 07:48PM **7** Harwood Avenue and you may know that neighborhood,  
 07:48PM **8** there's quite a grade.  
 07:48PM **9** Once you traverse west off of Abbott  
 07:49PM **10** Avenue and go up the hill, Harwood, East Harwood  
 07:49PM **11** Avenue, the grade starts at Elevation 92 down on  
 07:49PM **12** Abbott Avenue and then it goes up to 113 or actually  
 07:49PM **13** 114 at the northwesterly corner of the property.  
 07:49PM **14** So there's 14 and 8, you got 22 feet of  
 07:49PM **15** inclination from the east side of the property to the  
 07:49PM **16** west.  
 07:49PM **17** Q. And that, one of the variances that  
 07:49PM **18** we're requesting obviously is a height variance that  
 07:49PM **19** factors into that; does it not?  
 07:49PM **20** A. It does, yeah.  
 07:49PM **21** It does affect the height of the  
 07:49PM **22** building, the calculated height of the building as  
 07:49PM **23** well.  
 07:49PM **24** Q. And we're going to get into more of  
 07:49PM **25** that with Mr. Cocoros. You've designed a drainage  
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07:49PM **1** plan for this site, have you not, Mr. Koestner?  
 07:49PM **2** **A.** I have, yes.  
 07:49PM **3** **Q.** Would you tell the board about it?  
 07:49PM **4** **A.** Certainly. It is shown here, there's  
 07:49PM **5** two seepage pits in the driveway entering Abbott  
 07:49PM **6** Avenue and they're also indicated in the detail in  
 07:49PM **7** the lower center portion of the plan. They're  
 07:50PM **8** two-eighths by four seepage pits, which are 1500  
 07:50PM **9** gallons a piece. They would be directed to collect  
 07:50PM **10** the water from the roof through a system of leaders  
 07:50PM **11** and gutters and be directed into the seepage pits as  
 07:50PM **12** well.  
 07:50PM **13** **Q.** And you've designed to what standard,  
 07:50PM **14** Mr. Koestner?  
 07:50PM **15** **A.** We've designed the seepage pit for a  
 07:50PM **16** 25-year storm to handle the increase in runoff, that  
 07:50PM **17** is, from a 25-year storm anticipated for the site  
 07:50PM **18** based on the size, the impervious area, you know,  
 07:50PM **19** rooftop and also the driveway.  
 07:50PM **20** **Q.** Okay. And you're satisfied  
 07:50PM **21** professionally that that's an appropriate plan for  
 07:50PM **22** the site?  
 07:50PM **23** **A.** Yes, we went through the drainage  
 07:50PM **24** calculations and we maintain that these are  
 07:50PM **25** adequately sized to handle that increase in runoff

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07:51PM **1** **Q.** Okay. And it's fair to say, I know you  
 07:51PM **2** really haven't had an opportunity to review it, but  
 07:51PM **3** we know Mr. Collazuol to be a reasonable engineer,  
 07:51PM **4** we're prepared to live by whatever his comments and  
 07:51PM **5** suggestions are, Mr. Koestner?  
 07:51PM **6** **A.** Yeah, I see test holes here, that's  
 07:51PM **7** fine; drainage report, that's fine; side yard  
 07:51PM **8** drainage directed to prevent runoff to adjacent  
 07:51PM **9** properties, good engineering principals and  
 07:51PM **10** construction, yes.  
 07:51PM **11** **Q.** Okay, great.  
 07:51PM **12** And very briefly, would you take us  
 07:51PM **13** through the second sheet for the sediment control --  
 07:52PM **14** **A.** Yeah, and many of these items are shown  
 07:52PM **15** on the first sheet as well. We do show the proposed  
 07:52PM **16** landscaping. Let me go back to the first sheet of  
 07:52PM **17** the plan just to mention the proposed landscaping.  
 07:52PM **18** That's shown in the plant legend in the upper portion  
 07:52PM **19** of the plan. We do have three Junipers proposed, 18  
 07:52PM **20** Lilliput Coneflower proposed, as well as 16 Junipers  
 07:52PM **21** proposed in and around the site and of course the  
 07:52PM **22** lawn area as well.  
 07:52PM **23** On the second sheet, the soil erosion  
 07:52PM **24** sediment control plan, this is basically to keep any  
 07:52PM **25** soil from running out into the street during

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07:50PM **1** from the site.  
 07:50PM **2** **Q.** You've seen a review letter from  
 07:50PM **3** Mr. Collazuol; have you not?  
 07:50PM **4** **A.** I have not.  
 07:50PM **5** **Q.** You have not?  
 07:50PM **6** Well, I'm sure Mr. Collazuol will take  
 07:50PM **7** you through it. I don't want to speak for him, but I  
 07:50PM **8** think you're --  
 07:51PM **9** MR. COLLAZUOL: I have an extra.  
 07:51PM **10** BY MR. PELLINO:  
 07:51PM **11** **Q.** -- in agreement pretty much with what  
 07:51PM **12** you've designed here.  
 07:51PM **13** MR. PELLINO: One of the comments or  
 07:51PM **14** suggestions, if I can speak for Mr. Collazuol, is to  
 07:51PM **15** deal with the runoff at the driveways. Would that be  
 07:51PM **16** correct, Mr. Collazuol?  
 07:51PM **17** MR. COLLAZUOL: Yes.  
 07:51PM **18** BY MR. PELLINO:  
 07:51PM **19** **Q.** And suggests a trench drain. Is that  
 07:51PM **20** something we could work into this plan?  
 07:51PM **21** **A.** Yes, we can revise the plan and  
 07:51PM **22** indicate trench drains as well to connect to the same  
 07:51PM **23** drainage system.  
 07:51PM **24** **Q.** Okay. And --  
 07:51PM **25** **A.** That would be three, one for each.

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**1** construction.  
**2** There would be a silt fence wrapping  
 07:52PM **3** around the property from the high end to low end to  
 07:52PM **4** contain that silt on the site, as well as we were  
 07:52PM **5** putting blankets at the entrance so the trucks don't  
 07:52PM **6** track soil off of the site as well.  
 07:52PM **7** **Q.** Great.  
 07:52PM **8** Is there anything else significant  
 07:53PM **9** about the engineering aspects of this project that  
 07:53PM **10** you haven't told us about yet, Mr. Koestner?  
 07:53PM **11** **A.** I don't believe so. We have several  
 07:53PM **12** details, bu they're normal in nature, sewer  
 07:53PM **13** connection details, downspout, overflow pad details,  
 07:53PM **14** curbing needs to be replaced, we show the detail on  
 07:53PM **15** how that is to be done as well.  
 07:53PM **16** MR. PELLINO: I would present  
 07:53PM **17** Mr. Koestner for questions from the board and your  
 07:53PM **18** professionals.  
 07:53PM **19** CHAIRMAN FERGUSON: Just a couple of  
 07:53PM **20** quick ones. I don't -- because I'm not an engineer,  
 07:53PM **21** but I did visit the site and of course as you pointed  
 07:53PM **22** out, it's very high. I noticed on the plans that  
 07:53PM **23** you're building some walls.  
 07:53PM **24** THE WITNESS: Yes.  
 07:53PM **25** CHAIRMAN FERGUSON: I would love to

