

BOROUGH OF PALISADES PARK
 ZONING BOARD OF ADJUSTMENT
 MONDAY, MARCH 20, 2023
 7:03 p.m.

Case No. 21-31)
 Fan Associates, LLC) TRANSCRIPT OF
 15 Grand Ave) PROCEEDING
 Block: 505; Lot: 3 & 4)
Case No. 22-12)
 HJ Lee Holding)
 18-20 W. Ruby Ave)
 Block: 617; Lot: 16)
Case No. 21-02)
 In Chang Chung Hae Jang)
 139-145 Morningside Lane)
 Block: 717; Lots: 10, 11, 23 & 24)
Case No. 20-11)
 Dong Nam NY LLC)
 550 Bergen Boulevard)
 Block: 416; Lot: 3)
Case No. 22-17)
 13 Alliotts Place)
 Block 222, Lot 12 & 13)
Case No. 23-02)
 James H. Noh)
 39 Henry Ave)
 Block 214, Lot 19)
Case No. 22-13)
 Atrium Billiards Cafe LLC)
 315 Broad Ave)
 Block: 217, Lots: 26, 27, 27.1)
Case No. 21-28)
 112-118 Union Assoc., LLC)
 112-118 Union Street)
 Block 107, Lots 4 & 5)

 B E F O R E :

JOSEPH FERGUSON, CHAIRMAN
 PAUL ALBANESE, VICE CHAIRMAN
 ELEFTERIOS ELEFTERIOU, MEMBER
 VINCENT CARNOVALE, MEMBER (ABSENT)
 DAVID TERRANOVA, MEMBER
 JOHN GRALA, MEMBER
 STEVEN BROGNA, MEMBER
 SEONGHYE YOON, ALTERNATE MEMBER 1
 CHARLIE CHUNG, ALTERNATE MEMBER 2
 ESTER KIM, ALTERNATE MEMBER 3

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 201-641-1812

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STEVE COLLAZUOL, P.E., BOARD ENGINEER

HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER

MICHAEL KAUKER, P.P., BOARD PLANNER

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07:03PM 1 CHAIRMAN FERGUSON: Let's call the

07:03PM 2 meeting to order.

07:08PM 3 Paul, do you want to lead us in old

4 flag salute?

5 (Whereupon, all rise for a recitation

6 of the Pledge of Allegiance as led by Vice

7 Chairman Albanese.)

8 CHAIRMAN FERGUSON: Okay.

9 Roll call?

10 MS. LAMBRINIDES: Mr. Ferguson?

11 CHAIRMAN FERGUSON: Here.

07:03PM 12 MS. LAMBRINIDES: Mr. Albanese?

07:03PM 13 VICE CHAIRMAN ALBANESE: Here.

07:03PM 14 MS. LAMBRINIDES: Mr. Elefteriou?

07:03PM 15 MR. ELEFTERIOU: Here.

16 MS. LAMBRINIDES: Ms. Yoon?

17 MS. YOON: Here.

18 MS. LAMBRINIDES: Mr. Carnovale?

19 (No response.)

20 MS. LAMBRINIDES: Mr. Terranova?

21 MR. TERRANOVA: Here.

22 MS. LAMBRINIDES: Mr. Grala?

23 MR. GRALA: Here.

24 MS. LAMBRINIDES: Mr. Brogna?

25 MR. BROGNA: Here.

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1 I N D E X (Continued)

2 E X H I B I T S

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1 MS. LAMBRINIDES: Mr. Chung?

2 MR. CHUNG: Here.

3 MS. LAMBRINIDES: Ms. Kim?

07:09PM 4 MS. KIM: Yes.

07:09PM 5 MS. TESTA: Okay. At this time we're

6 going to swear in new members, Steven Brogna, Charlie

7 Chung, Ester Kim and Seonghye Yoon.

8 If you can all stand, please, and raise

9 your right hand?

10 (Whereupon, the Oath of Office is

11 administered to the new members.)

07:10PM 12 MS. TESTA: Congratulations.

07:10PM 13 CHAIRMAN FERGUSON: Congratulations.

07:10PM 14 (Applause.)

07:10PM 15 CHAIRMAN FERGUSON: In accordance with

07:10PM 16 the Open Public Meeting Act, notice of this meeting

07:10PM 17 has been posted on the borough bulletin board.

07:01PM 18 Notice has been provided to the

07:01PM 19 official Borough newspapers and filed in the borough

07:01PM 20 clerk's office.

07:11PM 21 All right. Now, first thing we'll do

07:11PM 22 is we'll approve the minutes of the previous meeting.

07:11PM 23 I don't remember when that was, it was so long ago,

07:11PM 24 but we all got a copy.

07:11PM 25 MS. TESTA: So it would be January.

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07:11PM **1** CHAIRMAN FERGUSON: January.
 07:11PM **2** MS. TESTA: Right, we just had
 07:11PM **3** reorganization.
 07:11PM **4** CHAIRMAN FERGUSON: January's meeting.
 07:11PM **5** Can I get a motion to approve January's
 07:11PM **6** meeting?
 07:11PM **7** VICE CHAIRMAN ALBANESE: I'll make a
 07:11PM **8** motion.
 07:11PM **9** CHAIRMAN FERGUSON: Second.
 07:11PM **10** MR. ELEFTERIOU: I second.
 07:11PM **11** CHAIRMAN FERGUSON: Roll call.
 07:11PM **12** MS. TESTA: Only those members that
 07:11PM **13** were present should vote in the affirmative,
 07:11PM **14** everybody else abstain.
 07:11PM **15** MS. LAMBRINIDES: Mr. Ferguson.
 07:11PM **16** CHAIRMAN FERGUSON: Yes.
 07:03PM **17** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **18** VICE CHAIRMAN ALBANESE: Yes.
 07:03PM **19** MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM **20** MR. ELEFTERIOU: Yes.
21 MS. LAMBRINIDES: Ms. Yoon?
22 MS. YOON: Yes.
23 MS. LAMBRINIDES: Mr. Terranova?
24 MR. TERRANOVA: Abstain.
25 MS. LAMBRINIDES: Mr. Grala?
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07:13PM **1** MS. LAMBRINIDES: Mr. Ferguson.
 07:13PM **2** CHAIRMAN FERGUSON: Yes.
 07:03PM **3** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **4** VICE CHAIRMAN ALBANESE: Yes.
 07:03PM **5** MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM **6** MR. ELEFTERIOU: Yes.
7 MS. LAMBRINIDES: Ms. Yoon?
8 MS. YOON: Yes.
9 MS. LAMBRINIDES: Mr. Terranova?
10 MR. TERRANOVA: Yes.
11 MS. LAMBRINIDES: Mr. Grala?
12 MR. GRALA: Yes.
13 MS. LAMBRINIDES: Mr. Brogna?
14 MR. BROGNA: Yes.
15 MS. LAMBRINIDES: Mr. Chung?
16 MR. CHUNG: Yes.
17 MS. LAMBRINIDES: Ms. Kim?
18 MS. KIM: Yes.
 07:13PM **19** CHAIRMAN FERGUSON: Okay.
 07:13PM **20** So next we're going to go off the
 07:13PM **21** agenda a little bit tonight.
 07:13PM **22** MS. TESTA: Resolutions.
 07:13PM **23** CHAIRMAN FERGUSON: We're going to do
 07:13PM **24** the resolution for 15 Grand Avenue.
 07:13PM **25** MS. TESTA: Right.
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1 MR. GRALA: Yes.
2 MS. LAMBRINIDES: Mr. Brogna?
3 MR. BROGNA: Abstain.
4 MS. LAMBRINIDES: Mr. Chung?
5 MR. CHUNG: Yes.
6 MS. LAMBRINIDES: Ms Kim?
 07:12PM **7** MS. KIM: Yes.
 07:12PM **8** MS. LAMBRINIDES: You're going to
 07:12PM **9** abstain.
 07:12PM **10** MS. KIM: Yes.
 07:12PM **11** CHAIRMAN FERGUSON: Okay. All right.
 07:12PM **12** Next we're going to pay some bills.
 07:12PM **13** We have our board lawyer for \$2875.00.
 07:12PM **14** We have Kauker & Kauker for \$840.00. And we have our
 07:12PM **15** --
 07:12PM **16** MS. TESTA: Stenographer for about
 07:12PM **17** \$3,000.00.
 07:12PM **18** CHAIRMAN FERGUSON: Okay.
 07:12PM **19** We have the stenographer for \$3,000.00.
 07:12PM **20** Can I get a motion?
 07:12PM **21** VICE CHAIRMAN ALBANESE: I'll make a
 07:13PM **22** motion to pay the bills.
 07:13PM **23** MR. ELEFTERIOU: I second.
 07:13PM **24** CHAIRMAN FERGUSON: Second.
 07:13PM **25** Roll call?
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07:13PM **1** This was Fan Associates, LLC,
 07:13PM **2** Case No. 21-31. It was decided on November 21st,
 07:13PM **3** 2022.
 07:13PM **4** This was the application to construct
 07:13PM **5** 122 residential units on property located at 15 Grand
 07:14PM **6** Avenue, Block 505, Lots 3 and 4.
 07:14PM **7** The board heard testimony over
 07:14PM **8** approximately five meetings from various experts, the
 07:14PM **9** board's experts and you voted to deny the
 07:14PM **10** application.
 07:14PM **11** So this is memorializing that
 07:14PM **12** resolution.
 07:14PM **13** So, again, only the members that were
 07:14PM **14** present at the meeting should vote on this.
 07:14PM **15** CHAIRMAN FERGUSON: All right.
 07:14PM **16** I'll make that motion.
 07:14PM **17** Can I get a second?
 07:14PM **18** VICE CHAIRMAN ALBANESE: Second.
 07:14PM **19** CHAIRMAN FERGUSON: Roll call.
 07:14PM **20** MS. LAMBRINIDES: Mr. Ferguson.
 07:14PM **21** CHAIRMAN FERGUSON: Yes.
 07:03PM **22** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **23** VICE CHAIRMAN ALBANESE: Yes.
 07:03PM **24** MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM **25** MR. ELEFTERIOU: Yes.
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1 MS. LAMBRINIDES: Ms. Yoon?
 2 MS. YOON: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Abstain.
 5 MS. LAMBRINIDES: Yoon, I think you
 6 were out.
 7 MS. YOON: Abstain.
 8 MS. LAMBRINIDES: Mr. Grala?
 9 MR. GRALA: Yes.
 10 MS. LAMBRINIDES: Mr. Brogna?
 11 MR. BROGNA: Yes.
 12 MS. LAMBRINIDES: You were part of
 13 that?
 14 MS. TESTA: Mr. Chung.
 15 MS. LAMBRINIDES: Mr. Chung?
 16 MR. CHUNG: Yes.
 17 MS. TESTA: That would be it.
 07:14PM 18 MS. LAMBRINIDES: And Ms. Kim is going
 07:14PM 19 to abstain.
 07:14PM 20 CHAIRMAN FERGUSON: Okay.
 07:15PM 21 So as I said previously, we're going
 07:15PM 22 off the agenda tonight a little bit.
 07:15PM 23 And I'm going to call the first case is
 07:15PM 24 going to be -- oh, Case No. 22-12, which is HJ Lee
 07:15PM 25 Holdings, 18-20 West Ruby.
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15

1 MS. LAMBRINIDES: Mr. Brogna?
 2 MR. BROGNA: Yes.
 3 MS. LAMBRINIDES: Mr. Chung?
 4 MR. CHUNG: Yes.
 5 MS. LAMBRINIDES: Ms. Kim?
 07:16PM 6 MS. KIM: Yes.
 07:16PM 7 CHAIRMAN FERGUSON: Okay.
 07:16PM 8 Next we have Case 21-02, In Chang
 07:16PM 9 Chung, 139 Morningside Lane, 145 Morningside Lane.
 07:16PM 10 MS. TESTA: This was a matter that the
 07:16PM 11 board approved back in -- last year, 2022.
 07:16PM 12 The attorney is requesting an extension
 07:16PM 13 of the approval that was given.
 07:16PM 14 It should be in your package.
 07:16PM 15 So this was a use variance and
 07:16PM 16 variances for number of stories, rear yard, side
 07:17PM 17 yard, combined side yard, building coverage to permit
 07:17PM 18 the construction of a new seven-unit townhouse
 07:17PM 19 structure on premises located at 139/145 Morningside
 07:17PM 20 Lane in Palisades Park, Block 717, Lots 10, 11, 23
 07:17PM 21 and 24 and it was approved by the board on
 07:17PM 22 February 28, 2022.
 07:17PM 23 CHAIRMAN FERGUSON: Okay.
 07:17PM 24 I have just one question.
 07:17PM 25 MS. TESTA: Yes.
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14

07:15PM 1 He has an opportunity -- he's been --
 07:15PM 2 had an opportunity to appear before us many times.
 07:15PM 3 He hasn't submitted plans.
 07:15PM 4 So I'm going to make a motion that we
 07:15PM 5 deny the application with --
 07:15PM 6 MS. TESTA: No, just dismiss it without
 07:15PM 7 prejudice.
 07:15PM 8 CHAIRMAN FERGUSON: Dismiss it without
 07:15PM 9 prejudice.
 07:15PM 10 Can I get a second?
 07:15PM 11 VICE CHAIRMAN ALBANESE: Second.
 07:15PM 12 CHAIRMAN FERGUSON: Okay.
 07:15PM 13 Roll call?
 07:15PM 14 MS. LAMBRINIDES: Mr. Ferguson.
 07:15PM 15 CHAIRMAN FERGUSON: Yes.
 07:03PM 16 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 17 VICE CHAIRMAN ALBANESE: Yes.
 07:03PM 18 MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM 19 MR. ELEFTERIOU: Yes.
 20 MS. LAMBRINIDES: Ms. Yoon?
 21 MS. YOON: Yes.
 22 MS. LAMBRINIDES: Mr. Terranova?
 23 MR. TERRANOVA: Yes.
 24 MS. LAMBRINIDES: Mr. Grala?
 25 MR. GRALA: Yes.
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07:17PM 1 CHAIRMAN FERGUSON: Is it -- is it --
 07:17PM 2 do they have a year to do it or two years.
 07:17PM 3 MS. TESTA: The ordinance says two
 07:17PM 4 years, but for some reason, I'm not sure why, the
 07:17PM 5 building department advised them that it was only --
 07:17PM 6 the approval was good for one year, so that's why
 07:17PM 7 they make the application.
 07:17PM 8 CHAIRMAN FERGUSON: So I'll make a
 07:17PM 9 motion to extend the application for -- one year.
 07:17PM 10 MS. TESTA: Yes.
 07:17PM 11 CHAIRMAN FERGUSON: Can I get a second.
 07:17PM 12 VICE CHAIRMAN ALBANESE: Second.
 07:17PM 13 CHAIRMAN FERGUSON: Roll call.
 07:17PM 14 MS. LAMBRINIDES: Mr. Ferguson.
 07:17PM 15 CHAIRMAN FERGUSON: Yes.
 07:03PM 16 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 17 VICE CHAIRMAN ALBANESE: Yes.
 07:03PM 18 MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM 19 MR. ELEFTERIOU: Yes.
 20 MS. LAMBRINIDES: Ms. Yoon?
 21 MS. YOON: Yes.
 22 MS. LAMBRINIDES: Mr. Terranova?
 23 MR. TERRANOVA: Yes.
 24 MS. LAMBRINIDES: Mr. Grala?
 25 MR. GRALA: Yes.
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17

1 MS. LAMBRINIDES: Mr. Brogna?
 2 MR. BROGNA: Yes.
 3 MS. LAMBRINIDES: Mr. Chung?
 4 MR. CHUNG: Yes.
 07:18PM 5 MS. LAMBRINIDES: Ms. Kim.
 07:18PM 6 MS. KIM: Yes.
 07:18PM 7 CHAIRMAN FERGUSON: So next we have
 07:18PM 8 Case No. 20-11, Dong Nam, 550 Bergen Boulevard.
 07:18PM 9 MS. TESTA: Right, the attorney is
 07:18PM 10 here.
 07:18PM 11 CHAIRMAN FERGUSON: Okay.
 07:18PM 12 MR. ALAMPI: Thank you, Chairman.
 07:18PM 13 CHAIRMAN FERGUSON: No problem.
 07:18PM 14 MR. ALAMPI: Chairman, this was a use
 07:18PM 15 variance also for a 40-unit development up on Bergen
 07:18PM 16 Boulevard that was granted and we have worked out
 07:18PM 17 arrangements with access to the site on Oakdene.
 07:18PM 18 Oakdene at that point is an unimproved
 07:18PM 19 paper street.
 07:18PM 20 CHAIRMAN FERGUSON: Right.
 07:18PM 21 MR. ALAMPI: We need to get before the
 07:18PM 22 Mayor and Council.
 07:18PM 23 Last year we appeared for an extension,
 07:18PM 24 it was granted.
 07:18PM 25 We have to come back for an extension,
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18

07:18PM 1 and it's not up until April, but I did file this back
 07:18PM 2 in February.
 07:18PM 3 And the reason for that is there was
 07:18PM 4 some disorganization at the Mayor and Council level,
 07:18PM 5 there was litigation, there was a vacancy on the
 07:18PM 6 council seat.
 07:19PM 7 So I did not get in front of the
 07:19PM 8 governing body.
 07:19PM 9 CHAIRMAN FERGUSON: Okay.
 07:19PM 10 MR. ALAMPI: All I need from them is
 07:19PM 11 authorization to do the road improvements.
 07:19PM 12 We're not vacating the street.
 07:19PM 13 We're just making physical improvements
 07:19PM 14 at our cost and we're in concert with the borough
 07:19PM 15 engineer.
 07:19PM 16 So, I'd, again, ask for a full
 07:19PM 17 extension for another year running from April of 2023
 07:19PM 18 to April of 2024.
 07:19PM 19 CHAIRMAN FERGUSON: Okay.
 07:19PM 20 Well, again, I'll make the motion to
 07:19PM 21 grant the extension to April of '24.
 07:19PM 22 VICE CHAIRMAN ALBANESE: I'll second.
 07:19PM 23 CHAIRMAN FERGUSON: Second.
 07:19PM 24 Roll call?
 07:19PM 25 MS. LAMBRINIDES: Mr. Ferguson.
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19

07:19PM 1 CHAIRMAN FERGUSON: Yes.
 07:03PM 2 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 3 VICE CHAIRMAN ALBANESE: Yes.
 07:03PM 4 MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM 5 MR. ELEFTERIOU: Yes.
 6 MS. LAMBRINIDES: Ms. Yoon?
 7 MS. YOON: Yes.
 8 MS. LAMBRINIDES: Mr. Terranova?
 9 MR. TERRANOVA: No.
 10 MS. LAMBRINIDES: Mr. Grala?
 11 MR. GRALA: Yes.
 12 MS. LAMBRINIDES: Mr. Brogna?
 13 MR. BROGNA: Yes.
 14 MS. LAMBRINIDES: Mr. Chung?
 07:19PM 15 MR. CHUNG: Yes.
 07:19PM 16 MS. LAMBRINIDES: Ms. Kim?
 07:19PM 17 MS. KIM: Yes.
 07:19PM 18 MS. LAMBRINIDES: Thank you.
 07:19PM 19 MR. ALAMPI: Ms. Testa, can we get a
 07:20PM 20 resolution?
 07:20PM 21 Last time we did this, there was no
 07:20PM 22 formal -- there was no --
 07:20PM 23 MS. TESTA: There was a resolution.
 07:20PM 24 MR. ALAMPI: I didn't get a copy.
 07:20PM 25 MS. TESTA: Oh, I'm sorry about that,
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20

07:20PM 1 but, yes, we will have a resolution, yes.
 07:20PM 2 MR. ALAMPI: All right.
 07:20PM 3 Because my client gets apprehensive.
 07:20PM 4 Thank you.
 07:20PM 5 MS. TESTA: You're welcome.
 07:20PM 6 MR. ALAMPI: Thank you.
 07:20PM 7 Goodnight, everyone.
 07:20PM 8 MS. TESTA: Goodnight.
 07:20PM 9 CHAIRMAN FERGUSON: Okay.
 07:20PM 10 Next on this long evening, I'll make my
 07:20PM 11 monthly spiel here, it's very crowded, we would
 07:20PM 12 appreciate anything that we can do to shorten the
 07:20PM 13 meeting would definitely be appreciated and this one
 07:20PM 14 is going to be: 13 Alliotts Place.
 07:20PM 15 MR. HUBSCHMAN: Good evening,
 07:20PM 16 Mr. Chairman, Members of the Board, Richard Hubschman
 07:20PM 17 appearing on behalf of Kevin Alliotts, the owner of
 07:20PM 18 the property.
 07:21PM 19 I'll present my notices of publication
 07:21PM 20 to your attorney.
 07:21PM 21 Our witness tonight is our architect,
 07:21PM 22 Joseph Donato who designed this project. He's
 07:21PM 23 appeared before this board numerous times.
 07:21PM 24 I would ask that you waive his
 07:21PM 25 qualifications and accept him --
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07:21PM **1** CHAIRMAN FERGUSON: We'll accept him as
 07:21PM **2** an expert.
 07:21PM **3** MR. HUBSCHMAN: -- as an expert.
 07:21PM **4** CHAIRMAN FERGUSON: Absolutely.
5 MR. HUBSCHMAN: Mr. Donato, can you
6 raise your right hand, please?
7 MS. TESTA: Do you swear that the
8 testimony you will give in this application will be
9 the truth, the whole truth and nothing but the truth.
10 MR. DONATO: I do.
11 J O S E P H D O N A T O, R A
 07:21PM **12** 14 Route 4 West, River Edge, New Jersey, having
13 been duly sworn, testifies as follows:
14 MS. TESTA: Please state your name and
15 spell it for the record and your address.
16 MR. DONATO: Sure.
17 Joseph Donato, D-O-N-A-T-O, located at
 07:21PM **18** 14 Route 4 West, River Edge, New Jersey.
 07:22PM **19** MS. TESTA: Okay.
 07:22PM **20** And service is in order, so we have
 07:22PM **21** jurisdiction.
 07:22PM **22** CHAIRMAN FERGUSON: Okay.
 07:22PM **23** MR. HUBSCHMAN: Proceed?
 07:22PM **24** MS. TESTA: Yes.
 07:22PM **25** CHAIRMAN FERGUSON: Yes, proceed.

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07:22PM **1** DIRECT EXAMINATION
 07:22PM **2** BY MR. HUBSCHMAN:
 07:22PM **3** Q. Mr. Donato, would you describe the
 07:22PM **4** existing conditions on this property?
 07:22PM **5** A. Sure.
 07:22PM **6** So on my Sheet A-1 is the existing
 07:22PM **7** survey, existing conditions of 13 Alliotts Place and
 07:22PM **8** then I also have to the left of that what's proposed,
 07:22PM **9** but first I'll start with the existing conditions and
 07:22PM **10** what's unique about this property is it's located in
 07:22PM **11** the retail/residential zone.
 07:22PM **12** However, it's about 100 feet off of
 07:22PM **13** Broad Avenue.
 07:22PM **14** So the exposure to retail and
 07:22PM **15** commercial is really not there for this property,
 07:22PM **16** even though it's in that zone, and it's located off
 07:22PM **17** of Alliotts Place, which is only 40-foot wide.
 07:22PM **18** So to have cars and pedestrians
 07:22PM **19** accessing the street is really not viable because of
 07:23PM **20** the width of the street and the location of the
 07:23PM **21** property.
 07:23PM **22** It's actually behind all of the stores
 07:23PM **23** that are fronting on broad.
 07:23PM **24** It's also, within the area there's an
 07:23PM **25** existing -- it's all residential.

