

BOROUGH OF PALISADES PARK
 BOARD OF ADJUSTMENT
 MONDAY, APRIL 17, 2023
 7:00 P.M.

Case No. 22-12)
 HJ Lee Holding)
 18-20 W. Ruby Ave) TRANSCRIPT
 Block: 617; Lot: 16) OF
Case No. 21-02) PROCEEDING
 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. 23-02)
 James H. Noh)
 39 Henry Ave)
 Block 214, Lot 19)
Case No. 22-17)
 13 Alliotts Place)
 Block 222, Lots 12 & 13)
Case No. 21-28)
 112-118 Union Assoc., LLC)
 112-118 Union Street)
 Block 107, Lots 4 & 5)
Case No. 22-13)
 Atrium Billiards Cafe LLC)
 315 Broad Ave)
 Block: 217, Lots: 26, 27, 27.1)
Case No. 22-08)
 Hosu Lee)
 128 Grand Avenue)
 Block 6070, Lot 42)
Case No. 22-14)
 KL Palisades, LLC)
 500 Tenth Street)
 Block 421, Lot 1)
Case No. 22-18)
 519 Orchard, LLC,)
 519 Orchard Avenue)
 Block 213, Lot 7)
Case No. 23-01)
 60 Edsall, LLC)
 60 West Edsall Boulevard)
 Block 206, Lot 6)

(CONTINUED)

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

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- 24** STEVEN COLLAZUOL, P.E., Board Engineer
- 25** HAL SIMOFF, P.E., Traffic Engineer
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 **Case No. 22-15**)
 Ardeshir Mohtaram)
2 226 3rd Street)
 Block 21, Lot 604)
3 -----
4 B E F O R E :
5 JOSEPH FERGUSON, CHAIRMAN
6 PAUL ALBANESE, VICE CHAIRMAN
7 ELEFTERIOS ELEFTERIOU, MEMBER
8 DAVID TERRANOVA, MEMBER
9 JOHN GRALA, MEMBER
10 STEVEN BROGNA, MEMBER
11 DAVID TERRANOVA, MEMBER (ABSENT)
12 SEONGHYE YOON, MEMBER (ABSENT)
13 VINCENT CARNOVALE, MEMBER (ABSENT)
14 CHARLES CHUNG, ALTERNATE MEMBER 2
15 ESTHER KIM, ALTERNATE MEMBER 3
16
17
18
19
20
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1 CHAIRMAN FERGUSON: I'd like to call
 2 the meeting to order.
 3 Lefty, do you want to lead us in the
 4 flag salute?
 5 (Whereupon, all rise for a Recitation
 6 of the Pledge of Allegiance as led by
 7 Mr. Elefteriou.)
 8 CHAIRMAN FERGUSON: Okay. In
 9 accordance with the Open Public Meetings Act, notice
 10 of this meeting has been posted on the Borough
 11 bulletin board.
 12 Notice has been provided to the
 13 official Borough newspaper and filed with the Borough
 14 Clerk's office.
 15 Roll call?
 16 MS. LAMBRINIDES: Mr. Ferguson?
 17 CHAIRMAN FERGUSON: Here.
 18 MS. LAMBRINIDES: Mr. Albanese?
 19 VICE CHAIRMAN ALBANESE: Here.
 20 MS. LAMBRINIDES: Mr. Elefteriou?
 21 MR. ELEFTERIOU: Here.
 22 MS. LAMBRINIDES: Ms. Yoon?
 23 (No response.)
 24 MS. LAMBRINIDES: Mr. Carnovale?
 25 (No response.)

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1 (Applause.)
 2 CHAIRMAN FERGUSON: And a lot of luck
 3 on your retirement.
 4 MS. LAMBRINIDES: Thank you.
 5 I'm sure we'll see each other again.
 6 CHAIRMAN FERGUSON: Yes, I hope.
 7 MS. LAMBRINIDES: I hope so.
 8 But thank you.
 9 CHAIRMAN FERGUSON: Okay.
 10 So first off, we're going to approve
 11 the minutes of the previous meeting. We all had an
 12 opportunity to review it.
 13 Can I get a motion to approve?
 14 VICE CHAIRMAN ALBANESE: I make a
 15 motion.
 16 CHAIRMAN FERGUSON: Can I get a second?
 17 MR. ELEFTERIOU: I second.
 18 CHAIRMAN FERGUSON: Roll call.
 19 MS. LAMBRINIDES: Mr. Ferguson?
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. LAMBRINIDES: Mr. Albanese?
 22 VICE CHAIRMAN ALBANESE: Yes.
 23 MS. LAMBRINIDES: Mr. Elefteriou?
 24 MR. ELEFTERIOU: Yes.
 25 MS. LAMBRINIDES: Mr. Grala?

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1 MS. LAMBRINIDES: Mr. Terranova?
 2 (No response.)
 3 MS. LAMBRINIDES: Mr. Grala?
 4 MR. GRALA: Here.
 5 MS. LAMBRINIDES: Mr. Brogna?
 6 MR. BROGNA: Here.
 7 MS. LAMBRINIDES: Mr. Chung?
 8 MR. CHUNG: Here.
 9 MS. LAMBRINIDES: Ms. Kim?
 10 MS. KIM: Yes.
 11 CHAIRMAN FERGUSON: Okay.
 12 First we are going to take a moment. I
 13 said at the last meeting our secretary is leaving
 14 tonight. She's going to retire. She's been with us
 15 for 25 years. And she just did an outstanding job.
 16 I really hate losing ya.
 17 MS. LAMBRINIDES: Thank you.
 18 CHAIRMAN FERGUSON: Now, I have nobody
 19 to add up my bills every meeting.
 20 But the board wanted to present you
 21 with a small token of our appreciation.
 22 MS. LAMBRINIDES: Thank you.
 23 Thank you very much.
 24 That's sweet. Thank you.
 25 MS. TESTA: Congratulations.

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1 MR. GRALA: Yes.
 2 MS. LAMBRINIDES: Mr. Brogna?
 3 MR. BROGNA: Yes.
 4 MS. LAMBRINIDES: Mr. Chung?
 5 MR. CHUNG: Yes.
 6 MS. LAMBRINIDES: Ms. Kim?
 7 MS. KIM: Yes.
 8 CHAIRMAN FERGUSON: Okay.
 9 Next we have some bills to pay.
 10 This is when I'm going to miss you.
 11 We have our board lawyer, \$2,200.00,
 12 that's a combination of four.
 13 Our parking engineer, Mr. Simoff, has
 14 \$960.00.
 15 And Kauker & Kauker has \$665.00. Yeah.
 16 So can I get a motion to pay the bills?
 17 VICE CHAIRMAN ALBANESE: Motion.
 18 CHAIRMAN FERGUSON: Second?
 19 MR. GRALA: I'll second.
 20 CHAIRMAN FERGUSON: Second?
 21 Thank you.
 22 Roll call.
 23 MS. LAMBRINIDES: Mr. Ferguson?
 24 CHAIRMAN FERGUSON: Yes.
 25 MS. LAMBRINIDES: Mr. Albanese?

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1 VICE CHAIRMAN ALBANESE: Yes.
 2 MS. LAMBRINIDES: Mr. Elefteriou?
 3 MR. ELEFTERIOU: Yes.
 4 MS. LAMBRINIDES: Mr. Grala?
 5 MR. GRALA: Yes.
 6 MS. LAMBRINIDES: Mr. Brogna?
 7 MR. BROGNA: Yes.
 8 MS. LAMBRINIDES: Mr. Chung?
 9 MR. CHUNG: Yes.
 10 MS. LAMBRINIDES: Ms. Kim?
 11 MS. KIM: Yes.
 12 CHAIRMAN FERGUSON: Okay.
 13 So I'll make my monthly statement.
 14 We have a big agenda tonight. I know
 15 all the lawyers in the house want to put their cases
 16 on, but if we can move it along, I would definitely
 17 appreciate it.
 18 MS. TESTA: We have a couple more
 19 bills.
 20 CHAIRMAN FERGUSON: Oh, we've got a
 21 couple more bills.
 22 MS. TESTA: The court stenographer.
 23 CHAIRMAN FERGUSON: Oh, the court
 24 stenographer.
 25 MS. TESTA: \$1,500.00.

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1 Case No. 22-12, HJ Lee Holding, 18-20 Ruby Avenue.
 2 It's a memorialization.
 3 Can I get a motion?
 4 VICE CHAIRMAN ALBANESE: I make a
 5 motion for the memorialization.
 6 MR. ELEFTERIOU: I'll second.
 7 CHAIRMAN FERGUSON: Roll call?
 8 MS. LAMBRINIDES: Mr. Ferguson?
 9 CHAIRMAN FERGUSON: Yes.
 10 MS. LAMBRINIDES: Mr. Albanese?
 11 VICE CHAIRMAN ALBANESE: Yes.
 12 MS. LAMBRINIDES: Mr. Elefteriou?
 13 MR. ELEFTERIOU: Yes.
 14 MS. LAMBRINIDES: Mr. Grala?
 15 MR. GRALA: Yes.
 16 MS. LAMBRINIDES: Mr. Brogna?
 17 MR. BROGNA: Yes.
 18 MS. LAMBRINIDES: Mr. Chung?
 19 MR. CHUNG: Yes.
 20 MS. LAMBRINIDES: And, Ms. Kim?
 21 MS. KIM: Yes.
 22 CHAIRMAN FERGUSON: Okay.
 23 We have now another memorialization:
 24 Case No. 21-02, In Chang Chung and Jang,
 25 139 Morningside Lane, 145 Morningside Lane.

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1 CHAIRMAN FERGUSON: Okay.
 2 The court stenographer has put in
 3 \$1,500.00 worth of bills.
 4 Can I get a motion to pay it?
 5 VICE CHAIRMAN ALBANESE: I make a
 6 motion to pay the bills.
 7 CHAIRMAN FERGUSON: Second?
 8 MR. ELEFTERIOU: I second.
 9 CHAIRMAN FERGUSON: Roll call?
 10 MS. LAMBRINIDES: Mr. Ferguson?
 11 CHAIRMAN FERGUSON: Yes.
 12 MS. LAMBRINIDES: Mr. Albanese?
 13 VICE CHAIRMAN ALBANESE: Yes.
 14 MS. LAMBRINIDES: Mr. Elefteriou?
 15 MR. ELEFTERIOU: Yes.
 16 MS. LAMBRINIDES: Mr. Grala?
 17 MR. GRALA: Yes.
 18 MS. LAMBRINIDES: Mr. Brogna?
 19 MR. BROGNA: Yes.
 20 MS. LAMBRINIDES: Mr. Chung?
 21 MR. CHUNG: Yes.
 22 MS. LAMBRINIDES: Ms. Kim?
 23 MS. KIM: Yes.
 24 CHAIRMAN FERGUSON: Okay.
 25 So the first one would be

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1 VICE CHAIRMAN ALBANESE: I make a
 2 motion for the memorialization.
 3 CHAIRMAN FERGUSON: Second.
 4 MR. ELEFTERIOU: I second.
 5 MS. LAMBRINIDES: Who seconded?
 6 MR. ELEFTERIOU: I did.
 7 CHAIRMAN FERGUSON: No problem.
 8 Roll call?
 9 MS. LAMBRINIDES: Mr. Ferguson?
 10 CHAIRMAN FERGUSON: Yes.
 11 MS. LAMBRINIDES: Mr. Albanese?
 12 VICE CHAIRMAN ALBANESE: Yes.
 13 MS. LAMBRINIDES: Mr. Elefteriou?
 14 MR. ELEFTERIOU: Yes.
 15 MS. LAMBRINIDES: Mr. Grala?
 16 MR. GRALA: Yes.
 17 MS. LAMBRINIDES: Mr. Brogna?
 18 MR. BROGNA: Yes.
 19 MS. LAMBRINIDES: Mr. Chung?
 20 MR. CHUNG: Yes.
 21 MS. LAMBRINIDES: Ms. Kim?
 22 MS. KIM: Yes.
 23 CHAIRMAN FERGUSON: Okay.
 24 The next one is Case No. 20-11, Dong
 25 Nam New York, LLC, 55 [sic] Bergen Boulevard,

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1 memorialization.
 2 Can I get a motion?
 3 VICE CHAIRMAN ALBANESE: Not 55. It's
 4 550.
 5 CHAIRMAN FERGUSON: Oh, 550.
 6 I'm sorry.
 7 Thank you, Paulie.
 8 VICE CHAIRMAN ALBANESE: I make a
 9 motion for the memorialization.
 10 CHAIRMAN FERGUSON: Second?
 11 Can I get a second?
 12 MR. GRALA: I'll second.
 13 CHAIRMAN FERGUSON: Okay.
 14 Roll call?
 15 MS. LAMBRINIDES: Mr. Ferguson?
 16 CHAIRMAN FERGUSON: Yes.
 17 MS. LAMBRINIDES: Mr. Albanese?
 18 VICE CHAIRMAN ALBANESE: Yes.
 19 CHAIRMAN FERGUSON: Mr. Elefteriou?
 20 MR. ELEFTERIOU: 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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1 MR. CHUNG: Yes.
 2 MS. LAMBRINIDES: Ms. Kim?
 3 MS. KIM: Yes.
 4 CHAIRMAN FERGUSON: Okay.
 5 Now, do you want to do the -- do you
 6 want to the Daniel Lee?
 7 Is Daniel Lee here?
 8 Okay, I don't see Daniel Lee.
 9 Okay. Well, the first case I'm going
 10 to call --
 11 MS. TESTA: We'll do that one first,
 12 the postponement.
 13 CHAIRMAN FERGUSON: Yeah, we'll do the
 14 postponement.
 15 This one was Grand Avenue.
 16 MS. TESTA: Yes.
 17 CHAIRMAN FERGUSON: Okay.
 18 Case No. 22-08, which is Hosu Lee, 128 Grand Avenue.
 19 Counsel?
 20 MR. IZZARD: Yeah.
 21 Mr. Chairman, Members of the Board,
 22 Ms. Testa. My name is Thomas Izzard, I-Z-Z-A-R-D.
 23 I'm an attorney.
 24 I represent a neighbor within 200 feet,
 25 Melanie Comas, who received notice some time last