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07:53PM 1 hear about how high the walls are and where are those  
 07:53PM 2 walls going to be.  
 07:53PM 3 THE WITNESS: The walls are moderate.  
 07:53PM 4 There is a wall indicated along the westerly boundary  
 07:54PM 5 with a little wrap around as needed here. The grade  
 07:54PM 6 being 113 to 112 proposed. The existing grade being  
 07:54PM 7 114 in that corner. So we're talking about one to  
 07:54PM 8 two feet differential in grade, so knee-high type  
 07:54PM 9 wall.  
 07:54PM 10 CHAIRMAN FERGUSON: Right. And those  
 07:54PM 11 are the only walls you're building?  
 07:54PM 12 THE WITNESS: Those are the only walls  
 07:54PM 13 we're building besides the walls along he front of  
 07:54PM 14 the property that would be terraced as one unit goes  
 07:54PM 15 down to the other unit as there is that grade  
 07:54PM 16 differential, we're going to mitigate --  
 07:54PM 17 CHAIRMAN FERGUSON: You're going to put  
 07:54PM 18 the walls.  
 07:54PM 19 Now, did I hear that the existing  
 07:54PM 20 building is a three-family house?  
 07:54PM 21 THE WITNESS: I'm not familiar.  
 07:54PM 22 MR. PELLINO: You're going to hear that  
 07:54PM 23 from Mr. Gelestathis.  
 07:54PM 24 CHAIRMAN FERGUSON: Okay. So when I  
 07:54PM 25 visited, there's going to be -- again, I'm not an  
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07:54PM 1 engineer, I'm not a builder.  
 07:54PM 2 On the westerly side there seems to be  
 07:54PM 3 some woods, trees all the way up on top. I assume  
 07:54PM 4 you're going to take all those trees down or if  
 07:55PM 5 you're not familiar with --  
 07:55PM 6 THE WITNESS: They may be off the site.  
 07:55PM 7 We do show one tree at the southeasterly corner on  
 07:55PM 8 Abbott.  
 07:55PM 9 CHAIRMAN FERGUSON: I'm talking about  
 07:55PM 10 up above.  
 07:55PM 11 THE WITNESS: A spruce tree down at the  
 07:55PM 12 bottom.  
 07:55PM 13 CHAIRMAN FERGUSON: There's all kinds  
 07:55PM 14 of trees up there.  
 07:55PM 15 THE WITNESS: Well, we don't have them  
 07:55PM 16 on here. They may be off site.  
 07:55PM 17 CHAIRMAN FERGUSON: They might be off  
 07:55PM 18 site?  
 07:55PM 19 THE WITNESS: They may be off site. I  
 07:55PM 20 don't have them on the plan.  
 07:55PM 21 CHAIRMAN FERGUSON: Okay.  
 07:55PM 22 THE WITNESS: We usually show all the  
 07:55PM 23 trees, so...  
 07:55PM 24 CHAIRMAN FERGUSON: Because there's all  
 07:55PM 25 kinds of --  
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07:55PM 1 THE WITNESS: If there are any trees up  
 07:55PM 2 there, we would do everything we could to maintain  
 07:55PM 3 them.  
 07:55PM 4 CHAIRMAN FERGUSON: Counsel is going to  
 07:55PM 5 give us the answer.  
 07:55PM 6 MR. PELLINO: My client indicates that  
 07:55PM 7 there are some what he calls small trees up at that  
 07:55PM 8 end. The plan would be to remove them.  
 07:55PM 9 CHAIRMAN FERGUSON: All of them?  
 07:55PM 10 MR. PELLINO: Yes.  
 07:55PM 11 CHAIRMAN FERGUSON: I won't go into the  
 07:55PM 12 actual building, because I have some questions on  
 07:55PM 13 that one.  
 07:55PM 14 Any board members have anything?  
 07:55PM 15 (No response.)  
 07:56PM 16 CHAIRMAN FERGUSON: Steve, do you have  
 07:56PM 17 anything for the engineer?  
 07:56PM 18 MR. COLLAZUOL: Yes, just a few points.  
 07:56PM 19 Thank you.  
 07:56PM 20 I thought that I read the plan earlier  
 07:56PM 21 and there was a wall that was going to be 4.3 feet in  
 07:56PM 22 height, Steve, and I thought that it exceeded the  
 07:56PM 23 4 foot that typically is needed for a variance for a  
 07:56PM 24 duplex, but it's a -- it's a three-unit, so it really  
 07:56PM 25 doesn't apply, but if the wall exceeds 4 feet in  
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07:56PM 1 height, it would need stability calculations, but I  
 07:56PM 2 don't recall seeing where it was, but I thought it  
 07:56PM 3 was the westerly wall had to be greater than 4 feet  
 07:56PM 4 in height.  
 07:56PM 5 THE WITNESS: I'm not saying that, but  
 07:56PM 6 if it turns out to be over 4 feet, there would be  
 07:56PM 7 stability calculations required and we would perform  
 07:56PM 8 that.  
 07:56PM 9 MR. COLLAZUOL: If that fence was  
 07:56PM 10 greater than what's required, a fence would be  
 07:56PM 11 required for fall protection, I think, on top of that  
 07:56PM 12 wall.  
 07:56PM 13 THE WITNESS: Right.  
 07:56PM 14 MR. COLLAZUOL: I didn't see any air  
 07:56PM 15 conditioning units on either of the plans, the  
 07:56PM 16 architect's plans or your plan. I don't know if  
 07:56PM 17 there's any talk by Mr. Cocoros, when he comes on,  
 07:57PM 18 where the air conditioning units are going to be  
 07:57PM 19 placed.  
 07:57PM 20 MR. PELLINO: I think it would probably  
 07:57PM 21 be appropriate for Mr. Cocoros.  
 07:57PM 22 BY MR. PELLINO:  
 07:57PM 23 Q. Right, Steve?  
 07:57PM 24 A. Sure.  
 07:57PM 25 MR. PELLINO: That's a question for  
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07:57PM **1** Bill.  
 07:57PM **2** MR. COLLAZUOL: Right.  
 07:57PM **3** And then the items is that I do notice  
 07:57PM **4** that you're going to replace the curb on Abbott where  
 07:57PM **5** there was a drop curb and the sidewalk, but since the  
 07:57PM **6** site has no sidewalks on East Harwood, that would  
 07:57PM **7** require sidewalks, as well as new curb.  
 07:57PM **8** So the entire frontage both streets new  
 07:57PM **9** curbs and sidewalks are required.  
 07:57PM **10** MR. GELESTATHIS: You hear that?  
 07:57PM **11** MR. PELLINO: That's acceptable, new  
 07:57PM **12** curbs and sidewalks, both sides.  
 07:57PM **13** MR. GELESTATHIS: What's that?  
 07:57PM **14** MR. PELLINO: New curbs and sidewalks  
 07:57PM **15** on Abbott and Harwood.  
 07:57PM **16** MR. GELESTATHIS: Yes.  
 07:57PM **17** MR. PELLINO: Yeah, that's --  
 07:57PM **18** MR. COLLAZUOL: I have nothing further,  
 07:57PM **19** Mr. Chairman.  
 07:57PM **20** CHAIRMAN FERGUSON: Thank you.  
 07:57PM **21** Anybody in the audience have anything.  
 07:57PM **22** (No response.)  
 07:57PM **23** CHAIRMAN FERGUSON: Board members,  
 07:57PM **24** nothing.  
 07:57PM **25** (No response.)

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**1** CHAIRMAN FERGUSON: You want a  
**2** five-minute break?  
**3** Okay, five minutes.  
 08:07PM **4** (Whereupon, a brief recess is taken.)  
 08:07PM **5** CHAIRMAN FERGUSON: Okay. We're going  
 08:07PM **6** to call the meeting to order. Do you want to take a  
 08:07PM **7** roll for attendance?  
 08:07PM **8** MS. LAMBRINIDES: Sure. Mr. Ferguson?  
 08:07PM **9** MR. FERGUSON: Here.  
 07:05PM **10** MS. LAMBRINIDES: Mr. Albanese?  
 07:05PM **11** VICE CHAIRMAN ALBANESE: Here.  
 07:05PM **12** MS. LAMBRINIDES: Mr. Elefteriou?  
 07:05PM **13** MR. ELEFTERIOU: Here.  
 07:05PM **14** MS. LAMBRINIDES: Ms. Yoon?  
 07:05PM **15** MS. YOON: Yes, here.  
 07:05PM **16** MS. LAMBRINIDES: Mr. Carnovale?  
 07:05PM **17** MR. CARNOVALE: Here.  
 07:05PM **18** MS. LAMBRINIDES: Mr. Terranova?  
 07:05PM **19** MR. TERRANOVA: Here.  
 07:05PM **20** MS. LAMBRINIDES: Mr. Grala?  
 07:05PM **21** MR. GRALA: Here.  
 07:05PM **22** MS. LAMBRINIDES: Mr. Chung?  
 07:05PM **23** MR. CHUNG: Here.  
 08:07PM **24** CHAIRMAN FERGUSON: Okay. Counsel, so  
 08:07PM **25** I guess we're going to put the phone up here.

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07:57PM **1** CHAIRMAN FERGUSON: Okay. Thank you.  
 07:57PM **2** Next.  
 07:57PM **3** MR. PELLINO: Mr. Chairman, we're still  
 07:57PM **4** have difficulty with Mr. Cocoros. If the board is  
 07:58PM **5** okay, I'm going to get him on the speakerphone.  
 07:58PM **6** Would that be acceptable?  
 07:58PM **7** CHAIRMAN FERGUSON: As long as the  
 07:58PM **8** board can hear him.  
 07:58PM **9** MR. PELLINO: Yeah, I think we can work  
 07:58PM **10** that.  
 07:58PM **11** CHAIRMAN FERGUSON: Where's the tech  
 07:58PM **12** guy?  
 07:58PM **13** MR. PELLINO: I'm sorry?  
 07:58PM **14** CHAIRMAN FERGUSON: Where is the tech  
 07:58PM **15** guy?  
 07:58PM **16** MR. PELLINO: I don't know.  
 07:58PM **17** I know Ms. Testa came in and --  
 07:58PM **18** meanwhile I'll call Mr. Gelestathis as my next  
 07:58PM **19** witness.  
 07:58PM **20** CHAIRMAN FERGUSON: Sure.  
 07:58PM **21** VICE CHAIRMAN ALBANESE: Want to take a  
**22** --  
**23** MR. CARNOVALE: Five-minute break?  
**24** VICE CHAIRMAN ALBANESE: Do you want to  
**25** take a five-minute break, Joe.