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07:23PM **1** The property, itself, has three
 07:23PM **2** structures on it, which are all nonconforming in rear
 07:23PM **3** yard, side yard setbacks and it's completely covered.
 07:23PM **4** It's 100 percent covered, pavement and buildings.
 07:23PM **5** And our proposal tonight is really to
 07:23PM **6** remove all of these nonconforming items and propose a
 07:23PM **7** six-unit building that will house parking, six units,
 07:23PM **8** open space, landscaping as to compared to what is
 07:23PM **9** there currently and our proposal is for six
 07:23PM **10** two-bedroom units, which really conforms to what's
 07:23PM **11** happening behind these stores on Broad Avenue.
 07:23PM **12** So, again, it's more viable for
 07:23PM **13** something like we're proposing tonight, rather than
 07:24PM **14** retail and commercial.
 07:24PM **15** Q. Now, it's also being used as a
 07:24PM **16** commercial construction yard.
 07:24PM **17** Is that correct?
 07:24PM **18** A. Correct, it's parking for vehicles,
 07:24PM **19** contractor's trucks and also the house that's
 07:24PM **20** currently there.
 07:24PM **21** It's a multi-use, multi-people, it's
 07:24PM **22** not a one-family, a two-family, it's just a
 07:24PM **23** combination of people living in that building.
 07:24PM **24** Again, it's nonconforming with side
 07:24PM **25** yards and also it's -- really it's not up-to-date

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07:24PM **1** with fire codes, egress.
 07:24PM **2** So it's a building that we propose to
 07:24PM **3** demolish with this proposal.
 07:24PM **4** Q. And would you describe the uses
 07:24PM **5** surrounding this property?
 07:24PM **6** A. Right.
 07:24PM **7** So as you drive down Alliotts Place, we
 07:24PM **8** have buildings right off on each corner, they are
 07:24PM **9** face Broad, so it's -- you have the plumbing supply
 07:24PM **10** on the left, stores on the right.
 07:24PM **11** As you go towards the back, it's really
 07:24PM **12** residential.
 07:24PM **13** It's an apartment building to the
 07:24PM **14** right, a three-story apartment building and then our
 07:24PM **15** parking -- our property.
 07:24PM **16** So it's really only accessed to two
 07:25PM **17** other properties in the back.
 07:25PM **18** Q. Okay.
 07:25PM **19** And the construction as proposed, can
 07:25PM **20** you describe it for the board, please, the layout and
 07:25PM **21** floor plans?
 07:25PM **22** A. Sure.
 07:25PM **23** So I'll start with the setbacks,
 07:25PM **24** because, again, we are in a retail business zone and
 07:25PM **25** in that zone, the -- there's no lot area requirement.

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07:25PM **1** So our lot is 6400 square feet. So

07:25PM **2** we're larger than what's required for a piece of

07:25PM **3** property in the B-1 retail district. No width or

07:25PM **4** depth, however, we have an 80-foot-wide building

07:25PM **5** that's 75-foot deep.

07:25PM **6** So we meet the criteria for width and

07:25PM **7** depth.

07:25PM **8** Front yard in this zone, required is

07:25PM **9** zero, because of retail usually they're built right

07:25PM **10** up against the property.

07:25PM **11** Permitted is zero, but our proposal is

07:25PM **12** to set the building back at 15 feet off the street.

07:25PM **13** That will open up the space more than what's there,

07:26PM **14** because the current building that's located on that

07:26PM **15** property, again, is right up on the property line.

07:26PM **16** So with this proposal, we'll have a

07:26PM **17** 15-foot front yard. Also, the right -- the left side

07:26PM **18** of the property, requirement, again, is zero in a

07:26PM **19** business zone.

07:26PM **20** We're providing 6 feet and the opposite

07:26PM **21** side yard, which abuts a residential zone is 25 feet

07:26PM **22** and we're proposing 6.

07:26PM **23** Still it's more open space than what's

07:26PM **24** currently there with the building, so we're

07:26PM **25** providing, again, more air and light to what's

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07:26PM **1** currently there.

07:26PM **2** **Q.** How many parking spaces are you

07:26PM **3** providing?

07:26PM **4** **A.** So we're providing 12 parking spots. I

07:26PM **5** can go to the --

07:26PM **6** **Q.** It's two per unit?

07:26PM **7** **A.** Two per unit, correct, and they all

07:26PM **8** have access right off of Alliotts Place.

07:26PM **9** Again, that's how currently cars are

07:26PM **10** parked on that street. We're still going to have

07:26PM **11** controlled parking for this site for 12 -- for 12

07:27PM **12** parking spots.

07:27PM **13** **Q.** And the height of the structure, the

07:27PM **14** building overall proposed height?

07:27PM **15** **A.** So in this retail business zone we're

07:27PM **16** allowed to be three stories, 35 feet. We're

07:27PM **17** proposing three stories, 32 feet.

07:27PM **18** **Q.** So besides the use variance to permit

07:27PM **19** us to put the residential in this commercial zone,

07:27PM **20** what are variances are required?

07:27PM **21** **A.** So the rear yard requirement in this

07:27PM **22** zone is 15 feet.

07:27PM **23** We're asking for 8, but, again, we're

07:27PM **24** removing two structures, which are only one foot off

07:27PM **25** the property line.

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07:27PM **1** So, again, we'll have more open space

07:27PM **2** than what's there and that backs up to another

07:27PM **3** business, commercial district and then also the

07:27PM **4** maximum coverage that's permitted is 85 percent.

07:27PM **5** It's currently 100 percent. It's totally paved.

07:27PM **6** We're actually going to make that even lower and have

07:27PM **7** 82.6.

07:27PM **8** We'll provide for open space and

07:27PM **9** landscaping on the property.

07:27PM **10** **Q.** Did you receive the letter from

07:28PM **11** Mr. Collazuol's office in the latest review?

07:28PM **12** **A.** Yes, I did.

07:28PM **13** **Q.** And are you going to be able to and has

07:28PM **14** the applicant agreed to commit to those changes that

07:28PM **15** he's requested?

07:28PM **16** **A.** Yes, we are.

07:28PM **17** It's a lot of engineering, so we will

07:28PM **18** hire our engineer to provide a site plan too and take

07:28PM **19** care of all the comments that Mr. Collazuol had

07:28PM **20** brought up on the letter.

07:28PM **21** **Q.** So you can comply with all of those?

07:28PM **22** **A.** Absolutely, yes.

07:28PM **23** **Q.** And insofar as it's existence in an

07:28PM **24** area that's zoned commercial as a residential

07:28PM **25** structure, do you think it will have any negative

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07:28PM **1** effects aesthetically or use-wise for any of the

07:28PM **2** other surrounding uses?

07:28PM **3** **A.** No, I think it will face another

07:28PM **4** three-story residential building.

07:28PM **5** I think it will be more controlled with

07:28PM **6** the 12 spots, rather than having a whole property

07:28PM **7** with trucks going in and out.

07:28PM **8** We're eliminating a

07:29PM **9** two-and-a-half-story structure, which houses multiple

07:29PM **10** residents and I just think this proposal controls the

07:29PM **11** vehicular traffic and works out well at the end of

07:29PM **12** the property.

07:29PM **13** **MR. HUBSCHMAN:** I don't have anything

07:29PM **14** else for Mr. Donato.

07:29PM **15** **CHAIRMAN FERGUSON:** Okay.

07:29PM **16** So I just got a couple of things.

07:29PM **17** You know, I looked through the plans.

07:29PM **18** I don't see the parking. Where is the parking on the

07:29PM **19** plans.

07:29PM **20** **THE WITNESS:** So if I go to Sheet A-5.

07:29PM **21** **CHAIRMAN FERGUSON:** A-5.

07:29PM **22** **THE WITNESS:** Yes.

07:29PM **23** There's a first floor plan, which has

07:29PM **24** parking garages in the front. So each of those will

07:29PM **25** have two.

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07:29PM **1** CHAIRMAN FERGUSON: Is it in the front.

07:29PM **2** THE WITNESS: Yes, it's in the front.

07:29PM **3** Can I step up? So here's the garage

07:29PM **4** door to go underneath here and then --

07:29PM **5** CHAIRMAN FERGUSON: So two cars in each

07:30PM **6** garage.

07:30PM **7** THE WITNESS: There's two in each and

07:30PM **8** then there's two outside.

07:30PM **9** CHAIRMAN FERGUSON: Two in each and two

07:30PM **10** outside.

07:30PM **11** THE WITNESS: Correct.

07:30PM **12** CHAIRMAN FERGUSON: Now, where -- where

07:30PM **13** is the garbage going.

07:30PM **14** THE WITNESS: So if I look -- if you're

07:30PM **15** looking at this site plan, the property has like an

07:30PM **16** extra little 20-by-20 spot, it's right in this

07:30PM **17** section right here, bottom right corner.

07:30PM **18** CHAIRMAN FERGUSON: All right.

07:30PM **19** THE WITNESS: With an enclosure.

07:30PM **20** CHAIRMAN FERGUSON: And that's going to

07:30PM **21** store all your garbage.

07:30PM **22** THE WITNESS: We have room to fit two

07:30PM **23** if we have to.

07:30PM **24** CHAIRMAN FERGUSON: Okay.

07:30PM **25** The other thing is, and I picked this

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07:30PM **1** up and I think it's on our engineer's list, the

07:30PM **2** seepage pits.

07:30PM **3** Can I get something about seepage pits?

07:30PM **4** Because apparently he doesn't feel that --

07:30PM **5** THE WITNESS: Absolutely, it's not

07:31PM **6** enough.

07:31PM **7** CHAIRMAN FERGUSON: Yeah.

07:31PM **8** THE WITNESS: I've shown three, but

07:31PM **9** what we'll do is based on the calculations that we

07:31PM **10** get from an engineer, if we need more, we have no

07:31PM **11** problem adding more or any other system that may be

07:31PM **12** required.

07:31PM **13** CHAIRMAN FERGUSON: So you would

07:31PM **14** consult with our engineer and figure out what we

07:31PM **15** need.

07:31PM **16** THE WITNESS: Correct, absolutely.

07:31PM **17** CHAIRMAN FERGUSON: It wouldn't be your

07:31PM **18** engineer to say --

07:31PM **19** THE WITNESS: No, no, no, we --

07:31PM **20** MR. HUBSCHMAN: We would submit the

07:31PM **21** approval -- subject to Mr. Collazuol's approval, you

07:31PM **22** know, whatever we supply.

07:31PM **23** CHAIRMAN FERGUSON: Okay.

07:31PM **24** I'm going to turn it over to him, but I

07:31PM **25** got one or two more quick questions.

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07:31PM **1** The layout of the house, so you come in

07:31PM **2** in the garage, right?

07:31PM **3** THE WITNESS: Correct.

07:31PM **4** CHAIRMAN FERGUSON: And it's a

07:31PM **5** two-story building.

07:32PM **6** THE WITNESS: Three stories.

07:32PM **7** CHAIRMAN FERGUSON: Three stories.

07:32PM **8** So you're coming in, how many entrances

07:32PM **9** do you have?

07:32PM **10** THE WITNESS: So if I go to Sheet A-5

07:32PM **11** again, there's one entrance between the garages that

07:32PM **12** will house four units, then there's another entrance

07:32PM **13** all the way to the right which will house two units.

07:32PM **14** CHAIRMAN FERGUSON: Okay. And each

07:32PM **15** floor has three units.

07:32PM **16** THE WITNESS: So each floor -- correct,

07:32PM **17** each floor has three units that step -- one center

07:32PM **18** stair will have access to these two and the next two

07:32PM **19** on top and then this set of stairs will come to this

07:32PM **20** unit and then the next one on top of that.

07:32PM **21** CHAIRMAN FERGUSON: Okay.

07:32PM **22** Now, if you go into the garage, I see

07:32PM **23** where the doors are for the two units. Where is the

07:32PM **24** door to get into the hallway on the two unit side.

07:33PM **25** THE WITNESS: So there's another -- so

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07:33PM **1** there's a door from the garage, then there's a door

07:33PM **2** outside to access this corridor.

07:33PM **3** CHAIRMAN FERGUSON: Okay.

07:33PM **4** Now, when you're accessing that, where

07:33PM **5** are the stairs to get to the next -- are there one

07:33PM **6** set of stairs.

07:33PM **7** THE WITNESS: One set of stairs.

07:33PM **8** CHAIRMAN FERGUSON: So on the other

07:33PM **9** side, right, there's a step going up.

07:33PM **10** THE WITNESS: Right, and this goes up

07:33PM **11** also. So this flight, I go up to the next floor.

07:33PM **12** CHAIRMAN FERGUSON: Right.

07:33PM **13** THE WITNESS: I have a door to a unit

07:33PM **14** and then the stairs continue --

07:33PM **15** CHAIRMAN FERGUSON: And then this one

07:33PM **16** --

07:33PM **17** THE WITNESS: This one here, you go up,

07:33PM **18** you have two doors and then you go up again and

07:33PM **19** there's another two doors.

07:33PM **20** CHAIRMAN FERGUSON: So I'm a little

07:33PM **21** confused about the hallway.

07:33PM **22** THE WITNESS: This hallway?

07:33PM **23** CHAIRMAN FERGUSON: Yeah.

07:33PM **24** You need that --

07:33PM **25** THE WITNESS: So what I also have

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07:33PM **1** behind here are, we need sprinklers, boiler room and
 07:33PM **2** I have storage.
 07:33PM **3** CHAIRMAN FERGUSON: I get it, but the
 07:34PM **4** hallway --
 07:34PM **5** THE WITNESS: Correct.
 07:34PM **6** CHAIRMAN FERGUSON: So you need the
 07:34PM **7** hallway to --
 07:34PM **8** THE WITNESS: It doesn't access the
 07:34PM **9** units above.
 07:34PM **10** CHAIRMAN FERGUSON: It does not.
 07:34PM **11** THE WITNESS: No.
 07:34PM **12** So they'd have to come in, go through
 07:34PM **13** their garage if they want or outside to get to those
 07:34PM **14** units, to get to the storage units and utility rooms.
 07:34PM **15** CHAIRMAN FERGUSON: Okay.
 07:34PM **16** And you're removing both buildings, the
 07:34PM **17** garage back there and also the --
 07:34PM **18** THE WITNESS: There's a garage, there's
 07:34PM **19** a house and there's a storage trailer.
 07:34PM **20** CHAIRMAN FERGUSON: Well, there's a
 07:34PM **21** garage, there's a house and then there's --
 07:34PM **22** THE WITNESS: Correct.
 07:34PM **23** Yeah, the garage is, I think, 20-by-35
 07:34PM **24** and they're right up on the property line by about a
 07:34PM **25** foot.

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07:34PM **1** CHAIRMAN FERGUSON: Okay.
 07:34PM **2** And the last one I think I have is this
 07:34PM **3** one and that's just -- oh, there's two of them.
 07:34PM **4** There's a -- it looks like there's
 07:34PM **5** antennas. Am I missing that or -- on top of the
 07:34PM **6** building, is there --
 07:34PM **7** THE WITNESS: Well, there's no building
 07:35PM **8** there now.
 07:35PM **9** CHAIRMAN FERGUSON: No, no, but the new
 07:35PM **10** one, is there antennas.
 07:35PM **11** THE WITNESS: No, no, not at all.
 07:35PM **12** MR. HUBSCHMAN: That's just the
 07:35PM **13** separation lines.
 07:35PM **14** THE WITNESS: Oh, no, that's the center
 07:35PM **15** of each building.
 07:35PM **16** So there's three separate sections. No
 07:35PM **17** antenna, no.
 07:35PM **18** CHAIRMAN FERGUSON: No antennas.
 07:35PM **19** THE WITNESS: That's just the center of
 07:35PM **20** each unit.
 07:35PM **21** CHAIRMAN FERGUSON: And the last is, I
 07:35PM **22** see it looks like a 12-foot -- 12 high wall.
 07:35PM **23** THE WITNESS: Twelve inch.
 07:35PM **24** CHAIRMAN FERGUSON: Oh, 12-inch.
 07:35PM **25** THE WITNESS: Twelve inches.

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07:35PM **1** CHAIRMAN FERGUSON: And that's to --
 07:35PM **2** THE WITNESS: Currently there's an
 07:35PM **3** existing curb on the property.
 07:35PM **4** So we're just going to build a little
 07:35PM **5** wall to protect that from us.
 07:35PM **6** CHAIRMAN FERGUSON: From people going
 07:35PM **7** over.
 07:35PM **8** THE WITNESS: Right, right.
 07:35PM **9** CHAIRMAN FERGUSON: And on the back
 07:35PM **10** side there's, what do you call it, a parking garage,
 07:35PM **11** correct.
 07:35PM **12** THE WITNESS: There's a parking lot and
 07:35PM **13** --
 07:35PM **14** CHAIRMAN FERGUSON: And on the other
 07:36PM **15** side.
 07:36PM **16** THE WITNESS: That's like the bank, I
 07:36PM **17** think, or something.
 07:36PM **18** CHAIRMAN FERGUSON: Yeah.
 07:36PM **19** THE WITNESS: It has access.
 07:36PM **20** But we're going to have -- we're going
 07:36PM **21** to propose to have a fence around the property along
 07:36PM **22** with landscaping. Lighting on -- lighting just on
 07:36PM **23** the building where the doors are.
 07:36PM **24** CHAIRMAN FERGUSON: Yeah, right.
 07:36PM **25** You're going to shave them.

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07:36PM **1** THE WITNESS: Yeah, we can shave them
 07:36PM **2** down just for residential type of use only.
 07:36PM **3** CHAIRMAN FERGUSON: Any board members
 07:36PM **4** have anything else.
 07:36PM **5** MR. GRALA: My only concern,
 07:36PM **6** Mr. Chairman, is the snow.
 07:36PM **7** That's a tough block to plow. I'm
 07:36PM **8** looking at three driveways.
 07:36PM **9** When we go home at night, if that snow
 07:36PM **10** comes out, we're in trouble. That's a big frontage
 07:36PM **11** for snow.
 07:36PM **12** CHAIRMAN FERGUSON: All right.
 07:36PM **13** Are we going to address that?
 07:36PM **14** MR. HUBSCHMAN: I'm sorry, did he say
 07:36PM **15** snow?
 07:36PM **16** THE WITNESS: Snow plowing.
 07:36PM **17** We would have to really off the street,
 07:36PM **18** take it and ship it out.
 07:36PM **19** I mean, we'd have to -- that's the only
 07:36PM **20** way. You can't push it up against -- it's 40-foot
 07:37PM **21** wide and there's -- they've got two buildings.
 07:37PM **22** MR. GRALA: The house that's there
 07:37PM **23** never really affected us.
 07:37PM **24** I'm afraid this might.
 07:37PM **25** MR. HUBSCHMAN: We'll have to make

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07:37PM 1 arrangements to have it removed if it gets to be a
 07:37PM 2 problem, yes.
 07:37PM 3 MR. GRALA: That's the only concern I
 07:37PM 4 have.
 07:37PM 5 MR. HUBSCHMAN: We can make a
 07:37PM 6 condition.
 07:37PM 7 THE WITNESS: I think really that's
 07:37PM 8 probably the only way really, because if you have six
 07:37PM 9 units, then I can't get out. It's got to get taken
 07:37PM 10 out.
 07:37PM 11 CHAIRMAN FERGUSON: What's the distance
 07:37PM 12 between your building and the existing building
 07:37PM 13 that's -- yeah.
 07:37PM 14 THE WITNESS: Alliotts' building?
 07:37PM 15 CHAIRMAN FERGUSON: Yes.
 07:37PM 16 THE WITNESS: So there's a driveway
 07:37PM 17 that accesses other retail.
 07:37PM 18 CHAIRMAN FERGUSON: Right, in the back.
 07:37PM 19 THE WITNESS: Yeah, which is about
 07:37PM 20 12 feet and then his building is about a foot, so
 07:37PM 21 about 13 feet.
 07:37PM 22 CHAIRMAN FERGUSON: Okay.
 07:37PM 23 And on the other side there's no way to
 07:37PM 24 put anything there.
 07:37PM 25 THE WITNESS: Here (indicating)?
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07:37PM 1 CHAIRMAN FERGUSON: No, no.
 07:37PM 2 If you went all way down past the
 07:38PM 3 house, past the building.
 07:38PM 4 THE WITNESS: Oh, yeah, no, no, it
 07:38PM 5 stops right there.
 07:38PM 6 CHAIRMAN FERGUSON: It stops right
 07:38PM 7 there.
 07:38PM 8 THE WITNESS: Right.
 07:38PM 9 There's nothing beyond multifamily
 07:38PM 10 there.
 07:38PM 11 So this street ends right at this
 07:38PM 12 property. It doesn't keep going and there's a
 07:38PM 13 residential zone in the back.
 07:38PM 14 CHAIRMAN FERGUSON: All right. Okay.
 07:38PM 15 Steve, you got anything.
 07:38PM 16 MR. COLLAZUOL: Yes, thank you,
 07:38PM 17 Chairman.
 07:38PM 18 Joe, you will comply with the report
 07:38PM 19 that we prepared and get a civil plan prepared?
 07:38PM 20 THE WITNESS: Correct, yes, we will.
 07:38PM 21 MR. COLLAZUOL: To not be inclusive of
 07:38PM 22 the drainage that's required and in addition if this
 07:38PM 23 property wouldn't accept seepage pits, you'd be
 07:38PM 24 obligated to run some kind of storm drain down to
 07:38PM 25 Broad Avenue to tie in.
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07:38PM 1 THE WITNESS: Right, absolutely.
 07:38PM 2 I guess whatever condition meets -- I
 07:38PM 3 guess a soil test would have to be done and we would
 07:38PM 4 do that.
 07:38PM 5 MR. COLLAZUOL: The borough
 07:38PM 6 requirements would be sidewalks and curbs.
 07:39PM 7 You'll be preparing a plan to
 07:39PM 8 provide --
 07:39PM 9 THE WITNESS: Yes.
 07:39PM 10 MR. COLLAZUOL: -- three drop curbs
 07:39PM 11 inclusive of a drop curb for the access to the trash
 07:39PM 12 area?
 07:39PM 13 THE WITNESS: Yes.
 07:39PM 14 MR. COLLAZUOL: Now, that may come up
 07:39PM 15 with what John was bring up regarding that asphalt
 07:39PM 16 pavement in front of the trash area, you're going to
 07:39PM 17 put a curb in the driveway in front of that.
 07:39PM 18 I don't know if that would be a good
 07:39PM 19 spot for the snow or not, but something to think
 07:39PM 20 about.
 07:39PM 21 THE WITNESS: But we will delineate,
 07:39PM 22 like, the curb and sidewalk up to the trash, yes.
 07:39PM 23 MR. COLLAZUOL: The parking arrangement
 07:39PM 24 is not completely clear.
 07:39PM 25 Under the RSIS, Mike says you have to
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07:39PM 1 have two spaces per unit. There's no designated
 07:39PM 2 visitor spaces, but how if it complies with the RSIS,
 07:39PM 3 how does the arrangement work with the units?
 07:39PM 4 Each would get half a garage, and one
 07:39PM 5 space in front.
 07:39PM 6 THE WITNESS: Correct.
 07:39PM 7 So if I'm looking at a 16-foot door, I
 07:39PM 8 have -- I would have an interior one and an exterior
 07:39PM 9 one.
 07:40PM 10 MR. COLLAZUOL: Okay.
 07:40PM 11 The plan, just as a point of clarity,
 07:40PM 12 the dimension from the garage door to the overhead
 07:40PM 13 portion of the front face of the building, is it
 07:40PM 14 7 feet or 5 feet, because you show 15 feet to the
 07:40PM 15 building face.
 07:40PM 16 So what's that additional dimension to
 07:40PM 17 provide for that parking plan.
 07:40PM 18 THE WITNESS: So from the property line
 07:40PM 19 to the face of the building is 15 feet and then I
 07:40PM 20 have a 2-foot overhang, but the garage is setback
 07:40PM 21 another 5 feet, so I have 20 feet from the property
 07:40PM 22 line to the garage door.
 07:40PM 23 MR. COLLAZUOL: Okay.
 07:40PM 24 And you will provide a landscape plan.
 07:40PM 25 THE WITNESS: Yes, I do have a
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07:40PM **1** schematic one. We'll have landscaping on the back
 07:40PM **2** and on the two sides and in the one area in front at
 07:40PM **3** one of the doors, we have the grass area or landscape
 07:40PM **4** area, but, yes, we would.
 07:40PM **5** MR. COLLAZUOL: Thank you.
 07:40PM **6** I have nothing else, Chairman.
 07:40PM **7** CHAIRMAN FERGUSON: Are you going to
 07:41PM **8** put a planner on.
 07:41PM **9** MR. HUBSCHMAN: No.
 07:41PM **10** CHAIRMAN FERGUSON: Well, you have to.
 07:41PM **11** Doesn't he have to put a planner on.
 07:41PM **12** MS. TESTA: Use variance.
 07:41PM **13** MR. HUBSCHMAN: Well, I think that it
 07:41PM **14** kind of speaks for itself. I mean, we're in a
 07:41PM **15** situation where we have a request for a use variance
 07:41PM **16** where it is in the middle of residential structures.
 07:41PM **17** MS. TESTA: Right, but we need
 07:41PM **18** testimony of the positive and negative criteria.
 07:41PM **19** MR. HUBSCHMAN: Would you take it from
 07:41PM **20** Joe? He's not a planner.
 07:41PM **21** Would you take it from Joe?
 07:41PM **22** CHAIRMAN FERGUSON: It's up to you.
 07:41PM **23** MS. TESTA: Well, it's up to the board.
 07:41PM **24** MR. HUBSCHMAN: Joe's testified
 07:41PM **25** numerous times in these situations.