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1 MR. CHUNG: Yes.
 2 MS. LAMBRINIDES: Ms. Kim?
 3 MS. KIM: Yes.
 4 CHAIRMAN FERGUSON: Okay.
 5 MS. TESTA: And then one more.
 6 CHAIRMAN FERGUSON: And this one is
 7 Case No. 23-02, James Noh, 39 Henry Avenue,
 8 memorialization.
 9 VICE CHAIRMAN ALBANESE: I make a
 10 motion for memorialization.
 11 CHAIRMAN FERGUSON: Second.
 12 MR. ELEFTERIOU: I second.
 13 CHAIRMAN FERGUSON: Thank you.
 14 Roll call?
 15 MS. LAMBRINIDES: Mr. Ferguson?
 16 CHAIRMAN FERGUSON: Yes.
 17 MS. LAMBRINIDES: Mr. Albanese?
 18 VICE CHAIRMAN ALBANESE: Yes.
 19 MS. LAMBRINIDES: Mr. Elefteriou?
 20 MR. ELEFTERIOU: 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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1 week, I believe Tuesday, of this application.
 2 I happened to be away on vacation and
 3 returned today. I have had not an opportunity to
 4 review the plans or prepare a possible objection.
 5 And I'm requesting that this be carried
 6 to the next available meeting so that I have time to
 7 prepare.
 8 At first, last week my partner had
 9 spoken with Mr. Lee and he had -- my partner said
 10 Mr. Lee had an objection.
 11 I spoke to Mr. Lee today. He says he
 12 doesn't object to it, and he consents to my
 13 adjournment.
 14 CHAIRMAN FERGUSON: The attorney?
 15 MR. IZZARD: Daniel K. Lee, the
 16 attorney for the applicant.
 17 CHAIRMAN FERGUSON: He's the attorney
 18 for the applicant?
 19 MR. IZZARD: Yeah.
 20 He said that he would consent to my
 21 request to adjourn it for a month.
 22 CHAIRMAN FERGUSON: Okay.
 23 Well, I have no objection.
 24 So, I mean, if, you know, you have an
 25 opportunity to review it.

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1 So I make a motion that we continue
 2 this to the next meeting.
 3 When is the next meeting?
 4 MS. TESTA: The next meeting would be
 5 May 15, 2023, 7 p.m.
 6 Now, the applicant has provided notice.
 7 Your motion will be that no further notice will be
 8 required for to applicant.
 9 CHAIRMAN FERGUSON: Right.
 10 That's correct, no further notice.
 11 So it's the 15th.
 12 MS. LAMBRINIDES: Joe the motion.
 13 You're going to second it, Paul?
 14 VICE CHAIRMAN ALBANESE: Second.
 15 CHAIRMAN FERGUSON: We need a roll
 16 call.
 17 MS. LAMBRINIDES: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. LAMBRINIDES: Mr. Albanese?
 20 VICE CHAIRMAN ALBANESE: Yes.
 21 MS. LAMBRINIDES: Mr. Elefteriou?
 22 MR. ELEFTERIOU: Yes.
 23 MS. LAMBRINIDES: Mr. Grala?
 24 MR. GRALA: Yes.
 25 MS. LAMBRINIDES: Mr. Brogan?

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1 presentation last month on this.
 2 We have do have a Professional Planner
 3 present and ready to testify.
 4 CHAIRMAN FERGUSON: Okay.
 5 MR. HUBSCHMAN: David Spatz has
 6 appeared before this board numerous times.
 7 I would ask the board to waive his
 8 qualifications and accept him as an expert in
 9 professional planning in New Jersey.
 10 CHAIRMAN FERGUSON: Yes, we accept him
 11 as an expert.
 12 No problem.
 13 MS. TESTA: Okay.
 14 Please raise your right hand.
 15 Do you swear the testimony you will
 16 give this application will be the truth, the whole
 17 truth, and nothing but the truth?
 18 MR. SPATZ: Yes, I do.
 19 D A V I D S P A T Z, PP, AICP
 20 60 Friend Terrace, Harrington Park, New Jersey,
 21 having been duly sworn, testifies as follows:
 22 MS. TESTA: Please state your name for
 23 the record.
 24 MR. SPATZ: David Spatz, S-P-A-T-Z.
 25

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1 MR. BROGNA: Yes.
 2 MS. LAMBRINIDES: Mr. Chung?
 3 MR. CHUNG: Yes.
 4 MS. LAMBRINIDES: Ms. Kim?
 5 MS. KIM: Yes.
 6 MS. TESTA: Okay.
 7 So Case No. 22-08, Hosu Lee, 128 Grand
 8 Avenue, Block 6070, Lot 42, is going to be carried to
 9 the May 15th, 2023 meeting at 7 p.m.
 10 No further notice will be provided by
 11 the applicant, either via by mail or by the
 12 newspaper.
 13 MR. IZZARD: That will be fine.
 14 Thank you, Ms. Testa.
 15 Thank you, everyone. Have a good
 16 evening.
 17 MS. TESTA: You too.
 18 CHAIRMAN FERGUSON: Okay.
 19 Next we have Case No. 22-17,
 20 13 Alliotts Place.
 21 MR. HUBSCHMAN: Good evening,
 22 Mr. Chairman.
 23 Richard Hubschman appearing on behalf
 24 of the applicant, Kevin Alliotts.
 25 This is a continuation of the

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1 DIRECT EXAMINATION
 2 BY MR. HUBSCHMAN:
 3 **Q.** Mr. Spatz, did you prepare a written
 4 report for review by the board in this matter?
 5 **A. I did.**
 6 **Q.** And a series of photographs. These
 7 were prepared by your office?
 8 **A. Yes.**
 9 MR. HUBSCHMAN: If I may, Diane, can I
 10 pass this around.
 11 MS. TESTA: Yes.
 12 I'll just pass them down.
 13 We'll mark this as?
 14 MR. HUBSCHMAN: A-1 and 2.
 15 (Whereupon, Photo Exhibit is received
 16 and marked as Exhibit A-1 for identification.)
 17 (Whereupon, Photo Exhibit is received
 18 and marked as Exhibit A-2 for identification.)
 19 BY MR. HUBSCHMAN:
 20 **Q.** Okay.
 21 Mr. Spatz, did you make an examination
 22 of the area and the surrounding area?
 23 **A. Yes, I did.**
 24 **Q.** And can you tell us more of what your
 25 opinion is as to the planning criteria with regard to

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1 the proposed project?
 2 **A. Certainly.**
 3 **The photo exhibit is being passed**
 4 **around. I believe the members have it. It's a**
 5 **series of four photographs.**

6 The top left-hand photograph is of the
 7 subject property. There's an existing three-story,
 8 two-family building on that property (indicating).

9 The bottom right -- the top right-hand
 10 photograph is looking to the right and the south of
 11 that property at the end of Alliotts Place
 12 (indicating). It, sort of, terminates at that end.

13 You see the rear yards of the property
 14 that are fronting on First. That's a series of
 15 two-family homes.

16 The bottom left-hand photograph is
 17 looking to the other side of that dead-end. It's two
 18 attached 6-unit, multifamily buildings (indicating).

19 And then the bottom right-hand
 20 photograph is of the balance of our property, which
 21 is a commercial storage yard (indicating).

22 And in the rear towards the right of
 23 that, you can there's a garage that is used
 24 to store construction equipment in that (indicating).

25 And the dwelling shown in the top
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1 Because we're off Broad, it's really not appropriate
 2 for any commercial uses that would be permitted on
 3 Broad Avenue.

4 So I think the residential use is
 5 particularly well-suited for that.

6 In terms of meeting the purposes of
 7 zoning, we meet Purpose A, which is promoting public
 8 health, safety, morals and general welfare.

9 We're providing smaller unit housing
 10 which would be needed that also matches the housing
 11 that takes -- in that immediate facility.

12 We meet Purpose E, establishing
 13 appropriate population densities.

14 We are at the same density as the two
 15 multifamily buildings adjacent to us, which both have
 16 six units in them. We're providing six units as
 17 well.

18 And, lastly, Purpose I, promoting a
 19 desirable visual environment. The elimination of a
 20 commercial storage yard which exerts an impact on the
 21 surrounding residential uses to the rear and then to
 22 the side of us is inconsistent with the other
 23 development that takes place on Alliotts and in the
 24 surrounding area.

25 So I think we meet that purpose as
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1 left-hand photograph will be removed (indicating).
 2 So we're in the B-1 Zone, which does
 3 not permit multifamily uses. So we need a D variance
 4 for that.

5 And then there are two C variance for
 6 the side yard, on the eastern side yard that's
 7 against the property that is front on First
 8 (indicating).

9 And then a rear yard variance as well.

10 Looking first at our use variance. I
 11 think the property is particularly well-suited for
 12 what we're proposing.

13 It already contains a residential use,
 14 so we're not introducing a new use into the
 15 commercial zone.

16 It's adjacent to two multifamily uses
 17 that are at the same height and the same number of
 18 units as we are proposing.

19 And then the site, itself, is large
 20 enough to provide sufficient amount of parking on the
 21 site.

22 We're providing a public benefit by
 23 eliminating the commercial storage yard and the
 24 vehicles and equipment that are in and out of that
 25 property by having it be residentially developed.

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1 well.

2 The site, as I have indicated, is
 3 currently developed with a residential use, so we're
 4 not introducing a new use within the zone.

5 I think it provides a good transition
 6 from the commercial uses onto Broad with the
 7 low-density residential uses behind this on First.

8 And we are consistent with the Zone
 9 Plan of the municipality.

10 In terms of the variances, parking, the
 11 properties to the east of us contain two-unit and
 12 one-unit buildings, which are permitted.

13 The proposed building, although we need
 14 a side yard variance, we're actually further from
 15 their rear yard than the existing buildings,
 16 providing an amount of light, air and open space for
 17 those properties.

18 They are also at a higher elevation, so
 19 our side yard will not have an impact on them.

20 By removing the garage structure that
 21 you can see on the photographs on the bottom
 22 right-hand photograph, we are actually now providing
 23 a greater rear yard for the properties to the north
 24 of us than currently exist, although we need a
 25 variance.

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1 So I think the positive criteria exist
 2 for both the D and C variances.
 3 In terms of the negative criteria, I
 4 don't believe there is anything negative by what
 5 we're proposing.
 6 The 6-unit building replaces an
 7 existing residential building. We are consistent
 8 with the two adjacent multifamily buildings just to
 9 the south of us. And we are consistent and provide a
 10 good transition with the properties on First.
 11 With the exception of the two yard
 12 variances, the site and the building do fully conform
 13 with the standards for the B-1 Zone in terms of
 14 building height and in terms of building coverage.
 15 And in terms of parking, we do provide
 16 a conforming amount of parking, a sufficient amount
 17 of parking to serve the six units that we're
 18 proposing.
 19 And on balance, I think the positive
 20 criteria exceeds what might be considered negative,
 21 and I believe it would be appropriate to grant those
 22 variances.
 23 So if there are any additional
 24 questions, I'll be happy to answer them.
 25 CHAIRMAN FERGUSON: I have none.
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1 numerous questions, which I'm satisfied with the
 2 answers.
 3 I would make the motion to accept,
 4 except that our engineer -- you comply with all of
 5 your engineer's recommendations.
 6 MR. HUBSCHMAN: Agreed.
 7 CHAIRMAN FERGUSON: Also, \$2,000.00 to
 8 the Tree Preservation Fund.
 9 And I'll make this motion.
 10 VICE CHAIRMAN ALBANESE: Do you have
 11 audience questions?
 12 MR. HUBSCHMAN: Yeah.
 13 I think you may have somebody who wants
 14 to be heard.
 15 CHAIRMAN FERGUSON: Oh, I'm sorry.
 16 We're going to open it.
 17 Does anybody have anything?
 18 MS. HAJJAR: What do I have to do?
 19 I've never done this before.
 20 MS. TESTA: State your name.
 21 CHAIRMAN FERGUSON: Your name and
 22 address.
 23 MS. HAJJAR: My name is Sharon Hajjar.
 24 I own the house at 327 First Street.
 25 CHAIRMAN FERGUSON: Fourth Street.
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1 Do any board members have anything?
 2 (No response.)
 3 CHAIRMAN FERGUSON: Mr. Kauker, do you
 4 have anything?
 5 MR. KAUKER: I don't have anything,
 6 Mr. Chairman.
 7 He addressed all the issues.
 8 CHAIRMAN FERGUSON: Do you have any
 9 other witnesses?
 10 MR. HUBSCHMAN: No, Mr. Chairman.
 11 CHAIRMAN FERGUSON: Do you want to sum
 12 up?
 13 MR. HUBSCHMAN: Yes.
 14 I think that transitionally this
 15 represents a good use.
 16 We do not front on Broad Avenue.
 17 Unfortunately, we're subsumed into that
 18 zoning there as well. We're cleaning up the area.
 19 The garage and the construction yard is being
 20 removed. And it will be an enhancement to that
 21 section of the street that goes back there.
 22 I'd ask the Board to positively
 23 consider it.
 24 CHAIRMAN FERGUSON: Okay. Okay.
 25 So the last meeting, the Board asked
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1 MS. HAJJAR: No.
 2 First, what we're talking about.
 3 MS. LAMBRINIDES: Can you spell your
 4 name for the record, please, Sharon?
 5 MS. HAJJAR: Sure.
 6 H-A-J-J-A-R.
 7 The first name is Sharon, S-H-A-R-O-N.
 8 MS. LAMBRINIDES: Thank you.
 9 MS. HAJJAR: My house at 327 First
 10 Street currently is adjacent to the multistory that's
 11 already there, that was built over 40 years ago,
 12 which never should have been built.
 13 My house no longer gets any sunlight.
 14 CHAIRMAN FERGUSON: Right.
 15 MS. HAJJAR: I cannot put grass. I
 16 can't grow it.
 17 My last thing is artificial turf.
 18 CHAIRMAN FERGUSON: Right.
 19 MS. HAJJAR: I would hate to see -- and
 20 I know, I'm a small cog in all this. I'm nothing up
 21 against the illustrious Mr. Hubschman and
 22 Mr. Alliotts.
 23 But I would hate to see my neighbors at
 24 329, 331 and 333 -- yes, I do know the addresses -- I
 25 would hate to see them in the situation that I am in
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1 now, where I can't grow anything, not grass, not
 2 flowers, and my yard is dark.
 3 I am not one of the mega-mansions. I
 4 have a duplex with one garage on the side.
 5 And I just don't think that we need
 6 something that big, that tall. Because even the side
 7 variance, the rear yard variance, is so small that
 8 people throw -- you know, I'm not saying this is
 9 going to happen.
 10 But people throw garage from that
 11 building into my yard. And over the years, we have
 12 made numerous complaints to the Department of Health
 13 about people throwing garage, because it's so close.
 14 I mean, I can touch the apartment building in back of
 15 me if I wanted. I just hate to see the same thing
 16 happen to my other three neighbors.
 17 CHAIRMAN FERGUSON: Okay.
 18 MS. HAJJAR: That's all.
 19 CHAIRMAN FERGUSON: Okay.
 20 So, Counsel, what do you have?
 21 MR. SPATZ: Just to respond to that,
 22 the existing building that's on our property that is
 23 being removed is actually closer to those rear yards
 24 than what our current building is.
 25 So it will actually be a bit more