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08:07PM **1** MR. PELLINO: Yes, we'll do Bill  
 08:07PM **2** Cocoros now.  
 08:08PM **3** MR. GELESTATHIS: Hello, Billy. Okay,  
**4** you are on speaker.  
**5** MS. LAMBRINIDES: Put your volume all  
**6** the way up.  
**7** THE COURT REPORTER: Yes, do you want  
**8** to put your volume all the way up?  
**9** MR. GELESTATHIS: Yes, I did.  
 08:08PM **10** Okay, there, yes. Hold on.  
**11** VICE CHAIRMAN ALBANESE: Go ahead.  
**12** Can you hear it?  
**13** MR. COCOROS: I hear you.  
**14** MS. LAMBRINIDES: Joe, can you hear?  
**15** MR. COCOROS: Is there a main phone I  
**16** can call that's there and I can talk on speaker that  
 08:09PM **17** way?  
 08:09PM **18** MR. CARNOVALE: No. I don't know,  
 08:09PM **19** there's a phone here somewhere. I don't know if it  
 08:09PM **20** works. We can hear him. We're good.  
 08:09PM **21** CHAIRMAN FERGUSON: We're good, okay.  
 08:09PM **22** MR. CARNOVALE: Paul, don't move.  
 08:09PM **23** (Laughter.)  
 08:09PM **24** MR. KAUKER: Paul, a little to the  
 08:09PM **25** right.

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08:09PM **1** (Laughter.)

08:09PM **2** CHAIRMAN FERGUSON: I think the phone

08:09PM **3** is off now.

08:09PM **4** MR. COCOROS: Do you want to swear me

08:09PM **5** in?

08:09PM **6** VICE CHAIRMAN ALBANESE: Okay. You can

08:09PM **7** hear him?

08:09PM **8** MR. RAMUNDO: Yes.

08:09PM **9** CHAIRMAN FERGUSON: All right.

08:09PM **10** Counsel.

08:09PM **11** MR. RAMUNDO: Let me swear him in.

**12** Billy.

**13** MR. COCOROS: Yes.

**14** MR. RAMUNDO: It's Marc Ramundo. I'm

**15** filling in tonight.

**16** Do you swear or affirm the testimony

**17** you're about to give is the truth, the whole truth

**18** and nothing but the truth?

**19** MR. COCOROS: I do.

**20** VASSILIOS COCOROS,

**21** 467 Sylvan Avenue, Englewood Cliffs, New Jersey

**22** 07632, having been duly sworn, testifies as

**23** follows:

**24** MR. RAMUNDO: You've been sworn before

**25** this court and testified before this court many

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**1** times.

08:09PM **2** Mr. Chairman, we'll accept him.

08:09PM **3** CHAIRMAN FERGUSON: Okay.

08:09PM **4** VICE CHAIRMAN ALBANESE: Spell your

08:09PM **5** name for the girl.

08:09PM **6** MR. COCOROS: Sure.

08:09PM **7** Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,

08:09PM **8** C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,

08:10PM **9** New Jersey.

08:10PM **10** CHAIRMAN FERGUSON: Okay.

08:10PM **11** MR. PELLINO: Mr. Chairman, Mr. Cocoros

08:10PM **12** has been recognized many times --

08:10PM **13** CHAIRMAN FERGUSON: Oh, yeah, we're

08:10PM **14** going to accept him.

08:10PM **15** MR. PELLINO: -- as an expert in the

08:10PM **16** field of architecture.

08:10PM **17** DIRECT EXAMINATION

08:10PM **18** BY MR. PELLINO:

08:10PM **19** **Q.** Bill, can you hear me? Steve Pellino.

08:10PM **20** **A.** Yes, I can.

08:10PM **21** **Q.** I put up on the easel a plan that says

08:10PM **22** three-family dwelling, 113 Abbott Avenue, Palisades

08:10PM **23** Park, New Jersey by the VC Group, last revision

08:10PM **24** 4/21/22.

08:10PM **25** Is that your plan?

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08:10PM **1** **A.** Yes, 4/21/22, three sheets, an

08:10PM **2** elevation site plan.

08:10PM **3** **Q.** Yes, sir.

08:10PM **4** Do you know -- go ahead?

08:10PM **5** **A.** The second page is the four plan

08:10PM **6** elevation and the third page is A-3 where it says

08:10PM **7** floor plan.

08:10PM **8** **Q.** Okay. Can you take us through, first

08:10PM **9** of all, the first sheet, Bill, explain what we have

08:10PM **10** here?

08:10PM **11** **A.** Sure.

08:10PM **12** A-1, A-1 is the first sheet, it shows

**13** the front elevation of the building.

**14** THE COURT REPORTER: Mr. Cocoros, can

**15** you please slow down? It's hard to hear you a little

**16** bit.

**17** THE WITNESS: I'm sorry.

**18** THE COURT REPORTER: Thank you.

08:11PM **19** THE WITNESS: In the middle of the

08:11PM **20** sheet, the right-hand of the sheet shows the location

08:11PM **21** of the property, including the tax map, zoning map

08:11PM **22** and the key plan. It also has the landscaping. In

08:11PM **23** the middle of the sheet up above is the right

08:11PM **24** elevation, which is the view along East Hardwood

08:11PM **25** Avenue.

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08:11PM **1** As Steve mentioned, 20-foot-plus drop,

08:11PM **2** which on the top of our property the back of the

08:11PM **3** property down to Abbott Avenue. So we're doing three

08:11PM **4** units, A, B and C. A and B is closest to Abbott; B

08:11PM **5** in the middle and C all the way up on the high part.

08:11PM **6** So what we've done is we stepped each

08:11PM **7** unit as you go down 6-foot-8-inch, almost 7 feet,

08:11PM **8** divided that -- multiply that by three, that gives

08:11PM **9** you 21 feet of a difference along that part of the

08:12PM **10** street.

08:12PM **11** So we're facing the doors on East

08:12PM **12** Harwood in a step connection. The driveways and

08:12PM **13** garage for the B and C will be off Harwood, the only

08:12PM **14** way to get that driveway to work there.

08:12PM **15** And then the last unit, we tried to

08:12PM **16** minimize the overall height of the building to the

08:12PM **17** extent as low as we can, to be at level with the

08:12PM **18** sidewalk or slightly higher than the sidewalk of

08:12PM **19** Abbott Avenue. And that one also has a door facing

08:12PM **20** East Harwood Avenue, but we do have a garage, two-car

08:12PM **21** garage and two-car driveway that has access off of

08:12PM **22** Abbott Avenue.

08:12PM **23** The building, itself, is a three-story

08:12PM **24** configuration, plus being the roof above it and the

08:12PM **25** height, a lot of the height is based on the overall

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08:12PM **1** average grade, because we're using the four corners,  
 08:12PM **2** the 20-foot difference really skews the whole thing,  
 08:12PM **3** so if you took each building as individual, they  
 08:12PM **4** still would be complaint, but they would be more in  
 08:12PM **5** line with a typical duplex especially in that area  
 08:12PM **6** that you have -- that you have that soil to deal with  
 08:12PM **7** along Harwood Terrace.

08:13PM **8** You can see that it's all brick. We do  
 08:13PM **9** have bay windows that will be done in a stucco panel,  
 08:13PM **10** a modern configuration.

08:13PM **11** The side -- unit over on the left,  
 08:13PM **12** which is Abbott Avenue, we have a deck in the front  
 08:13PM **13** of that portion, which we'd like to keep. The reason  
 08:13PM **14** we have that rear stepped up is we're trying to avoid  
 08:13PM **15** excavating out that existing grade that's there  
 08:13PM **16** existing.

08:13PM **17** So, you know, part of the height is  
 08:13PM **18** also, you know, two things, it's the topography and  
 08:13PM **19** the urge to resist digging out that whole -- the  
 08:13PM **20** whole area.

08:13PM **21** Q. And just give the board the worst case,  
 08:13PM **22** that's the western-most building, Bill, how high are  
 08:13PM **23** we?

08:13PM **24** A. Say that again?

08:13PM **25** Q. What's the height of the highest  
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08:14PM **1** put this over there?

08:14PM **2** MR. PELLINO: No, I'll just get closer.