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07:41PM **1** CHAIRMAN FERGUSON: Is he a planner.
 07:41PM **2** MS. TESTA: No.
 07:41PM **3** CHAIRMAN FERGUSON: Well, I don't --
 07:41PM **4** you know, usually when somebody comes --
 07:41PM **5** MS. TESTA: It's required with a use
 07:41PM **6** variance in order to prove the --
 07:41PM **7** MR. HUBSCHMAN: I understand.
 07:41PM **8** We have done it differently in the
 07:41PM **9** past.
 07:41PM **10** I understand.
 07:41PM **11** You won't accept him?
 07:41PM **12** CHAIRMAN FERGUSON: No.
 07:41PM **13** MS. TESTA: Not as an expert, he needs
 07:41PM **14** to be an expert.
 07:41PM **15** MR. HUBSCHMAN: Then I'll have to
 07:41PM **16** continue.
 07:41PM **17** MS. TESTA: That's fine.
 07:41PM **18** CHAIRMAN FERGUSON: We could adjourn
 07:42PM **19** this. I mean, if you wanted to.
 07:42PM **20** MR. HUBSCHMAN: Yeah.
 07:42PM **21** CHAIRMAN FERGUSON: And if there's
 07:42PM **22** another planner in the audience, you can brief them,
 07:42PM **23** you can bring them back.
 07:42PM **24** (Laughter.)
 07:42PM **25** CHAIRMAN FERGUSON: See, the reason --

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07:42PM **1** MR. HUBSCHMAN: I think we'd have to
 07:42PM **2** come back then if you require that.
 07:42PM **3** MS. TESTA: Yes.
 07:42PM **4** CHAIRMAN FERGUSON: Okay. So next
 07:42PM **5** month you'll begin.
 07:42PM **6** MS. TESTA: Let me just check the date,
 07:42PM **7** so we can make the notice.
 07:42PM **8** The 17th of April.
 07:42PM **9** MR. HUBSCHMAN: Very well, thank you.
 07:42PM **10** MS. TESTA: Okay. So this -- and you
 07:42PM **11** waive any time constraints.
 07:42PM **12** MR. HUBSCHMAN: Yes.
 07:42PM **13** MS. TESTA: Okay.
 07:42PM **14** So I guess the board will make a motion
 07:42PM **15** to carry this matter to the next meeting, which is
 07:42PM **16** April 17, 2023 at 7 p.m.
 07:42PM **17** There will be no further notice
 07:42PM **18** required of the applicant and he waives any time
 07:43PM **19** constraints.
 07:43PM **20** MR. HUBSCHMAN: Thank you.
 07:43PM **21** VICE CHAIRMAN ALBANESE: I'll make that
 07:43PM **22** motion.
 07:43PM **23** CHAIRMAN FERGUSON: I'll make that
 07:43PM **24** motion.
 07:43PM **25** Can I get a second?

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07:43PM **1** VICE CHAIRMAN ALBANESE: I'll second.
 07:43PM **2** CHAIRMAN FERGUSON: All right.
 07:43PM **3** One down.
 07:43PM **4** MS. LAMBRINIDES: Okay.
 07:43PM **5** Mr. Ferguson?
 07:43PM **6** CHAIRMAN FERGUSON: Roll call.
 07:43PM **7** MS. LAMBRINIDES: Mr. Ferguson?
 07:43PM **8** CHAIRMAN FERGUSON: Yes.
 07:03PM **9** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **10** VICE CHAIRMAN ALBANESE: Yes.
 07:03PM **11** MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM **12** MR. ELEFTERIOU: Yes.
 07:03PM **13** MS. LAMBRINIDES: Ms. Yoon?
 07:03PM **14** MS. YOON: Yes.
 07:03PM **15** MS. LAMBRINIDES: Mr. Terranova?
 07:03PM **16** MR. TERRANOVA: Yes.
 07:03PM **17** MS. LAMBRINIDES: Mr. Grala?
 07:03PM **18** MR. GRALA: Yes.
 07:03PM **19** MS. LAMBRINIDES: Mr. Brogna?
 07:03PM **20** MR. BROGNA: Yes.
 07:03PM **21** MS. LAMBRINIDES: Mr. Chung?
 07:03PM **22** MR. CHUNG: Yes.
 07:03PM **23** MS. LAMBRINIDES: Ms Kim?
 07:43PM **24** MS. KIM: Yes.
 07:43PM **25** CHAIRMAN FERGUSON: Next we're going to

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07:43PM 1 do 39 Henry first.

07:43PM 2 MR. SOKOLICH: Chairman, Members of the

07:43PM 3 Board, engaged professionals, for the record, Mark

07:43PM 4 Sokolich on behalf of the next application before you

07:43PM 5 relating the applicant James Noh, relating to

07:44PM 6 premises known as 39 Henry Ave.

07:44PM 7 CHAIRMAN FERGUSON: Before we get

07:44PM 8 started, are you going to put a planner on.

07:44PM 9 MR. SOKOLICH: I am, yes.

07:44PM 10 We got -- there's all sorts of

07:44PM 11 witnesses out there, Mr. Chairman, whatever you need,

07:44PM 12 we have tonight.

07:44PM 13 I know you have a very busy agenda, so

07:44PM 14 I will be as brief with my introductory remarks as I

07:44PM 15 hopefully usually am.

07:44PM 16 This is an application about a lot

07:44PM 17 that's a bit undersized in your zone of 5,000 square

07:44PM 18 feet.

07:44PM 19 It is the intentions of the applicant

07:44PM 20 to present one Bill Cocoros who's appeared before you

07:44PM 21 multiple times; and on deck is our planner David

07:45PM 22 Spatz, who will provide the planning testimony and

07:45PM 23 the positive and negative criteria associated with

07:45PM 24 the variances sought.

07:45PM 25 The use that's proposed, which is a
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07:45PM 1 two-family duplex dwelling is expressly permitted.

07:45PM 2 However, this applicant needs relief

07:45PM 3 from this board because of the size of the premises

07:45PM 4 and as a consequence, other variances are triggered.

07:45PM 5 So, Chairman and Members, unless you

07:45PM 6 have any questions of I, we would ask Mr. Cocoros to

07:45PM 7 be sworn in.

07:56PM 8 MS. TESTA: Please raise your right

9 hand.

10 Do you swear the testimony you will

11 give in this application will be the truth, the whole

12 truth and nothing but the truth?

13 MR. COCOROS: I do.

14 V A S S I L I O S C O C O R O S, RA

15 467 Sylvan Avenue, Englewood Cliffs, New Jersey

16 07632, having been duly sworn, testifies as

17 follows:

18 MS. TESTA: State your name and spell

19 it for the record and your address, please.

20 MR. COCOROS: Sure.

21 Vassilios, V-A-S-S-I-L-I-O-S, Vassilios

22 Cocoros, C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood

23 Cliffs, New Jersey 07632.

24 CHAIRMAN FERGUSON: Okay. He's been

25 here many times, so we'll accept him.

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1 MR. SOKOLICH: Thank you, Chairman.

2 DIRECT EXAMINATION

07:45PM 3 BY MR. SOKOLICH:

07:45PM 4 Q. So, Billy, your credentials have been

07:45PM 5 accepted as an expert in the field of architecture,

07:45PM 6 you acknowledge that, correct?

07:45PM 7 A. Yes.

07:45PM 8 MR. SOKOLICH: I'm going to -- Diane,

07:46PM 9 you and the Chair's permission, A-1?

10 MS. TESTA: Yes, please.

11 BY MR. SOKOLICH:

12 Q. So Bill, I'm going to mark the first

13 plan as A-1.

14 We're going to -- and you also,

07:46PM 15 likewise, identify it as A-1.

07:46PM 16 It has an initial date of May 24, 2022

07:46PM 17 and a last revised date of January 17, 2023?

07:46PM 18 A. Correct.

07:46PM 19 (Whereupon, Elevations and Site Plan,

07:46PM 20 dated May 24, 2022, Last Revised January 17,

07:46PM 21 2023 is marked as Exhibit A-1 for

07:46PM 22 identification.)

07:46PM 23 MR. SOKOLICH: I'm going to also mark

07:46PM 24 your next page as A -- and this, excuse me, A-1 is

25 entitled, "Elevations and Site Plan."
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1 Next I'm going to mark, so we get this

2 all out of the way, Diane, if that's okay --

3 MS. TESTA: Sure.

4 MR. SOKOLICH: -- as A-2.

5 (Whereupon, Floor Plans, Dated May 24,

07:46PM 6 2022, Last Revised January 17, 2023 is marked

07:46PM 7 as Exhibit A-2 for identification.)

07:46PM 8 BY MR. SOKOLICH:

07:46PM 9 Q. You entitled the plan, "Floor Plans,"

07:46PM 10 initially dated May 24, 2022, last revised

07:46PM 11 January 17, 2023?

07:46PM 12 A. Correct.

07:46PM 13 MR. SOKOLICH: And, finally, we're

07:46PM 14 going to mark A-3 as stormwater plan and details,

07:46PM 15 which is your third page of your architectural set.

07:46PM 16 It has an initial date of May 24, 2022,

07:46PM 17 and a last revised date, again, is January 17, 2023.

18 (Whereupon, Stormwater Plan and

19 Details, dated May 24, 2022, last revised

20 January 17, 2023 is marked as Exhibit A-3 for

21 identification.)

22 BY MR. SOKOLICH:

07:46PM 23 Q. So I don't have to bother you with

07:46PM 24 these questions every time we talk about a page,

07:46PM 25 Bill, you prepared all of these drawings?
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07:47PM 1 A. Yes.

07:47PM 2 Q. Okay.

07:47PM 3 Just as you go from page to page, just

07:47PM 4 identify it as we've identified it to the board, A-1

07:47PM 5 through A-3?

07:47PM 6 Using A-1, if you would get into the

07:47PM 7 existing conditions and focus on the size of the

07:47PM 8 property, if you would.

07:47PM 9 A. Sure.

07:47PM 10 The existing property is 39 Henry

07:47PM 11 Street. It's located on the north side of -- I'm

07:47PM 12 sorry -- Henry Avenue.

07:47PM 13 It's located on the north side of Henry

07:47PM 14 Avenue. Three properties east of Highland Avenue or

07:47PM 15 130 feet from Highland Avenue.

07:47PM 16 The property, itself, is 40-foot wide

07:47PM 17 by 111-foot deep.

07:47PM 18 All of the other surrounding properties

07:47PM 19 basically going towards Highland and going west --

07:47PM 20 I'm sorry, going east towards Broad are all 40-by-110

07:47PM 21 also.

07:47PM 22 So it would be impossible to get any

07:47PM 23 additional land for the property.

07:47PM 24 Total lot area is 4,441 square feet.

07:47PM 25 In addition, there's a back alley

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07:48PM 1 Go ahead, I'm sorry.

07:48PM 2 A. And we're proposing to construct a new

07:48PM 3 six-over-six two-family dwelling, which is in line

07:49PM 4 with other newer six-over-sixes in that portion of

07:49PM 5 town.

07:49PM 6 We do have a setback of 25 feet in the

07:49PM 7 front, 25 feet in the rear.

07:49PM 8 So we are complying with the front yard

07:49PM 9 and rear yard setbacks.

07:49PM 10 However, we are requesting a variance

07:49PM 11 for the side yards. The side yard is 3-and-a-half

07:49PM 12 feet, which is the accepted setback for this type of

07:49PM 13 development that the board has approved before.

07:49PM 14 Originally we used to do 3-feet-1 and

07:49PM 15 the board thought it was a better idea to make it a

07:49PM 16 little bit wider, so we've gone -- from now on we're

07:49PM 17 basically doing a 3-and-a-half-foot wide setback on

07:49PM 18 the six-over-six lot.

07:49PM 19 Building coverage is 2,013 square feet

07:49PM 20 or 45.34 percent, which is a variance. However, it's

07:49PM 21 a variance that has been granted on these type of

07:49PM 22 developments.

07:49PM 23 And if you look at our footprint, we

07:49PM 24 basically line up with the proposed dwellings on each

07:49PM 25 side of us. So we would fit into the existing fabric

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07:47PM 1 behind the property that all of the properties

07:48PM 2 between Brinkerhoff and Henry Avenue, kind of, back

07:48PM 3 up on to.

07:48PM 4 The property, itself, does have a

07:48PM 5 little bit of a topographic difference.

07:48PM 6 There's an approximate drop of 3 feet

07:48PM 7 going from east to west or going from Broad Avenue

07:48PM 8 down towards Highland Avenue and then from front to

07:48PM 9 back, we have 71 feet at the front right corner and

07:48PM 10 then 72 feet at the rear corner.

07:48PM 11 So it's somewhat level from front to

07:48PM 12 back on the right-hand side.

07:48PM 13 And on the left-hand side it goes from

07:48PM 14 approximately 69 feet to about 70 feet. So it's

07:48PM 15 going to be a foot difference from front to back.

07:48PM 16 There's more of a cross slope from east to west.

07:48PM 17 We're proposing to demolish the

07:48PM 18 existing dwelling and the detached garage, which is

07:48PM 19 located approximately a foot-and-a-half off the rear

07:48PM 20 and 2 feet off the side of the property and

07:48PM 21 construction --

07:48PM 22 Q. I'm sorry, Bill, those are preexisting,

07:48PM 23 nonconforming conditions, correct?

07:48PM 24 A. Yes.

07:48PM 25 Q. Okay.

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07:49PM 1 of the neighborhood and the existing fabric of the

07:50PM 2 newer development in that area.

07:50PM 3 Three level configuration.

07:50PM 4 Q. Bill, just stay on A-1 for me, if you

07:50PM 5 would.

07:50PM 6 I just want to confirm a couple of

07:50PM 7 things with you.

07:50PM 8 On the architectural site plan that you

07:50PM 9 show in the upper right-hand corner of A-1, no

07:50PM 10 bump-outs and is that intentional?

07:50PM 11 What I mean by no bump-out, there's no

07:50PM 12 protrusions in the side yards, correct?

07:50PM 13 A. No, it's basically a straight up

07:50PM 14 3-foot-6-inch. There's no encumbrances into the side

07:50PM 15 yard.

07:50PM 16 Q. And typically you have them for

07:50PM 17 aesthetic reasons, square footage reasons, what have

07:50PM 18 you, but in this particular case you refrained from

07:50PM 19 doing so because of the narrowness of the site?

07:50PM 20 A. Yeah, because of the narrowness and the

07:50PM 21 setback. If this was a duplex with a 6-foot setback,

07:50PM 22 we typically go 2 feet past that point.

07:50PM 23 We would actually have 3 feet, you

07:50PM 24 know, almost it would be 4 feet, so it would be

07:50PM 25 similar to a what a duplex would be allowed on --

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07:50PM **1** **Q.** And just to confirm, the parking is
 07:50PM **2** going to be designated each tenant would have a
 07:50PM **3** garage space and one driveway space, correct?
 07:50PM **4** **A.** Correct.
 07:50PM **5** We have a 24-foot-6-inch driveway and
 07:50PM **6** in front of that is a two-car garage.
 07:50PM **7** Each parking space will have its own
 07:51PM **8** independent garage door.
 07:51PM **9** **Q.** I also noticed that your entry point
 07:51PM **10** into the residence, it's not two, it's one and it
 07:51PM **11** doesn't -- it doesn't flag out into the side yards at
 07:51PM **12** all. You condensed it to within the -- actually the
 07:51PM **13** front part of the building.
 07:51PM **14** Is that correct?
 07:51PM **15** **A.** Correct.
 07:51PM **16** The main staircase comes up from the
 07:51PM **17** sidewalk level, goes to a shared covered platform.
 07:51PM **18** And then there's a door on the right,
 07:51PM **19** which takes you to the second floor apartment.
 07:51PM **20** And then a door on the left is the
 07:51PM **21** first floor apartment.
 07:51PM **22** **Q.** And this is proposed the façade, which
 07:51PM **23** is depicted on A-1.
 07:51PM **24** This is all proposed to be a masonry
 07:51PM **25** design and structure, correct?

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1 **A.** Yes.
2 **Q.** But, most importantly, as you
3 indicated, there's no stormwater system there now?
4 So where the water runs, it runs --
5 **A.** Right.
6 **Q.** -- and chances are it runs to adjacent
7 properties?
8 **A.** Yes.
9 **Q.** Now, you have -- and I'm not going to
10 belabor the board with this, but you've designed a, I
11 believe, a detention system in the rear?
12 **A.** Yes.
13 **Q.** And I trust the gutters and collection
14 for the site will go into that system, which is fine,
15 and explain it if you'd like, but at the end of the
16 day we do acknowledge that were the board to act
17 favorably, that engineering design goes to
18 Mr. Collazuol for his absolute approval, revision and
19 we represent to the board that whatever
20 recommendations we receive from him, we'll
21 incorporate.
22 **A.** Correct.
23 **Q.** Anything else you want to talk about on
24 A-1?
25 And I know you've identified the

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07:51PM **1** **A.** Correct.
 07:51PM **2** We'll even do -- and then on the bay
 07:51PM **3** windows, the bay window in the back and the bay
 07:51PM **4** window in the front, which is typical for this type
 07:51PM **5** of house, it will either be a stucco or a panelized
 07:51PM **6** system on that to break up the brick on the building
 07:51PM **7** itself.
 07:51PM **8** **Q.** I didn't ask you this in the beginning,
 07:51PM **9** but let me ask you now.
 07:51PM **10** Any environmental, adverse
 07:51PM **11** environmental conditions the board needs to be
 07:51PM **12** cognizant of?
 07:51PM **13** **A.** Not that I know of.
 07:51PM **14** I know there is no existing stormwater
 07:51PM **15** system on this property.
 07:51PM **16** **Q.** Next question, right?
 07:52PM **17** **A.** In addition, I think the water was
 07:52PM **18** basically going down the old driveway, then running
 07:52PM **19** down onto Henry -- the alleyway behind Henry.
 07:52PM **20** **Q.** Now, you do acknowledge receipt of a
 07:52PM **21** memorandum from Mr. Collazuol on this application,
 07:52PM **22** correct?
 07:52PM **23** **A.** Yes.
 07:52PM **24** **Q.** In furtherance of being deemed complete
 07:52PM **25** to get to this hearing?

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07:53PM **1** variances bearing in mind we have a planner on deck.
 07:53PM **2** **A.** Sure.
 07:53PM **3** **Q.** Now, we flip to A-2, we get inside the
 07:53PM **4** house, just briefly, Bill, if you would, starting on
 07:53PM **5** the lowest level and focus on points of entry and
 07:53PM **6** egress.
 07:53PM **7** **A.** You see in the front portion of the
 07:53PM **8** driveway, you see the staircase that brings you up to
 07:53PM **9** the first floor entry level landing.
 07:53PM **10** Behind the garage we have a coatroom
 07:53PM **11** with all the mechanical equipment and HVAC and water
 07:53PM **12** heater, boilers, whatever we need.
 07:53PM **13** At the back is the recreation room,
 07:53PM **14** home office, we have powder room, door for exit.
 07:53PM **15** Staircase up to the first floor from the ground
 07:53PM **16** floor, from the basement level, which is the garage
 07:53PM **17** level, which brings you into the first floor unit,
 07:53PM **18** which is the main unit. It's connected to the
 07:53PM **19** basement also.
 07:53PM **20** The setup on the first and second floor
 07:53PM **21** is the same pretty much. It's a three-bedroom
 07:53PM **22** configuration.
 07:53PM **23** We have a living room, dining area,
 07:54PM **24** kitchen, eating area behind the kitchen with a deck
 07:54PM **25** off the back (indicating).

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07:54PM **1** On the side or left side we have a

07:54PM **2** bedroom level and one master suite, a primary suite

07:54PM **3** in the back, two secondary bedrooms and each bedroom

07:54PM **4** has its own en-suite bathroom. One has a tub/shower,

07:54PM **5** the other one has just a shower.

07:54PM **6** The second floor is basically the same.

07:54PM **7** Over the covered entry we have a roof canopy, no

07:54PM **8** balcony, we've taken those out and also the deck in

07:54PM **9** the back.

07:54PM **10** Like I said, the footprint and the

07:54PM **11** program is basically the same as a typical

07:54PM **12** six-over-six that's been developed and approved in

07:54PM **13** town.

07:54PM **14** **Q.** Bill, as far as the interior -- and

07:54PM **15** these are the three elevations.

07:54PM **16** Just to be clear, the only wood decks,

07:54PM **17** if you will, are at the rear and the entry points are

07:54PM **18** from the kitchen to both units, correct?

07:54PM **19** **A.** Yes.

07:54PM **20** **Q.** Okay.

07:54PM **21** Are there any rooftop decks, anything

07:54PM **22** of that nature that are proposed here?

07:54PM **23** **A.** No.

07:54PM **24** **Q.** We're going to flip to A-3, your final

07:54PM **25** page and this just has some details on various

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07:55PM **1** aspects of the job, if you would, on take it from

07:55PM **2** wherever you want and in particular if you can focus

07:55PM **3** on landscaping.

07:55PM **4** **A.** It's basically set up where we have the

07:55PM **5** -- the drainage improvements. It's the same site

07:55PM **6** plan as we have on the A-1 sheet, however, we do have

07:55PM **7** the details that the Borough engineer requests and

07:55PM **8** also, like I said, because as Mark mentioned before,

07:55PM **9** if this is approved, these same plans will get

07:55PM **10** submitted again before construction for Steve's final

07:55PM **11** approval to make sure that we comply with all the

07:55PM **12** comments on his initial letter.

07:55PM **13** As far as landscaping, we do have room

07:55PM **14** for landscaping along the front driveway and a

07:55PM **15** portion of the walkway next to the staircase.

07:55PM **16** So, you know, we usually put either

07:55PM **17** boxwoods or azaleas to kind of soften the edge of the

07:55PM **18** driveways.

07:55PM **19** **Q.** Bill, I tried to give the board the

07:55PM **20** abridged version of the testimony, but is there

07:55PM **21** anything else that you want to add from an

07:55PM **22** architectural standpoint on A-1, A-2 or A-3?