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1 MR. HUBSCHMAN: No.
 2 CHAIRMAN FERGUSON: And \$2,000.00 to
 3 the Tree Preservation Fund.
 4 So I'll make that motion to approve.
 5 VICE CHAIRMAN ALBANESE: I second.
 6 CHAIRMAN FERGUSON: Roll call.
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Yes.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Elefteriou?
 12 MR. ELEFTERIOU: Yes.
 13 MS. LAMBRINIDES: Mr. Grala?
 14 MR. GRALA: Yes.
 15 MS. LAMBRINIDES: Mr. Brogna?
 16 MR. BROGNA: Yes.
 17 MS. LAMBRINIDES: Mr. Chung?
 18 MR. CHUNG: Yes.
 19 MS. LAMBRINIDES: Ms. Kim?
 20 MS. KIM: Yes.
 21 MR. HUBSCHMAN: Thank you.
 22 CHAIRMAN FERGUSON: Counsel.
 23 The next one is 21-28 Union Street,
 24 112-118 Union Street.
 25 Counselor, it's good to see you.

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1 light, air and open space than what currently exists.
 2 And the existing building we show
 3 is three stories in height.
 4 So it's not -- the proposed is not any
 5 taller than what's there now.
 6 So I think the condition is moderately
 7 improved or, you know, at least no change.
 8 But there's no increase in the impact
 9 on any of those adjacent properties.
 10 CHAIRMAN FERGUSON: Right.
 11 Anybody else in the audience?
 12 (No response.)
 13 CHAIRMAN FERGUSON: No? Okay.
 14 So, as I said before I'm satisfied with
 15 the answers from last month's meeting.
 16 We would like you to concur or talk to
 17 our engineer.
 18 MR. HUBSCHMAN: We'll submit to
 19 Mr. Collazuol, yeah.
 20 CHAIRMAN FERGUSON: You will have to
 21 comply.
 22 You don't have any -- what do you call
 23 it on the top right.
 24 MR. HUBSCHMAN: Roof decks.
 25 CHAIRMAN FERGUSON: No. No decks.

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1 MR. SOKOLICH: Chairman, Members of the
 2 Board, For the record, Mark Sokolich on behalf of the
 3 next applicant before you.
 4 It's good to be back before you as
 5 well.
 6 Chairman, just by way of review, this
 7 is an application for a multifamily residential
 8 development at the address indicated by the Chair,
 9 and to be patently accurate, 112-118 Union Street
 10 here in the Borough of the Palisades Park.
 11 At the last meeting, we had presented
 12 the testimony of the architect and also of traffic.
 13 There was a bit of concern about the
 14 elevation in the front of the building and the top
 15 story which would be perhaps thought to be impactful.
 16 We have an architectural amendment that
 17 we would like to present to you tonight. That will
 18 be done by Mr. Kaltsis.
 19 Now, I will tell you the board does not
 20 have this amendment. You do have the elevation
 21 before you. In the scope of things, it is a modest
 22 amendment that can be readily explained through
 23 testimony, but we do have a picture that is up.
 24 On deck after that is Mr. Luglio for
 25 literally one minute to reconfirm that his traffic

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1 testimony is not impacted negatively by this change.
 2 And then Mr. Koestner for ingress and egress site
 3 plan issues. And briefly with Mr. Spatz.
 4 We don't intend to take a lot of time,
 5 Chairman, unless you direct me otherwise. I know you
 6 don't believe me, but we're going to try.
 7 CHAIRMAN FERGUSON: Okay, put your
 8 first person on.
 9 MR. SOKOLICH: Thank you, Chairman.
 10 We'd ask Mr. Kaltsis to come forward.
 11 Diane, I forgot what number I'm up to.
 12 Should I start at A-10?
 13 MS. TESTA: Sounds good.
 14 CHAIRMAN FERGUSON: You've appeared
 15 before this board before.
 16 MR. KALTSIS: Yes, I have.
 17 MS. TESTA: Please raise your right
 18 hand. Do you swear the testimony you will give this
 19 application will be the truth, the whole truth, and
 20 nothing but the truth.
 21 MR. KALTSIS: I do.
 22 D E M E T R I O S K A L T S I S, R A
 23 8005 Kennedy Boulevard, North Bergen, New Jersey,
 24 having been duly sworn, testifies as follows:
 25 MS. TESTA: Please state your name,
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1 spell it for the record.
 2 MR. KALTSIS: Demetrios Kaltsis,
 3 K-A-L-T-S-I-S. Business address is 8005 Kennedy
 4 Boulevard in North Bergen.
 5 CHAIRMAN FERGUSON: Okay.
 6 DIRECT EXAMINATION
 7 BY MR. SOKOLICH:
 8 Q. Demetrios, you were present at the last
 9 application -- or at the last hearing of this
 10 application, were you not?
 11 A. **Yes, I was.**
 12 Q. Back in March, I believe.
 13 Briefly, for the benefit of the record,
 14 attending public and the members of the board, what
 15 is this application about?
 16 A. **It's the construction of a multifamily**
 17 **building.**
 18 Q. Back then -- you've got to give me a
 19 little bit more than that.
 20 Back then how many units?
 21 A. **We have a proposal of 31 dwelling**
 22 **units, four residential floors, and one-and-a-half**
 23 **levels of parking.**
 24 Q. And you had provided the architectural
 25 testimony, correct?
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1 A. **Yes, we did.**
 2 Q. And we also -- I believe we
 3 painstakingly went through each floor, the number of
 4 parking spaces.
 5 We don't want to beleaguer the board
 6 and the record with more of the same testimony. But
 7 at the conclusion of the last hearing, there was
 8 concern raised by the board with the perception of
 9 the height of the structure from street level, was
 10 there not?
 11 A. **That's correct.**
 12 Q. And did you amend the plan so as to
 13 assuage the concerns that we had heard from the
 14 board?
 15 A. **Yes, we did.**
 16 MR. SOKOLICH: And so, Diane, for the
 17 record, I'm going to mark the elevation that's at the
 18 tripod as A-10.
 19 With your permission, I will date it
 20 today, the 17th of April 2023.
 21 (Whereupon, Revised Architectural Plan
 22 is received and marked as Exhibit A-10 for
 23 identification.)
 24 BY MR. SOKOLICH:
 25 Q. Now, Demetrios, I've marked as A-10 the
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1 rendering that depicts that revision.
 2 Would you, for the record and the
 3 board, describe what that represents?
 4 A. **Sure.**
 5 **So this is a three-dimensional image of**
 6 **the revised rendering, the revised building design.**
 7 **We made a relatively small modification to the**
 8 **building, but I think it will have a very large**
 9 **impact in that the very top floor of the building.**
 10 **We removed the dwelling units that were**
 11 **located in the front portion of the building and**
 12 **pushed the wall back to create a mezzanine-like**
 13 **effect and have a common area for a rooftop terrace**
 14 **on the upper floor for the residents.**
 15 Q. And what did that do to the total unit
 16 count?
 17 A. **So we reduced the total unit count from**
 18 **the 31 units that was originally proposed to 28 units**
 19 **that is proposed here now.**
 20 Q. And I know we're about to talk about
 21 parking with Mr. Luglio, but does the parking
 22 proposed by this applicant still comply?
 23 A. **Yes.**
 24 **It is -- it's still in compliance. The**
 25 **requirement -- the requirement before was 56 parking**
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1 **spaces, not including the EV charging station credit.**
 2 **And now it has been reduced to 51, also**
 3 **not including the EV charging stations.**

4 **Q.** At the last -- I'm so sorry.

5 **A.** **Also the parking requirement factoring**
 6 **the electric charging station.**

7 **Q.** At the last hearing you painstakingly
 8 went through the aesthetics of the building.

9 **A.** **Yes.**

10 **Q.** The stucco treatment.

11 I believe there was Hardie board.

12 There was a glass railing.

13 Quite frankly, there was very -- there
 14 were very upgraded, for lack of a better term,
 15 materials that were to be employed at this project?

16 Is that still the same, notwithstanding
 17 the reduction in size and units?

18 **A.** **Yes, it's still the same.**

19 **We're still using modern materials.**

20 **It's an HMA, which is an aluminum composite panel**
 21 **finish.**

22 **We also have a brick veneer at the**
 23 **vertical access stairs and elevators, and some**
 24 **HardiePlank finish.**

25 **And then floor-to-ceiling windows. And**

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1 connection at the front of the building.

2 There is -- they had requested a --

3 they requested to review the construction drawings at
 4 such time when they are prepared. We have no problem
 5 with that.

6 There was a suggestion about creating a
 7 fire lane between the ingress and egress of the -- of
 8 the parking areas, which was this area here.

9 And we don't object to that. I think
 10 it will do two things. One, it will improve the

11 visibility of the cars that are entering and exiting
 12 the parking garage. It will also provide an area for
 13 a fire lane for the fire apparatus to park and attend
 14 to the building.

15 **Q.** Excellent.

16 **A.** **The other issue was the height**
 17 **clearance of the parking garages, which is standard.**

18 **We will have an 8-and-a-half-foot clearance.**
 19 **However, it is not intended for a fire**
 20 **apparatus to enter the building. That is never the**
 21 **case. They will always be in front of the building.**

22 **Q.** But conventionally, this type of
 23 building, a fire apparatus would never enter
 24 internally, correct?

25 **A.** **Yes.**

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1 **PTAC board as we had before.**

2 **Q.** Now, at the beginning of this hearing,
 3 also another concern -- excuse me -- by the board at
 4 the last hearing was to have -- I believe Mr. Simoff
 5 had suggested this -- was to have the Palisades Park
 6 Fire Department take a look at this project also?

7 **A.** **Yes.**

8 **Q.** Do you acknowledge receipt of
 9 correspondence from the Palisades Park Fire Official
 10 Chiurazzi dated April 6, 2023?

11 **A.** **Yes.**

12 **Q.** In summary form, can you identify the
 13 issue that's raised by Mr. Chiurazzi and how the
 14 applicant intends to address it?

15 **A.** **Yes.**

16 **So there were a number of things that**
 17 **were of concern and they just wanted some additional**
 18 **information on.**

19 There were some questions about the
 20 standpipe system. As I mentioned in the previous
 21 hearing, this building will have a fire suppression
 22 system throughout.

23 There will be a standpipe in each of
 24 the stairwells. And there are two.

25 There will also be a fire department

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1 **Q.** And they would attack it from the
 2 perimeter, provided there was ample room and space
 3 provided?

4 **A.** **Yes, that is correct.**

5 **Q.** And the fire lane, you had already
 6 addressed.

7 That was raised by Mr. Chiurazzi?

8 **A.** **Yes.**

9 **And there was some question about the**
 10 **water flow.**

11 **As is customary, the water flow will be**
 12 **obtained from the utility company that will guide**
 13 us in the design of this sprinkler system when this
 14 is going to the Building Department.

15 **Q.** Now, Demetrios, there were a couple
 16 other points in this letter where just additional
 17 information and detail was requested.

18 It is the applicant's intention to
 19 provide that detail to Mr. Chiurazzi for his review
 20 also, right?

21 **A.** **Yes, yes. That is correct.**

22 **Q.** Having gotten the letter now, we don't
 23 have that information.