08:14PM **3** BY MR. PELLINO:

08:14PM **4** Q. I'm asking about the dimensions of the  
 08:14PM **5** property, Bill, 50 by 156.

08:14PM **6** A. So 50 by 156.84, so it's basically --  
 08:14PM **7** it's almost like one-and-a-half of the lots, so, you  
 08:15PM **8** know, from use point of view, you can accommodate  
 08:15PM **9** three dwelling units, because, you know, the AA zone,  
 08:15PM **10** 50 by 100 allows for a two-family dwelling.

08:15PM **11** Q. Okay. Can I take you to Sheet 2 of  
 08:15PM **12** your drawings, please?

08:15PM **13** A. Sure.  
 08:15PM **14** Sheet A-2 has the rear elevation, which  
 08:15PM **15** is the high side up on Harwood. You see a small deck  
 08:15PM **16** off the back and the door into the basement.

08:15PM **17** And then the left elevation, which is  
 08:15PM **18** the north, you can see how it's -- it's actually kind  
 08:15PM **19** of weird, it's kind of the lot in the back part of  
 08:15PM **20** the property and then goes up quite a bit to the  
 08:15PM **21** backyard and have access for the first responders and  
 08:15PM **22** for, you know, emergency personnel.

08:15PM **23** The topo on East Hardwood is so much  
 08:15PM **24** different. The basement level itself is up a lot  
 08:15PM **25** higher in grade that's level from the Abbott Avenue

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08:13PM **1** building, which is the western-most building?

08:13PM **2** A. The highest building measured from the  
 08:13PM **3** average grade is 41-feet-6-inches. The lowest one  
 08:13PM **4** comes out to 22-foot-10-inches.

08:14PM **5** So the average is, you know, basically  
 08:14PM **6** somewhere between what was allowed. So, you know,  
 08:14PM **7** it's a -- it's not a duplex, so it goes by a  
 08:14PM **8** non-duplex height requirement is 25 feet to the  
 08:14PM **9** midpoint; however, you know, based on, you know, the  
 08:14PM **10** topography and based on the excavation, you know, we  
 08:14PM **11** tried to, you know, keep this thing down as low as we  
 08:14PM **12** can.

08:14PM **13** Q. Okay. And I opened by telling the  
 08:14PM **14** board that in emphasizing this lot is 50 by 156 feet,  
 08:14PM **15** you agree?

08:14PM **16** A. Say that again.

08:14PM **17** Q. You agree on the dimensions of the lot,  
 08:14PM **18** 50 by 156?

08:14PM **19** A. I can't hear you.

08:14PM **20** Q. I'm sorry?

**21** THE COURT REPORTER: He can't hear you.

**22** BY MR. PELLINO:

**23** Q. You can't hear me?

**24** A. No.

**25** VICE CHAIRMAN ALBANESE: Do you want to  
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08:15PM **1** side.

08:15PM **2** And then below that, we have the floor  
 08:15PM **3** plans. You know, from A, B and C, each one has a  
 08:16PM **4** two-car garage. We have a 17-foot garage door, which  
 08:16PM **5** can accommodate the cars easily and there's room for  
 08:16PM **6** storage, there's a recreation room, a powder room.  
 08:16PM **7** We have an entry hall and from the entry hall we have  
 08:16PM **8** access from East Harwood. There's a staircase up to  
 08:16PM **9** the main living level.

08:16PM **10** Basically, every single unit has the  
 08:16PM **11** same amenities. However, due to the topography, B  
 08:16PM **12** and C are slightly different where we have a recess  
 08:16PM **13** of the garage door so we can accommodate a car depth  
 08:16PM **14** completely on -- between the garage wall and the  
 08:16PM **15** right-of-way line and the garage, itself, is almost  
 08:16PM **16** 20-feet wide, 19.11 by 20-foot-8 and the garage is  
 08:16PM **17** slightly lower than the actual basement level, which  
 08:16PM **18** goes up and then you have the entry, access from East  
 08:16PM **19** Harwood and the steps that take you up to the first  
 08:16PM **20** floor living space, that's the same for Unit C.

08:16PM **21** Q. Bill, I think you told us, but let's  
 08:16PM **22** just make sure, we've got four parking spaces for  
 08:16PM **23** each unit; is that correct, two in the garage and two  
 08:16PM **24** on the apron?

08:16PM **25** A. Yes. RSIS -- the configuration, RSIS  
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08:17PM **1** recognizes them as three. We have two in the garage,  
 08:17PM **2** a single garage door, so to be on the safe side, you  
 08:17PM **3** know, probably can get four, but I think it's  
 08:17PM **4** recognized by RSIS as three.  
 08:17PM **5** **Q.** And the RSIS requirement for these  
 08:17PM **6** buildings would be three each, correct?  
 08:17PM **7** **A.** Yes.  
 08:17PM **8** **Q.** Anything else on Sheet 2 that you want  
 08:17PM **9** to tell us about?  
 08:17PM **10** **A.** You know, A-3 was the first and second  
 08:17PM **11** floor. Are we looking at the same level?  
 08:17PM **12** **Q.** Yes, sir. Could you take us through  
 08:17PM **13** the floor plans?  
 08:17PM **14** **A.** Okay. Sheet A-3.  
 08:17PM **15** **Q.** Yes, sir.  
 08:17PM **16** **A.** The first floor plan, the stairs from  
 08:17PM **17** the level below. On Unit A we have a living room in  
 08:17PM **18** the front, we have a home office. We also have a  
 08:17PM **19** kitchen towards the back and the kitchen has a dining  
 08:17PM **20** room and family room that's up towards Route 46,  
 08:17PM **21** which would be the east and the staircase that goes  
 08:18PM **22** up to the second floor which is the bedroom level.  
 08:18PM **23** Units B and C, similar configuration,  
 08:18PM **24** however, they don't have windows or where the  
 08:18PM **25** fireplace and family room is set up with the same

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08:19PM **1** line with a typical corner set up that's been  
 08:19PM **2** approved before by the board, so, you know, that's  
 08:19PM **3** kind of the parameters that we used.  
 08:19PM **4** **Q.** Before you got on, Mr. Collazuoli had  
 08:19PM **5** raised a question about the HVAC units, they weren't  
 08:19PM **6** on the plan.  
 08:19PM **7** Can you tell us about where they're  
 08:19PM **8** going to be?  
 08:19PM **9** **A.** Say it again.  
 08:19PM **10** **Q.** The HVAC units.  
 08:19PM **11** **A.** We have them in the front yard, but we  
 08:19PM **12** screened it with landscaping.  
 08:19PM **13** **Q.** They're going to be --  
 08:19PM **14** **A.** The one on the outside units is  
 08:20PM **15** probably going to be -- I believe we'd put in the  
 08:20PM **16** front yard and Unit C, we'd put in the rear yard in  
 08:20PM **17** the proposed development and then the same thing for  
 08:20PM **18** the first floor, we'd put it in the front yard and  
 08:20PM **19** we'll screen it accordingly.  
 08:20PM **20** **Q.** Okay. Bill, do you want to run through  
 08:20PM **21** for the board's benefit, the bulk variances that we  
 08:20PM **22** need? I think they're on the first sheet of your  
 08:20PM **23** plan.  
 08:20PM **24** **A.** Say it again, I'm sorry.  
 08:20PM **25** **Q.** I'm asking you about the bulk

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08:18PM **1** thing, similar from the first floor; hall, powder  
 08:18PM **2** room, kitchen, dining room, family room, a living  
 08:18PM **3** room facing East Harwood and a home office.  
 08:18PM **4** So, basically, the same thing, but  
 08:18PM **5** however, since we have a little more room for Unit C,  
 08:18PM **6** we're able to get a deck off the kitchen for that  
 08:18PM **7** unit itself.  
 08:18PM **8** The top floor, which is the second  
 08:18PM **9** floor, is the bedroom level, each one has a  
 08:18PM **10** three-bedroom configuration and is set up where each  
 08:18PM **11** bedroom has its en-suite except one has one in the  
 08:18PM **12** hallway. We have a primary master suite in the front  
 08:18PM **13** with its on-suite bathroom, freestanding tub, a  
 08:18PM **14** shower, toilet alcove, double sink and the two  
 08:18PM **15** secondary bedrooms, each have a closet. The bedroom  
 08:18PM **16** on the left for each three of the units has it's  
 08:18PM **17** on-suite. On the right of the unit we have a hall  
 08:19PM **18** bathroom and we have a laundry and the two linen  
 08:19PM **19** closets for convenience and there's also the stair,  
 08:19PM **20** they have a railing and it overlooks the stairs going  
 08:19PM **21** down to the first floor below and this configuration  
 08:19PM **22** is set up -- the building itself is 124 feet wide.  
 08:19PM **23** Each unit being basically 41 on the ends and 42 in  
 08:19PM **24** the middle and the depth of the units, which is kind  
 08:19PM **25** of the width of the building is 35 feet, which is in