07:55PM **23** **A.** Not that I can think of.

07:55PM **24** You know, basically we set up the

07:55PM **25** footprint, we looked at the neighbors, looked at the

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07:56PM **1** zoning and we did try to keep it -- you know, we

07:56PM **2** tried to minimize the variances.

07:56PM **3** The side yard setback is basically a

07:56PM **4** function of the narrowness of the lot. You know, if

07:56PM **5** we're able to get more land, you know, we could have

07:56PM **6** done a typical duplex, but, you know, since we're

07:56PM **7** stuck at 40 feet, you know, we tried to keep a

07:56PM **8** certain setback that's been approved before and a

07:56PM **9** setback that, kind of, fits in with the development

07:56PM **10** of the neighborhood.

07:56PM **11** **Q.** And you took into account the

07:56PM **12** development of the neighborhood when you designed

07:56PM **13** these plans?

07:56PM **14** What I mean by that is, you did a

07:56PM **15** physical inspection of the property, correct?

07:56PM **16** **A.** Yes.

07:56PM **17** **Q.** And you took into account not only this

07:56PM **18** property, but the proximity of structures both east

07:56PM **19** and west and in the vicinity of the premises?

07:56PM **20** **A.** Yes.

07:56PM **21** MR. SOKOLICH: Chairman, I offer

07:56PM **22** Mr. Cocoros.

07:56PM **23** CHAIRMAN FERGUSON: Okay.

07:56PM **24** Good job this one.

07:56PM **25** THE WITNESS: Thank you.

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07:56PM **1** CHAIRMAN FERGUSON: There's only one

07:56PM **2** quick question and it's a question I keep asking and

07:56PM **3** you keep on putting it.

07:56PM **4** Up on the front of the building above

07:56PM **5** the stairway it looks like there's a platform there.

07:56PM **6** THE WITNESS: If you look at the

07:56PM **7** elevation, it's a standing --

07:57PM **8** CHAIRMAN FERGUSON: I'm looking at this

07:57PM **9** one right here (indicating).

07:57PM **10** THE WITNESS: On my plan we revised it.

07:57PM **11** CHAIRMAN FERGUSON: Okay.

07:57PM **12** THE WITNESS: You might have an older

07:57PM **13** one.

07:57PM **14** I mean, it's a nice feature. I would

07:57PM **15** like to --

07:57PM **16** CHAIRMAN FERGUSON: No, it's okay.

07:57PM **17** You're removing it then I assume.

07:57PM **18** THE WITNESS: I mean, is there anyway

07:57PM **19** --

07:57PM **20** CHAIRMAN FERGUSON: There's no way to

07:57PM **21** keep it.

07:57PM **22** MS. LAMBRINIDES: I don't think that

07:57PM **23** was a question.

07:57PM **24** (Laughter.)

07:57PM **25** THE WITNESS: Understood.

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07:57PM 1 CHAIRMAN FERGUSON: So that's a door
07:57PM 2 there.
07:57PM 3 THE WITNESS: Yeah, it's a french door
07:57PM 4 out to a small balcony.
07:57PM 5 CHAIRMAN FERGUSON: If I'm going to
07:58PM 6 vote for it, you're going to have to remove it.
07:58PM 7 THE WITNESS: Okay.
07:58PM 8 CHAIRMAN FERGUSON: Talk to somebody.
07:58PM 9 THE WITNESS: Understood.
07:58PM 10 MR. SOKOLICH: We acknowledge that as a
07:58PM 11 condition, Chairman, the removal of that balcony.
07:58PM 12 CHAIRMAN FERGUSON: I appreciate that.
07:58PM 13 Any board members have anything?
07:58PM 14 (No Response.)
07:58PM 15 CHAIRMAN FERGUSON: Steve.
07:58PM 16 MR. COLLAZUOL: Three quick points.
07:58PM 17 Bill, if the board approves this, on the right-hand
07:58PM 18 side there's a railroad tie wall on the right.
07:59PM 19 Could you depict that it's going to be
07:59PM 20 removed and replaced with something else?
07:59PM 21 THE WITNESS: On the front right, yes.
07:59PM 22 Yeah, we actually do show it getting
07:59PM 23 removed.
07:59PM 24 And we are actually bringing our grade
07:59PM 25 up to match that existing grade.

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07:59PM 1 MR. COLLAZUOL: Okay.
07:59PM 2 With respect to landscaping, can you
07:59PM 3 denote on A-1 or S-1 that in the rear yard the
07:59PM 4 surface is going to be grass or whatever --
07:59PM 5 THE WITNESS: Yes.
07:59PM 6 MR. COLLAZUOL: -- you're going to plant
07:59PM 7 there and should you decide to put the boxwoods on
07:59PM 8 your plan, that would be appreciated.
07:59PM 9 THE WITNESS: Okay.
07:59PM 10 MR. COLLAZUOL: And, lastly, along the
07:59PM 11 14-foot right-of-way, what's been happening is we've
07:59PM 12 been requesting that that be improved to the curb as
07:59PM 13 well.
07:59PM 14 So if you can show on your plans the
07:59PM 15 curb along the street or the 14-foot right-of-way
07:59PM 16 along that lane in the back.
07:59PM 17 THE WITNESS: So a concrete curb along
07:59PM 18 that --
07:59PM 19 MR. COLLAZUOL: Yes.
07:59PM 20 THE WITNESS: Within our property.
07:59PM 21 MR. COLLAZUOL: Right on the line.
07:59PM 22 THE WITNESS: Okay.
07:59PM 23 MR. COLLAZUOL: The curbing, itself,
07:59PM 24 can be in the right-of-way.
07:59PM 25 THE WITNESS: Oh, so we can do the curb

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07:59PM 1 right --
07:59PM 2 MR. COLLAZUOL: Back face would be on
07:59PM 3 the line.
07:59PM 4 THE WITNESS: Okay. Yeah.
07:59PM 5 I think you made us do it on the other
07:59PM 6 ones before.
08:00PM 7 MR. COLLAZUOL: Yes.
08:00PM 8 I have nothing further, Chairman.
08:00PM 9 CHAIRMAN FERGUSON: Anybody in the
08:00PM 10 audience have anything to say about this application.
08:00PM 11 (No response.)
08:00PM 12 CHAIRMAN FERGUSON: No? Okay.
08:00PM 13 MR. SOKOLICH: Thank you, Chairman.
08:00PM 14 We'd ask David Spatz to please be sworn
08:00PM 15 in.
08:00PM 16 Thank you, Bill.
08:00PM 17 MS. TESTA: Please raise your right
08:00PM 18 hand.
08:00PM 19 Do you swear that the testimony you
08:00PM 20 will give in this application will be the truth, the
08:00PM 21 whole truth and nothing but the truth?
08:00PM 22 MR. SPATZ: Yes, I so.
08:00PM 23 D A V I D S P A T Z, PP, AICP
08:00PM 24 60 Friend Terrace, Harrington Park, New Jersey,
08:00PM 25 having been duly sworn, testifies as follows:

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1 MS. TESTA: State your name, spell it
2 for the record and your address, please.
3 MR. SPATZ: David Spatz, S-P-A-T-Z.
4 My business address is 60 Friend
5 Terrace in Harrington Park, New Jersey.
6 CHAIRMAN FERGUSON: Okay.
7 He's been here many times.
8 You're accepted.
9 MR. SOKOLICH: Thank you, Chairman.
10 (Whereupon, Four Photographs are marked
11 as Exhibit A-4 for identification.)
12 DIRECT EXAMINATION
13 BY MR. SOKOLICH:
08:00PM 14 Q. David, before you get started with your
08:00PM 15 testimony, I pre-marked as A-4 a series of four
08:00PM 16 photographs.
08:00PM 17 Can you just identify them for the
08:00PM 18 record going, I guess, starting in the upper left and
08:00PM 19 go clockwise?
08:00PM 20 A. Certainly.
08:00PM 21 Okay. The top right-hand -- the top
08:00PM 22 left-hand photograph is of the subject property.
08:00PM 23 It's the smaller building directly in
08:00PM 24 the center.
08:00PM 25 The top right-hand photograph is

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08:00PM **1** looking to the right of our property.
 08:00PM **2** There's a couple of single-family homes
 08:00PM **3** and then a series of two-family homes, including a
 08:01PM **4** newer two-family home.
 08:01PM **5** The bottom left is to the left of our
 08:01PM **6** property and those are two new two-family homes.
 08:01PM **7** And in the distance you can see
 08:01PM **8** additional two-family dwellings.
 08:01PM **9** And then the bottom right is directly
 08:01PM **10** across the street from us, which also contains a
 08:01PM **11** number of newer two-family homes.
 08:01PM **12** **Q.** And just a couple of preliminary
 08:01PM **13** questions.
 08:01PM **14** You were present during the course of
 08:01PM **15** Mr. Cocoros' testimony?
 08:01PM **16** **A.** I was, yes.
 08:01PM **17** **Q.** And the scope of your engagement was to
 08:01PM **18** assess the variances being sought and prepare a
 08:01PM **19** planning assessment for presentation for the board?
 08:01PM **20** **A.** That's correct.
 08:01PM **21** I also, obviously, visited the site
 08:01PM **22** around the neighborhood and I'm familiar with the
 08:01PM **23** property.
 08:01PM **24** **Q.** Thank you.
 08:01PM **25** **A.** Okay.

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08:02PM **1** Looking at the bulk variances, they are
 08:02PM **2** directly related to the undersize nature of the
 08:02PM **3** property.
 08:02PM **4** In terms of it's lot area and width, we
 08:02PM **5** are slightly short in the width.
 08:02PM **6** We're at 40 feet where 50 feet is
 08:02PM **7** required and that creates the lot area per unit
 08:03PM **8** variance, because we're slightly less than 2500 per
 08:03PM **9** unit.
 08:03PM **10** In terms of the side yards, they're
 08:03PM **11** slightly less than what is typically provided on a
 08:03PM **12** 50-foot lot, but as was described, they do meet what
 08:03PM **13** is consistent with the two-family dwellings.
 08:03PM **14** There are no protrusions, bay windows
 08:03PM **15** or fire escapes or fireplaces that would project into
 08:03PM **16** the side yard, so it is a true open area.
 08:03PM **17** In terms of the lot coverage, we meet
 08:03PM **18** the lot coverage in terms of square footage.
 08:03PM **19** Although we exceed the coverage in
 08:03PM **20** terms of percentages, but, again, that's because we
 08:03PM **21** do have an undersized lot, the building has been
 08:03PM **22** deigned to fit within that smaller lot.
 08:03PM **23** So I think that the C variances can be
 08:03PM **24** granted.
 08:03PM **25** Looking lastly at the negative

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08:01PM **1** We're in the AA Zone, which permits the
 08:01PM **2** two-family dwellings as was described earlier. The
 08:01PM **3** lots do not conform to lot area or lot width
 08:01PM **4** requirements of the zone.
 08:01PM **5** We need one D variance, which is for
 08:01PM **6** building height and then C variances for lot area per
 08:01PM **7** unit, side yards and then lot coverage.
 08:01PM **8** Looking at the height variance, I think
 08:02PM **9** the site is particularly well suited for what we're
 08:02PM **10** proposing.
 08:02PM **11** The zone permits two-family homes. We
 08:02PM **12** are surrounded by a number of two-family homes, both
 08:02PM **13** older and newer two-family homes.
 08:02PM **14** The property is undersized and the
 08:02PM **15** building has been designed to fit in within that.
 08:02PM **16** The case law as it relates to height
 08:02PM **17** variances looks at whether although the building is
 08:02PM **18** taller, it is consistent with the neighborhood and I
 08:02PM **19** think it definitely is.
 08:02PM **20** The photographs clearly show that all
 08:02PM **21** of the newer two-family homes both adjacent to us and
 08:02PM **22** across the street are all three stories and are
 08:02PM **23** similar height to us.
 08:02PM **24** So although we need those variances, we
 08:02PM **25** are consistent with the neighborhood development.

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08:03PM **1** criteria, I don't think there's anything that is
 08:03PM **2** substantially negative. We're consistent with the
 08:03PM **3** neighborhood in terms of the use, in terms of the
 08:03PM **4** building height as well. The setbacks are also
 08:03PM **5** consistent with the neighborhood, removal of the
 08:04PM **6** detached garage will increase the light, air and open
 08:04PM **7** space towards the rear yard.
 08:04PM **8** We do have a conforming amount of
 08:04PM **9** parking being provided on the site. Mr. Cocoros
 08:04PM **10** indicated that currently there are no drainage
 08:04PM **11** facilities on the property.
 08:04PM **12** We are providing those, so that
 08:04PM **13** provides a benefit both to the property, as well as
 08:04PM **14** to the surrounding properties.
 08:04PM **15** So on balance, I think the positive
 08:04PM **16** criteria is met and outweighs anything that might be
 08:04PM **17** considered negative and I think those variances could
 08:04PM **18** be granted.
 08:04PM **19** Open to any questions.
 08:04PM **20** CHAIRMAN FERGUSON: Okay.
 08:04PM **21** I have none.
 08:04PM **22** Any board members have anything?
 08:04PM **23** (No Response.)
 08:04PM **24** CHAIRMAN FERGUSON: Take it away.
 08:04PM **25** MR. KAUKER: I think Mr. Spatz

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08:04PM **1** addressed all the points I had in my memo, so I have
 08:04PM **2** no further questions of him.
 08:04PM **3** CHAIRMAN FERGUSON: Okay.
 08:04PM **4** Anybody in the audience have any
 08:04PM **5** questions?
 08:04PM **6** (No Response.)
 08:04PM **7** CHAIRMAN FERGUSON: Do you want to sum
 08:04PM **8** up, Counsel.
 08:04PM **9** MR. SOKOLICH: Chairman, other than
 08:04PM **10** what's before you is an undersized lot that's been
 08:04PM **11** designed in a way so as to incorporate the
 08:04PM **12** disadvantages that the lot proposes.
 08:04PM **13** This is the type of six-over-over deign
 08:05PM **14** that this board has seen before. There are no
 08:05PM **15** protrusions. There's a consistency of this type of
 08:05PM **16** structure with the entire neighborhood.
 08:05PM **17** This property, albeit a little less
 08:05PM **18** wide than what's prescribed by ordinance, can be
 08:05PM **19** handled at the property and consistent with the
 08:05PM **20** Grasso case.
 08:05PM **21** We would ask that the board act
 08:05PM **22** favorably on the application as we do not submit that
 08:05PM **23** there will be any adverse impact on the neighborhood
 08:05PM **24** nor the board to act favorably.
 08:05PM **25** So thank you, sir.

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08:06PM **1** MS. TESTA: Yeah, so --
 08:06PM **2** CHAIRMAN FERGUSON: Who are the
3 alternates.
4 MS. LAMBRINIDES: Mr. Chung, Ms. Kim
5 and Ms. Yoon.
6 MS. TESTA: And Ms. Kim. There are how
7 many members.
8 MS. LAMBRINIDES: And Mr. Chung.
 08:06PM **9** MS. TESTA: Six, so Mr. Chung will
 08:06PM **10** vote.
 08:06PM **11** MS. LAMBRINIDES: He can? He will
 08:06PM **12** vote?
 08:06PM **13** MS. TESTA: Yes.
 07:03PM **14** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **15** VICE CHAIRMAN ALBANESE: Yes.
 07:03PM **16** MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM **17** MR. ELEFTERIOU: Yes.
18 MS. LAMBRINIDES: Ms. Carnovale -- no.
19 Mr. Terranova?
20 MR. TERRANOVA: Yes.
21 MS. LAMBRINIDES: Mr. Grala?
22 MR. GRALA: Yes.
23 MS. LAMBRINIDES: Mr. Brogna?
24 MR. BROGNA: Yes.
25 MS. LAMBRINIDES: Mr. Chung?

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08:05PM **1** MS. TESTA: And your client is willing
 08:05PM **2** to amend his application to remove the front second
 08:05PM **3** floor balcony.
 08:05PM **4** MR. SOKOLICH: Yes.
 08:05PM **5** Conditionally, yes, and comply with any
 08:05PM **6** other conditions your experts have.
 08:05PM **7** MS. TESTA: Very good.
 08:05PM **8** CHAIRMAN FERGUSON: Okay.
 08:05PM **9** And that includes the door, I assume?
 08:05PM **10** MR. SOKOLICH: Yes, sir.
 08:05PM **11** CHAIRMAN FERGUSON: Okay.
 08:05PM **12** So I'll make a motion to accept the
 08:05PM **13** application as submitted. I -- \$2,000.00 to the Tree
 08:05PM **14** Preservation Fund and remove those -- that landing on
 08:06PM **15** the second floor.
 08:06PM **16** Can I get a second?
 08:06PM **17** VICE CHAIRMAN ALBANESE: I'll second
 08:06PM **18** the motion.
 08:06PM **19** CHAIRMAN FERGUSON: Roll call.
 08:06PM **20** MS. LAMBRINIDES: Mr. Ferguson?
 08:06PM **21** MS. TESTA: As far as -- we just need
 08:06PM **22** seven members.
 08:06PM **23** CHAIRMAN FERGUSON: Yeah, we -- yeah.
 08:06PM **24** MS. LAMBRINIDES: So don't do the
 08:06PM **25** alternates?

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08:06PM **1** MR. CHUNG: Yes.
 08:06PM **2** CHAIRMAN FERGUSON: Good.
 08:06PM **3** MR. SOKOLICH: Chairman, Vice Chairman,
4 Members of the Board, thank you very much.
5 We're excited about the project.
6 Thank you for your consideration.
7 CHAIRMAN FERGUSON: Do you want to take
8 a break, Paul, or do you want to go.
9 VICE CHAIRMAN ALBANESE: Whatever you
 08:06PM **10** want to do.
 08:06PM **11** CHAIRMAN FERGUSON: All right.
 08:06PM **12** We'll go to the next one, which is --
 08:07PM **13** okay. So we're going to do 315 Broad Avenue,
14 Counsel.
15 MR. SOKOLICH: Chairman, my
16 condolences, you're going to be seeing -- and board,
17 you're going to be seeing a lot of me tonight.
18 (Laughter.)
19 MR. SOKOLICH: Our beloved colleague,
20 as many of you know, Marc Ramundo has been elevated
21 to status as superior court judge and, as such,
22 disqualified to represent applicants before the board
23 and Marc has asked me to represent his client.
24 Hopefully that's acceptable to you.
 08:07PM **25** CHAIRMAN FERGUSON: We wish nothing but

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08:07PM **1** good things for Marc.

08:08PM **2** MR. SOKOLICH: Same here, same here and

08:08PM **3** well deserved.

08:08PM **4** If I may, just by way of housekeeping.

08:08PM **5** MS. TESTA: It's in order, the board

08:08PM **6** can proceed.

08:08PM **7** CHAIRMAN FERGUSON: Okay. Take it

08:08PM **8** away.

08:08PM **9** MS. TESTA: Please raise your right

08:08PM **10** hand.

08:08PM **11** Do you swear the testimony you will

08:09PM **12** give in this application will be the truth, the whole

08:09PM **13** truth and nothing but the truth?

08:09PM **14** MR. LEE: Yes, I do.

08:09PM **15** C H R I S T O P H E R L E E, R A

08:09PM **16** 111 Grand Avenue, Suite 20, Palisades Park, New

08:09PM **17** Jersey, having been duly sworn, testifies as

08:09PM **18** follows:

08:09PM **19** MS. TESTA: Please state your name,

08:09PM **20** spell it for the record and your business address.

08:09PM **21** MR. LEE: Christopher Lee.

08:09PM **22** My business address is 111 Grand

08:09PM **23** Avenue, Suite 20, Palisades Park, New Jersey.

08:09PM **24** CHAIRMAN FERGUSON: Have you appeared

08:09PM **25** before this board before.

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08:09PM **1** MR. LEE: Yes, sir, numerous times.

08:09PM **2** CHAIRMAN FERGUSON: Then we'll accept

08:09PM **3** you as an expert.

08:09PM **4** MR. LEE: Thank you very much.

08:09PM **5** MR. SOKOLICH: So just briefly before

08:09PM **6** we get to Chris, if I may, Chairman, the application

08:09PM **7** before you is an application for a billiards known as

08:09PM **8** Atrium Billiards.

08:09PM **9** It's a business operation that is not

08:09PM **10** expressly permitted in the zoning district in which

08:09PM **11** the property is located, which is B-1 retail

08:09PM **12** business.

08:09PM **13** While close and arguably between

08:09PM **14** permitted uses, it's not expressly contemplated and

08:09PM **15** as such, a use variance is being sought.

08:09PM **16** The applicant has amassed a strong team

08:09PM **17** to present expert testimony.

08:09PM **18** Chris Lee, our architect, who's already

08:10PM **19** been sworn in.

08:10PM **20** On deck is Lou Luglio to talk briefly

08:10PM **21** about traffic, ample parking, emergency vehicle

08:10PM **22** access.

08:10PM **23** And then, finally, Mr. Spatz to just

08:10PM **24** identify the variances and provide what we believe to

08:10PM **25** be the justification.

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08:10PM **1** The plans that are before you now,

08:10PM **2** Chairman, have gone through various iterations.

08:10PM **3** With each iteration, there's been a

08:10PM **4** size reduction in the number of billiard tables and

08:10PM **5** other things that are being sought.

08:10PM **6** Right now it's a request to utilize the

08:10PM **7** premises for purposes of housing 23 separate billiard

08:10PM **8** tables and we will get into the detail of that

08:10PM **9** business operation.

08:10PM **10** I will also represent to the board that

08:10PM **11** the applicant is, likewise, present and he is

08:10PM **12** available should you have any questions with regard

08:10PM **13** to this business use and operation, hours of

08:10PM **14** operation, number of employees, what have you, he is

08:10PM **15** available if you require that testimony.

08:10PM **16** Counsel, with your permission, I'm

08:10PM **17** going to mark --

08:10PM **18** MR. LEE: This one.

08:10PM **19** MR. SOKOLICH: This one, right, Chris?

08:10PM **20** As A-1.

08:11PM **21** Is that okay with you, Diane?

08:11PM **22** MS. TESTA: Yes.

08:11PM **23** MR. SOKOLICH: A-1.

08:11PM **24** It's entitled "Floor Plan, Plot Plan,

08:11PM **25** City Map and Building Data."

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08:11PM **1** It is initially dated February 10 of

08:11PM **2** 2023. I do not see a last revised date.

08:11PM **3** (Whereupon, Floor Plan, Plot Plan, City

08:11PM **4** Map and Building Data, dated February 10, 2023

08:11PM **5** is marked as Exhibit A-1 for identification.)

08:11PM **6** DIRECT EXAMINATION

08:11PM **7** BY MR. SOKOLICH:

08:11PM **8** **Q.** So Chris, quick question, you are the

08:11PM **9** architect that was engaged by the applicant, correct?

08:11PM **10** **A.** Yes, sir.

08:11PM **11** **Q.** And in connection with the preparation

08:11PM **12** of these plans, you did an inspection of the

08:11PM **13** property?

08:11PM **14** **A.** Yes.

08:11PM **15** **Q.** Okay.

08:11PM **16** Would you, please, using A-1 describe

08:11PM **17** what's at the property now?

08:11PM **18** **A.** Okay.

08:11PM **19** **Q.** Please.

08:11PM **20** **A.** He explained everything.

08:11PM **21** Okay. This is as everybody knows, this

08:11PM **22** is not far from here, across the intersections.

08:11PM **23** There's over, like, half an acre lot size and then

08:12PM **24** the existing buildings.