24 But the million-dollar question: Is
 25 there anything in this letter that you do not believe

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1 the applicant can fully and wholeheartedly comply
 2 with?
 3 **A. No, I do not.**
 4 **Q.** Okay.
 5 So we accept that letter and we have no
 6 objection to it being incorporated into any action
 7 taken by this board?
 8 **A. Yes, that is correct.**
 9 **Q.** So we talked about the reduction of the
 10 top floor, converting that to more of a mezzanine
 11 style of a story.
 12 **A. Yes.**
 13 **Q.** We talked about the reduction in the
 14 units. And we reviewed Mr. Chiurazzi's memo.
 15 We do have a few other witnesses on
 16 deck. Is there anything else that you would like to
 17 add?
 18 **A. Just one other thing.**
 19 **In addition to brick setting back the**
 20 **building in the front, we also have a small setback**
 21 **in the rear portion of the building which is about**
 22 **4 feet for that upper level of the units. Because I**
 23 **know there was some concern about the building in the**
 24 **rear of this.**
 25 **Q.** We've set it back -- so you've set it
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1 open. And it will have a rooftop deck that can be
 2 used as -- a portion of it can be used as a green
 3 roof.
 4 But the back portion of it is four
 5 residential units.
 6 CHAIRMAN FERGUSON: Okay.
 7 Now, on the right of this picture, are
 8 those -- are they -- they seem to be fourth floor.
 9 Is that where the apartments are going to be, or no.
 10 MR. KALTSIS: No.
 11 The apartments are back here
 12 (indicating) and they cut across.
 13 So from the street level, you won't be
 14 able to see that upper level. You won't be able to
 15 see it.
 16 This is just aesthetic we have. This
 17 architectural feature just extends up to create a
 18 cover.
 19 And then, obviously, we need the
 20 elevator and stairwell bulkhead to go up to that
 21 corner.
 22 So this corner of the building
 23 (indicating) will extend up to that level, but the
 24 majority of it is set back.
 25 CHAIRMAN FERGUSON: Okay.
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1 back further?
 2 **A. That is correct.**
 3 MR. SOKOLICH: Thank you.
 4 Chairman, I offer Mr. Kaltsis.
 5 CHAIRMAN FERGUSON: The only thing,
 6 obviously we would like to see the new plans for this
 7 mezzanine that you're contemplating.
 8 How does that -- so you said it reduces
 9 how many units.
 10 MR. KALTSIS: From 31 units to 28
 11 units.
 12 So we have eight -- eight residential
 13 units per floor --
 14 CHAIRMAN FERGUSON: Right.
 15 MR. KALTSIS: -- on these three floors.
 16 And then four across the back on the upper floor.
 17 CHAIRMAN FERGUSON: Okay.
 18 And when you talk about a mezzanine,
 19 what does that consist of?
 20 I mean, are people going to be on the
 21 roof.
 22 MR. KALTSIS: Well, it's -- essentially
 23 what it really is, is the upper floor is set back to
 24 the center of the building.
 25 So the front half of the building is
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1 So from the front it's lower than the
 2 original?
 3 MR. KALTSIS: Yes.
 4 A full story, yes.
 5 CHAIRMAN FERGUSON: A full story?
 6 MR. KALTSIS: Yes.
 7 CHAIRMAN FERGUSON: Any members have
 8 anything?
 9 MR. SOKOLICH: Chairman, I don't mean
 10 to interrupt --
 11 CHAIRMAN FERGUSON: That's second.
 12 MR. SOKOLICH: I know that.
 13 But you touched upon a very important
 14 point that I've got to put on the record.
 15 You inquired as to what that open
 16 space, that void that we've created by eliminating
 17 units.
 18 CHAIRMAN FERGUSON: Right.
 19 MR. SOKOLICH: Demetrios referenced a
 20 green roof.
 21 We want to represent to the board, we
 22 do not intend amenities there. There will be no
 23 trellises with barbecues and whirlpools and music.
 24 There's no activity that's proposed for there.
 25 We'd love to incorporate a green roof,
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1 something environmentally sensitive, if we can.
 2 But thank you for the question.
 3 CHAIRMAN FERGUSON: Any board members
 4 have anything?
 5 (No response.)
 6 CHAIRMAN FERGUSON: Steve?
 7 MR. COLLAZUOL: Just a quick question
 8 regarding the fire lane.
 9 Will Mr. Koestner be putting that on a
 10 new plan? And will the sidewalk remain as sidewalk
 11 up and down Union Street?
 12 MR. KALTSIS: Yes.
 13 MR. COLLAZUOL: Thank you.
 14 CHAIRMAN FERGUSON: That's it?
 15 Okay. Does anybody in the audience
 16 have any?
 17 (No response.)
 18 CHAIRMAN FERGUSON: Hal, I'm sorry.
 19 MR. SIMOFF: The fire lane has to be
 20 subject to the Mayor & Council approval because it's
 21 in the street, right?
 22 MR. KALTSIS: Yes.
 23 I mean, it was a suggestion that was
 24 provided that we can accommodate.
 25 MR. SIMOFF: I'm just saying that it

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1 What street are they on?
 2 MR. SOKOLICH: Union Street.
 3 MS. COMAS: I lived in Palisades Park
 4 all my life.
 5 I don't know where Union Street is.
 6 Where is it?
 7 I'm on West Harwood.
 8 MR. SOKOLICH: It's west of Grand
 9 Avenue, between Grand and Commercial.
 10 MS. COMAS: Oh, it's down.
 11 MR. SOKOLICH: It's towards the
 12 Shop-Rite. There's lot of streets. I don't know.
 13 MS. COMAS: I go to the Shop-Rite all
 14 the time. I never really look at the streets.
 15 So you have -- you have three stories
 16 of apartments, and one above the ground parking?
 17 MR. SOKOLICH: Correct.
 18 MR. KALTSIS: Yes.
 19 MS. COMAS: That accommodates how many
 20 cars.
 21 MR. KALTSIS: A total of 50.
 22 MS. COMAS: You're going to have 50
 23 cars?
 24 MR. KALTSIS: Yes.
 25 MR. SOKOLICH: Which is compliant with

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1 has -- the creation of a fire lane is a requirement
 2 that the Mayor & Council has to approve.
 3 MR. SOKOLICH: That's a great point,
 4 and we shall.
 5 CHAIRMAN FERGUSON: Yeah, okay.
 6 No problem.
 7 Anybody else in the audience have
 8 anything for this witness?
 9 Yes, dear?
 10 MS. COMAS: I live in Palisades Park.
 11 CHAIRMAN FERGUSON: What is your name
 12 and address.
 13 MS. COMAS: Melanie Comas.
 14 MS. LAMBRINIDES: I'm sorry. Can you
 15 speak up and spell your last name for the record.
 16 MS. COMAS: C-O-M-A-S.
 17 MS. LAMBRINIDES: Thank you.
 18 MS. COMAS: I wasn't here last week.
 19 But out of curiosity, are these condos are or
 20 apartments?
 21 MR. SOKOLICH: Rental.
 22 MS. COMAS: All apartments?
 23 MR. SOKOLICH: That's correct.
 24 MS. COMAS: You said they're on Union
 25 Street?

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1 the State requirements.
 2 MS. COMAS: Oh, okay. I just wanted to
 3 see okay. I wanted to see. When are you starting
 4 this job?
 5 MR. SOKOLICH: That's up to the folks
 6 that are in front of you.
 7 MS. COMAS: Okay.
 8 I'm still looking at Union Street.
 9 It's by the baseball field.
 10 MR. SOKOLICH: It's in that general --
 11 it's in that general area. I tell you what, so as
 12 not to consume the board, I'm going to give you a tax
 13 map. Don't go too far. You're going to see --
 14 you'll see the property cross-hatched. And you'll
 15 see the whole area. I'll give it to you in a second.
 16 CHAIRMAN FERGUSON: Okay.
 17 MR. SOKOLICH: Thank you, Chair.
 18 CHAIRMAN FERGUSON: Okay.
 19 Anybody else have anything?
 20 (No response.)
 21 CHAIRMAN FERGUSON: Do you want to bring
 22 your next witness?
 23 MR. SOKOLICH: There's an auto body
 24 next door.
 25 MR. SOKOLICH: Mr. Chairman, we are

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1 recalling Mr. Louis Luglio.
 2 CHAIRMAN FERGUSON: And he's been
 3 before the board before, and we accept him as --
 4 MR. SOKOLICH: Thank you.
 5 CHAIRMAN FERGUSON: Do you want to
 6 swear him in?
 7 MS. TESTA: Do you want to raise your
 8 right hand.
 9 Do you swear the testimony you will
 10 give this application this evening will be the truth,
 11 the whole truth, and nothing but the truth?
 12 MR. LUGLIO: Yes, I do.
 13 L O U I S L U G L I O, PE
 14 50 Park Place, Newark, New Jersey, having been
 15 duly sworn, testifies as follows:
 16 MS. TESTA: Will you please state your
 17 name for the record, and business address.
 18 MR. LUGLIO: It's Louis Luglio.
 19 It's L-U-G-L-I-O. And it's 50 Park
 20 Place, Newark, New Jersey.
 21 MS. TESTA: Thank you.
 22 CHAIRMAN FERGUSON: We accept him.
 23 MR. SOKOLICH: Thank you, Chairman.
 24 Thank you, Diane.
 25

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1 **So based on the 31 units that was the**
 2 **original, 56 parking spaces were required, not with**
 3 **any EV credit.**
 4 **Now we have 28 units, and 51 parking**
 5 **spaces are required. Based on the EV credit, we**
 6 **reduced that by five.**
 7 **So then 46 parking spaces would be**
 8 **required. And we are providing 50.**
 9 So from an RSIS standpoint, we meet the
 10 requirement for parking. And nothing really changes
 11 from a traffic standpoint and circulation in and out
 12 of the site, that this is a minor change, and already
 13 it is a low intensity land use residential when you
 14 compare it to retail or commercial.
 15 **Q.** And I don't want to misstate this, so
 16 if I'm wrong, I apologize in advance.
 17 But you can actually make the statement
 18 that with EV credits, the parking that's proposed
 19 exceeds the RSIS requirement?
 20 **A. That is correct, by four parking**
 21 **spaces.**
 22 **Q.** By four parking spaces?
 23 **A. Yeah.**
 24 **Q.** So your opinion does not change, if
 25 anything, some of your findings are enhanced by this

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1 DIRECT EXAMINATION
 2 BY MR. SOKOLICH:
 3 **Q.** Lou, I'm not even going to ask you a
 4 question, other than a couple preliminary.
 5 You've already provided traffic
 6 testimony before this board for this application,
 7 correct?
 8 **A. Yes.**
 9 **Q.** And that included adequacy of parking?
 10 **A. Yes, it did.**
 11 **Q.** And it included impact on, if any, the
 12 area on traffic and peak times for this operation,
 13 correct?
 14 **A. Yes, it did.**
 15 **Q.** So you are -- you were -- excuse me --
 16 present during Mr. Kaltsis' testimony?
 17 **A. Yes.**
 18 **Q.** And you're now aware that there is a
 19 reduction on the top floor of units?
 20 **A. Yes.**
 21 **Q.** Does that -- if you would just review
 22 what was versus what is required and whether or not
 23 the conclusions in your original testimony have
 24 changed because of this amendment?
 25 **A. Sure.**

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1 reduction?
 2 **A. That's correct, yes.**
 3 MR. SOKOLICH: Thank you.
 4 I have no further questions of
 5 Mr. Luglio.
 6 CHAIRMAN FERGUSON: I have.
 7 I've just got -- I just have one, two
 8 quick ones.
 9 You're keeping the same amount of
 10 parking spaces that you did originally, correct?
 11 MR. LUGLIO: Yes, 50.
 12 CHAIRMAN FERGUSON: Fifty, okay.
 13 So the next question has to do with --
 14 we had a discussion about this, about parking spaces
 15 that seem to be undersized by 6 inches.
 16 MR. LUGLIO: The compact spaces. Some
 17 of the compact spaces.
 18 CHAIRMAN FERGUSON: Right.
 19 And how many of those are there?
 20 MR. LUGLIO: I think most of them are
 21 8-and-a-half-by-6.
 22 CHAIRMAN FERGUSON: Right.
 23 MR. LUGLIO: Instead of the 9-by-18,
 24 they're 8-and-a-half-by-18.
 25 CHAIRMAN FERGUSON: So 6 inches

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1 smaller?
 2 MR. LUGLIO: Yes.
 3 CHAIRMAN FERGUSON: Right?
 4 MR. LUGLIO: Yes.
 5 CHAIRMAN FERGUSON: And how many are
 6 there?
 7 MR. LUGLIO: So it looks like all of
 8 our parking spaces are proposed at 8-6, basically
 9 because it's a residential building.
 10 So there's not a lot of turn over of
 11 the parking spaces.
 12 If it were a shopping center, then we
 13 would have nine or even wider parking spaces because
 14 there would be a lot of turn over.
 15 MR. SOKOLICH: And the width?
 16 And isn't it also a consideration, the
 17 opening and closing of the doors when you're bringing
 18 packages in?
 19 MR. LUGLIO: Yes.
 20 MR. SOKOLICH: That's a condition that
 21 won't happen here as much, correct?
 22 MR. LUGLIO: No.
 23 CHAIRMAN FERGUSON: Okay. Do any board
 24 members have anything?
 25 (No response.)

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1 asked the last time that I don't recall seeing, I had
 2 asked for the ramps.
 3 MR. SOKOLICH: The engineer.
 4 MR. SIMOFF: The grading of the ramps,
 5 to make sure they don't bottom out, the cars don't
 6 bottom.
 7 MR. SOKOLICH: The next witness. We
 8 didn't forget you, Mr. Simoff.
 9 CHAIRMAN FERGUSON: Okay. That's it,
 10 Hal.
 11 MR. SIMOFF: That's it.
 12 CHAIRMAN FERGUSON: Anybody in the
 13 audience?
 14 Name and address?
 15 MS. COMAS: Again, Melanie Comas,
 16 83 West Harwood Terrace.
 17 You know, I've seen this many times,
 18 that there aren't enough parking spaces for the
 19 people. A lot of people have two cars. Now, this
 20 town is thoroughly congested. We have a big parking
 21 problem. I don't know. And in that area where you
 22 described to put the building, it's congested too.
 23 Why can't it have enough parking spaces
 24 to accommodate, you know, the people instead of going
 25 on the street and bothering other people?