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08:20PM **1** variances.  
 08:20PM **2** Can you hear me?  
 08:20PM **3** **A.** Sure, yes, yes.  
 08:20PM **4** **Q.** Can you run through them? Why don't I  
 08:20PM **5** help you?  
 08:20PM **6** **A.** Yeah, lot area in the zone is 5,000  
 08:20PM **7** square feet, we have 7,000.  
 08:21PM **8** **Q.** Bill, can you hear me?  
 08:21PM **9** **A.** I'm sorry. Lot area --  
 08:21PM **10** THE COURT REPORTER: I'm sorry,  
 08:21PM **11** Mr. Cocoros, please slow down and speak up.  
 08:21PM **12** THE WITNESS: I'm sorry.  
 08:21PM **13** The lot width, 50 feet, which we  
 08:21PM **14** combine with the lot depth, 100 feet, which we --  
 08:21PM **15** where 100 feet is required, we have an excess at  
 08:21PM **16** 156.84 feet deep. Building coverage, we have --  
 08:21PM **17** we're required to have 40 percent where 3,136.8 feet,  
 08:21PM **18** we're requesting a variance for the coverage. We're  
 08:21PM **19** at 4,340 square feet or 55.34 percent.  
 08:22PM **20** Front yard setback, we have 20 feet  
 08:22PM **21** required based on existing adjacent properties along  
 08:22PM **22** Abbott. However, we are requesting a 12-foot setback  
 08:22PM **23** for the deck, which is the 8-foot deck that's between  
 08:22PM **24** -- built over part of the driveway below. So the  
 08:22PM **25** variance is requested.

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08:22PM **1** The left side yard, based on the corner  
 08:22PM **2** requirements is 5 feet, which we meet. Right side  
 08:22PM **3** yard, which is the side yard along Harwood, we have  
 08:22PM **4** 15 feet required, however, we're requesting 10 feet,  
 08:22PM **5** which is in line with other corner duplexes or  
 08:22PM **6** developments of three-family that have been built  
 08:22PM **7** before. Combined side yard 20 feet where 15 feet, so  
 08:22PM **8** it's a variance. Rear yard, 25 feet, we're  
 08:22PM **9** requesting 12 feet, 12.86 feet, however, that rear  
 08:22PM **10** yard acts more of like a side yard in the adjacent  
 08:22PM **11** property on the high side of the property.  
 08:22PM **12** So I think that can be granted because  
 08:22PM **13** a typical side yard is 6 feet in Palisades Park. We  
 08:22PM **14** do have a deck inside that. The deck, itself --  
 08:23PM **15** **Q.** Okay.  
 08:23PM **16** **A.** -- is 4-foot-10-and-a-half inches away  
 08:23PM **17** from the property line.  
 08:23PM **18** The building height as mentioned  
 08:23PM **19** before, three stories, two-and-a-half stories,  
 08:23PM **20** 25 feet under the non-duplex requirements.  
 08:23PM **21** We're proposing a three-story,  
 08:23PM **22** 20-foot-10-inches at the lowest point and 40 feet --  
 08:23PM **23** 45 -- I'm sorry -- 41-feet-6-inches at the highest  
 08:23PM **24** unit.  
 08:23PM **25** So, you know, it's -- the 41-foot-6

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08:24PM **1** that's over the front door on Unit A and Unit C, you  
 08:24PM **2** know, that wouldn't compromise the property, but I  
 08:24PM **3** would like to try to keep one over the front door,  
 08:24PM **4** small exterior space if possible.  
 08:24PM **5** **CHAIRMAN FERGUSON:** Okay. Let me just  
 08:25PM **6** go -- if you're looking at the building --  
 08:25PM **7** **THE WITNESS:** What was that?  
 08:25PM **8** **CHAIRMAN FERGUSON:** -- is the rear, are  
 08:25PM **9** there any decks in the rear?  
 08:25PM **10** **BY MR. PELLINO:**  
 08:25PM **11** **Q.** Did you hear the question, Bill? Bill?  
 08:25PM **12** **A.** The rear of the units?  
 08:25PM **13** **Q.** The chairman wanted to know if there  
 08:25PM **14** are decks at the rear of the building.  
 08:25PM **15** **THE WITNESS:** Well, the rear of the  
 08:25PM **16** building is the deck at the rear, which is at the  
 08:25PM **17** side of Unit C. There's nothing in that side yard  
 08:25PM **18** that sticks out.  
 08:25PM **19** **CHAIRMAN FERGUSON:** There's no decks?  
 08:25PM **20** **MR. ELEFTERIOU:** No decks.  
 08:25PM **21** **CHAIRMAN FERGUSON:** Okay. So you got a  
 08:25PM **22** deck on the right that takes care of the building on  
 08:25PM **23** the -- the house on the right. You got one on the  
 08:25PM **24** left. You have no more on the left other than the  
 08:25PM **25** ones that you're showing on Abbott street, which

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08:23PM **1** number is due to the fact that it's such a big  
 08:23PM **2** difference, about 21 feet or so from the upper part  
 08:23PM **3** of the property down to Abbott Avenue.  
 08:23PM **4** Parking, nine spaces required, I'm  
 08:23PM **5** showing it as -- as six -- I'm showing the 12 but,  
 08:23PM **6** you know, we would defer to the plan calculation on  
 08:23PM **7** what (Audio Distortion) you know, what the actual --  
 08:24PM **8** what they would recognize them as.  
 08:24PM **9** **Q.** Anything else significant about the  
 08:24PM **10** plan you should tell us before I open you for some  
 08:24PM **11** question?  
 08:24PM **12** **A.** No, it's one of the steepest properties  
 08:24PM **13** I've dealt with in Palisades Park.  
 08:24PM **14** **Q.** Okay. Thank you.  
 08:24PM **15** **MR. PELLINO:** I offer Mr. Cocoros for  
 08:24PM **16** questions.  
 08:24PM **17** **CHAIRMAN FERGUSON:** Okay. So, as I  
 08:24PM **18** look at the plan, I noticed that there's decks on the  
 08:24PM **19** right side, the left side and the front.  
 08:24PM **20** **THE WITNESS:** Yeah, there's a small  
 08:24PM **21** deck over the front door.  
 08:24PM **22** Like I said, I guess on the ones that  
 08:24PM **23** -- I guess in the ends we can probably take those  
 08:24PM **24** out. We'd like to keep one in the middle. So, you  
 08:24PM **25** know, we can remove the deck on the A -- the deck

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08:25PM **1** leaves the one in the middle and there's no decks at  
 08:25PM **2** all in the back.  
 08:25PM **3** **THE WITNESS:** No. So, you know, keep  
 08:25PM **4** the one in the middle. You know, like I said, take  
 08:25PM **5** out the decks for the -- over the front doors on A  
 08:26PM **6** and C; however, I would like -- as I said, I would  
 08:26PM **7** like to keep a little some of the outdoor space for  
 08:26PM **8** that one unit.  
 08:26PM **9** **CHAIRMAN FERGUSON:** So my  
 08:26PM **10** recommendation would be to keep the deck on the right  
 08:26PM **11** side, the left side and the two decks that are over  
 08:26PM **12** doors are going to go.  
 08:26PM **13** **THE WITNESS:** Say it again.  
 08:26PM **14** **CHAIRMAN FERGUSON:** Yes? No?  
 08:26PM **15** **BY MR. PELLINO:**  
 08:26PM **16** **Q.** Did you hear that, Bill?  
 08:26PM **17** **A.** Barely.  
 08:26PM **18** **Q.** Did you hear the chairman's suggestion?  
 08:26PM **19** **A.** He wants to keep which decks?  
 08:26PM **20** **MR. ELEFTERIOU:** The left and the  
 08:26PM **21** right.  
 08:26PM **22** **CHAIRMAN FERGUSON:** The left and the  
 08:26PM **23** right is going to say.  
 08:26PM **24** **VICE CHAIRMAN ALBANESE:** Can you hear  
 08:26PM **25** that, Billy?