08:12PM **25** Used to be -- this is the B-1 zone. It

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08:12PM **1** used to be Grand Furniture, a retail store.
 08:12PM **2** So inside is all empty. That's a
 08:12PM **3** basement, full basement and then inside is all empty.
 08:12PM **4** So been, like, out of business, like,
 08:12PM **5** five years already.
 08:12PM **6** So I went in there and everything is
 08:12PM **7** okay and then ceiling is open and everything is fine
 08:12PM **8** and also this, kind of, particular, like, billiard
 08:12PM **9** place is full open space, no partitions.
 08:12PM **10** So we need new air conditioning and
 08:12PM **11** heating.
 08:12PM **12** And then also we're going to do this
 08:12PM **13** service area like ADA toilets, two toilets and an
 08:12PM **14** office and in the middle, like, a cashier's area.
 08:12PM **15** It's not much building -- I mean, structures, no
 08:12PM **16** walls, partitions. Only, like, a location divided
 08:12PM **17** and the front entrance, like, a vestibule.
 08:13PM **18** And then rear access and a handicap
 08:13PM **19** ramp, that's it and then our client just wanted the
 08:13PM **20** billiard places, so everything -- the issue is
 08:13PM **21** parking lot with this building, because this is a
 08:13PM **22** use, like a preexisting building and also, like, four
 08:13PM **23** other tenants is already there.
 08:13PM **24** **Q.** So, Chris, I'm going to ask you a
 08:13PM **25** couple of quick questions.

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08:14PM **1** Grand Avenue over there and then Bergen Boulevard.
 08:14PM **2** **Q.** But not related to Mr. Kim?
 08:14PM **3** **A.** No, not related at all, but that means
 08:14PM **4** the billiard players, the population, it still
 08:14PM **5** exists.
 08:14PM **6** **Q.** The demand?
 08:14PM **7** **A.** Yes, and also business opportunity is
 08:14PM **8** good.
 08:14PM **9** **Q.** So that's a great point, Chris, and how
 08:14PM **10** many billiard tables altogether are proposed?
 08:14PM **11** **A.** So we tried to make it -- I mean,
 08:15PM **12** utilize this space as much as possible, but we need
 08:15PM **13** plenty of empty spaces in good condition, so we put
 08:15PM **14** like -- billiard has three different tables over
 08:15PM **15** here, like one, three cushions table, and the pool
 08:15PM **16** table, which has pockets and then four boards, like
 08:15PM **17** three different kind of tables.
 08:15PM **18** **Q.** Now, the number -- I'm sorry, but the
 08:15PM **19** number of tables drives the required parking,
 08:15PM **20** correct?
 08:15PM **21** **A.** Exactly.
 08:15PM **22** Because it controls the number of the
 08:15PM **23** players.
 08:15PM **24** **Q.** Understood.
 08:15PM **25** **A.** You have 10 people not going to play at

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08:13PM **1** I get paid by the question, you got to
 08:13PM **2** let me work one in.
 08:13PM **3** **A.** Sure.
 08:13PM **4** (Laughter.)
 08:13PM **5** **Q.** So just -- and I think the board is
 08:13PM **6** curious to know this, why Billiards?
 08:13PM **7** Is Billiards a sport, a pastime that's
 08:13PM **8** popular? Is that something that -- who do you
 08:13PM **9** anticipate being a predominant customer?
 08:13PM **10** **A.** Okay.
 08:13PM **11** Our clients, Mr. Kim wants this
 08:13PM **12** business because now they -- this Korean community
 08:13PM **13** has a little populate -- I mean, a little popular
 08:13PM **14** game that's came out, like, this kind of period,
 08:14PM **15** because in Korea there's a lot of people playing
 08:14PM **16** billiard, because indoor, the wintertime, you know,
 08:14PM **17** weather, cold weather, a lot of -- I mean, the people
 08:14PM **18** come into the inside, indoor, you know, like a
 08:14PM **19** miniature golf, like a screen golf in this area.
 08:14PM **20** **Q.** Understood.
 08:14PM **21** **A.** That's why he wants to put a billiard
 08:14PM **22** place and also in my experience, we got about two
 08:14PM **23** previous approvals for the billiard place here. One
 08:14PM **24** in Grand Avenue and one Broad Avenue before. We
 08:14PM **25** still have two existing facilities, which is one

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08:15PM **1** one table.
 08:15PM **2** **Q.** Understood.
 08:15PM **3** **A.** Only two or three maximum.
 08:15PM **4** So we put 23 tables. So only four
 08:15PM **5** board tables -- I mean, pool table requires about
 08:15PM **6** three people maximum, otherwise two players.
 08:15PM **7** So altogether, like, at the table you
 08:16PM **8** will be it, only like pool table, three players, 24
 08:16PM **9** people, four tables, like two players, like 12 people
 08:16PM **10** and also three cushions like to -- so altogether
 08:16PM **11** including employees, we are only 58 people at the
 08:16PM **12** full occupant area, full occupant hours of 58 people.
 08:16PM **13** So we divided 3.5 from the quote, we
 08:16PM **14** divided 3.5 for the billiard places, so it came out
 08:16PM **15** like 16, we required 16.
 08:16PM **16** **Q.** And your number of 58 includes two
 08:16PM **17** employees.
 08:16PM **18** Where did you get two employees, from
 08:16PM **19** Mr. Kim?
 08:16PM **20** **A.** Yes, sir.
 08:16PM **21** **Q.** Okay.
 08:16PM **22** So there -- you answered the question
 08:16PM **23** before I ask it, but at any one time there will be
 08:16PM **24** two employees here, correct?
 08:16PM **25** **A.** That's correct.

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08:16PM **1** **Q.** And there will be an employee here at
 08:16PM **2** all times when the business is open, correct?
 08:16PM **3** **A.** Correct.
 08:16PM **4** **Q.** What are the proposed hours of
 08:16PM **5** operation?
 08:16PM **6** **A.** What hours?
 08:16PM **7** **Q.** 11 a.m. to 12 a.m. are proposed?
 08:17PM **8** **A.** He will explain it.
 08:17PM **9** **Q.** 11 a.m. to 12, correct?
 08:17PM **10** **A.** Correct.
 08:17PM **11** **Q.** Is proposed?
 08:17PM **12** **A.** Yes.
 08:17PM **13** **Q.** Now, is there any -- I don't see a
 08:17PM **14** kitchen that's proposed on your site plan.
 08:17PM **15** Is there a kitchen?
 08:17PM **16** **A.** No kitchen, no cooking.
 08:17PM **17** **Q.** So theres no -- no hot meals, none of
 08:17PM **18** that is proposed?
 08:17PM **19** **A.** Not at all.
 08:17PM **20** **Q.** More importantly, I don't see a bar. I
 08:17PM **21** don't see any liquor service.
 08:17PM **22** Is there any liquor of any type or
 08:17PM **23** nature that is permitted here?
 08:17PM **24** **A.** Not at all.
 08:17PM **25** We're not going to carry a liquor --
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08:17PM **1** when you see the plan, in the middle there's a
 08:17PM **2** counter for the cashier and, like, soft drinks,
 08:17PM **3** water.
 08:17PM **4** **Q.** And light snacks, potato chips --
 08:17PM **5** **A.** Like vending machine, like snacks,
 08:17PM **6** something like that.
 08:17PM **7** **Q.** Things of that nature, okay.
 08:17PM **8** **A.** Nothing more than that.
 08:17PM **9** **Q.** Okay.
 08:17PM **10** And as far as security is concerned,
 08:17PM **11** there will be cameras monitoring in addition to the
 08:17PM **12** employees on site, correct?
 08:17PM **13** **A.** Absolutely, correct.
 08:17PM **14** **Q.** Okay.
 08:17PM **15** And just back to the pool tables for a
 08:17PM **16** second. Some of the pool tables that you're
 08:17PM **17** proposing is a maximum of two people?
 08:17PM **18** **A.** Yes, sir.
 08:17PM **19** **Q.** Correct?
 08:17PM **20** **A.** Right.
 08:17PM **21** **Q.** So you can't put three people at the
 08:18PM **22** three ball or the three ball table or four people,
 08:18PM **23** correct?
 08:18PM **24** **A.** Correct.
 08:18PM **25** **Q.** Because it only permits two people?
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08:18PM **1** **A.** Yes.
 08:18PM **2** **Q.** And those numbers are incorporated in
 08:18PM **3** that 58 that you indicated?
 08:18PM **4** **A.** Yes.
 08:18PM **5** **Q.** Okay.
 08:18PM **6** As far as the parking lot is concerned,
 08:18PM **7** Chris, talk to me about those improvements. How did
 08:18PM **8** you lay it out? Is there going to be lighting, that
 08:18PM **9** type of thing?
 08:18PM **10** **A.** Okay.
 08:18PM **11** As we calculate the 16 parking is
 08:18PM **12** required for us. We're not even count -- we're not
 08:18PM **13** even utilizing the street parking at all.
 08:18PM **14** Only inside we have 24 parking
 08:18PM **15** available. So existing tenant using like eight
 08:18PM **16** parking.
 08:18PM **17** So we can use 16 parking and also on
 08:18PM **18** top of it, off-hours after 5:00, all the other tenant
 08:18PM **19** space is going to be closed.
 08:18PM **20** So off-hours until 12:00 every other
 08:18PM **21** parking spot is available for us.
 08:19PM **22** **Q.** And back to your plan for a second,
 08:19PM **23** Chris.
 08:19PM **24** **A.** All right.
 08:19PM **25** **Q.** I noticed that there was six tables
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08:19PM **1** that are segregated, they're in a separate -- in a
 08:19PM **2** separate room.
 08:19PM **3** What's the thought process here?
 08:19PM **4** **A.** Okay.
 08:19PM **5** **Q.** Are those walls going to remain?
 08:19PM **6** **A.** This used to be one furniture store,
 08:19PM **7** but they use as a display room. This a level inch
 08:19PM **8** sunken area, which is lower than this area
 08:19PM **9** (indicating).
 08:19PM **10** **Q.** Okay.
 08:19PM **11** **A.** So that's why we put a handicap ramp
 08:19PM **12** and we put just six tables organized on that side.
 08:19PM **13** **Q.** So that's -- that area will be ADA
 08:19PM **14** accessible?
 08:19PM **15** **A.** Absolutely.
 08:19PM **16** **Q.** And the main entrance is right off of
 08:19PM **17** the parking lot area, correct?
 08:19PM **18** **A.** That's a rear entrance.
 08:19PM **19** **Q.** Right?
 08:19PM **20** **A.** It can access by handicap people as
 08:19PM **21** well --
 08:19PM **22** **Q.** Okay.
 08:19PM **23** **A.** -- the front as well.
 08:19PM **24** **Q.** But there are two points of ingress and
 08:19PM **25** egress --
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08:19PM **1** **A.** Yes.

08:19PM **2** **Q.** -- for emergency purposes --

08:19PM **3** **A.** Yes.

08:19PM **4** **Q.** -- correct?

08:19PM **5** **A.** Yes.

08:19PM **6** **Q.** Okay.

08:19PM **7** Is there anything else that you want to

08:19PM **8** add, Chris, with regard to this operation and what's

08:20PM **9** depicted on your plan?

08:20PM **10** **A.** Yeah.

08:20PM **11** The other thing is --

08:20PM **12** **Q.** How about music? Is there going to be

08:20PM **13** live music and --

08:20PM **14** **A.** Very light music. Players --

08:20PM **15** **Q.** No, no, you didn't -- you're answering

08:20PM **16** too quick.

08:20PM **17** There's not going to be any live music

08:20PM **18** or performance there, correct?

08:20PM **19** **A.** Not at all.

08:20PM **20** **Q.** Okay.

08:20PM **21** **A.** Not at all.

08:20PM **22** **Q.** Okay.

08:20PM **23** In other words, disruption to neighbors

08:20PM **24** --

08:20PM **25** **A.** Absolutely --

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08:21PM **1** **A.** Yes. Okay.

08:21PM **2** This picture is black and white, so

08:21PM **3** you're not going to recognize how it looks ugly, but

08:21PM **4** this is a brick building repainted several times with

08:21PM **5** a brown color, so it looks ugly.

08:21PM **6** We're going to put bright colors and

08:21PM **7** then glass window will stay and then very fancy

08:21PM **8** colors of the awnings and the sign.

08:21PM **9** **Q.** So the awnings will be resurfaced and

08:21PM **10** the brick will be repainted, resurfaced, what have

08:21PM **11** you?

08:21PM **12** **A.** Yes.

08:21PM **13** When we submit the permit drawings,

08:21PM **14** we'll design the façade and then we can get a permit

08:21PM **15** application.

08:21PM **16** **Q.** Your two last questions and then I'm

08:21PM **17** going to leave you alone. I don't see signage

08:22PM **18** depicted on your plan.

08:22PM **19** So is it our -- is it our

08:22PM **20** representation to the board that the applicant will

08:22PM **21** comply with signage?

08:22PM **22** **A.** Absolutely.

08:22PM **23** **Q.** If the applicant wants to exceed what's

08:22PM **24** prescribed by the ordinance, applicant will be back

08:22PM **25** to this board, but that's not our intention, we plan

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08:20PM **1** **Q.** -- or adjacent property?

08:20PM **2** **A.** Absolutely not.

08:20PM **3** **Q.** Okay.

08:20PM **4** And there certainly wouldn't be any

08:20PM **5** music that would extend to the outside and be

08:20PM **6** disruptive to any adjacent property owner?

08:20PM **7** **A.** Not at all, I don't think so.

08:20PM **8** **Q.** Okay.

08:20PM **9** Is there anything else, Chris, that you

08:20PM **10** would like to add with regard to A-1?

08:20PM **11** **A.** Well, the good advantage of this

08:20PM **12** building, convert it to the billiards, but we don't

08:20PM **13** have to put any other structure inside and outside we

08:20PM **14** going to modify.

08:20PM **15** One more -- one more thing, this is a

08:20PM **16** very good area for the business, but it looks ugly so

08:20PM **17** far, because it's like a red brick and then awnings

08:21PM **18** are old.

08:21PM **19** So it was -- actually people don't want

08:21PM **20** to walk in front of those buildings. So now we can

08:21PM **21** improve much better.

08:21PM **22** **Q.** Well, now that you said it, I'm going

08:21PM **23** to ask you the question. What -- if this board were

08:21PM **24** to act favorably on this application, tell me how

08:21PM **25** this is going to look better than it looks today?

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08:22PM **1** on complying with the signage?

08:22PM **2** **A.** Yes.

08:22PM **3** **Q.** Number one.

08:22PM **4** Number two, very important, fire

08:22PM **5** safety. This building, there will be adequate

08:22PM **6** suppression, adequate detection, it will follow the

08:22PM **7** fire codes, correct?

08:22PM **8** **A.** Yes, absolutely correct.

08:22PM **9** **Q.** Because it is a gathering place for

08:22PM **10** people?

08:22PM **11** **A.** Yes, yes.

08:22PM **12** **Q.** Okay.

08:22PM **13** Anything else that you would like to

08:22PM **14** add?

08:22PM **15** **A.** Well, as a resident of Palisades Park,

08:22PM **16** if we put a new business over there, it will be very

08:22PM **17** nice. You know, Broad Avenue is connected on that

08:22PM **18** point, so it's going to be a very good area now and

08:22PM **19** then.

08:22PM **20** **Q.** Thank you, Chris.

08:22PM **21** MR. SOKOLICH: Chairman, I offer

08:22PM **22** Mr. Lee.

08:22PM **23** CHAIRMAN FERGUSON: Okay.

08:22PM **24** So let me just -- how many bathrooms do

08:23PM **25** you have in the building.

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08:23PM **1** THE WITNESS: We have two, we have two
 08:23PM **2** bathrooms.
 08:23PM **3** CHAIRMAN FERGUSON: Where are they.
 08:23PM **4** THE WITNESS: I mean, three bathrooms,
 08:23PM **5** one in office.
 08:23PM **6** CHAIRMAN FERGUSON: Right.
 08:23PM **7** THE WITNESS: One in office, there's a
 08:23PM **8** powder room and for the public.
 08:23PM **9** CHAIRMAN FERGUSON: That's next to the
 08:23PM **10** shower.
 08:23PM **11** THE WITNESS: No, no showers.
 08:23PM **12** There's no shower in the office. We
 08:23PM **13** revised the drawings.
 08:23PM **14** CHAIRMAN FERGUSON: Well, I don't have
 08:23PM **15** it.
 08:23PM **16** THE WITNESS: February 10, 2023.
 08:23PM **17** CHAIRMAN FERGUSON: Well, there's no
 08:23PM **18** way to say this, I don't have the new plans.
 08:23PM **19** THE WITNESS: We submitted that one two
 08:23PM **20** weeks before.
 08:23PM **21** CHAIRMAN FERGUSON: I don't have them,
 08:23PM **22** but any rate, continue.
 08:23PM **23** On these plans, you have -- before I
 08:23PM **24** turn it over to my parking expert, you have eight,
 08:24PM **25** you have off-street parking, 14 cars.

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08:25PM **1** desired in as far as parking.
 08:25PM **2** MR. SOKOLICH: Okay.
 08:25PM **3** CHAIRMAN FERGUSON: Off-street parking,
 08:25PM **4** meters parking, it's all here and obviously if we
 08:25PM **5** were voting on this plan, it would be a no vote from
 08:25PM **6** me.
 08:25PM **7** MR. SOKOLICH: Yeah, we want to vote on
 08:25PM **8** the one that we like, so I got it.
 08:25PM **9** (Laughter.)
 08:25PM **10** CHAIRMAN FERGUSON: So I don't know,
 08:25PM **11** instead of putting all your people on, I don't know
 08:25PM **12** if it's just better to come back next month and
 08:25PM **13** start.
 08:25PM **14** MR. SOKOLICH: Well, I want you to
 08:25PM **15** start with the right plan, right?
 08:25PM **16** CHAIRMAN FERGUSON: Right, absolutely.
 08:25PM **17** MR. SOKOLICH: So I don't -- as far as
 08:25PM **18** submission with the plans, that wasn't --
 08:25PM **19** CHAIRMAN FERGUSON: No, I understand
 08:25PM **20** that and I'm not blaming you.
 08:25PM **21** MR. SOKOLICH: No, I got it. I just
 08:25PM **22** don't -- I'm looking for a transmittal.
 08:25PM **23** Now, there was -- when I was going
 08:26PM **24** through the file in anticipation of this evening,
 08:26PM **25** there was a cover letter to Lisa dated February 13,

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08:24PM **1** THE WITNESS: Right.
 08:24PM **2** CHAIRMAN FERGUSON: Right.
 08:24PM **3** And then you have the valet parking, 13
 08:24PM **4** cars.
 08:24PM **5** THE WITNESS: No, you also have old
 08:24PM **6** plans. This was revised on February 10.
 08:24PM **7** MS. LAMBRINIDES: We don't have -- none
 08:24PM **8** of us have it. I don't have -- none of us have the
 08:24PM **9** revised plan.
 08:24PM **10** CHAIRMAN FERGUSON: There's no --
 08:24PM **11** MS. LAMBRINIDES: 9/1/22, is what I
 08:24PM **12** have.
 08:24PM **13** What do you guys have? 9/1/22.
 08:24PM **14** MS. TESTA: Uh-huh.
 08:24PM **15** MS. LAMBRINIDES: Right?
 08:24PM **16** MR. KAUKER: 9/1/22.
 08:24PM **17** THE WITNESS: This is February 10th.
 08:24PM **18** MR. SOKOLICH: I didn't do the
 08:24PM **19** submissions.
 08:24PM **20** CHAIRMAN FERGUSON: No, I understand.
 08:24PM **21** MR. SOKOLICH: Very happy to be in a
 08:24PM **22** position to do say that, Chairman, but --
 08:24PM **23** CHAIRMAN FERGUSON: Here's the problem.
 08:25PM **24** Right? The old plans that I have in front of me that
 08:25PM **25** you say there's new plans, right, leaves a lot to be

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08:26PM **1** 2023, which sent, I believe, 18 copies of those
 08:26PM **2** plans.
 08:26PM **3** Do you guys have -- you guys don't have
 08:26PM **4** the plans either.
 08:26PM **5** MS. TESTA: No.
 08:26PM **6** MR. SOKOLICH: Okay.
 08:26PM **7** MS. LAMBRINIDES: And they're not
 08:26PM **8** upstairs in the office.
 08:26PM **9** CHAIRMAN FERGUSON: So --
 08:26PM **10** MR. SOKOLICH: So Chairman, I think
 08:26PM **11** you're telling me to carry?
 08:26PM **12** CHAIRMAN FERGUSON: I'll leave it to
 08:26PM **13** you, but...
 08:26PM **14** MR. SOKOLICH: No, no, I want you to
 08:26PM **15** have the correct plan in front of you, so ask for the
 08:26PM **16** board's indulgences to carry this to the next
 08:26PM **17** meeting.
 08:26PM **18** CHAIRMAN FERGUSON: Okay.
 08:26PM **19** I'll make a motion we carry this to the
 08:26PM **20** next meeting. Our next meeting is.
 08:26PM **21** MS. TESTA: April 17th --
 08:26PM **22** CHAIRMAN FERGUSON: April 17th.
 08:26PM **23** MS. TESTA: -- 2023, 7 p.m., no further
 08:26PM **24** notice.
 08:26PM **25** Does the applicant waive any time

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08:26PM **1** constraints?
 08:26PM **2** MR. SOKOLICH: We do.
 08:26PM **3** MS. TESTA: Okay.
 08:26PM **4** VICE CHAIRMAN ALBANESE: I'll second
 08:26PM **5** that motion.
 08:27PM **6** MS. LAMBRINIDES: Roll call?
 08:27PM **7** MS. TESTA: Roll call is just the seven
 08:27PM **8** members.
 08:27PM **9** MS. LAMBRINIDES: Roll call.
 08:27PM **10** Mr. Ferguson?
 08:27PM **11** CHAIRMAN FERGUSON: Yes.
 07:03PM **12** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **13** VICE CHAIRMAN ALBANESE: Yes.
 07:03PM **14** MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM **15** MR. ELEFTERIOU: Yes.
16 MS. LAMBRINIDES: Mr. Terranova?
17 MR. TERRANOVA: Yes.
18 MS. LAMBRINIDES: Mr. Grala?
19 MR. GRALA: Yes.
20 MS. LAMBRINIDES: Mr. Brogna?
21 MR. BROGNA: Yes.
22 MS. LAMBRINIDES: Mr. Chung?
 08:27PM **23** MR. CHUNG: Yes.
 08:27PM **24** VICE CHAIRMAN ALBANESE: Joe, do you
 08:27PM **25** want to take a five-minute break?

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1 MR. TERRANOVA: Here.
2 MS. LAMBRINIDES: Mr. Grala?
3 MR. GRALA: Here.
4 MS. LAMBRINIDES: Mr. Brogna?
5 MR. BROGNA: Here.
6 MS. LAMBRINIDES: Mr. Chung?
7 MR. CHUNG: Here.
8 MS. LAMBRINIDES: Ms. Kim?
9 MS. KIM: Yes.
 08:38PM **10** CHAIRMAN FERGUSON: Before we get
 08:39PM **11** going, I have some distressing news, it seems like
 08:39PM **12** we're going to be losing our secretary at the next
 08:39PM **13** meeting.
 08:39PM **14** I'm still trying to convince her to
 08:39PM **15** stay, but I think she wants to retire.
16 MS. LAMBRINIDES: Twenty-five years
17 wasn't enough?
18 MR. SOKOLICH: Congratulations.
19 MS. LAMBRINIDES: Thank you.
20 CHAIRMAN FERGUSON: So how many years
21 have you been on the board.
22 MS. LAMBRINIDES: Twenty-five.
 08:39PM **23** CHAIRMAN FERGUSON: Twenty-five.
24 MR. SOKOLICH: Chairman, if I may say,
25 sometimes you get to boards and you're not greeted

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08:27PM **1** CHAIRMAN FERGUSON: Yeah, we'll take a
 08:27PM **2** five-minute break.
 08:38PM **3** (Whereupon, a brief recess is held.)
 08:38PM **4** CHAIRMAN FERGUSON: I'll make a motion
 08:38PM **5** we go back into session.
 08:38PM **6** VICE CHAIRMAN ALBANESE: I'll second
 08:38PM **7** that.
 08:38PM **8** CHAIRMAN FERGUSON: All in favor.
 08:38PM **9** (Whereupon, all present members respond
 08:38PM **10** in the affirmative.)
 08:38PM **11** CHAIRMAN FERGUSON: Okay. So next --
 08:38PM **12** MS. TESTA: Roll call.
 08:38PM **13** CHAIRMAN FERGUSON: Roll call.
 08:38PM **14** MS. LAMBRINIDES: Mr. Ferguson.
 08:38PM **15** CHAIRMAN FERGUSON: Here.
 07:03PM **16** MS. LAMBRINIDES: Mr. Albanese?
 07:03PM **17** VICE CHAIRMAN ALBANESE: Here.
 07:03PM **18** MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM **19** (No Response.)
 07:03PM **20** MS. LAMBRINIDES: Mr. Elefteriou, are
 07:03PM **21** you here?
 07:03PM **22** MR. ELEFTERIOU: Yeah, I'm here.
23 MS. LAMBRINIDES: Ms. Yoon?
24 MS. YOON: Here.
25 MS. LAMBRINIDES: Mr. Terranova?