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1 CHAIRMAN FERGUSON: Hal, do you want to
 2 take it away?
 3 MR. SIMOFF: Is it possible -- well,
 4 because the square footage of the parking area is
 5 remaining basically the same, is it possible to make
 6 some of the spaces 9 foot.
 7 MR. LUGLIO: We might be able to make
 8 some of them but not all of them because of column
 9 spacing.
 10 But some of them, we probably could.
 11 Then we might lose, you know, maybe two or three
 12 spaces. We could lose up to four.
 13 MR. SIMOFF: Yeah.
 14 I think on balance you're better off
 15 with larger spaces, meeting the ordinance.
 16 MR. SOKOLICH: We can represent to the
 17 board --
 18 MR. LUGLIO: Sure.
 19 MR. SOKOLICH: We can represent to the
 20 board that, provided you have no objection to losing
 21 that overage -- don't forget, we are four over.
 22 Doing quick math, we can probably get a
 23 good bunch to the 9 feet, subject to column spacing.
 24 CHAIRMAN FERGUSON: Okay.
 25 MR. SIMOFF: Then the other question I

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1 MR. LUGLIO: We are providing what is
 2 required. The requirement is --
 3 MS. COMAS: But that's the minimum,
 4 right? Is that the minimum?
 5 MR. LUGLIO: Well, it's what's
 6 required. There's no minimum or maximum. It's what
 7 is required.
 8 MS. COMAS: But it's not enough.
 9 MR. LUGLIO: Well, the State --
 10 MS. COMAS: It's always that way.
 11 MR. LUGLIO: The State says here is
 12 what's required, and that's what we're providing.
 13 MR. SOKOLICH: But I think, Ms. Comas,
 14 what's also -- what's also important to keep in mind,
 15 there are only three or four two-bedrooms. There are
 16 only four two-bedroom apartments. The balance of the
 17 apartments are one-bedroom apartments. We anticipate
 18 that many of those apartments are going to be single,
 19 individual people. Now, some of them might be a
 20 couple.
 21 MS. COMAS: I don't agree with that,
 22 because if you're a husband and wife --
 23 MR. SOKOLICH: Well, if you are, then
 24 that's different.
 25 MS. COMAS: It's a one-bedroom. You

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1 can still have a one-bedroom but two cars. That's
 2 why I think to have two cars, two parking spaces per
 3 unit.
 4 MR. SOKOLICH: So what happened --
 5 don't quote me on the number of years, but the
 6 Residential Site Improvement Standards were adopted
 7 by the State of New Jersey. And it was this body of
 8 law that circumvented and took precedence over all
 9 other local ordinances when it comes to parking,
 10 because they wanted uniformity from Cape May all the
 11 way up to Montvale on the appropriate number of
 12 parking spaces, the size of parking spaces. This is
 13 compliant with those Residential Site Improvement
 14 Standards.

15 MS. COMAS: But if you wanted to, you
 16 could -- you could have had them put parking, more
 17 parking.

18 MR. SOKOLICH: Empirically, we don't
 19 believe that would have made much sense to do. But
 20 your point is noted.

21 MS. COMAS: All right. I'll finish.
 22 But this town is so congested, double parking. I
 23 mean, it's unbelievable so...

24 MR. SOKOLICH: Understood.

25 CHAIRMAN FERGUSON: Okay. Anybody else

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1 school was your father. I'm not so sure why he had
 2 that confidence in me, but he did. I don't know why.
 3 Steve, you've been present for the
 4 testimony that we heard tonight, correct?

5 **A. Yes.**

6 **Q.** And you are the site plan -- I'm trying
 7 to streamline your testimony.

8 But you're the site plan engineer
 9 that's been engaged by this applicant?

10 **A. I am.**

11 **Q.** Okay. And you're fully familiar not
 12 only with the site but the site plans ordinances here
 13 in Palisades Park?

14 **A. Yes.**

15 **Q.** I'm going to ask you to give us just a
 16 general site plan testimony, utilities, points of
 17 ingress, egress. And you are familiar with the grade
 18 and the ramp concern raised by Mr. Simoff. During
 19 the course of your testimony, I'm going to ask you to
 20 address that also. So wherever you'd like to start.

21 MR. SOKOLICH: Diane, I'm sorry. I've
 22 marked as A-11 the Site Plan Drawing prepared by
 23 Mr. Simoff [sic], initially dated September 13 --
 24 Mr. Koestner -- September 13, 2021. There is no --
 25 no last revised date?

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1 in the audience have anything?
 2 Counselor, do you want to sum?
 3 MR. SOKOLICH: Thank you, Chairman.
 4 Very quickly, the site plan engineer. You're up,
 5 David.

6 MS. TESTA: Raise your right hand.
 7 Do you swear the testimony you will
 8 give this application will be the truth, the whole
 9 truth, and nothing but the truth?

10 MR. KOESTNER: I do.
 11 S T E V E N K O E S T N E R, LS, PE
 12 61 Hudson Street, Hackensack, New Jersey, having
 13 been duly sworn, testifies as follows:

14 MS. TESTA: Please state your name for
 15 the record, and your business address.

16 MR. KOESTNER: Steven L. Koestner,
 17 S-T-E-V-E-N, K-O-E-S-T-N-E-R, 61 Hudson Street,
 18 Hackensack, New Jersey.

19 CHAIRMAN FERGUSON: Okay. He's been
 20 here many times.

21 We accept he's an expert also, Mark.

22 MR. SOKOLICH: Thank you, Chair.

23 DIRECT EXAMINATION

24 BY MR. SOKOLICH:

25 **Q.** My first application fresh out of law
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1 MR. KOESTNER: No.
 2 MR. SOKOLICH: A-11.
 3 (Whereupon, Site Plan, Dated
 4 September 13, 2021 is received and marked as
 5 Exhibit A-11 for identification.)

6 BY MR. SOKOLICH:

7 **Q.** All yours, Steve.

8 **A. In a second.**

9 **I've been here before. But let me**
 10 **describe the site. There's some confusion on where**
 11 **it's located. It's on the southerly side of Union**
 12 **Street. Union Street is located between Central**
 13 **Boulevard on the south and Palisades Boulevard on the**
 14 **north.**

15 **And the site is west of Grand Avenue**
 16 **towards, as I said earlier, towards the Shop-Rite**
 17 **shopping center. It's 100 feet from the corner of**
 18 **Commercial Avenue. And approximately 120 -- the**
 19 **numbers are rather small on the tax map there -- west**
 20 **of Grand Avenue.**

21 The site measures 125 feet across the
 22 front and 100 feet in depth. It's presently occupied
 23 by an auto body type, auto mechanic type shop on the
 24 westerly side of the property and a large parking
 25 area on the easterly side.

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1 The site is currently 100 percent
2 improved in terms of building and impervious coverage
3 and parking area.

4 And, in fact, with the construction of
5 this facility, if it is approved, would have a
6 decrease in that impervious area and have a slight
7 decrease in runoff.

8 There are two access points to the
9 property proposed, being the one for the lower deck
10 and one for the upper deck.

11 The lower deck access would be on the
12 westerly side of the property, the upper deck access
13 on the easterly side.

14 The lower deck pretty much comes in at
15 grade, so there would be no issue there in terms of
16 slope going up or down towards that lower parking
17 area.

18 The upper area would require a
19 beginning a 5 percent -- excuse me -- 2 percent
20 slope, going up to 11 percent as you enter the
21 building and then leveling or decreasing the slope to
22 5 percent.

23 Mr. Simoff apparently brought up the
24 issue last meeting about bottoming out of the cars.
25 We did look at that today.

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1 that goes there and the additional water coming down
2 Union Street. That catch basin would connect to the
3 existing catch basin 100 feet away on Commercial
4 Avenue.

5 And that would be by means of a 12-inch
6 pipe running between the two.

7 Does that cover it?

8 **Q.** No, that's fine.

9 Thank you.

10 Do you acknowledge receipt of a copy of
11 Mr. Collazuol's letter of May 11 --

12 **A. I do.**

13 **Q.** -- of 2022?

14 And the letter, I'm not going to -- and
15 I'm sure Mr. Collazuol may highlight a point or two.
16 But have you had an opportunity to review it?

17 **A. I have.**

18 **Q.** And are there any conditions that have
19 been imposed, or is there any information that's been
20 requested in this letter that you're unable to
21 provide?

22 **A. No.**

23 **Q.** Okay.

24 So when Mr. Collazuol, for example,
25 reminds us that the law requires a reduction in

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1 We don't think that will be an issue.
2 Even with a small clearance of 7 or 8 inches, we
3 would have room and not bottom out. And we would
4 also enhance that with a vertical curve where those
5 two intersecting gradients meet just so as to smooth
6 out that curve.

7 So we think that won't be a problem and
8 that would help that issue much.

9 In terms of drainage, Mr. Collazuol
10 asked that we have a drainage system. And we have
11 proposed that. We have a series of pipes underneath
12 the lower parking area. Those pipes would collect
13 not only the water that may run off from the edge of
14 the parking area but also collect the roof area as
15 well.

16 And all that water would be directed
17 into that piping system. And that would enter a
18 control box at the northerly end or the Union Street
19 side of the property. That control box would control
20 the outflow of that water and keep it down to a
21 minimum amount of water so that it would be at or
22 less than the present runoff from the site at this
23 time.

24 We would propose a catch basin at the
25 westerly side of the property to capture that water

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1 runoff, that will be complied with?

2 **A. We can do that, yes.**

3 **Q.** The maintenance schedule that's
4 requested, that will be provided?

5 **A. Yes.**

6 **The drainage system, yes.**

7 **Q.** The details for the detention system
8 shall be added, correct?

9 **A. Yes.**

10 **Q.** And drainage reports provided. My
11 point is, there's nothing in this letter that has
12 either stumped us or we are unable to either comply
13 with fully or have a viable alternate -- alternative
14 -- excuse me -- to present to Mr. Collazuol?

15 **A. That is correct.**

16 **Q.** Okay.

17 Is there anything else, Steve, that you
18 would like to add with respect to your site plan
19 testimony?

20 **A. We did locate the adjoining buildings.**
21 **I think that came up last meeting. The building in**
22 **the rear of the apartment building is 25 feet from**
23 **the property line.**

24 **There's another one-story masonry**
25 **building in the southwesterly corner 50 feet off the**

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1 **property line. There's a post office in the back.**
 2 And that's about 55 feet off the rear property line.
 3 The adjacent buildings here were very
 4 close. There's been a fire in this building on the
 5 westerly side. Recently that's burnt out.
 6 But that was within a foot or 2 of the
 7 property line.
 8 The building to the east is
 9 approximately 50 feet off the easterly property line.
 10 So there's a lot of clearance there as well.
 11 **Q.** And you also heard Mr. Simoff comment
 12 about if we put a fire lane in front of that
 13 building, number one, confirming the sidewalk will
 14 still be installed, correct?
 15 **A. Yes.**
 16 **Q.** Obviously a new one.
 17 And number two, consent and
 18 authorization from the Mayor & Council will be
 19 required?
 20 **A. That will be required.**
 21 **Q.** Thank you.
 22 Is there anything else that you would
 23 like to add?
 24 **A. Not at this time.**
 25 MR. SOKOLICH: Thank you.
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1 CHAIRMAN FERGUSON: Okay. So you're
 2 saying 30 feet.
 3 MR. KOESTNER: It's 15 feet from the
 4 property.
 5 CHAIRMAN FERGUSON: Okay.
 6 So, as I said at the last meeting, when
 7 these people in that building or your building, when
 8 they're looking out their windows, they're not going
 9 to see a wall, correct?
 10 MR. KOESTNER: No.
 11 That building is elevated. There's
 12 parking at grade. The building at the southwesterly
 13 -- rather the northeasterly corner of Commercial
 14 so...
 15 CHAIRMAN FERGUSON: So I want to be
 16 clear.
 17 MR. KOESTNER: They would be raised
 18 above.
 19 CHAIRMAN FERGUSON: So there's no
 20 chance of people looking out the windows and seeing a
 21 wall between the old building that's --
 22 MR. KOESTNER: No, no, no. Only
 23 because our building -- their building is elevated.
 24 They would look above any wall that would be there.
 25 CHAIRMAN FERGUSON: All right. Any
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1 Chairman, I offer Mr. Koestner.
 2 CHAIRMAN FERGUSON: I have one. You
 3 did a good job covering it.
 4 At the last meeting, I voiced some
 5 concern about the building that's on Commercial
 6 on the corner which should be --
 7 MR. KOESTNER: There's a restaurant on
 8 the corner.
 9 CHAIRMAN FERGUSON: Yeah.
 10 There's a three-story building there,
 11 an apartment building, on the corner of Central and
 12 Commercial.
 13 MR. KOESTNER: That's down below.
 14 CHAIRMAN FERGUSON: I'm worried about
 15 -- I'm not worried, but I have concerns about how
 16 close it is because I'm --
 17 MR. KOESTNER: We did locate that
 18 building as well -- I neglected to mention it. The
 19 building that's at the southwesterly corner, the
 20 lower right --
 21 CHAIRMAN FERGUSON: Right.
 22 MR. KOESTNER: -- is approximately
 23 15 feet from the property line east and west. And it
 24 overlaps our property, I'd say, by about the same,
 25 about 15 feet in terms of north and south.
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1 board member haves anything?
 2 (No response.)
 3 CHAIRMAN FERGUSON: Any experts have
 4 anything?
 5 Yes.
 6 MR. SIMOFF: Yeah.
 7 The previous application, or the
 8 previous layout, had 56 parking spaces, right, Steve?
 9 MR. KOESTNER: Let me see. Fifty-six,
 10 I believe is the number.
 11 MR. SOKOLICH: That's what he said.
 12 MR. KOESTNER: Yes, 56 spaces.
 13 MR. SIMOFF: Now, we have -- the
 14 testimony is that there's 50.
 15 How did the plan change?
 16 MR. KOESTNER: I believe there's 50
 17 required. We had 50 required on the last iteration.
 18 Presently there's 51 required. I'm
 19 sorry. There's 56 required on the last iteration.
 20 Currently there's 51 required, 50 spaces are still
 21 proposed.
 22 MR. SOKOLICH: Mr. Simoff, it's always
 23 been 50. We were short in the last version.
 24 MR. SIMOFF: Because of the EV, you
 25 made it...
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1 MR. SOKOLICH: Correct.
 2 MR. SIMOFF: So the layout didn't
 3 change.
 4 MR. SOKOLICH: The layout did not
 5 change.
 6 It's always been 50 spaces. The units
 7 did, though.
 8 And, consequently, the requirement
 9 changed.
 10 CHAIRMAN FERGUSON: Yes, Steve.
 11 MR. COLLAZUOL: With respect to the
 12 fire lane, the building frontage or the building face
 13 is not moving.
 14 Will there be adequate space between
 15 the fire lane new curbing and the sidewalk in the
 16 front of the building?
 17 MR. KOESTNER: Let me go back to the
 18 site plan and see that curb.
 19 Yeah. Presently there's a curb,
 20 concrete sidewalk, and a paved area in between the --
 21 in the right-of-way.
 22 And I imagine that fire lane would take
 23 some of that area, perhaps 4 or 5 feet of that area.
 24 So the truck would pull in, and there
 25 would be a space.