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08:26PM **1** The left and right, they can stay, none  
 08:26PM **2** in the rear.  
 08:26PM **3** THE WITNESS: As you're looking at it  
 08:26PM **4** from East Harwood, right?  
 08:26PM **5** CHAIRMAN FERGUSON: Right.  
 08:26PM **6** VICE CHAIRMAN ALBANESE: The deck on  
 08:26PM **7** the left can stay, the one on the right can stay. In  
 08:27PM **8** the back, no decks.  
 08:27PM **9** CHAIRMAN FERGUSON: Right, and in the  
 08:27PM **10** front.  
 08:27PM **11** VICE CHAIRMAN ALBANESE: And in the  
 08:27PM **12** front no decks.  
 08:27PM **13** CHAIRMAN FERGUSON: Right. He's  
 08:27PM **14** showing two --  
 08:27PM **15** VICE CHAIRMAN ALBANESE: None in the  
 08:27PM **16** front, none in the back. One on the left and one on  
 08:27PM **17** the right could stay.  
 08:27PM **18** THE WITNESS: Got it, that's fine.  
 08:27PM **19** VICE CHAIRMAN ALBANESE: Okay?  
 08:27PM **20** THE WITNESS: Okay.  
 08:27PM **21** CHAIRMAN FERGUSON: All right. So  
 08:27PM **22** that's what -- I don't have anything.  
 08:27PM **23** Steve, do you have anything else?  
 08:27PM **24** MR. COLLAZUOL: I just would like to go  
 08:27PM **25** over that building height again just for clarity,  
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08:27PM **1** because if you look at Mr. Koestner's plans and you  
 08:27PM **2** look at Unit B --  
 08:27PM **3** VICE CHAIRMAN ALBANESE: Can you hear  
 08:27PM **4** him, Billy?  
 08:27PM **5** MR. COLLAZUOL: -- which would be the  
 08:27PM **6** average --  
 08:27PM **7** THE WITNESS: No, I hear every other  
 08:27PM **8** word.  
 08:27PM **9** MR. COLLAZUOL: Unit B is really the  
 08:27PM **10** average of all three units; is it not, Bill?  
 08:27PM **11** THE WITNESS: It's the lowest grade  
 08:27PM **12** from Unit A and the highest grade is Unit C.  
 08:27PM **13** MR. COLLAZUOL: Right, that's the worst  
 08:27PM **14** case, but if you had a roof that was on a sloping  
 08:27PM **15** line, you would take Unit B's height and that would  
 08:27PM **16** be the 34.8; would it not, thereabouts?  
 08:27PM **17** THE WITNESS: Again, you know, it's  
 08:27PM **18** complicated. It's basically measured from the  
 08:28PM **19** midpoint of the roof, you know, from the four points,  
 08:28PM **20** so, you know, and it's always -- it's always measured  
 08:28PM **21** to the highest roof.  
 08:28PM **22** MR. COLLAZUOL: Yeah, I understand.  
 08:28PM **23** THE WITNESS: And the highest roof  
 08:28PM **24** would be -- I use the other one just for reference.  
 08:28PM **25** MR. COLLAZUOL: Right.  
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08:28PM **1** THE WITNESS: I use the higher number  
 08:28PM **2** just to cover ourselves.  
 08:28PM **3** MR. COLLAZUOL: Yes. I just wanted to  
 08:28PM **4** point that out.  
 08:28PM **5** THE WITNESS: Okay, thank you.  
 08:28PM **6** MR. COLLAZUOL: Nothing further.  
 08:28PM **7** MR. PELLINO: Anything else for  
 08:28PM **8** Mr. Cocoros?  
 08:28PM **9** CHAIRMAN FERGUSON: I just -- this is  
 08:28PM **10** going to be a three-story building?  
 08:28PM **11** MR. PELLINO: Yes.  
 08:28PM **12** THE WITNESS: I'm sorry?  
 08:28PM **13** BY MR. PELLINO:  
 08:28PM **14** Q. Three stories, Bill?  
 08:28PM **15** CHAIRMAN FERGUSON: With parking  
 08:28PM **16** underneath.  
 08:28PM **17** THE WITNESS: Yeah, a three-story  
 08:28PM **18** configuration.  
 08:28PM **19** CHAIRMAN FERGUSON: Okay. So you're  
 08:28PM **20** not going to -- you're putting -- you're not going to  
 08:28PM **21** have any room behind the garage, correct?  
 08:28PM **22** THE WITNESS: It's 20-foot-8-inches  
 08:28PM **23** deep by like almost 20-feet wide with a 17-foot door.  
 08:29PM **24** So, you know, the garage themselves are  
 08:29PM **25** lower than the basement level of the topography, but  
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08:29PM **1** we made sure that we had enough room so even if  
 08:29PM **2** people don't use the whole -- they can at least use  
 08:29PM **3** part of it and have two cars in the driveway.  
 08:29PM **4** CHAIRMAN FERGUSON: So you're telling  
 08:29PM **5** me, no, yes? Are you telling me that the -- is there  
 08:29PM **6** anything behind the garages?  
 08:29PM **7** THE WITNESS: Yeah, I mean, the garages  
 08:29PM **8** are all going to be the same size.  
 08:29PM **9** CHAIRMAN FERGUSON: Is there any rooms  
 08:29PM **10** in the back, is what I'm trying to -- like bathrooms.  
 08:29PM **11** THE WITNESS: Say is again?  
 08:29PM **12** MS. LAMBRINIDES: The question is: Is  
 08:29PM **13** there any rooms behind the garage on the ground  
 08:29PM **14** level?  
 08:29PM **15** BY MR. PELLINO:  
 08:29PM **16** Q. They're looking at the plan, it looks  
 08:29PM **17** directly behind the garage there are hallways, it's  
 08:29PM **18** narrow space.  
 08:29PM **19** THE WITNESS: Each hallway is -- it's a  
 08:29PM **20** hallway and a living space. Have to line up the  
 08:30PM **21** driveway with the grade where the pitch works the  
 08:30PM **22** best, so you're going to have a hallway to get into  
 08:30PM **23** that back space and, you know, that's the only real  
 08:30PM **24** way to get that to work. It's almost like a U-shape.  
 08:30PM **25** CHAIRMAN FERGUSON: So let me try this  
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08:30PM **1** again. The garages are going in. There's nothing  
 08:30PM **2** behind the garages?  
 08:30PM **3** MR. PELLINO: A hallway.  
 08:30PM **4** CHAIRMAN FERGUSON: A hallway. And  
 08:30PM **5** it's going to be three stories. There's going to be  
 08:30PM **6** a first floor plan --  
 08:30PM **7** VICE CHAIRMAN ALBANESE: Hold on,  
 08:30PM **8** Billy.  
 08:30PM **9** MR. PELLINO: Garage level, first  
 08:30PM **10** floor, second floor.  
 08:30PM **11** CHAIRMAN FERGUSON: Right. But there's  
 08:30PM **12** nothing behind the garage?  
 08:30PM **13** See, what I'm trying to get to that you  
 08:30PM **14** don't -- there's no bathrooms with tubs.  
 08:30PM **15** MR. PELLINO: There's a half bath.  
 08:30PM **16** CHAIRMAN FERGUSON: A powder room?  
 08:30PM **17** Powder rooms are okay, no showers, no bathtubs.  
 08:30PM **18** BY MR. PELLINO:  
 08:30PM **19** Q. Correct, Bill, there's half baths,  
 08:30PM **20** powder rooms in the basement, Bill?  
 08:30PM **21** A. Say it again?  
 08:30PM **22** VICE CHAIRMAN ALBANESE: Are there any  
 08:30PM **23** tubs or showers in the basement?  
 08:30PM **24** THE WITNESS: No, it's just a powder  
 08:30PM **25** room, toilet and a sink.

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**1** MR. PELLINO: Thank you.  
**2** DIRECT EXAMINATION  
 08:31PM **3** BY MR. PELLINO:  
 08:31PM **4** Q. John, you are the principal of A.O.C.,  
 08:31PM **5** LLC; is that correct?  
 08:32PM **6** A. Yes, sir.  
 08:32PM **7** Q. You live in Palisades Park?  
 08:32PM **8** A. For almost 40 years, yes.  
 08:32PM **9** Q. And you do a lot of building in town,  
 08:32PM **10** right?  
 08:32PM **11** A. Yes, I do.  
 08:32PM **12** Q. You raised your family here?  
 08:32PM **13** A. Yes, all my kids have raised here and  
 08:32PM **14** still live here.  
 08:32PM **15** Q. What I really brought you up for,  
 08:32PM **16** there's an existing structure on the site, is there  
 08:32PM **17** not an existing building, John?  
 08:32PM **18** A. Yes, there is an existing structure,  
 08:32PM **19** yes.  
 08:32PM **20** Q. Would you describe it in general?  
 08:32PM **21** A. It was when I brought it, they told me  
 08:32PM **22** it's a three-family house, it has three electric  
 08:32PM **23** meters. There's one gas meter and one water meter,  
 08:32PM **24** but electric meters, it was three and still renting  
 08:32PM **25** it for three-family.