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1 nicely, you're not greeted with courtesy. I have --
2 I'm outside of east Bergen on a lot of applications
3 and I'm not happy to be there, but every time I'm
4 here, there's always pleasantries and decency presented
5 by this board and I'm not just saying that.
6 So congratulations on your retirement
7 and I mean that.
8 MS. LAMBRINIDES: Thank you.
9 (Applause.)
 08:39PM **10** CHAIRMAN FERGUSON: Okay.
 08:40PM **11** So we're going to call 112-118 Union
 08:40PM **12** Street.
 08:40PM **13** MR. SOKOLICH: Thank you, sir.
 08:40PM **14** CHAIRMAN FERGUSON: It's been on the
 08:40PM **15** books for a while, but we're ready to go now.
 08:40PM **16** MR. SOKOLICH: Thank you, Chairman.
 08:40PM **17** For the record, Mark Sokolich on behalf
 08:40PM **18** of the applicant before you relating to premises
 08:40PM **19** known as 112-118 Union Street.
 08:40PM **20** These premises are also designated as
 08:40PM **21** Tax Lot No. 4 and 5 in Block 107 here in the Borough
 08:40PM **22** of Palisades Park.
 08:40PM **23** The application warrants just a very
 08:40PM **24** brief introduction. It is an application to approve
 08:40PM **25** a freestanding five-story masonry structure

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08:40PM 1 consisting of a total of 31 residential dwellings
 08:40PM 2 with compliant on-site parking.
 08:40PM 3 Yes, the application apparently, I'm
 08:40PM 4 told, has been pending for sometime. There are
 08:40PM 5 reasons for that.
 08:40PM 6 I know that the plans have gone through
 08:40PM 7 a series of revisions and iterations in the hopes of
 08:40PM 8 improving for presentation purposes.
 08:41PM 9 There are variances that are being
 08:41PM 10 sought in conjunction with this request.
 08:41PM 11 The property is located in the M-1
 08:41PM 12 district, which does not expressly permit residential
 08:41PM 13 uses and as such a use variance is being sought in
 08:41PM 14 addition to other D-1 variances, which would include
 08:41PM 15 also height whether there's a three-story maximum and
 08:41PM 16 there's a five-story proposal.
 08:41PM 17 As far as service, just for the record,
 08:41PM 18 we presented counsel with the Affidavit of Service
 08:41PM 19 prepared by Mr. Ramundo's office, which I trust is in
 08:41PM 20 order?
 08:41PM 21 MS. TESTA: Yes, it is.
 08:41PM 22 MR. SOKOLICH: Thank you, Counsel.
 08:41PM 23 And as far as presentation purposes,
 08:41PM 24 Chairman, and Members of the Board, it is the
 08:41PM 25 intensions of the applicant to present Demetrios
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1 MR. KALTSIS: I do.
 2 D E M E T R I O S K A L T S I S, R A
 3 8005 Kennedy Boulevard, North Bergen, New Jersey,
 4 having been duly sworn, testifies as follows:
 5 MS. TESTA: Please state your name,
 6 spell it for the record and also your business
 7 address.
 8 MR. KALTSIS: Yes.
 9 Demetrios Kaltsis, last name is spelled
 10 K-A-L-T-S-I-S, first name is D-E-M-E-T-R-I-O-S,
 11 business address is 8005 Kennedy Boulevard in North
 12 Bergen.
 13 CHAIRMAN FERGUSON: And you have
 14 testified in front of this board before.
 15 MR. KALTSIS: Yes, I have.
 16 CHAIRMAN FERGUSON: This board.
 17 MR. KALTSIS: Yes.
 18 CHAIRMAN FERGUSON: Okay.
 19 Then we'll accept you as an expert.
 20 MR. SOKOLICH: Thank you, Chairman.
 21 DIRECT EXAMINATION
 08:42PM 22 BY MR. SOKOLICH:
 08:42PM 23 Q. So, Mr. Kaltsis, your credentials have
 08:43PM 24 been accepted and you -- and you as an expert in the
 08:43PM 25 field of architecture, you acknowledge that, correct?
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08:41PM 1 Kaltsis as the licensed architect who will be number
 08:41PM 2 one.
 08:41PM 3 Number two, will be Steve Koestner of
 08:41PM 4 Koestner Engineering to provide site plan testimony.
 08:41PM 5 Lou Luglio of Sam Schwartz and
 08:41PM 6 Associates to provide traffic engineering testimony.
 08:42PM 7 And then, finally, Mr. Spatz who will
 08:42PM 8 conduct his planning assessment.
 08:42PM 9 I will report to the board that I found
 08:42PM 10 out late this afternoon that unfortunately
 08:42PM 11 Mr. Koestner had another engagement and is unable to
 08:42PM 12 attend.
 08:42PM 13 So with the board's indulgences, I'd
 08:42PM 14 ask that we present Mr. Kaltsis and see where we are
 08:42PM 15 after that.
 08:42PM 16 Is that acceptable, Chairman?
 08:42PM 17 CHAIRMAN FERGUSON: It is acceptable.
 08:42PM 18 MR. SOKOLICH: Thank you.
 08:42PM 19 With that, with your permission we
 08:42PM 20 would call Mr. Kaltsis.
 08:42PM 21 MS. TESTA: Please raise your right
 08:42PM 22 hand.
 08:42PM 23 Do you swear the testimony you will
 08:42PM 24 give in this application will be the truth, the whole
 08:42PM 25 truth and nothing but the truth?
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08:43PM 1 A. Yes, that is correct.
 08:43PM 2 Q. So let's mark some plans just by way of
 08:43PM 3 housekeeping so I don't have to bother you during the
 08:43PM 4 course of your testimony.
 08:43PM 5 You have a cover sheet, which is the
 08:43PM 6 rendering of the proposed improvement is -- I'll only
 08:43PM 7 give the last revised date.
 08:43PM 8 It is last revised October 7 of 2021.
 08:43PM 9 MR. SOKOLICH: With the board's
 08:43PM 10 permission, we'll identify that as A-1.
 08:43PM 11 Actually, Chairman, you know what, I'm
 08:43PM 12 going to switch that, because you identified the
 08:43PM 13 other pages as A-1, A-2, A-3.
 08:43PM 14 Pull that stuff down.
 08:43PM 15 Chairman, just bear with me one second.
 08:43PM 16 CHAIRMAN FERGUSON: No problem.
 08:43PM 17 MR. SOKOLICH: I'm going to ask that we
 08:43PM 18 strike that.
 08:43PM 19 Mr. Kaltsis was good enough to identify
 08:44PM 20 his plans starting with A-1. I didn't want to go out
 08:44PM 21 of order.
 08:44PM 22 (Whereupon, Plans entitled, "Existing
 08:44PM 23 Building Photos, Et Cetera," last revised
 08:44PM 24 October 7, 2021 is marked as Exhibit A-1 for
 08:44PM 25 identification.)
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1
2 (Whereupon, Plans entitled, "Ground
3 Floor Plan and First Floor Plan," last revised
08:44PM 4 October 7, 2021 is marked as Exhibit A-2 for
08:44PM 5 identification.)
08:44PM 6 (Whereupon, Second and Third through
08:44PM 7 Fifth Floor Plans, last revised October 7,
08:44PM 8 2021 is marked as Exhibit A-3 for
08:44PM 9 identification.)
08:44PM 10 BY MR. SOKOLICH:
08:44PM 11 Q. So, Demetrios, you have plans that
08:44PM 12 you've marked as A-1, last revised October 7, 2021
08:44PM 13 and we're going to mark it as A-1.
08:44PM 14 Again, these plans are entitled
08:44PM 15 "Existing Building Photos, Et Cetera."
08:44PM 16 You then mark as A-2 and we too will
08:44PM 17 mark as A-2 with the board's permission, plans
08:44PM 18 entitled, "Ground Floor Plan and First Floor Plan,"
08:44PM 19 last revised October 7, 2021.
08:44PM 20 And next and finally, and we'll mark
08:44PM 21 more if we have to, you identified as A-3. We too
08:44PM 22 will identify it with the board's permission as A-3,
08:44PM 23 Second and Third through Fifth Floor Plans, last
08:44PM 24 revised October 7, 2021.
08:44PM 25 Those plans that I just identified and
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08:44PM 1 I know that there were several more, were prepared by
08:44PM 2 you, correct, Demetrios?
08:44PM 3 A. That is correct.
08:44PM 4 Q. So without the board hearing from me
08:44PM 5 anymore, using A-1 if you would just describe in
08:45PM 6 detail where this site is located, the streets that
08:45PM 7 bound it and existing conditions on the site.
08:45PM 8 A. Sure.
08:45PM 9 So looking at Sheet A-1 first, you can
08:45PM 10 see on the top left corner we have a 200-foot radius
08:45PM 11 tax map that shows the subject property and the
08:45PM 12 surrounding streets.
08:45PM 13 Towards the center we have a location
08:45PM 14 map, which is an aerial map of the subject site.
08:45PM 15 To the right of that, we have the
08:45PM 16 zoning map, which shows the location of the subject
08:45PM 17 property and the bottom three are photos of the
08:45PM 18 existing site, which you can see here is a mechanic
08:45PM 19 shop is a two-story structure and then this is a shot
08:45PM 20 looking west at the subject property or down Union
08:45PM 21 Street.
08:45PM 22 Looking at the top left, you can see
08:45PM 23 the property is located on Union Street just west of
08:45PM 24 Grand Avenue. The property is
08:45PM 25 125-foot-wide-by-100-foot-deep, so 12,500 square
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08:45PM 1 feet.
08:45PM 2 And there's an existing two-story
08:45PM 3 mechanic shop towards the western side of the
08:46PM 4 property.
08:46PM 5 And a parking area or parking lot on
08:46PM 6 the eastern side of the subject lot.
08:46PM 7 Q. Now, Demetrios, is it the intention of
08:46PM 8 the applicant or the board to act favorably to
08:46PM 9 demolish all the existing improvements?
08:46PM 10 A. Yes, it is.
08:46PM 11 Q. And I noticed that you mentioned
08:46PM 12 mechanic shop.
08:46PM 13 Are there any adverse environmental
08:46PM 14 conditions that we need to disclose to the board,
08:46PM 15 ongoing remediation, any known contamination, things
08:46PM 16 of that nature?
08:46PM 17 A. Not that I'm aware of.
08:46PM 18 Q. Not that you're aware of and fair
08:46PM 19 enough.
08:46PM 20 CHAIRMAN FERGUSON: Can I just say one
08:46PM 21 quick thing.
08:46PM 22 MR. SOKOLICH: Please.
08:46PM 23 CHAIRMAN FERGUSON: And I should have
08:46PM 24 did this at the beginning.
08:46PM 25 The board's in receipt from Daniel Lee
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08:46PM 1 who says that he's opposing the application.
08:46PM 2 MR. SOKOLICH: And not present.
08:46PM 3 CHAIRMAN FERGUSON: And not present.
08:46PM 4 MR. SOKOLICH: Correct.
08:46PM 5 CHAIRMAN FERGUSON: So --
08:46PM 6 MR. SOKOLICH: I got it.
08:46PM 7 CHAIRMAN FERGUSON: You got it, okay.
08:46PM 8 All right.
08:46PM 9 MR. SOKOLICH: But just allow the
08:46PM 10 record to reflect, please, Chairman, that I don't see
08:46PM 11 opposition in the audience.
08:46PM 12 CHAIRMAN FERGUSON: All right.
08:46PM 13 BY Mr. SOKOLICH:
08:46PM 14 Q. With that said, Demetrios, the -- you
08:47PM 15 said no to environmental to your knowledge, correct?
08:47PM 16 A. Not that I'm aware of.
08:47PM 17 Q. Any wetland conditions you're aware of?
08:47PM 18 A. No.
08:47PM 19 Q. Okay.
08:47PM 20 And, again, all improvements that are
08:47PM 21 depicted in the photographs that are on A-1 are
08:47PM 22 slated to be demolished, correct?
08:47PM 23 A. That is correct.
08:47PM 24 Q. Okay.
08:47PM 25 Is there anything -- and the only
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08:47PM **1** roadway that this property bounds, correct me if I'm
 08:47PM **2** wrong, is Union Street?
 08:47PM **3** **A.** Yes, and --
 08:47PM **4** **Q.** Well, the only street it fronts on is
 08:47PM **5** Union Street?
 08:47PM **6** **A.** That's right, yes.
 08:47PM **7** **Q.** And there are two lots, four and five?
 08:47PM **8** **A.** Yes.
 08:47PM **9** **Q.** Four is a little slightly smaller than
 08:47PM **10** five, one is 50-by-100 and five is 75?
 08:47PM **11** **A.** Four is the one that has the mechanic
 08:47PM **12** shop currently and five is the parking lot.
 08:47PM **13** **Q.** Anything else that you'd like to add on
 08:47PM **14** A-1 on existing conditions?
 08:47PM **15** **A.** No, that's it.
 08:47PM **16** **Q.** So, which I customarily do, and which
 08:47PM **17** you aligned your plans the same way, I always find it
 08:47PM **18** easiest to start from the very, very bottom up.
 08:47PM **19** **A.** So, we've already premarked as A-2
 08:47PM **20** plans that you entitle as "A-2" as well and it shows
 08:48PM **21** the parking levels?
 08:48PM **22** **A.** So starting in the lower left-hand
 08:48PM **23** corner on the ground floor, if you, please, indicate
 08:48PM **24** to the board what's depicted there, the number of
 08:48PM **25** spaces, so forth and so on.

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08:49PM **1** eastern side on the higher elevation of the property
 08:49PM **2** and as you can see, you enter here.
 08:49PM **3** **A.** Again, it's a double wide driving
 08:49PM **4** aisle, parking on both sides and this level begins to
 08:49PM **5** slope up and is in a U-shape configuration.
 08:49PM **6** **A.** As you move around the U-shape, you end
 08:49PM **7** up above this lower level parking, which gives you
 08:49PM **8** the appropriate clearance on this level.
 08:49PM **9** **Q.** So a couple of questions, you do
 08:49PM **10** acknowledge that this development -- now, we're going
 08:49PM **11** to get to the building and what it looks like in a
 08:49PM **12** moment, but this is subject to the Residential Site
 08:49PM **13** Improvement Standards?
 08:49PM **14** **A.** That is correct.
 08:49PM **15** **Q.** And are you aware of any waivers or
 08:49PM **16** variations from the RSIS based on parking?
 08:50PM **17** **A.** Meaning, number of parking or the
 08:50PM **18** cartway width, anything of that nature?
 08:50PM **19** **A.** No, it is compliant. There is a
 08:50PM **20** 9-by-18 requirement. We have 8-and-a-half-by-18-foot
 08:50PM **21** parking space dimensions.
 08:50PM **22** **Q.** I should have said that, other than
 08:50PM **23** space size?
 08:50PM **24** **A.** Correct.
 08:50PM **25** **Q.** Okay.

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08:48PM **1** **A.** So this Sheet A-2 depicts the lower
 08:48PM **2** level parking area and as I mentioned before, the
 08:48PM **3** property is 125 feet in width by 100 feet in depth.
 08:48PM **4** **A.** I did not mention before that there is
 08:48PM **5** a slope to this property. The eastern side being the
 08:48PM **6** highest point of the property and the western side
 08:48PM **7** being the lowest.
 08:48PM **8** **A.** It has a difference in elevation of
 08:48PM **9** about 6 feet and what we decided to do is have two
 08:48PM **10** entrances to the parking levels.
 08:48PM **11** **A.** On the left side you can see the lower
 08:48PM **12** level parking entrance, which is on the western side
 08:48PM **13** of the property.
 08:48PM **14** **A.** There's a direct access in here and
 08:48PM **15** there's a total of 17 parking spaces, a double wide
 08:48PM **16** driving aisle in the center and then parking on both
 08:48PM **17** sides.
 08:48PM **18** **A.** In the front right-hand corner is the
 08:49PM **19** entrance lobby to the proposed building. You can see
 08:49PM **20** we have a mailroom, an elevator access and then
 08:49PM **21** vertical access stair leading you up to the
 08:49PM **22** residential floor and then direct access to the
 08:49PM **23** parking garage.
 08:49PM **24** **A.** On the right side is the upper level
 08:49PM **25** parking, which is accessed on -- on the northern

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08:50PM **1** **A.** But you're not aware of any other,
 08:50PM **2** Mr. Luglio, whether or not he does, but you're not
 08:50PM **3** aware of any other?
 08:50PM **4** **A.** Yes.
 08:50PM **5** **Q.** And on the first floor, the main
 08:50PM **6** entrance, which is on what you're calling the ground
 08:50PM **7** floor plan, is off of Union Street into the lobby,
 08:50PM **8** correct?
 08:50PM **9** **A.** That is correct.
 08:50PM **10** **Q.** And in that lobby, there will be a
 08:50PM **11** mailroom, the stairs, there's an elevator also
 08:50PM **12** included in that main floor is the garbage and
 08:50PM **13** recycling room, correct?
 08:50PM **14** **A.** Yes, that is correct.
 08:50PM **15** **A.** And this garbage and recycling room has
 08:50PM **16** a chute that communicates with all the residential
 08:50PM **17** floors above so that there's a garbage and recycling
 08:50PM **18** room on each of the corridors where the garbage is
 08:50PM **19** placed and then it goes down into this room in that
 08:50PM **20** location.
 08:50PM **21** **Q.** And as far as disposal of the garbage,
 08:50PM **22** does the truck enter or is it rolled out on the
 08:51PM **23** scheduled appointed date and time?
 08:51PM **24** **A.** Yes, it is rolled out for private
 08:51PM **25** pickup.

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08:51PM **1** Q. Okay.

08:51PM **2** So there's no then garbage or recycling

08:51PM **3** area on what you're calling the first floor, the

08:51PM **4** floor above it?

08:51PM **5** A. Correct.

08:51PM **6** Q. Okay.

08:51PM **7** But there are, obviously, the stairway

08:51PM **8** for emergency ingress/egress purposes?

08:51PM **9** A. Yes, that is correct.

08:51PM **10** Q. Also, included and above on the first

08:51PM **11** floor directly above the lobby, what I'll call the

08:51PM **12** lobby area, if you can just describe those rooms as

08:51PM **13** well.

08:51PM **14** A. Yes.

08:51PM **15** So this is also an entrance from the

08:51PM **16** parking garage on the upper level. It goes into that

08:51PM **17** same area, which is also the lobby and it has direct

08:51PM **18** access to the elevator and the stairwell.

08:51PM **19** Right behind that wall is the

08:51PM **20** pass-through for that garbage chute, then it goes

08:51PM **21** through this level down to the lower level garage,

08:51PM **22** garbage and recycling room.

08:51PM **23** Q. There's an unlabeled room.

08:51PM **24** Is that the entry room, if you will?

08:51PM **25** A. It's the lobby, it's a part of the

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08:51PM **1** lobby.

08:51PM **2** Q. Okay.

08:51PM **3** And can people enter into that lobby

08:51PM **4** from the street there or they got to go through this

08:52PM **5** level?

08:52PM **6** A. They have to go through the lower

08:52PM **7** level, because this is consistent with the elevation

08:52PM **8** of the right-of-way.

08:52PM **9** Q. Understood, okay.

08:52PM **10** Is there anything else that you would

08:52PM **11** like to talk about?

08:52PM **12** A. On this upper level, we have a total of

08:52PM **13** 33 parking spaces.

08:52PM **14** So combining the two levels, we have a

08:52PM **15** total of 50 parking spaces not including the credit

08:52PM **16** received by electric vehicle charging stations, but

08:52PM **17** there's a total of 50 parking spaces between the two

08:52PM **18** levels.

08:52PM **19** Q. Understood.

08:52PM **20** I'm going to now turn you in to what

08:52PM **21** we've premarked as A-3. Moving right along. And I

08:52PM **22** believe you have the second, third through fifth

08:52PM **23** floor plan.

08:52PM **24** Is that correct?

08:52PM **25** A. Correct.

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08:52PM **1** Q. So starting on the lowest level,

08:52PM **2** Demetrios, if you would, just describe to the board

08:52PM **3** what's depicted on A-3.

08:52PM **4** A. So the lowest level of residential

08:52PM **5** floor is here, which is identified as the

08:52PM **6** second-floor plan and this plan here is identified as

08:52PM **7** the third through fifth floor plans.

08:52PM **8** Essentially what we have for both of

08:53PM **9** these plans are four residential units along the

08:53PM **10** front of footprint and four residential units along

08:53PM **11** the back with a corridor running down the center,

08:53PM **12** which connects the two stairwells and the lobby area

08:53PM **13** with the elevator access.

08:53PM **14** All of the units are one bedroom units

08:53PM **15** and range in size of -- they're about 830 square

08:53PM **16** feet, all four across the front and then four -- I'm

08:53PM **17** sorry, three across the back are one-bedroom and the

08:53PM **18** fourth unit is a two-bedroom unit, which is in the

08:53PM **19** back left corner and that one is 1,040 square feet.

08:53PM **20** The only difference between the second

08:53PM **21** floor and the other floors is that where the

08:53PM **22** two-bedroom unit exists on the second -- on the third

08:53PM **23** through fifth floors, we have a community room on the

08:53PM **24** second floor with that exact same footprint.

08:53PM **25** Q. Now, the community room is for the

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08:53PM **1** exclusive use of residents of the building, correct?

08:54PM **2** A. That is correct.

08:54PM **3** Q. It's not the type of room that can be

08:54PM **4** rented out for parties or for club or somebody else

08:54PM **5** to use it, it's only for use of the occupants?

08:54PM **6** A. Right.

08:54PM **7** We're actually identifying it as a gym.

08:54PM **8** We're just not depicted any equipment, but it will be

08:54PM **9** used as a gym.

08:54PM **10** Q. Okay.

08:54PM **11** And, of course, you'll comply with any

08:54PM **12** applicable regulations as to space between the

08:54PM **13** apparatus and things of that nature, correct?

08:54PM **14** A. Yes, that is correct.

08:54PM **15** Q. All right.

08:54PM **16** Continue, please?

08:54PM **17** A. So each of the units just to point out

08:54PM **18** a couple of things, there will be a central HVAC unit

08:54PM **19** located in the center of each unit.

08:54PM **20** Each unit will have a single bedroom as

08:54PM **21** indicated here, a closet and a full bath, which is

08:54PM **22** ADA compliant. There will also be a washer and dryer

08:54PM **23** unit, a stackable unit in every apartment and the

08:54PM **24** two-bedroom unit will be depicted here, will have the

08:54PM **25** same features that include, you know, the mechanical

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08:55PM **1** unit and the washer and dryer.