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1 to the upper area.
 2 MR. SIMOFF: Is the plan to have
 3 assigned parking spaces?
 4 MR. SOKOLICH: Yes.
 5 MR. SIMOFF: Have you thought about
 6 putting in some sort of gate or something to restrict
 7 the access so that the parking would be used by just
 8 tenants?
 9 MR. SOKOLICH: That's an operational
 10 decision I think that the applicant needs to make
 11 along the way.
 12 I mean, gates become cumbersome, but
 13 I think that will be a consideration that they would
 14 take into account.
 15 Mr. Simoff, we're hoping that we have
 16 95 to 100 percent occupancy here in that, you know,
 17 we'll need many of those spaces.
 18 But we can put safeguards in place.
 19 The building is going to be professionally managed,
 20 number one. So there will be a constant and
 21 continual survey to make sure that the right -- the
 22 right folks are parking there.
 23 Number two, any car that parks here
 24 will be identified with a clear sticker that
 25 identifies it by number, identifies the building.

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1 Of course it would be marked no parking
 2 and striped for the fire lane. The remainder of that
 3 space will be the sidewalk and the entrance ramp to
 4 the building.
 5 MR. COLLAZUOL: The other question I
 6 have -- I don't know if it's for Mr. Sokolich or
 7 Ms. Testa.
 8 Would there be a performance bond
 9 required for the offsite improvement then if this was
 10 approved?
 11 MR. SOKOLICH: I think that would maybe
 12 be up to Council in a developer's agreement if there
 13 is one.
 14 If one is requested by the board,
 15 whatever reasonable assurance is required, we'll
 16 provide it.
 17 MR. COLLAZUOL: Thank you.
 18 I have nothing else.
 19 MR. SIMOFF: I have one more question.
 20 There's no interconnection between the lower and the
 21 upper parking area, correct?
 22 MR. KOESTNER: I don't believe so.
 23 MR. SOKOLICH: No.
 24 There is none.
 25 MR. KOESTNER: You enter and you go up

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1 If the car doesn't have a sticker,
 2 there will be a relationship developed with a local
 3 towing company and that car will be removed.
 4 MR. SIMOFF: Yeah.
 5 Because all the spaces basically have
 6 to be assigned.
 7 MR. SOKOLICH: Correct, correct.
 8 We have that problem up top also, and
 9 it's not a good one.
 10 But your local ordinance permits and
 11 allows, as long as we provide adequate notice by way
 12 of signage, to tow vehicles on private property if
 13 they don't belong there.
 14 It's not a step we want to take, but if
 15 it becomes abusive and impacts the operation of the
 16 building, we will, because we'll have to.
 17 CHAIRMAN FERGUSON: That's it.
 18 MR. SIMOFF: I raise it for discussion
 19 purposes.
 20 MR. SOKOLICH: Thank you.
 21 Great point.
 22 CHAIRMAN FERGUSON: Anybody in the
 23 audience?
 24 Yes.
 25 Name and address.

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1 MS. COMAS: My name again?
 2 CHAIRMAN FERGUSON: Yes, you again.
 3 MS. COMAS: Melanie Comas, West Harwood
 4 Terrace, corner of Grand Avenue. This is a different
 5 building now.
 6 MR. SOKOLICH: No. The same one.
 7 MS. COMAS: Oh, that's the same way
 8 one.
 9 MR. SOKOLICH: Yes, ma'am.
 10 MS. COMAS: Because I thought you said
 11 the address was different from the one that was --
 12 MR. SOKOLICH: No, no. Same one.
 13 CHAIRMAN FERGUSON: Okay.
 14 MR. SOKOLICH: Chairman, we have one
 15 final witness, with your permission, Mr. Spatz.
 16 CHAIRMAN FERGUSON: Mr. Spatz.
 17 MR. SPATZ: I'm here.
 18 CHAIRMAN FERGUSON: Take it away.
 19 Did you testify last time?
 20 MR. SPATZ: No.
 21 MR. SOKOLICH: He did not.
 22 But we're going to streamline his
 23 testimony tonight, as promised, Chairman.
 24 CHAIRMAN FERGUSON: Okay.
 25 MS. TESTA: Do you swear the testimony

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1 course of your testimony, correct?
 2 **A. Correct, yes.**
 3 **Q.** And just to be clear so I don't
 4 interrupt you with questions, you've conducted a
 5 planning assessment of this property?
 6 **A. I did, yes.**
 7 **Q.** And during the course of the testimony
 8 that's about to take place or that you're about to
 9 provide, you'll identify the variances, the bases for
 10 them, and the standards by which we are required to
 11 meet?
 12 **A. That is correct.**
 13 **Q.** Without further ado, please if you
 14 would get started.
 15 **A. Okay.**
 16 **Looking at A-12, a series of four**
 17 **photographs, the top left-hand photograph is of the**
 18 **subject property, which is auto repair facility**
 19 **(indicating).**
 20 The top right-hand of the photograph is
 21 looking at the balance of our property, which is a
 22 parking field, then, as you can see, behind us a
 23 multifamily building that fronts on Central
 24 (indicating).
 25 The bottom left-hand photograph is

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1 you will provide in this application will be the
 2 truth, the whole truth, and nothing but the truth?
 3 MR. SPATZ: Yes, I do.
 4 D A V I D S P A T Z, PP, AICP
 5 60 Friend Terrace, Harrington Park, New Jersey,
 6 having been duly sworn, testifies as follows:
 7 MS. TESTA: Please state your name for
 8 the record.
 9 MR. SPATZ: David Spatz, S-P-A-T-Z.
 10 MS. TESTA: And your business address?
 11 MR. SPATZ: 60 Friend Terrace in
 12 Harrington Park, New Jersey.
 13 MS. TESTA: Thank you.
 14 MR. SOKOLICH: So, David -- well, for
 15 the record, Counsel, I premarked as A-12 a series of
 16 four photographs.
 17 (Whereupon, Photo Exhibit is received
 18 and marked as Exhibit A-12 for
 19 identification.)
 20 DIRECT EXAMINATION
 21 BY MR. SOKOLICH:
 22 **Q.** David.
 23 **A. Yes.**
 24 **Q.** These are photographs that were taken
 25 by you and I trust will be identified during the

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1 looking to the right of our property (indicating).
 2 To the west, it's a one-story
 3 structure. Then behind it, you can see that
 4 four-story apartment building that we've been
 5 discussing that's on the corner of Commercial and
 6 Central (indicating).
 7 And then the bottom right-hand
 8 photograph is looking directly across the street from
 9 our property, which is a four-story, multifamily
 10 building (indicating).
 11 So in terms of variances, we're in the
 12 M-1 Zone, which does not permit multifamily
 13 development, so we need a use variance. And then one
 14 additional D variance for building height.
 15 And then there are a series of
 16 C variances, which were described in earlier
 17 testimony, but it's for coverage, building setbacks.
 18 And we have eliminated the parking variance that was
 19 in the initial submission.
 20 So looking at the two D variances, the
 21 property -- in order to provide the special reasons,
 22 we need to look at the Municipal Land Use Law and the
 23 purposes of zoning and whether we meet a number of
 24 those purposes. And I believe we do.
 25 We meet Purpose A, which is promoting

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1 public health, safety, morals and general welfare. I
2 believe we do. We're providing residential
3 apartments in an area that although commercially
4 developed has a significant number of newer
5 multifamily developments in the area. It has been
6 transitioning to that use.

7 Purpose E is establishing appropriate
8 population densities. Likewise, we are consistent, I
9 believe, in terms of massing and density as those
10 other multifamily buildings.

11 And then lastly, Purpose I, which is
12 promoting a desirable visual environment. I believe
13 we do. We're removing an auto repair facility and a
14 large parking area associated with that. We're
15 replacing that with a new multifamily structure which
16 is consistent with the newer development.

17 There are drainage improvements being
18 made on this property. Adjustments have been made in
19 the design of the building that was discussed this
20 evening which makes it fit in much better with the
21 surrounding area.

22 There are street improvements being
23 taken place, sidewalk improvements. There's a large
24 curb cut in front of it which is being eliminated.
25 So I think we meet that purpose as well.

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1 developments to the rear of us.

2 So I think what we're proposing is in
3 fact consistent with the development in the area.

4 Looking particularly then at our other
5 D variance for height. We do exceed the height
6 limitations in terms of the M-1 Zone. Multifamily
7 buildings in your AA Zone actually permit four
8 stories and 45 feet. We are close to that. The
9 other multifamily developments in the area -- the one
10 across the street, the two behind us, there's one on
11 Grand as well off of Union Street -- are all four
12 stories in height with parking underneath.

13 The adjustment that was described
14 earlier by Mr. Kaltsis is recessed back. The fifth
15 floor, the top floor, from the street, it will give
16 the appearance of a four-story building, which I
17 think provides consistency with the surrounding
18 neighborhood. So I think the D variances can be
19 supported.

20 Looking at our C variances. The
21 building does not meet the front yard setback
22 requirement.

23 But actually, that's just the lobby
24 entrance into the building which is on the property
25 line. The majority of the building actually meets

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1 That large curb cut right now runs the
2 -- as seen in the photographs, the top two
3 photographs -- runs the entire length of the
4 property. We're reducing that down to only two curb
5 cuts to serve the two levels of parking.

6 So that provides the ability to provide
7 a sidewalk now on Union Street.

8 And there will be some initial parking
9 spaces available. But at a minimum, that could be
10 used for drop-off of packages without impacting the
11 garage or the street in terms of UPS, FedEx, as well
12 as Uber drivers, et cetera. So I think that's
13 certainly a positive improvement to the area.

14 And it's safer eliminating that curb
15 cut. The photographs indicate that the auto repair
16 facility, a number of cars have to back out onto
17 Union from that facility. That is being eliminated
18 by what we're proposing.

19 Your Master Plan notes that the
20 Borough's industrial base is leaving. And that
21 suggests that the M-1 Zone contains other uses. It
22 does suggest retail and commercial. But this
23 particular part of the M-1 Zone has seen a
24 significant amount of multifamily development,
25 including directly across the street, and two

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1 the front setback area.

2 We are similar to the building directly
3 across the street, which is shown in the bottom
4 right-hand photograph of the exhibit.

5 In terms of the setbacks, the westerly
6 side yard and the rear yard are similar to what
7 currently is provided onsite.

8 The eastern side yard provides an --
9 abuts to the parking lot, so there's no impact to
10 adjacency of that.

11 Mr. Kaltsis had described the setbacks
12 of the adjacent buildings as well as the multifamily
13 buildings.

14 So there's a significant amount of
15 setback between those buildings and our building.

16 There will be additional landscaping
17 walls and fences provided which will help buffer us
18 from adjacent properties.

19 As I've indicated, drainage
20 improvements are being made which will benefit both
21 the site onsite as well as offsite.

22 In terms of parking, as I noted, we did
23 eliminate the variance. Reducing the number of units
24 reduces our parking demand.

25 Calculating the credits for the EV
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1 spaces. So we do have a conforming amount of parking
2 that meets the Residential Site Improvement
3 Standards. So I think the C variances can be
4 supported.

5 Lastly, to look at the negative
6 criteria. I don't think there's anything
7 substantially negative. We're consistent with the
8 surrounding residential land uses in this area,
9 particularly seen a significant amount of multifamily
10 development of a similar type, similar number of
11 units. The setbacks are similar to what exists
12 within the area. There are improvements over what
13 current conditions are on the site.

14 So I don't believe any negative impact
15 on light, air and open space. Parking, again, as
16 I've noted, is now conforming. Removing that curb
17 cut, providing a sidewalk will provide a public
18 benefit both to the residents onsite and the
19 residents in the area, particularly those directly
20 across the street that might be walking on Union.

21 So on balance, I think the positive
22 criteria outweighs anything that could be considered
23 negative, and I believe it's appropriate to grant
24 those variances.

25 MR. SOKOLICH: Thank you, David.

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1 MR. SPATZ: Yes.

2 It is -- currently we're in the
3 Industrial Zone, the M-1 Zone, which the Master Plan
4 Re-examination Report has indicated that those
5 industrial uses have been leaving Palisades
6 Park, particularly in this area.

7 The recommendation was retail or other
8 commercial. But in this particular area, in this
9 particular part of the M-1 Zone, the trend has been
10 towards multifamily development, not retail and
11 commercial.

12 So I think that what we're proposing is
13 consistent with the Master Plan's indication of the
14 change in the zone.

15 And then we are consistent with the
16 existing development that's there. So I think we
17 blend in better than a retail or other type of
18 commercial use.

19 So I think that does meet your Master
20 Plan and Re-examination Report standards.

21 MR. KAUKER: Thank you.

22 I have nothing else.

23 CHAIRMAN FERGUSON: Okay.

24 Any audience members have any?

25 MS. COMAS: I just have one question.

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1 CHAIRMAN FERGUSON: Mr. Kauker?

2 MR. KAUKER: Just a couple quick
3 questions.

4 With respect to the proposed structure,
5 Mr. Spatz, is it your opinion that this building will
6 be consistent with other buildings, the existing
7 buildings in The area?

8 MR. SPATZ: Yes.

9 The one directly across the street as
10 well as the two that -- the one at the corner of
11 Commercial and Central.

12 The one that's fully on Central. And
13 then there's one on Grand just a little bit to the
14 north of our property. All of them with a similar
15 design with parking on grade level.

16 And the one on Grand, that parking is
17 actually below grade, then units above it.

18 But with the adjustment Mr. Kaltsis
19 made, the appearance of it from a four-story building
20 from the street, I think helps it significantly blend
21 within the area.

22 MR. KAUKER: Thank you.

23 And then finally, could you just
24 provide some Medici enhanced quality of proof
25 omission misuse from the zoning ordinance.

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1 Do we have a Master Plan in town?