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08:31PM **1** CHAIRMAN FERGUSON: Okay. Any board  
 08:31PM **2** members have anything?  
 08:31PM **3** (No response.)  
 08:31PM **4** CHAIRMAN FERGUSON: Steve, you're okay.  
 08:31PM **5** MR. COLLAZUOL: I'm okay.  
 08:31PM **6** CHAIRMAN FERGUSON: Okay. Do you want  
 08:31PM **7** to call your next witness?  
 08:31PM **8** MR. PELLINO: Yes. Very briefly, I  
 08:31PM **9** know it's late, Mr. Gelestathis, John, would you come  
 08:31PM **10** up.  
 08:31PM **11** Would you swear him in, please, Marc?  
 08:31PM **12** MR. RAMUNDO: Yes, sir.  
 08:31PM **13** Please raise your hand. Do you swear  
 08:31PM **14** or affirm that the testimony you're about to give  
 08:31PM **15** will be the truth, the whole truth and nothing but  
 08:31PM **16** the truth?  
 08:31PM **17** MR. GELESTATHIS: Yes.  
 08:31PM **18** I O A N N I S G E L E S T A T H I S,  
 08:31PM **19** 216 Roff Avenue, Palisades Park, New Jersey,  
 08:31PM **20** having been duly sworn, testifies as follows:  
 08:31PM **21** MR. RAMUNDO: Please state your name  
 08:31PM **22** and spell it for the record.  
 08:31PM **23** MR. GELESTATHIS: Ioannis Gelestathis,  
 08:31PM **24** I-O-A-N-N-I-S G-E-L-E-S-T-A-T-H-I-S.  
 08:31PM **25** CHAIRMAN FERGUSON: Okay.

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08:32PM **1** CHAIRMAN FERGUSON: Okay.  
 08:32PM **2** BY MR. PELLINO:  
 08:32PM **3** Q. How old a building would you say it is?  
 08:32PM **4** A. If I have to guess, like 60 years old,  
 08:32PM **5** maybe more.  
 08:32PM **6** Q. Not in the greatest of shape?  
 08:32PM **7** A. No.  
 08:32PM **8** MR. PELLINO: That's all I have for  
 08:32PM **9** Mr. Gelestathis.  
 08:32PM **10** CHAIRMAN FERGUSON: Okay. Next witness  
 08:32PM **11** -- does anyone on the board have anything? No?  
 08:32PM **12** (No response.)  
 08:32PM **13** CHAIRMAN FERGUSON: Okay.  
 08:32PM **14** MR. PELLINO: My next witness is Harry  
 08:32PM **15** Tuvel.  
 08:32PM **16** CHAIRMAN FERGUSON: Oh, Harry.  
 08:33PM **17** MR. TUVEL: Good to see you all.  
 08:33PM **18** CHAIRMAN FERGUSON: No applause,  
 08:33PM **19** please.  
 08:33PM **20** MR. TUVEL: I'm sorry, what?  
 08:33PM **21** CHAIRMAN FERGUSON: No applause.  
 08:33PM **22** (Laughter.)  
 08:33PM **23** MR. TUVEL: Hold until the end.  
 08:33PM **24** CHAIRMAN FERGUSON: All right. It's  
 08:33PM **25** 8:30, we're already a half hour over what we

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08:33PM 1 anticipated. So anything that you could --  
 08:33PM 2 MR. TUVEL: Okay.  
 3 MR. PELLINO: Would you raise your  
 4 right hand.  
 5 MR. RAMUNDO: Do you swear or affirm  
 6 the testimony you're about to give is the truth, the  
 7 whole truth and nothing but the truth?  
 8 MR. TUVEL: I do.  
 9 H A R R Y T U V E L, PE, PP  
 10 629 Ridge Court, Ridgefield, New Jersey, having  
 11 been duly sworn, testifies as follows:  
 12 MR. RAMUNDO: Please state your name  
 13 for the record and spell it for the record.  
 14 MR. TUVEL: Sure.  
 08:33PM 15 Harry Tuvel, T-U-V-E-L.  
 08:33PM 16 MR. PELLINO: We're offering Mr. Tuvel  
 08:33PM 17 as a licensed professional planner. He's been here  
 08:33PM 18 before, Mr. Chairman.  
 08:33PM 19 CHAIRMAN FERGUSON: Yeah, he's been  
 08:33PM 20 here.  
 08:33PM 21 DIRECT EXAMINATION  
 08:33PM 22 BY MR. PELLINO:  
 08:33PM 23 Q. You heard the chairman, the hour is  
 08:33PM 24 late, talk to the board about the variances and your  
 08:33PM 25 view of them.

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1 -- exceeds the requirement so that many times you've  
 2 heard and you granted variances for lot area per  
 3 dwelling unit being below the requirement.  
 4 This case, because of the oversized  
 5 nature of the lot, it exceeds the requirement. So  
 6 therefore, I think that this site is particularly  
 7 suitable due to its size and consistency with the  
 8 land use pattern and other newer development in the  
 9 borough.  
 10 Turning to the height variance, you've  
 11 heard about that the grade differential between  
 12 Abbott Avenue and going along Harwood Terrace, it is  
 13 -- it is in excess of 20 feet. The units are  
 14 designed to step up as you go with the rise in grade.  
 15 The height varies from a 27.5 feet on the Abbott  
 08:36PM 16 Avenue side, which is within the requirement for a  
 08:36PM 17 duplex and it does go up to, as Mr. Cocoros told you,  
 08:36PM 18 41.5 on the western end. The important thing is that  
 08:36PM 19 the grade on Harwood Terrace continues to rise as you  
 08:36PM 20 go up from this development. So certainly, you know,  
 08:36PM 21 that mitigates the height variance and the height  
 08:36PM 22 does not offend the purpose of the height limitation.  
 08:36PM 23 So for those reasons, I would say that  
 08:36PM 24 under the negative criteria, there is no substantial  
 08:36PM 25 detriment to the public good and the intent of the

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08:33PM 1 A. Okay. So you've heard we have an  
 08:33PM 2 oversized lot, 50 by nearly 157. It's a corner lot  
 3 at the corner of Abbott Avenue and Harwood Terrace.  
 4 And we're here tonight for because this is a  
 5 three-family project, this is a double AA zone, which  
 6 only permits one-and two-family residences, so we're  
 7 here for a D-1 use variance, as well as for the D-6,  
 8 the D-6 height variance.  
 9 So under the positive criteria and the  
 10 special reasons, I would propose that this proposed  
 11 use is consistent with aspects of your Chapter 341.4,  
 12 which does permit multifamily development as in-fill  
 13 development in strategic locations in the borough.  
 14 It's not in those exact areas, but it's consistent  
 15 with that ordinance.  
 16 The three units can be accommodated on  
 17 the oversized lot, which is 50 percent larger with,  
 18 as you've heard, sufficient on-site parking. It  
 19 replaces an existing older dwelling and also removes  
 20 a non-compliant shed that's on the property.  
 21 The new units will front on Harwood  
 22 Terrace, as you've heard, with longer frontage lends  
 23 itself to the townhouse style development.  
 24 An important aspect to this application  
 25 is that the lot area per dwelling unit exceeds those

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08:36PM 1 zone plan and that the proposed use is consistent  
 08:37PM 2 with existing development in the area. It does not  
 08:37PM 3 adversely affect the double Z zone, because it is a  
 08:37PM 4 residential -- has residential character. It is a  
 08:37PM 5 residential project and I think this is a better  
 08:37PM 6 zoning alternative and a good zoning alternative for  
 08:37PM 7 the site.  
 08:37PM 8 I think the proposed development is  
 08:37PM 9 also consistent with the goals in the master plan and  
 08:37PM 10 that it provides a variety of housing types and  
 08:37PM 11 densities while preserving the residential character  
 08:37PM 12 of the community and also advances a number of the  
 08:37PM 13 purposes of the MLUL, which I will not go into detail  
 08:37PM 14 about.  
 08:37PM 15 So summarizing and respecting the hour  
 08:37PM 16 being late, I feel that this is an application that  
 08:37PM 17 can be approved by this board. It meets the positive  
 08:37PM 18 criteria that I've outlined.  
 08:37PM 19 Q. Briefly as to the bulk variances,  
 08:38PM 20 Harry, you heard Bill go through.  
 08:38PM 21 A. That's true. We did go through the  
 08:38PM 22 bulk variances, but they are for the building  
 08:38PM 23 coverage, the combined side yard and rear yard  
 08:38PM 24 setback and under this being a D-1 use variance, the  
 08:38PM 25 bulk variances are considered to be subsumed under