08:55PM **2** This two-bedroom unit has an additional

08:55PM **3** bathroom, which is a part of the master bedroom

08:55PM **4** suite, which is located in the far corner of the

08:55PM **5** unit.

08:55PM **6** **Q.** And what is the bedroom count, if you

08:55PM **7** know?

08:55PM **8** Well, obviously you know. Total ones,

08:55PM **9** twos?

08:55PM **10** **A.** So there's a total of --

08:55PM **11** **Q.** I believe it's on A-2.

08:55PM **12** **A.** We have a total of 28 one-bedroom units

08:55PM **13** and three two-bedroom units for a total of 31 units

08:55PM **14** for the building.

08:55PM **15** **Q.** And is that bedroom count upon which

08:55PM **16** you relied on in reaching the parking requirement,

08:55PM **17** correct?

08:55PM **18** **A.** Yes, that is correct.

08:55PM **19** **Q.** That Mr. Luglio will speak to in more

08:55PM **20** detail.

08:55PM **21** **A.** Yes.

08:55PM **22** **Q.** But it's 28 and three?

08:55PM **23** **A.** Yes.

08:55PM **24** **Q.** Okay. Anything else?

08:55PM **25** Just if I may, I believe the design on

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08:56PM **1** identification.)

08:56PM **2** BY MR. SOKOLICH:

08:56PM **3** **Q.** So, Demetrios, and I want you to take

08:56PM **4** your time and in detail explain to the board your

08:56PM **5** thought process behind the exterior materials that

08:56PM **6** you intend to employ here and this page is also what

08:56PM **7** I'm going to talk about, so whatever you think is

08:56PM **8** appropriate.

08:56PM **9** **A.** So this is the front and right side

08:56PM **10** elevation.

08:56PM **11** As you can see, you can see the

08:57PM **12** topography of the site, how it slopes from the high

08:57PM **13** point on the left side to the low point on the right

08:57PM **14** side.

08:57PM **15** The parking area is an open garage,

08:57PM **16** which has columns and there's no perimeter walls, so

08:57PM **17** it's -- there's no mechanical ventilation, it's just

08:57PM **18** open air.

08:57PM **19** We do have the four residential floors

08:57PM **20** above, as you can see here and there's a combination

08:57PM **21** of building materials.

08:57PM **22** In a sense, it's a modern design

08:57PM **23** building. These two bump-outs that you can see here

08:57PM **24** and here are going to have an ACM panel finish, which

08:57PM **25** is a medal panel finish.

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08:56PM **1** all the floors, all the residential floors is a grand

08:56PM **2** hallway, if you will, that's straight and hangs a

08:56PM **3** right accessing all the units and then at the end you

08:56PM **4** have the area for the lobby or the elevator, if you

08:56PM **5** will?

08:56PM **6** **A.** That is correct.

08:56PM **7** **Q.** Okay.

08:56PM **8** Anything else that you would like to

08:56PM **9** add? Is this building sprinklered?

08:56PM **10** **A.** Yes.

08:56PM **11** **Q.** Or proposed to be sprinklered?

08:56PM **12** **A.** Yes.

08:56PM **13** **Q.** I'm now going to turn you to what you

08:56PM **14** marked as A-4.

08:56PM **15** MR. SOKOLICH: Counsel, I need to mark

08:56PM **16** it as A-4, if that's okay with you.

08:56PM **17** I'll date it today, which is 20th of

08:56PM **18** March.

08:56PM **19** MS. TESTA: That's fine.

08:56PM **20** MR. SOKOLICH: And this plan is

08:56PM **21** entitled "Front and Right Side Elevations," last

08:56PM **22** revised October 7, 2021.

08:56PM **23** (Whereupon, Plan Entitled "Front and

08:56PM **24** Right Side Elevations," Last Revised

08:56PM **25** October 7, 2021 is marked as Exhibit A-4 for

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08:57PM **1** The darker gray in between is going to

08:57PM **2** be a Hardie Plank siding type finish and then a

08:57PM **3** stucco finish on the upper level.

08:57PM **4** We are putting a different material on

08:57PM **5** the ground floor to differentiate the parking from

08:57PM **6** the residential floors.

08:57PM **7** We do have a modern design at the front

08:58PM **8** entry, which is this protruding box with a lot of the

08:58PM **9** glass and material that compliments the parking

08:58PM **10** garage.

08:58PM **11** We do have a vertical glass wall at the

08:58PM **12** lobby, which goes through all the residential floors

08:58PM **13** and what we tried to do is match with similar

08:58PM **14** materials on the side and rear elevations with a

08:58PM **15** Hardie Plank siding and the stucco.

08:58PM **16** We can better see the finish materials

08:58PM **17** on the 3-dimensional rendering on the Sheet T-1, but

08:58PM **18** all in all, the height of the building, you can see

08:58PM **19** from floor to floor on the residential floors is

08:58PM **20** 10 feet and then we've established an average grade

08:58PM **21** that adds an additional 16 feet or 15 feet.

08:58PM **22** So we are showing a dimension of

08:58PM **23** 55 feet to the top of the structure from the average

08:58PM **24** grade, but, again, I will defer to the civil

08:58PM **25** engineering plans, which has a more accurate

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08:58PM **1** calculation on the height.

08:58PM **2** I mean, based on the average grade.

08:58PM **3** **Q.** I know you're dying to pass the buck on

08:59PM **4** this question, but we're going to bring it back in,

08:59PM **5** I'm sorry, Demetrios, but based on your calculations,

08:59PM **6** you estimate the height to be at 55?

08:59PM **7** **A.** Fifty-five feet, yes.

08:59PM **8** **Q.** And it's 10 foot per floor with the

08:59PM **9** exception of the first floor, the ground floor, if

08:59PM **10** you will, which is 16 feet.

08:59PM **11** Now, and because of the topography of

08:59PM **12** the property, that floor is 20 feet, but that houses

08:59PM **13** both of the parking decks, correct?

08:59PM **14** **A.** Right.

08:59PM **15** So using the average grade, we're at

08:59PM **16** 55 feet.

08:59PM **17** **Q.** But using the average grade, which is

08:59PM **18** what I was getting at?

08:59PM **19** **A.** Yes.

08:59PM **20** **Q.** That's fine.

08:59PM **21** And did you speak to the right side

08:59PM **22** elevation at all?

08:59PM **23** **A.** Yes.

08:59PM **24** Just that we're matching similar

08:59PM **25** materials on the front elevation on the sides and on

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08:59PM **1** the rear.

08:59PM **2** **Q.** You got it.

08:59PM **3** I'm going to now turn you to --

08:59PM **4** MR. SOKOLICH: Counsel, with your

08:59PM **5** permission I will mark this as A-5.

08:59PM **6** MS. TESTA: Okay.

08:59PM **7** (Whereupon, Rear and Left Side

08:59PM **8** Elevation, Last Revised October 7, 2021 is

08:59PM **9** marked as Exhibit A-5 for identification.)

08:59PM **10** BY MR. SOKOLICH:

08:59PM **11** **Q.** Demetrios, you likewise identified it

08:59PM **12** as A-5. This is entitled, "Rear and Left Side

08:59PM **13** Elevations" with a last revised date of October 7,

08:59PM **14** 2021.

08:59PM **15** Go ahead, Mark -- Demetrios, excuse me?

08:59PM **16** **A.** So very quickly, these are the rear and

09:00PM **17** the left side elevations, which also depict the

09:00PM **18** similar materials in the front, front elevation with

09:00PM **19** the Hardie Plank siding finish.

09:00PM **20** Again, you can see the topography of

09:00PM **21** the site and the openness of the parking garage below

09:00PM **22** for ventilation.

09:00PM **23** **Q.** Nothing else -- but the materials that

09:00PM **24** you propose that were depicted on the plan before,

09:00PM **25** A-4, will be consistent throughout all four sides?

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09:00PM **1** **A.** That is correct.

09:00PM **2** We're using the same Hardie Plank

09:00PM **3** siding finish that we have in the front on the sides

09:00PM **4** and the rear and that's what's depicted here.

09:00PM **5** **Q.** Got it.

09:00PM **6** Now, I'd ordinarily ask you a series of

09:00PM **7** questions. You have an opinion -- I'm sorry, we have

09:00PM **8** one more. We have the rendering.

09:00PM **9** MR. SOKOLICH: Why don't we do that.

09:00PM **10** I'm going to mark this with the Chairman and

09:00PM **11** Counsel's permission as A-6, I'll date it today,

09:00PM **12** March 20, 2023.

09:00PM **13** This is entitled, Sheet Description,

09:00PM **14** but it was last revised October 7 -- excuse me "3D

09:01PM **15** View," October 7, 2021.

09:01PM **16** (Whereupon, 3D View, dated October 7,

09:01PM **17** 2021 is marked as Exhibit A-6 for

09:01PM **18** identification.)

09:01PM **19** BY MR. SOKOLICH:

09:01PM **20** **Q.** Demetrios, what does that add that we

09:01PM **21** haven't already explained to the board?

09:01PM **22** **A.** So this is basically a

09:01PM **23** three-dimensional rendering of the proposed building,

09:01PM **24** which I think gives the board a better idea of what

09:01PM **25** we're proposing as opposed to the two-dimensional

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09:01PM **1** elevations that we described.

09:01PM **2** Again, you can see the different

09:01PM **3** materials used, openness of the garage, the

09:01PM **4** topography of the site and the different colors and

09:01PM **5** types of materials that are used and the bump outs

09:01PM **6** and then the different residential floors.

09:01PM **7** Again, our -- delineating the lobby

09:01PM **8** area with the full glass wall and then the

09:01PM **9** extenuating the main entrance.

09:01PM **10** So I just think it gives the board a

09:01PM **11** better idea of what we're proposing.

09:01PM **12** **Q.** I do, too, and as far as landscape, I

09:01PM **13** know we'll get into that in a little more detail with

09:01PM **14** the site plan.

09:01PM **15** Is there anything else that you would

09:01PM **16** like to add from an architectural standpoint?

09:02PM **17** Obviously, taking into account we have

09:02PM **18** traffic -- we have, excuse me, engineering, traffic

09:02PM **19** and planning on deck?

09:02PM **20** **A.** Yeah, no, I think that sums up my

09:02PM **21** testimony.

09:02PM **22** MR. SOKOLICH: Chairman, for the

09:02PM **23** moment, I rest with Mr. Kaltsis.

09:02PM **24** CHAIRMAN FERGUSON: Okay.

09:02PM **25** So I just have -- I'm just a little

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09:02PM **1** confused, which is easy for me.
 09:02PM **2** There's a parking lot on the west side
 09:02PM **3** of the parking lot.
 09:02PM **4** It comes in, right?
 09:02PM **5** It comes in and then there's a ramp
 09:02PM **6** that goes up and then there's parking up on top,
 09:02PM **7** correct?
 09:02PM **8** THE WITNESS: Yes.
 09:02PM **9** MR. SOKOLICH: We'll get there,
 09:02PM **10** Chairman.
 09:02PM **11** THE WITNESS: So there's two entrances
 09:02PM **12** to the parking garage.
 09:02PM **13** The property is sloped. There's a
 09:02PM **14** lower level entrance, which is here (indicating) and
 09:02PM **15** that goes straight and that's the 17 parking spaces.
 09:02PM **16** The -- this is the upper level parking,
 09:02PM **17** which is the entrance is on the left and it's -- it's
 09:02PM **18** several feet higher and then as you enter here
 09:02PM **19** (indicating), this level and this level are sloped,
 09:03PM **20** so that as you go around the U, you end up above this
 09:03PM **21** level (indicating).
 09:03PM **22** CHAIRMAN FERGUSON: Right.
 09:03PM **23** But there's a ramp that goes up.
 09:03PM **24** THE WITNESS: Yes.
 09:03PM **25** In fact, as soon as you enter, it
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09:03PM **1** **Q.** So one way to explain it is if you were
 09:03PM **2** to take this first level and simply move it here, it
 09:04PM **3** would be below that?
 09:04PM **4** **A.** It would be underneath this section
 09:04PM **5** right here.
 09:04PM **6** **Q.** Got it.
 09:04PM **7** CHAIRMAN FERGUSON: And where's the
 09:04PM **8** building, is where the elevators are, no.
 09:04PM **9** THE WITNESS: So you can see, if you
 09:04PM **10** look closely, you can see that there's a dashed line
 09:04PM **11** that goes around that is over these columns.
 09:04PM **12** We have the residential portion of the
 09:04PM **13** building is set back 10 feet on the right side,
 09:04PM **14** 10 feet on the left side and 18-and-a-half-feet on
 09:04PM **15** the rear property line.
 09:04PM **16** CHAIRMAN FERGUSON: So the middle -- so
 09:04PM **17** the middle is where the building is at.
 09:04PM **18** MR. SOKOLICH: So if you don't mind,
 09:04PM **19** Chairman, allow the record to reflect A-4 and maybe
 09:04PM **20** this is a little easier to explain.
 09:04PM **21** BY MR. SOKOLICH:
 09:04PM **22** **Q.** Go ahead, Demetrios.
 09:04PM **23** **A.** Yeah, so the property line to the
 09:04PM **24** residential floors are set back and then the lobby is
 09:04PM **25** actually on the property line, but behind the lobby
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09:03PM **1** begins to slope up and then as you make a turn, it
 09:03PM **2** slopes up even more and then you end up above this
 09:03PM **3** level.
 09:03PM **4** CHAIRMAN FERGUSON: Okay.
 09:03PM **5** How high is the one on the high end on
 09:03PM **6** the west side?
 09:03PM **7** I'm talking about as far as you -- no,
 09:03PM **8** no, the other side.
 09:03PM **9** MR. SOKOLICH: But, you know, Chairman,
 09:03PM **10** not to interrupt, I apologize.
 09:03PM **11** CHAIRMAN FERGUSON: Yeah, sure.
 09:03PM **12** BY MR. SOKOLICH:
 09:03PM **13** **Q.** I think a point to make -- stay on that
 09:03PM **14** page -- it's only this section that's above. So the
 09:03PM **15** second floor is actually larger, correct?
 09:03PM **16** **A.** Yes.
 09:03PM **17** **Q.** So I think that's what needs to be part
 09:03PM **18** of the explanation. You enter here, that's it.
 09:03PM **19** This actually is an overlay onto this,
 09:03PM **20** right? That's why the second level parking is
 09:03PM **21** larger, correct?
 09:03PM **22** **A.** That is correct.
 09:03PM **23** So this is the full width of the
 09:03PM **24** property. This is only the right half of the
 09:03PM **25** property.
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09:04PM **1** the residential wall is set back 10 feet.
 09:04PM **2** **Q.** Is that depicted here, Demetrios?
 09:04PM **3** **A.** This is the rear portion of the
 09:05PM **4** building.
 09:05PM **5** You can see it's set back
 09:05PM **6** 18-and-a-half-feet. This is the property line.
 09:05PM **7** CHAIRMAN FERGUSON: At that end.
 09:05PM **8** THE WITNESS: And the back of the
 09:05PM **9** property.
 09:05PM **10** BY MR. SOKOLICH:
 09:05PM **11** **Q.** And is this the front of the property?
 09:05PM **12** **A.** This is the front of the property.
 09:05PM **13** **Q.** And the set back, is it depicted there?
 09:05PM **14** **A.** Yeah, so this is the main entrance,
 09:05PM **15** this portion that projects out and then this is set
 09:05PM **16** back 10 feet.
 09:05PM **17** CHAIRMAN FERGUSON: Okay.
 09:05PM **18** So I noticed that on the plans you
 09:05PM **19** have, you're going right to the property line.
 09:05PM **20** Is that correct?
 09:05PM **21** THE WITNESS: On the parking levels,
 09:05PM **22** yes.
 09:05PM **23** CHAIRMAN FERGUSON: Right, on the --
 09:05PM **24** THE WITNESS: Yes, yes.
 09:05PM **25** CHAIRMAN FERGUSON: So this side and
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09:05PM **1** this side are right to the property line, right.

09:05PM **2** THE WITNESS: Yes, they are.

09:05PM **3** CHAIRMAN FERGUSON: Okay.

09:05PM **4** So I don't know if you can answer this,

09:05PM **5** but is there any other buildings in the area that's

09:05PM **6** five stories.

09:05PM **7** THE WITNESS: I don't have that

09:05PM **8** information.

09:05PM **9** MR. SOKOLICH: Chairman, we will

09:05PM **10** conduct that investigation. I know that I just

09:06PM **11** conferred with the planner. He has that response,

09:06PM **12** but he's not up, but we'll have it in our

09:06PM **13** continuation.

09:06PM **14** CHAIRMAN FERGUSON: Oh, good.

09:06PM **15** I just -- maybe you can help me with

09:06PM **16** this. There's a building on the back. It fronts on

09:06PM **17** Commercial Avenue, right?

09:06PM **18** And it's a four-story building and I'm

09:06PM **19** a little concerned that you're going to -- you're

09:06PM **20** going to -- that building, if you're looking at that

09:06PM **21** building, you're going to see a wall.

09:06PM **22** You follow?

09:06PM **23** THE WITNESS: Yeah, I mean, this is --

09:06PM **24** this is the rear elevation of this proposed building

09:06PM **25** (indicating).

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09:06PM **1** So this is where you're going to look

09:06PM **2** at looking out that building, the back of that

09:06PM **3** building.

09:06PM **4** CHAIRMAN FERGUSON: Right.

09:06PM **5** So the building, which would be here is

09:07PM **6** a four-story building. What's the space between that

09:07PM **7** building that you have nothing to do with and your

09:07PM **8** building?

09:07PM **9** In other words, are you going to look

09:07PM **10** out your windows and see a wall.

09:07PM **11** THE WITNESS: Yeah, I don't -- I don't

09:07PM **12** have -- I don't know how far that building is from

09:07PM **13** there, from the property line, but this residential

09:07PM **14** portion is 18-and-a-half-feet away from the property

09:07PM **15** line.

09:07PM **16** These -- this wall is

09:07PM **17** 18-and-a-half-feet away from the property line.

09:07PM **18** CHAIRMAN FERGUSON: Okay.

09:07PM **19** So the other building, just

09:07PM **20** spit-balling here, 10 feet, you're telling me it's

09:07PM **21** 30 feet.

09:07PM **22** THE WITNESS: Thirty feet, about

09:07PM **23** 30 feet, right.

09:07PM **24** CHAIRMAN FERGUSON: So there's going to

09:07PM **25** be -- I just don't want your residents to look at a

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09:07PM **1** building and then that resident looking at yours.

09:07PM **2** MR. SOKOLICH: Understood, Chairman.

09:07PM **3** CHAIRMAN FERGUSON: Yeah.

09:08PM **4** MR. SOKOLICH: We will in advance of

09:08PM **5** the next meeting, we will conduct an assessment as to

09:08PM **6** the windows and the view corridor of the building

09:08PM **7** that you're referring to and have a better answer for

09:08PM **8** you as to whether or not we're aligned up with

09:08PM **9** windows, but we are talking almost 30 feet in

09:08PM **10** distance, but we'll have a better answer on the

09:08PM **11** footage also.

09:08PM **12** CHAIRMAN FERGUSON: All right.

09:08PM **13** Well, that's all I have.

09:08PM **14** Any of the board members have anything?

09:08PM **15** (No Response.)

09:08PM **16** CHAIRMAN FERGUSON: No.

09:08PM **17** Who wants to -- Steve.

09:08PM **18** MR. COLLAZUOL: Just a quick question.

09:08PM **19** CHAIRMAN FERGUSON: Sure.

09:08PM **20** MR. COLLAZUOL: Demetrios, would you

09:08PM **21** just go over the lighting again?

09:08PM **22** It appears that there was some lighting

09:08PM **23** that should be reduced along the rear and the west

09:08PM **24** lines.

09:08PM **25** Was there building-mounted and were

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09:08PM **1** they on the upper portions of the building or are

09:08PM **2** they within the garage areas?

09:08PM **3** We did have a lighting plan by

09:08PM **4** Mr. Koestner.

09:08PM **5** THE WITNESS: Yeah, I think he's not

09:08PM **6** here to testify on this.

09:09PM **7** MR. COLLAZUOL: Do you have lighting

09:09PM **8** mounted to the building walls and a detail showing

09:09PM **9** that.

09:09PM **10** THE WITNESS: No, we're not depicting

09:09PM **11** the lighting on our plans.

09:09PM **12** MR. COLLAZUOL: So, perhaps,

09:09PM **13** Mr. Koestner, can answer that question?

09:09PM **14** THE WITNESS: Yes.

09:09PM **15** MR. COLLAZUOL: That's it for right

09:09PM **16** now.

09:09PM **17** Thank you.

09:09PM **18** MR. SIMOFF: For next meeting for

09:09PM **19** Koestner's testimony, can we have the grades of the

09:09PM **20** parking decks?

09:09PM **21** Because I want to understand when --

09:09PM **22** you know, that you don't bottom out, it's a short

09:09PM **23** ramp.

09:09PM **24** MR. SOKOLICH: Understood. Okay.

09:09PM **25** MR. SIMOFF: And then the other thing

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09:09PM **1** for the next hearing is I suggested emergency
 09:09PM **2** services take a look at this building, because there
 09:09PM **3** are no setbacks to the south and to the west of the
 09:10PM **4** garage.
 09:10PM **5** Is that true?
 09:10PM **6** THE WITNESS: To the south, yes, there
 09:10PM **7** are no setbacks.
 09:10PM **8** CHAIRMAN FERGUSON: So what are
 09:10PM **9** recommending.
 09:10PM **10** MR. SIMOFF: Emergency services look at
 09:10PM **11** the plan --
 09:10PM **12** CHAIRMAN FERGUSON: The plan.
 09:10PM **13** MR. SIMOFF: -- for fire and --
 09:10PM **14** CHAIRMAN FERGUSON: Okay.
 09:10PM **15** MR. SOKOLICH: Chairman, do you want me
 09:10PM **16** to have a complete set of plans delivered to the
 09:10PM **17** board for distribution or I can get a set PDF and
 09:10PM **18** distribute it to --
 09:10PM **19** CHAIRMAN FERGUSON: To fire.
 09:10PM **20** MR. SOKOLICH: To fire, got it.
 09:10PM **21** CHAIRMAN FERGUSON: Yeah, just give it
 09:10PM **22** to the fire.
 09:10PM **23** MR. SOKOLICH: I'm going to send a PDF
 09:10PM **24** electronically and I'll copy you so you see it when.
 09:10PM **25** CHAIRMAN FERGUSON: Right.