2 MR. SPATZ: Yes.

3 MS. COMAS: Because every time I call
4 up -- and this has been months and months -- it's not
5 ready, it's not ready.

6 We do have one?

7 MR. SPATZ: Well, there's an existing a
8 Re-examination Report on the Master Plan which is
9 required.

10 Let me see if I have a date in it in
11 here.

12 CHAIRMAN FERGUSON: There's an existing
13 but they're working on a new one.

14 MR. SPATZ: Right.

15 MS. COMAS: Well, how long is so-called
16 working on it?

17 MR. SOKOLICH: That's not our answer.

18 But I will tell you, ma'am, most towns
19 are perpetually working on amending their Master Plan
20 because it's --

21 MS. COMAS: I know it's required.

22 MR. SOKOLICH: It's an evolving
23 document.

24 MR. SPATZ: Correct, correct.

25 CHAIRMAN FERGUSON: All right.

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1 MS. COMAS: Where would this Master
 2 Plan be?
 3 MR. SOKOLICH: I would check in with
 4 the clerk's office or make an OPRA request.
 5 MR. SPATZ: Bergen County's planning
 6 board.
 7 CHAIRMAN FERGUSON: Anybody else?
 8 (No response.)
 9 CHAIRMAN FERGUSON: Okay.
 10 Mayor, do you want to sum up briefly?
 11 MR. SOKOLICH: Chairman, the night is
 12 getting late. I know the board is very busy. This
 13 is an applicant that has not turned a tin ear to any
 14 concerns that the board has had.
 15 There was concern about having that top
 16 story facing street level. That is maybe too high
 17 and too intimidating.
 18 A material change to the plan was
 19 incorporated, creating a mezzanine effect on the top
 20 story, reducing the units, and having a commensurate
 21 reduction in the parking spaces.
 22 There's no longer a parking variance
 23 being sought. It is compliant with the Residential
 24 Site Improvement Standards.

25 As Mr. Spatz points out, there is an
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1 applicant has requested.
 2 I would like to see \$3,000.00 go into
 3 the fund, because we're getting close to what, you
 4 know, we spend for the --
 5 MR. SOKOLICH: Yes, sir.
 6 CHAIRMAN FERGUSON: You know. So if
 7 you could, you know, put \$3,000.00 in by the next
 8 meeting.
 9 Of course if we don't use it...
 10 MR. SOKOLICH: It will be in within two
 11 days.
 12 CHAIRMAN FERGUSON: Then you're going
 13 to get -- we need \$2,000.00 the Tree Preservation
 14 Fund, as always.
 15 You won't be getting that back.
 16 Then we have pending the approval of
 17 the Mayor & Council in regards to that fire
 18 department request.
 19 MR. SIMOFF: Fire zone.
 20 CHAIRMAN FERGUSON: Fire zone.
 21 MR. SIMOFF: Fire lane.
 22 CHAIRMAN FERGUSON: That you're going
 23 to get approval from the Mayor & Council before it
 24 gets in effect.

25 And then last, but certainly not least,
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1 eyesore of an auto body shop that exists on the site.
 2 I would offer -- and I think many planners would
 3 agree -- that aesthetic benefit is maybe perhaps one
 4 of the most over-used excuses to give a variance, but
 5 in this particular case, and with all due respect, it
 6 applies. It applies.
 7 In replace of an eyesore and in
 8 environmentally-sensitive type of a business, you're
 9 going to get much needed housing here in the
 10 Palisades Park, quality housing done by a quality
 11 builder whose reputation precedes, who has other
 12 projects in this town, all of which have been
 13 received very well by the community.
 14 And for the reasons that were
 15 articulated by all the witnesses, and in particular
 16 Mr. Spatz, we would request the board act favorably
 17 on the application.
 18 And we're willing to subject ourselves
 19 to any conditions that any of your experts or the
 20 board imposes.

21 But thank you for your indulgence.
 22 CHAIRMAN FERGUSON: Okay.
 23 So I'm going to make a motion to accept
 24 the application pending these agreements. The first
 25 one is that I'm going to grant all variances that the
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1 is the mezzanine level.
 2 Of course we haven't seen that.
 3 But if I could ask Steve to review that
 4 before the next meeting to make sure it's all
 5 according to oil.
 6 MR. COLLAZUOL: Yes, okay.
 7 CHAIRMAN FERGUSON: Right.
 8 MR. COLLAZUOL: Yes.
 9 CHAIRMAN FERGUSON: I like the idea,
 10 but I would like to have you take a look at it.
 11 MR. COLLAZUOL: Understood.
 12 CHAIRMAN FERGUSON: So with that, I'm
 13 going to approve the submittal with those
 14 recommendations.
 15 Can I get a second?
 16 VICE CHAIRMAN ALBANESE: Second.
 17 CHAIRMAN FERGUSON: There's a second.
 18 Roll call.
 19 MS. LAMBRINIDES: Mr. Ferguson?
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. LAMBRINIDES: Mr. Albanese?
 22 VICE CHAIRMAN ALBANESE: Yes.
 23 MS. LAMBRINIDES: Mr. Elefteriou?
 24 MR. ELEFTERIOU: Yes.
 25 MS. LAMBRINIDES: Mr. Grala?

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1 MR. GRALA: Yes.
 2 MS. LAMBRINIDES: Mr. Brogna?
 3 MR. BROGNA: Yes.
 4 MS. LAMBRINIDES: Mr. Chung?
 5 MR. CHUNG: Yes.
 6 MS. LAMBRINIDES: Ms. Kim?
 7 MS. KIM: Yes.
 8 MR. SOKOLICH: Chairman, Members of the
 9 Board, Professionals, thank you very much.
 10 Thank you.
 11 MS. TESTA: Joe, can we get a
 12 five-minute break?
 13 CHAIRMAN FERGUSON: Five-minute break.
 14 (Whereupon, a brief recess is taken.)
 15 CHAIRMAN FERGUSON: Okay, we're going
 16 to take a roll for attendance to see who's here.
 17 Okay.
 18 Take attendance.
 19 MS. LAMBRINIDES: Mr. Ferguson?
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. LAMBRINIDES: Mr. Albanese?
 22 VICE CHAIRMAN ALBANESE: Here.
 23 MS. LAMBRINIDES: Mr. Elefteriou?
 24 (No response.)
 25 MS. LAMBRINIDES: I think he's out in
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1 the hallway for a moment. He'll be right back.
 2 Mr. Grala?
 3 MR. GRALA: Yes, 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, here.
 10 CHAIRMAN FERGUSON: Okay.
 11 Next is...
 12 MS. TESTA: Case No. 22-13.
 13 CHAIRMAN FERGUSON: 22-13, Atrium
 14 Billiards Cafe, 315 Broad Avenue.
 15 Now, before we get -- oh, no.
 16 MS. TESTA: Yes.
 17 CHAIRMAN FERGUSON: Okay, Counsel.
 18 MR. SOKOLICH: Chairman, thank you.
 19 Chairman, Vice Chairman, Members of the
 20 Board, Engaged Professionals, Members of the Public,
 21 it's nice to be before you once again.
 22 As the Chair points out, this next
 23 application relates to -- excuse me -- 315 Broad
 24 Avenue for a new billiards facility.
 25 Just by way of background, the last
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1 application and this one, I am successor counsel to
 2 Marc Ramundo, for the record, who's been elevated to
 3 the Superior Court of New Jersey.
 4 For the record, I didn't start these
 5 applications, but I am trying my darnedest to
 6 successfully conclude them.
 7 That said, just a little bit of history
 8 about this application, if I can ask for your
 9 indulgences. This is for a billiards business. And
 10 the one -- the only thought that I'd like to start
 11 off with is, billiards have gone through an
 12 evolution. Billiards are not what billiards once
 13 were. They're not an a point for -- an excuse for
 14 loitering and for folks that are looking to get
 15 themselves into trouble.
 16 Billiards have become a very, very
 17 popular pastime used by adults, young adults, all
 18 ages, as a meeting point, as a place to relax, even
 19 as a therapeutic session to do something other than
 20 work and to just leave the day-to-day problems that
 21 we face. There are other uses that are similar to
 22 this, but billiards have gone through an evolution.
 23 And there's no exception to that
 24 evolution here in the Borough of Palisades Park,
 25 where you already have two of these facilities that
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1 exist uneventfully and without issue.
 2 If I'm not, during the course of this
 3 application convincing you of that, then I am not
 4 doing my job because we are excited about the use,
 5 number one.
 6 Number two, we have an applicant, Jung
 7 Ho, who is present -- present and will respond to any
 8 questions that you have, who takes copious notes and
 9 understands and takes down all of your concerns.
 10 So since we were before you last time,
 11 we've amended our plans in the hopes of trying to
 12 address some of the concerns that you've had.
 13 And for this evening's purposes, we
 14 intend to present testimony of our licensed
 15 architect, Chris Kim, and then David Spatz, if we get
 16 that far, our licensed planner.
 17 This application, as Chris will tell
 18 you, has gone through multiple iterations. We
 19 started in the high 20s number of pool tables. We
 20 then reduced it to 23. And we have a different
 21 number tonight.
 22 Now, mind you, like residential units,
 23 billiards table, as you reduce that number, so too
 24 do you reduce the parking requirement. So we're
 25 hoping that this de-intensification of this use will
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1 make this business more palatable to this board.
2 So with that said, I would ask the
3 architect to please be sworn in or confirm that he's
4 sworn in.

5 MS. TESTA: Please raise your right
6 hand.

7 Do you swear that the testimony you
8 will give in this application will be the truth, the
9 whole truth, and nothing but the truth?

10 MR. LEE: Yes, I do.

11 CHRISTOPHER LEE, RA

08:09PM

12 111 Grand Avenue, Suite 20, Palisades Park, New
13 Jersey, having been duly sworn, testifies as
14 follows:

15 MS. TESTA: Please state your name for
16 the record?

17 MR. LEE: Christopher Lee.

18 MS. TESTA: Okay.

19 And your address?

20 MR. LEE: 111 Grand Avenue, Suite 212,
21 Palisades Park, New Jersey.

22 CHAIRMAN FERGUSON: Okay, we'll accept
23 him as an expert.

24 MR. SOKOLICH: Thank you, Chairman.
25

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1 **A. The last date, it was 24.**

2 **Q.** Even before that I believe it was 27?

3 **A. Twenty-seven.**

4 **Q.** Twenty-seven.

5 And then after that, through whatever
6 source and from whatever -- from whatever basis, we
7 learned that maybe there were too many tables. And
8 in the last application before this board, the number
9 of pool tables was reduced to what?

10 **A. Twenty-four.**

11 **Q.** Twenty-four.

12 Now, this evening, we have yet another
13 iteration or version of these plans?

14 **A. Yes.**

15 **Q.** How many tables are on the plans now
16 before the board for consideration?

17 **A. Nineteen.**

18 MR. SOKOLICH: Nineteen.

19 Diane, with your permission, I'm up to

20 A-2.

21 MS. TESTA: Yes.

22 MR. SOKOLICH: We don't mark a lot on
23 this.

24 A-2. And for the record we'll mark it
25 April 17, 2023. And I'll initial it.

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1 DIRECT EXAMINATION

2 BY MR. SOKOLICH:

3 **Q.** So, Mr. Lee -- I'm going to call you
4 Chris.

5 Chris, you are a licensed architect
6 that was engaged by Jung Ho, the applicant?

7 **A. Yes.**

8 **Q.** And Jung Ho is the prospective tenant.

9 He is not the owner of the building?

10 **A. No.**

11 **Q.** In fact, the owner of the building is
12 present, were the Board to have any questions of him
13 also.

14 But he is the prospective tenant?

15 **A. Yes, sir.**

16 **Q.** Now, you were the architect from the
17 beginning stages of this application?

18 **A. Yes.**

19 **Q.** Correct?

20 **A. Yes.**

21 **Q.** How many billiard tables were proposed
22 initially, in fact, were filed with this board for
23 approval?

24 **A. At the beginning?**

25 **Q.** At the beginning.

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1 (Whereupon, Architectural Plan Dated
2 April 3, 2023 is received and marked as
3 Exhibit A-2 for identification.)

4 BY MR. SOKOLICH:

5 **Q.** Now, Chris, I'd like you -- now,
6 referring to A-2 -- just to brief the board where
7 this is but then get into the space and what changes
8 you made, for the record?

9 MR. SIMOFF: Can you just give the date
10 of the plan?

11 MR. SOKOLICH: Sure.

12 BY MR. SOKOLICH:

13 **Q.** Chris, your last revised date?

14 **A. April 3, 2023.**

15 **Okay. We put billiards here. We're**
16 **not changing any partitions, because it used to be a**
17 **retail store. The space size is about 10,000 square**
18 **feet.**

19 **Q.** Now, I don't mean to interrupt you.

20 But the retail store that was once here did occupy
21 this entire space, correct?

22 **A. Yes, yes.**

23 **Q.** And do you know approximately how long
24 that retail store was here?

25 **A. More than ten years.**

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1 **More than 20 years.**
 2 **Q.** But it was a fully operational retail
 3 facility?
 4 **A. Yes.**
 5 **Q.** Go ahead, Chris.
 6 **A. And just we just modified inside,**
 7 **relocated all the toilets and the counters. No**
 8 **partitions at all. Only new offices at the back.**
 9 So we just put a wider space for the billiards.
 10 So, like he said -- like Mark said, we
 11 just reduced the number of the tables because the
 12 more -- you need more spaces to a clear area.
 13 **Q.** And you've reduced the number of tables
 14 from, I believe, 23 to 19, which also reduced the
 15 parking requirement necessary for this use, correct?
 16 **A. Yes.**
 17 **Q.** Okay. That's number one.
 18 Number two, it was already testified
 19 that there will always be one person onsite to
 20 supervise this facility, correct?
 21 **A. Correct.**
 22 **Q.** Okay.
 23 And that one person will do several
 24 things, he'll service the manager, he will also sign
 25 people in, he'll register the tables, correct?

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1 for them?
 2 **A. Yes.**
 3 **Q.** You would poke your credit card?
 4 **A. Yes.**
 5 **Q.** And that does what? It prevents people
 6 from simply showing up and waiting if all the tables
 7 are filled, correct?
 8 **A. That's correct.**
 9 **Q.** Okay. And then that also avoids a
 10 drain on the parking spaces unnecessarily?
 11 **A. Absolutely.**
 12 **Q.** You've got to let me finish the
 13 question.
 14 Unnecessarily, correct?
 15 **A. Yes.**
 16 **Q.** And that person that works here, he'll
 17 be the one that would be administering this app, or
 18 he'll take telephone appointments as to what's
 19 available and what's not? And those members, and
 20 those people, those customers or patrons, they will
 21 then be assigned a time, they will come and they will
 22 play, correct?
 23 **A. Correct.**
 24 **Q.** Now, there were three types of pool
 25 tables.