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08:38PM 1 use variance, which is an argument and a proposition  
 08:38PM 2 that I've made before the board and other planners  
 08:38PM 3 have as well.  
 08:38PM 4 So you -- and I think that the fact,  
 08:38PM 5 the most important, I think, bulk or bulk aspect of  
 08:38PM 6 this, again, as I mentioned earlier, is the lot area  
 08:38PM 7 per dwelling unit. I think that really points, even  
 08:38PM 8 though you are over on the building coverage  
 08:38PM 9 technically, I think that the -- I think the fact  
 08:38PM 10 that the lot area per dwelling unit exceeds the  
 08:38PM 11 requirement, shows that this site is not being  
 08:38PM 12 overdeveloped.  
 08:38PM 13 MR. PELLINO: Thank you, Harry.  
 08:38PM 14 CHAIRMAN FERGUSON: Any board members  
 08:38PM 15 have anything?  
 08:38PM 16 (No response.)  
 08:38PM 17 CHAIRMAN FERGUSON: You're on.  
 08:38PM 18 MR. KAUKER: Just a couple of questions  
 08:39PM 19 and comments. I'll be brief.  
 08:39PM 20 So you answered most of my questions  
 08:39PM 21 that I had, but just to understand, it's your opinion  
 08:39PM 22 that this site is suited for the development,  
 08:39PM 23 because, number one, it's oversized, so  
 08:39PM 24 theoretically, a two-family can be accommodated on a  
 08:39PM 25 5,000, so an additional 2500-plus square feet, that

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08:40PM 1 other buildings and coverages of other buildings in  
 08:40PM 2 the area?  
 08:40PM 3 THE WITNESS: Yes, I believe it is,  
 08:40PM 4 yes.  
 08:40PM 5 MR. KAUKER: I have nothing else,  
 08:40PM 6 Mr. Chairman.  
 08:40PM 7 CHAIRMAN FERGUSON: Anybody in the  
 08:40PM 8 audience have anything?  
 08:40PM 9 (No response.)  
 08:40PM 10 CHAIRMAN FERGUSON: This lady has been  
 08:40PM 11 sitting in the back.  
 08:40PM 12 Do you have any questions?  
 08:40PM 13 FEMALE AUDIENCE MEMBER: Well, actually  
 08:40PM 14 I came here for the 15 Grand Avenue, because I called  
 08:40PM 15 today, they said you would have it, so what I came  
 08:40PM 16 out here, it was postponed.  
 08:41PM 17 CHAIRMAN FERGUSON: That's next month.  
 08:41PM 18 FEMALE AUDIENCE MEMBER: Well, now I  
 08:41PM 19 know. That's why I stayed, because it was  
 08:41PM 20 interesting, but I walked all the way up out of  
 21 breath.  
 22 CHAIRMAN FERGUSON: Okay. Do you want  
 23 to sum up, Counsel?  
 24 MR. PELLINO: Yes, just very briefly.  
 25 I know the board has paid attention. The hour is

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08:39PM 1 essentially accommodates the third unit?  
 08:39PM 2 THE WITNESS: Yes.  
 08:39PM 3 MR. KAUKER: You also spoke about the  
 08:39PM 4 lot width or the frontage along Harwood being greater  
 08:39PM 5 than what other lots are in the area, I'm assuming,  
 08:39PM 6 so that can also assist in accommodating. And then  
 08:39PM 7 also you talked about the lot area per dwelling unit.  
 08:39PM 8 With respect to the height, you did  
 08:39PM 9 mention other buildings in the area. So if I  
 08:39PM 10 understand your testimony correctly, the proposed  
 08:39PM 11 height, and I know a lot of it has to do with the  
 08:39PM 12 topography of site as well, but this building is  
 08:39PM 13 consistent with other buildings in the area?  
 08:39PM 14 THE WITNESS: Yes, it is and I think,  
 08:39PM 15 again, as we mentioned, due to that very large change  
 08:40PM 16 in grade between Abbott Avenue and going up on  
 08:40PM 17 Harwood Terrace, the perception of the height of this  
 08:40PM 18 building is going to be lower than the buildings as  
 08:40PM 19 -- because you keep going up in grade, it's going to  
 08:40PM 20 -- when you drive up or walk up Harwood Terrace, the  
 08:40PM 21 buildings going west are going to appear higher.  
 08:40PM 22 MR. KAUKER: Okay. And then one last  
 08:40PM 23 question, you spoke briefly about the bulk criteria,  
 08:40PM 24 but is it your opinion that the proposed setbacks of  
 08:40PM 25 the structure is consistent with the setbacks of

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1 late. I think it's a good project. We've got an  
 2 oversized lot. I think we're developing it properly.  
 3 As Harry said, you know, even though the building is  
 4 high, as you go up Edsall, up Harwood, the next  
 08:41PM 5 building is -- the next building would be even higher  
 08:41PM 6 than the one that we have there. So it's not going  
 08:41PM 7 to be perceived as high.  
 08:41PM 8 I think we've justified it for you. I  
 08:41PM 9 think it's a good project and I would respectfully  
 08:41PM 10 ask the board to approve the same.  
 08:41PM 11 CHAIRMAN FERGUSON: So I'll make a  
 08:41PM 12 motion to accept the project. \$2,000.00 to the Tree  
 08:42PM 13 Preservation Fund, we're going to eliminate the two  
 08:42PM 14 decks over -- keep the windows if you want, but the  
 08:42PM 15 two decks are going to go and I'm going to -- are  
 08:42PM 16 there three decks in the front?  
 08:42PM 17 MR. TERRANOVA: Yes, there's three.  
 08:42PM 18 CHAIRMAN FERGUSON: There's three  
 08:42PM 19 decks?  
 08:42PM 20 MR. TERRANOVA: Yes, three.  
 08:42PM 21 CHAIRMAN FERGUSON: Well, the one on  
 08:42PM 22 the left and the one on the right we're keeping, no?  
 08:42PM 23 MR. TERRANOVA: Two outside ones you're  
 08:42PM 24 keeping. There's three in the front that you want to  
 08:42PM 25 get rid of.

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CERTIFICATE

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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 New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey. I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action. This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

\_\_\_\_\_  
LAURA A. CARUCCI, C.C.R., R.P.R.  
License #X102050, and Notary Public  
of New Jersey #50094914, Notary  
Expiration Date December 3, 2023

Dated: \_\_\_\_\_

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08:42PM 1 CHAIRMAN FERGUSON: There's three in  
08:42PM 2 the front? Oh, okay, so the one on the right side --  
3 VICE CHAIRMAN ALBANESE: Yeah, the one  
4 on the left and the one on the right could stay, the  
5 rest have to go.  
6 CHAIRMAN FERGUSON: Okay. Three decks  
7 in the front.  
8 VICE CHAIRMAN ALBANESE: Have to go.  
9 CHAIRMAN FERGUSON: And also any  
08:42PM 10 variances that you're requesting in addition to the  
08:42PM 11 one with the height of the wall.  
08:42PM 12 MR. PELLINO: Yes, thank you,  
08:42PM 13 Mr. Chairman.  
08:42PM 14 CHAIRMAN FERGUSON: That's my motion.  
08:42PM 15 MR. CARNOVALE: I second.  
08:42PM 16 CHAIRMAN FERGUSON: Roll call.  
08:42PM 17 MS. LAMBRINIDES: Mr. Ferguson.  
08:42PM 18 MR. FERGUSON: Yes.  
07:05PM 19 MS. LAMBRINIDES: Mr. Albanese?  
07:05PM 20 VICE CHAIRMAN ALBANESE: Yes.  
07:05PM 21 MS. LAMBRINIDES: Mr. Elefteriou?  
07:05PM 22 MR. ELEFTERIOU: Yes.  
07:05PM 23 MS. LAMBRINIDES: Ms. Yoon?  
07:05PM 24 MS. YOON: Yes.  
07:05PM 25 MS. LAMBRINIDES: Mr. Carnovale?

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07:05PM 1 MR. CARNOVALE: Yes.  
07:05PM 2 MS. LAMBRINIDES: Mr. Terranova?  
07:05PM 3 MR. TERRANOVA: Yes.  
07:05PM 4 MS. LAMBRINIDES: Mr. Grala?  
07:05PM 5 MR. GRALA: Yes.  
07:05PM 6 MS. LAMBRINIDES: Mr. Chung?  
07:05PM 7 MR. CHUNG: Yes.  
08:42PM 8 MR. PELLINO: Thank you.  
08:43PM 9 VICE CHAIRMAN ALBANESE: I'll make a  
08:43PM 10 motion we adjourn.  
11 CHAIRMAN FERGUSON: Motion to adjourn.  
12 MR. CARNOVALE: Second.  
13 (Whereupon, the meeting is adjourned.  
14 Time noted: 8:43 p.m.)  
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