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1 inclination to proceed without site plan testimony or
2 would you rather we proceed fresh with site plan
3 testimony and respond to these questions at the next
4 meeting?
 09:11PM **5** Your call.
 09:11PM **6** CHAIRMAN FERGUSON: Yeah, I guess --
 09:11PM **7** MR. SOKOLICH: I don't know what time
 09:11PM **8** the board goes till.
 09:11PM **9** It does not matter to me. I'm here,
 09:11PM **10** enjoy it here.
 09:11PM **11** Whatever you want me to do.
 09:11PM **12** CHAIRMAN FERGUSON: Maybe put the -- is
 09:11PM **13** it your parking expert.
 09:11PM **14** MR. SOKOLICH: Parking is here.
 09:11PM **15** CHAIRMAN FERGUSON: You know, maybe we
 09:11PM **16** -- because I'm looking to --
 09:11PM **17** MR. SOKOLICH: Move.
 09:11PM **18** Let's bring Mr. Luglio up.
 09:11PM **19** Thank you, Chairman.
 09:11PM **20** That was the preferred course of
 09:12PM **21** action.
 09:12PM **22** I just didn't know if you wanted it
 09:12PM **23** that way.
 09:12PM **24** MS. TESTA: Do you swear the testimony
 09:12PM **25** you'll give in this application will be the truth,

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09:10PM **1** Copy Diane, don't copy me.
 09:10PM **2** MR. SOKOLICH: Okay, I'll copy Diane.
 09:10PM **3** MR. SIMOFF: Copy me too.
 09:10PM **4** MR. SOKOLICH: Yes, yes.
 09:10PM **5** CHAIRMAN FERGUSON: It's an inside joke
 09:10PM **6** we do.
 09:10PM **7** You don't get it.
 09:10PM **8** MS. LAMBRINIDES: Not yet, they will
 09:10PM **9** soon.
 09:10PM **10** MR. SOKOLICH: I would copy Eleni, but
 09:10PM **11** I don't think she wants any interest whatsoever in my
 09:10PM **12** copies anymore, right, we're retired?
 09:11PM **13** MS. TESTA: Well, one more month that
 09:11PM **14** we have her.
 09:11PM **15** MR. SOKOLICH: All the professionals
 09:11PM **16** will get the PDF, okay.
 09:11PM **17** CHAIRMAN FERGUSON: Okay.
 09:11PM **18** That's all we got, I guess.
 09:11PM **19** Who do you have up next?
 09:11PM **20** MR. SOKOLICH: So, Chairman, I
 09:11PM **21** indicated to you that our next witness has a
 09:11PM **22** conflict, which I was advised this afternoon.
23 CHAIRMAN FERGUSON: Okay.
24 What's the next one.
25 MR. SOKOLICH: Is it the board's

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09:12PM **1** the whole truth and nothing but the truth.
2 MR. LUGLIO: Yes, I do.
3 L O U I S L U G L I O, PE
4 50 Park Place, Newark, New Jersey, having been
5 duly sworn, testifies as follows:
6 MS. TESTA: State, spell your name and
7 your business address.
8 MR. LUGLIO: Sure.
9 It's Louis, L-O-U-I-S, Luglio,
10 L-U-G-L-I-O.
 09:12PM **11** And the address is 50 Park Place,
 09:12PM **12** Newark, New Jersey.
 09:12PM **13** CHAIRMAN FERGUSON: And you've
 09:12PM **14** testified here before.
 09:12PM **15** MR. LUGLIO: I have.
 09:12PM **16** It's been a little while, but I have.
 09:12PM **17** CHAIRMAN FERGUSON: We'll accept him.
 09:12PM **18** MR. SOKOLICH: Thank you, Chairman.
19 DIRECT EXAMINATION
20 BY MR. SOKOLICH:
21 Q. So Lou, just some preliminary
22 questions.
 09:12PM **23** You were present for Mr. Kaltsis'
 09:12PM **24** testimony, correct?
 09:12PM **25** A. Yes.

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09:12PM **1** **Q.** And just for the benefit of the record,
 09:12PM **2** could you just briefly describe what the scope of
 09:12PM **3** your engagement is, your purpose here as an expert?
 09:12PM **4** **A.** Sure.
 09:12PM **5** So the scope is really to look at the
 09:12PM **6** existing traffic conditions in and around the site,
 09:12PM **7** to estimate the number of new vehicle trips that
 09:13PM **8** would be coming to and from this site, which is all
 09:13PM **9** residential, to look at the access points themselves,
 09:13PM **10** to look at the parking and see if there's adequate
 09:13PM **11** parking associated with the proposed project.
 09:13PM **12** So that's really the scope of the
 09:13PM **13** activities that we did.
 09:13PM **14** We also -- obviously, we looked at the
 09:13PM **15** number or the access to the site as the architect
 09:13PM **16** talked about in terms of it being on Union Street,
 09:13PM **17** the sole access points themselves.
 09:13PM **18** Direct access, you know, to the major
 09:13PM **19** roadways would happen along -- along Grand.
 09:13PM **20** As everyone is familiar, there's this
 09:13PM **21** traffic signal at the intersection just to the south
 09:13PM **22** at the intersection of Grand and Central, which is
 09:14PM **23** obviously a congested area in peak times.
 09:14PM **24** We all experience that as you go to the
 09:14PM **25** south and get on and off of Route 46.

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09:15PM **1** parking spaces.
 09:15PM **2** So there's a total of 50 parking spaces
 09:15PM **3** that are provided.
 09:15PM **4** With respect to electrical -- electric
 09:15PM **5** vehicles, there is, let's see, we have a total of
 09:16PM **6** nine EV spaces that would be on the site and that
 09:16PM **7** reduces the parking demand from 56 parking spaces
 09:16PM **8** that we basically have from the residential site
 09:16PM **9** improvement standards as far as 56 parking spaces are
 09:16PM **10** required.
 09:16PM **11** Again, we're providing 50. We have a
 09:16PM **12** credit of six spaces because we're providing EV
 09:16PM **13** spaces on-site.
 09:16PM **14** So as a result the requirement now
 09:16PM **15** becomes 50 parking spaces.
 09:16PM **16** We have 50 parking spaces that are
 09:16PM **17** provided on the site. And so it actually meets the
 09:16PM **18** requirement based on the credit of having EV parking
 09:16PM **19** spaces.
 09:16PM **20** We would assign parking spaces to the
 09:16PM **21** 28 one-bedroom units would all have one parking space
 09:16PM **22** assigned to them and the three two-bedrooms would
 09:16PM **23** have two parking spaces assigned to them.
 09:17PM **24** So 34 of the 50 parking spaces would be
 09:17PM **25** assigned and then the remainder of 16 parking spaces

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09:14PM **1** So from the -- the point being that
 09:14PM **2** residential is a low intense use as it relates to
 09:14PM **3** number of vehicles coming in and out of the site, an
 09:14PM **4** example would be a person could have a vehicle and
 09:14PM **5** park that vehicle, but they could take public
 09:14PM **6** transportation to and from work.
 09:14PM **7** So although the number of parking
 09:14PM **8** spaces that you have really doesn't translate to the
 09:14PM **9** number of vehicles coming in and out during the peak
 09:14PM **10** times.
 09:14PM **11** What I consider the peak times,
 09:14PM **12** a.m. peak hour is anywhere from 7 a.m. to 9 a.m.,
 09:14PM **13** p.m. peak hour is anywhere from 4 p.m. to even 7 p.m.
 09:14PM **14** depending on where you are.
 09:15PM **15** This particular project, 31 residential
 09:15PM **16** units, when we look at the number of trips, we have
 09:15PM **17** 13 trips that would be in the a.m. peak hour, 12 in
 09:15PM **18** the p.m. peak hour and 12 on Saturday.
 09:15PM **19** So you can see there's actually a low
 09:15PM **20** number of vehicles coming in and out of the site.
 09:15PM **21** When we look at access, I think, again,
 09:15PM **22** there's two different driveways.
 09:15PM **23** One driveway on the ground floor
 09:15PM **24** provides access to 17 parking spaces and then the
 09:15PM **25** other with the sloped floor provides access to 33

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09:17PM **1** would be for residents, but unassigned and visitors
 09:17PM **2** that are coming to and from the site.
 09:17PM **3** A couple of things that we noted is
 09:17PM **4** that approximately 13 percent based on the last
 09:17PM **5** U.S. Census information, 13 percent do not own a
 09:17PM **6** vehicle.
 09:17PM **7** So that's just some information and we
 09:17PM **8** utilize that information to try to get a gauge of how
 09:17PM **9** many parking spaces that would be required and in
 09:17PM **10** addition, approximately 22 percent utilize public
 09:17PM **11** transportation to get to and from work.
 09:17PM **12** So all of that goes into at least our
 09:17PM **13** or my analysis of the site and how many parking
 09:17PM **14** spaces are provided could the site operate, you know,
 09:18PM **15** with the 50 parking spaces themselves.
 09:18PM **16** And so looking at obviously everything
 09:18PM **17** that we just went through, the number of parking
 09:18PM **18** spaces, the number of trips coming to and from,
 09:18PM **19** access going to the driveways to the proposed
 09:18PM **20** parking, the access points themselves are designed
 09:18PM **21** within industry standards.
 09:18PM **22** From RSIS, we would need an exception
 09:18PM **23** for the size of the parking stall, that would be
 09:18PM **24** required and looking at that, we -- next time we come
 09:18PM **25** back or at least the site engineer comes back, we can

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09:18PM **1** talk to the actual width of the parking space with
 09:18PM **2** respect to it being 8-feet-6-inches instead of
 09:18PM **3** 9 feet.
 09:18PM **4** And so in general, the 8-foot-6 is a
 09:19PM **5** little tighter, obviously, than the 9.
 09:19PM **6** For a residential site, there's not
 09:19PM **7** high turnover. Some -- you know, a good portion of
 09:19PM **8** these spaces are actually assigned and so having that
 09:19PM **9** narrower width because the parking space doesn't turn
 09:19PM **10** over with different cars coming in and out, that's
 09:19PM **11** something that we would see and I feel strong that we
 09:19PM **12** would get an exception for the 8-and-a-half.
 09:19PM **13** And the 18 foot in terms of the stalls
 09:19PM **14** length, I think there might be one or two locations
 09:19PM **15** where we are 17 feet and so I will look at that along
 09:19PM **16** with the site engineer and the architect for when --
 09:19PM **17** when we come back just to show you on a plan where
 09:19PM **18** those locations are.
 09:19PM **19** I'm also -- we also have a review memo
 09:20PM **20** from Simoff Engineering and basically I think one
 09:20PM **21** point that we have in our report is that we
 09:20PM **22** considered any site that generates 50 or less
 09:20PM **23** vehicles during any peak hour does not require a
 09:20PM **24** traffic impact study, a full study to look at
 09:20PM **25** intersections and counts and analysis.

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09:21PM **1** residents, correct?
 09:21PM **2** **A.** That's correct.
 09:21PM **3** **Q.** And there are no tandem parking spaces
 09:21PM **4** that are being proposed?
 09:21PM **5** **A.** No, there are no tandem spaces.
 09:21PM **6** **Q.** Now, you heard that the board indicated
 09:21PM **7** and I think Mr. Simoff actually was the one that
 09:21PM **8** indicated that he wanted fire to take a look at this,
 09:21PM **9** do you also look at parking, the parking deck, where
 09:22PM **10** they're situated, the layout for emergency vehicle
 09:22PM **11** access purposes?
 09:22PM **12** **A.** Yes, we -- I look at that as well.
 09:22PM **13** **Q.** Okay.
 09:22PM **14** **A.** And so from a fire apparatus would most
 09:22PM **15** likely not enter the site at all. That would be from
 09:22PM **16** all of the adjacent streets including Union.
 09:22PM **17** For ambulance access, the parking
 09:22PM **18** garage structure would be able to accept an ambulance
 09:22PM **19** to circulate through.
 09:22PM **20** We'll have to check on the height to
 09:22PM **21** get into the structure, but I believe there's enough
 09:22PM **22** clearance for an ambulance if -- if, in fact, an
 09:22PM **23** ambulance needed to get onto the site, itself.
 09:22PM **24** **Q.** I'm also confirming that the parking
 09:22PM **25** deck also, correct?

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09:20PM **1** Mr. Simoff has exception to that
 09:20PM **2** 50-trip rule and I agree with him.
 09:20PM **3** I don't want to -- I don't want to
 09:20PM **4** present a precedence here. So I would agree that a
 09:20PM **5** traffic study could be required even if there were
 09:20PM **6** ten0 vehicles that were generated to and from the
 09:20PM **7** site if either the board or the board's professional
 09:20PM **8** thought it was necessary to conduct one.
 09:20PM **9** I think the point of Mr. Simoff was it
 09:21PM **10** is not -- and I'll let him speak for himself,
 09:21PM **11** obviously, but it's not the number of vehicles that
 09:21PM **12** really should dictate that.
 09:21PM **13** It's really the site conditions and
 09:21PM **14** what's adjacent to it.
 09:21PM **15** So for this particular case, we did not
 09:21PM **16** do a more detailed traffic study with counts.
 09:21PM **17** I don't think it's warranted and you
 09:21PM **18** can ask Mr. Simoff, but I believe he doesn't think
 09:21PM **19** it's warranted either. He just didn't want to set a
 09:21PM **20** precedent for the number of trips coming in and out.
 09:21PM **21** BY MR. SOKOLICH:
 09:21PM **22** **Q.** So, I got a couple of questions, Lou,
 09:21PM **23** if you may, before we get into the other stuff.
 09:21PM **24** So, you did confirm for the record that
 09:21PM **25** parking will be unconditionally assigned to the

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09:22PM **1** **A.** Yes.
 09:22PM **2** **Q.** The parking deck in all residential
 09:22PM **3** levels are sprinklered?
 09:22PM **4** **A.** Okay.
 09:22PM **5** **Q.** So I think you should know that if you
 09:22PM **6** don't already.
 09:22PM **7** **A.** Yeah.
 09:22PM **8** **Q.** I think that you do.
 09:22PM **9** **A.** Yup.
 09:22PM **10** **Q.** I always ask the question on efficiency
 09:23PM **11** of internal maneuvering, right, I think that's like
 09:23PM **12** my own traffic term, but it allows me to remember.
 09:23PM **13** Do you also take a look at, for
 09:23PM **14** example, the parking, itself, and the turning radii
 09:23PM **15** to make sure that, you know, I've had many an
 09:23PM **16** application where we proposed parking spaces that
 09:23PM **17** frankly don't work.
 09:23PM **18** I mean -- or they just can't get
 09:23PM **19** accessed by vehicles?
 09:23PM **20** Are there any circumstances in either
 09:23PM **21** of these decks that -- I mean, I know some spaces are
 09:23PM **22** easier than others. That's the case in any parking
 09:23PM **23** level, but as far as maneuverability of vehicles
 09:23PM **24** within the parking deck?
 09:23PM **25** **A.** Yeah, I don't see any issue with any of

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09:23PM **1** the maneuverability for the parking.

09:23PM **2** Obviously as you come in, this space

09:23PM **3** number one is a tight space to get into, because it's

09:23PM **4** the first one there on the left.

09:23PM **5** But, again, most of or all of the end

09:23PM **6** aisle parking for all of the parking that's provided,

09:24PM **7** they would be assigned spaces.

09:24PM **8** So it's -- you know, it's basically

09:24PM **9** your space, you come in and out of it, you know,

09:24PM **10** maybe one time or two times a day.

09:24PM **11** Again, this is not meant for people

09:24PM **12** that are coming, you know, three or four different

09:24PM **13** times during the day and turning that parking space

09:24PM **14** over.

09:24PM **15** As far as the width of the aisle for

09:24PM **16** 24-foot-wide drive aisles, that's an industry

09:24PM **17** standard that complies. There's enough room for the

09:24PM **18** -- for a vehicle to make it all the way around.

09:24PM **19** There are ADA spaces that are up at the

09:24PM **20** -- I guess at the end of the second level. Also has

09:24PM **21** access to the parking space and there's obviously a

09:24PM **22** striped area next to it.

09:24PM **23** So from all of the parking spaces that

09:24PM **24** are provided, some, again, as you said might be a

09:24PM **25** little bit more difficult to get into, but, again,

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09:25PM **1** they would be assigned.

09:25PM **2** So it's really safe and efficient for

09:25PM **3** all of the parking that's proposed on the site.

09:25PM **4** **Q.** Thank you.

09:25PM **5** And I don't know if this is necessary,

09:25PM **6** but do you envision that the level of service of any

09:25PM **7** intersection in the area is going to be negatively

09:25PM **8** impacted by this?

09:25PM **9** **A.** No, not by this low intense residential

09:25PM **10** use, no.

09:25PM **11** **Q.** Okay. All right.

09:25PM **12** Excuse me, is there anything else that

09:25PM **13** you wanted to add?

09:25PM **14** Were you done responding to

09:25PM **15** Mr. Simoff's report before I rudely interrupted.

09:25PM **16** **A.** I think -- I think that's it.

09:25PM **17** MR. SOKOLICH: Thank you.

09:25PM **18** Mr. Chairman, I offer Mr. Luglio.

09:25PM **19** CHAIRMAN FERGUSON: Okay. I only got

09:25PM **20** one quick question.

09:25PM **21** When I was reading the parking -- and

09:25PM **22** if you go, I guess it's Table 1, all the way halfway

09:25PM **23** down where it says "Circulation and Parking," and

09:26PM **24** therapy you go to electric vehicle.

09:26PM **25** THE WITNESS: Yes.

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09:26PM **1** CHAIRMAN FERGUSON: What is underneath

09:26PM **2** that when you say three spaces will supply equipment,

09:26PM **3** three year, three --

09:26PM **4** THE WITNESS: Right, okay, so sure.

09:26PM **5** So the electric vehicle ordinance talks

09:26PM **6** about having or providing 15 percent of the total

09:26PM **7** number of required spaces have to be EV spaces, but

09:26PM **8** you have over a six-year period to put them all in.

09:26PM **9** So in the very first year it's a third

09:26PM **10** of what's required has to actually have a connection

09:26PM **11** and then the other spaces are what they call

09:26PM **12** make-ready in the sense that utilities already

09:26PM **13** provided to the spaces, but the actual station or the

09:26PM **14** charging station doesn't have to be there.

09:27PM **15** So every two years you have to put in

09:27PM **16** more until you satisfy everything in six years.

09:27PM **17** CHAIRMAN FERGUSON: So who checks that.

09:27PM **18** THE WITNESS: That is a good question.

09:27PM **19** I think it then falls back to building inspector,

09:27PM **20** building code enforcement.

09:27PM **21** CHAIRMAN FERGUSON: All right.

09:27PM **22** MR. SOKOLICH: But then you're right,

09:27PM **23** Chairman, it's difficult to track, especially as

09:27PM **24** years go on.

09:27PM **25** CHAIRMAN FERGUSON: Because we had

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09:27PM **1** something, 15 Grand and the fire department was in

09:27PM **2** and they said how difficult it is to put out

09:27PM **3** electrical car fire and that right now they put it in

09:27PM **4** dumpsters and so, you know, anyway my friend, Hal --

09:27PM **5** MR. SIMOFF: Yeah, that's one of the

09:27PM **6** reasons why I wanted emergency services to look at

09:27PM **7** it, because the location of the electric came up with

09:27PM **8** the other application, you know, that there are --

09:27PM **9** there's new studies that talk about them catching on

09:28PM **10** fire and being hard to put out.

09:28PM **11** And then the other comment that is not

09:28PM **12** in my review, but for the review of the next time, it

09:28PM **13** seems that the building has zero setback to the front

09:28PM **14** property line and I'd like to see sight lines when

09:28PM **15** you come in and out of driveway.

09:28PM **16** CHAIRMAN FERGUSON: Okay.

09:28PM **17** THE WITNESS: Out of both driveways?

09:28PM **18** MR. SIMOFF: Yes.

09:28PM **19** And the -- but everything Mr. Luglio

09:28PM **20** talked about, I agree.

09:28PM **21** I agree that the trip generation is

09:28PM **22** low, that it's not going to impact traffic down the

09:28PM **23** street.

09:28PM **24** There's another aspect that really ends

09:28PM **25** up reducing the traffic impact. There's an existing

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09:28PM 1 use on the property that -- you know, that generates
 09:28PM 2 traffic that is not accounted for.
 09:28PM 3 So this probably will be a less intense
 09:28PM 4 generator.
 09:28PM 5 CHAIRMAN FERGUSON: Right.
 09:28PM 6 MR. SIMOFF: So the issue is not the
 09:28PM 7 traffic numbers. It's the circulation and the
 09:29PM 8 layout.
 09:29PM 9 CHAIRMAN FERGUSON: Right.
 09:29PM 10 So if you could get that to our expert
 09:29PM 11 as soon as you can, so he can --
 09:29PM 12 MR. SOKOLICH: We shall, Chairman.
 09:29PM 13 CHAIRMAN FERGUSON: Okay.
 09:29PM 14 Anybody else?
 09:29PM 15 (No Response.)
 09:29PM 16 CHAIRMAN FERGUSON: No.
 09:29PM 17 (No Response.)
 09:29PM 18 CHAIRMAN FERGUSON: All right.
 09:29PM 19 THE WITNESS: Thank you.
 09:29PM 20 CHAIRMAN FERGUSON: Thank you.
 09:29PM 21 MR. SOKOLICH: I think we did well,
 09:29PM 22 Chairman. I think we did well.
 09:29PM 23 CHAIRMAN FERGUSON: Yeah, well, we
 09:29PM 24 tried.
 09:29PM 25 MR. SOKOLICH: I will tell you that we
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09:29PM 1 also have planning present, however, I think it's
 09:29PM 2 important that planning coincide with site plan,
 09:29PM 3 engineering testimony unless the board directs
 09:29PM 4 otherwise.
 09:29PM 5 CHAIRMAN FERGUSON: No, no.
 09:29PM 6 MR. SOKOLICH: And you have to be tired
 09:29PM 7 of me at this point.
 09:29PM 8 MS. LAMBRINIDES: Can I get a motion to
 09:29PM 9 carry this?
 09:29PM 10 CHAIRMAN FERGUSON: Motion to --
 09:29PM 11 MS. TESTA: So a motion to carry.
 09:29PM 12 No further notice and your client,
 09:29PM 13 Mark, waives all time constraints.
 09:29PM 14 MR. SOKOLICH: We do, Diane.
 09:29PM 15 And that's April 17th.
 09:29PM 16 MS. TESTA: Yes.
 09:29PM 17 MR. SOKOLICH: Thank you.
 09:29PM 18 CHAIRMAN FERGUSON: All right. So I
 09:29PM 19 make a motion to carry it to April 17th.
 09:30PM 20 VICE CHAIRMAN ALBANESE: I'll second
 09:30PM 21 that.
 09:30PM 22 MR. SOKOLICH: Chairman, Vice Chair,
 09:30PM 23 Members -- oh, I'm sorry.
 09:30PM 24 MS. LAMBRINIDES: Mr. Ferguson.
 09:30PM 25 CHAIRMAN FERGUSON: Yes.
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07:03PM 1 MS. LAMBRINIDES: Mr. Albanese?
 07:03PM 2 VICE CHAIRMAN ALBANESE: Yes.
 07:03PM 3 MS. LAMBRINIDES: Mr. Elefteriou?
 07:03PM 4 MR. ELEFTERIOU: Yes.
 5 MS. LAMBRINIDES: Mr. Terranova?
 6 MR. TERRANOVA: Yes.
 7 MS. LAMBRINIDES: Mr. Grala?
 8 MR. GRALA: Yes.
 9 MS. LAMBRINIDES: Mr. Brogna?
 10 MR. BROGNA: Yes.
 11 MS. LAMBRINIDES: Mr. Chung?
 12 MR. CHUNG: Yes.
 13 MR. SOKOLICH: Chairman, Vice Chairman,
 14 Members of the Board, goodnight.
 09:30PM 15 Thank you. Good seeing everybody.
 09:30PM 16 CHAIRMAN FERGUSON: Goodnight.
 09:30PM 17 VICE CHAIRMAN ALBANESE: Motion to
 09:30PM 18 adjourn.
 09:30PM 19 CHAIRMAN FERGUSON: I second.
 09:30PM 20 All in favor of adjournment?
 21 (Whereupon, all present members respond
 22 in the affirmative.)
 23 (Whereupon, this meeting is concluded.
 24 Time noted: 9:30 p.m.)
 25
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CERTIFICATE

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 2
 3
 4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 Public of the State of New Jersey, Notary ID.
 #50094914, Certified Court Reporter of the State of
 5 New Jersey, and a Registered Professional Reporter,
 hereby certify that the foregoing is a verbatim
 6 record of the testimony provided under oath before
 any court, referee, board, commission or other body
 7 created by statute of the State of New Jersey.
 I am not related to the parties
 8 involved in this action; I have no financial
 interest, nor am I related to an agent of or employed
 9 by anyone with a financial interest in the outcome of
 this action.
 10 This transcript complies with
 regulation 13:43-5.9 of the New Jersey Administrative
 11 Code.
 12
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 17 Dated: 4-06-23
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