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1 **A. We put employee numbers two here, as**
 2 **you see on the calculation.**
 3 **Q.** But we've decided to go with one,
 4 correct?
 5 **A. Yes.**
 6 **Q.** And the applicant has also agreed to
 7 impose upon himself another condition.
 8 Isn't that by appointment, these pool
 9 tables? Explain that, Chris?
 10 **A. Yeah.**
 11 **We're going to make it -- we're going**
 12 **to operate it by appointment only so there's no**
 13 **waiting inside, so no crowded at the inside because**
 14 **no waiting.**
 15 And also the owner will put an app,
 16 application, on online so they can find out if
 17 there's a vacant table available or not.
 18 **Q.** One would like, frankly, a restaurant
 19 Open Table --
 20 **A. Correct.**
 21 **Q.** -- is one that I use all the time for
 22 restaurants, right? You go on this app. And on
 23 there will be either a map of the entire floor plan,
 24 or it will tell you what tables are available, if
 25 there are any available, and then you would sign up

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1 **A. Yes.**
 2 **Q.** And I believe, Chris, that that's very
 3 important, because each table typically has a typical
 4 number or a customary number of players?
 5 **A. Yes.**
 6 **Q.** So could you describe the three
 7 categories and how many players typically are used in
 8 that game?
 9 **A. Okay.**
 10 **We have three different tables, which**
 11 **is a bigger table, which is three cushions and four**
 12 **balls.**
 13 **Q.** And where are those tables?
 14 **A. Those tables? Okay. When you see the**
 15 **drawing, on the right-hand side, eight three-cushion**
 16 **tables. This is the bigger one. So it will require**
 17 **the big spaces.**
 18 And this is a pool table. Yeah, six
 19 pool tables here. That's pocket ball. We call it
 20 pocket balls. And the left corner at the inside,
 21 there's only five -- four balls, which is they play
 22 with four balls. So those tables play by whether
 23 it's two people or maximum three. So no more than
 24 three people.
 25 **Q.** But typically two?

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- 1 **A. Typically two.**
 2 **Q.** And is that the case for all of these
 3 types of tables?
 4 **A. Yes.**
 5 **Q.** Now, there are other games that I've
 6 heard of. One gentleman had shared with me that
 7 years ago they used to play a game. There would be
 8 eight people, nine people, 12 people, and somebody
 9 would hit.
 10 If they lost, they stepped aside. The
 11 next would come. And there's betting.
 12 There's no gambling that's allowed in
 13 this facility, correct?
 14 **A. No.**
 15 **Q.** Okay. There's no liquor that's allowed
 16 in this --
 17 **A. Yes.**
 18 **Q.** Let me finish. There's no liquor
 19 that's allowed in this facility, correct?
 20 **A. Correct.**
 21 **Q.** And again, it's always going to be
 22 either registered or a sign-in, but it's only when
 23 tables are available?
 24 So people can't just show up. If it's
 25 at maximum capacity, people aren't going to show up

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- 1 **Oh, yeah, 3.5 is about 13 cars**
 2 **required.**
 3 **Q.** Which is less than the number of
 4 parking spaces being provided?
 5 **A. Yes.**
 6 **Q.** Okay.
 7 Now, the other uses are different peak
 8 times, correct? For example, there's a bank at this
 9 building. That's not open on the weekends?
 10 **A. No.**
 11 **Q.** And it closes at 4 o'clock, maybe
 12 5 o'clock?
 13 **A. Yes.**
 14 **Q.** Okay.
 15 So it's not open in the late afternoon
 16 through the evening, and it's not open on a weekend?
 17 **A. No.**
 18 **Q.** There is a doctor at this site. I
 19 believe only has approximately 600 feet of space and
 20 only has temporary office hours a day or two a week;
 21 is that true?
 22 **A. It's true.**
 23 **Q.** Okay. And then, finally, what was the
 24 third use?
 25 **A. A retail store.**

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- 1 if they don't have a table available?
 2 **A. Yeah.**
 3 **Q.** It's not the kind of place, correct,
 4 Chris, that you would come for a smack or a bite to
 5 eat, because the only thing that's really offered is
 6 maybe soda and clips, things of that nature?
 7 **A. Yes.**
 8 **Q.** Let's talk about the parking on the
 9 outside, which is in the lower right-hand corner of
 10 A-2.
 11 How many parking spaces are going to be
 12 devoted to these 19 pool tables?
 13 **A. Okay. Onsite we have 24 parking.**
 14 **So designated for the other three**
 15 **tenants, that's eight. So we will -- available**
 16 **parking spots for us is 16.**
 17 **Q.** And by ordinance, in your opinion, how
 18 many spaces are required?
 19 **A. We put a calculation down in the**
 20 **middle. So by the player -- we calculate by the**
 21 **player at the pool.**
 22 **So, okay, two times and three times**
 23 **with the tables, so 16 and 18 people and two**
 24 **employees, so 46 people inside. So divide by three**
 25 **people.**

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- 1 **A gift shop.**
 2 **Q.** A small gift shop?
 3 **A. A small gift shop.**
 4 **Q.** And that also has limited hours, does
 5 it not?
 6 **A. Yes.**
 7 **Q.** So I know you're an architect, and I
 8 don't want you to leave your area of expertise,
 9 because Mr. Spatz will talk about that as the
 10 planner.
 11 But do you not agree that what we
 12 believe to be the most popular times or peak times
 13 are not the same as the popular times for the other
 14 uses, correct?
 15 **A. Correct.**
 16 **Q.** What type -- now, this board is also
 17 concerned about security, what's going to happen in
 18 this parking lot, who's going to loiter there, who's
 19 going to be there.
 20 Have you -- and does the applicant
 21 agree to install, for example, cameras?
 22 **A. Yes.**
 23 **We just show the cameras around**
 24 **throughout the backside -- I mean the rear side.**
 25 **Q.** And those cameras will be closed

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1 circuit to his phone, to a board?

2 **A. Absolutely.**

3 **Q.** If requested, he would also give access
4 to those cameras to the police?

5 **A. Absolutely.**

6 **Q.** What about lighting? Will the area be
7 amply lit so it's not dark and otherwise a dangerous
8 circumstance?

9 **A. Right.**

10 **As well as the camera. We put an extra**
11 **lighting at the back because they have to park and**
12 **they have to come in.**

13 **So I show it on the site plan. So**
14 **there's a plan lighting.**

15 **Q.** So the number of tables have been
16 reduced. It's your opinion that there's ample
17 parking. You are well lighting the parking area,
18 also having a surveillance system of some sort.

19 I want to also confirm there's only one
20 point of ingress and egress into this site, correct?

21 **A. Yes.**

22 **Q.** In other words, there aren't multiple
23 places where one can go.

24 And the applicant is willing to subject
25 himself to an appointment only basis and also avail

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1 relax and, for lack of a better term, find an escape?

2 **A. Yeah, correct.**

3 **Q.** Is there anything else that you would
4 like -- oh, excuse me.

5 Now, this is in the Retail Business
6 Zone, this property, correct?

7 **A. Correct.**

8 **Q.** So correct me if I'm wrong, if a
9 billiards establishment doesn't go here, a retail
10 business could go here, correct?

11 **A. Correct.**

12 **Q.** A very, very business retail business
13 could go here, correct?

14 **A. Correct.**

15 **Q.** And those retail businesses are not
16 going to only be open during peak hour -- or during
17 the peak hours that are different from the other
18 merchants; they might overlap, correct?

19 **A. Correct.**

20 **Q.** They're not going to do business by
21 appointment only, correct?

22 **A. Correct.**

23 **Q.** The point that I'm making is, this
24 applicant and this particular business is willing to
25 impose upon himself conditions to assuage the

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1 himself to the prospect of using a computer
2 application to make this that much more organized,
3 correct?

4 **A. Correct.**

5 **Q.** And you've already provided your
6 unconditional testimony, because you've done the
7 research when you designed this, that the pool tables
8 that we're showing typically have two players,
9 sometimes three, but typically two?

10 **A. Correct.**

11 **Q.** Did you -- were you present for my
12 opening salvo to the board when I had indicated that
13 billiards has changed over the years? Do you agree
14 with that?

15 **A. Yeah.**

16 **I totally agree with you. It's like a**
17 **sports, sports team. Very gentle and calm. Players**
18 **doesn't only get bothered from people surrounding.**
19 **So it's very quiet.**

20 **Q.** Right. It's more about --

21 **A. No smoking.**

22 **Q.** Would you agree that it's more of a
23 game of skill?

24 **A. Absolutely.**

25 **Q.** And it's one where people would go and

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1 concerns of the board, but permitted by law is a
2 retail business that could be much, much busier and
3 more intense than what we're proposing; do you agree
4 with that?

5 **A. I totally agree.**

6 MR. SOKOLICH: Okay. Thank you, Chris.
7 Chairman?

8 CHAIRMAN FERGUSON: Okay. So I just
9 want to be clear, Counsel.

10 MR. SOKOLICH: Yes, sir.

11 CHAIRMAN FERGUSON: It is true that
12 there are now two billiards parlors. The Board
13 approved the third billiard parlor years ago on Broad
14 Avenue, the 400 block, which is now out of business.

15 So I appreciate your comments. But the
16 town could not support a third billiard parlor but...

17 MR. SOKOLICH: Absorb it, right.

18 CHAIRMAN FERGUSON: It's fine, you can
19 try. You know, if business goes it goes.

20 Now, I'm curious about the -- I'm
21 really concerned about the parking.

22 And I appreciate, you know, the
23 businesses that are there, you know, they're not
24 there on Saturday and they close at 4 o'clock and
25 everything.

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1 But I'm really more concerned about
2 this business and the parking that's required for
3 this business.

4 In other words, you know, the original
5 plan had off-street parking. Well, you know that
6 wasn't going to go.

7 But so when you say to me or to the
8 board that the business, you know, is going to
9 have additional parking after hours or something,
10 that's fine, but I'm more concerned with this project
11 and the parking that's required for this project.
12 That's what I'm concerned about.

13 Now, looking at this, I -- you know, I
14 used to -- in my younger days used to shoot pool.
15 And I realize it's a changing sport, that it's not
16 the old smoke-filled thing that it used to be.

17 But -- but there's -- to say that
18 there's only two players on a particular pool table,
19 I just don't think that's the case, because you could
20 go and you could have four people as teams.

21 And, you know, so your numbers that you
22 have which would add up to the right number, you
23 don't really know if those numbers are the true
24 numbers.

25 In other words, if four people come and
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1 or half an hour.

2 So they don't want five people staying
3 five hours. They don't want it. You just spend the
4 time and spend the money and play just a few minutes.

5 So it's got to be split. So three
6 people is going to be the Max, like I would say.

7 CHAIRMAN FERGUSON: Okay, I see.
8 MR. LEE: Yeah.

9 CHAIRMAN FERGUSON: Now, the split that
10 you have tables time, you know, number of pool tables
11 timed players -- I'm going to give you the parking --
12 is there another way to measure what's allowed in a
13 given area?

14 Like square feet, for instance. Is
15 there a way to do --

16 MR. LEE: A retail store. A retail
17 store by the square footage for the occupational
18 load.

19 MR. SOKOLICH: No, I don't think that's
20 -- are you talking about maximum capacity in each
21 area?

22 CHAIRMAN FERGUSON: Yes. Yeah.

23 In other words, if -- you know, you
24 have -- you have some applications that come and they
25 may have square feet.

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1 say, oh, we're going to be partners and we're going
2 to shoot whatever, you know, how are you going to --
3 that's going to affect the parking, Because there's
4 going to be more people there.

5 MR. LEE: Yeah.

6 Like we explained to you, we make it by
7 the appointment only for the tables.

8 CHAIRMAN FERGUSON: Right.

9 MR. LEE: If there's a second, like,
10 five people for one table, like we're going to split.
11 We have to split. That's the policy.

12 If you worry about the pool tables,
13 pool tables play a lot of people sometimes.

14 CHAIRMAN FERGUSON: Yes.

15 MR. LEE: But four balls and three
16 cushions is the standard.

17 There's a rule. The game of the rule
18 just uses two people, maximum three.

19 But four balls and three cushions is
20 two people. It's like at tournaments, at like
21 tournaments.

22 So the management people is going to
23 split the people if they want to play. Because they
24 don't want it. Because the game has to be finished
25 in one hour or half an hour. They charge by one hour

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1 And you have people -- I mean, I guess
2 my expert, Hal, would know this. If you can do
3 square feet.

4 See, I'm trying to figure out if
5 there's another way to make sure that, you know, you
6 have enough parking.

7 Hal?

8 MR. SIMOFF: Well, first of all, I
9 disagree with the calculation that's presented on the
10 plan. Because the ordinance says one space for each
11 3.5 persons that is permitted under maximum occupancy
12 under the fire code.

13 And I just looked at the -- as an
14 example, this room under the fire code is allowed
15 90 people.

16 CHAIRMAN FERGUSON: Right.

17 MR. SIMOFF: So this room would require
18 close to 20 parking spaces.

19 CHAIRMAN FERGUSON: Right.

20 MR. SIMOFF: So the calculation is
21 based on the persons per pool table.

22 MR. SOKOLICH: But, Hal, wouldn't you
23 agree that just by virtue of the nature of the
24 business, this use is not getting to 90?

25 If this were a bar, or a lounge, or if
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1 this were something that would have events where that
 2 many people would go, we have these pool tables just
 3 by virtue of the way those games are played and the
 4 rules of those games, it's not getting 90 people?
 5 MR. SIMOFF: No, I understand.
 6 But all I'm saying is that the
 7 calculation is not in accordance with the ordinance.
 8 But clearly the -- like as an example,
 9 the furniture space -- the furniture store under the
 10 present ordinance previously required 50 parking
 11 spaces.
 12 And a furniture store doesn't -- no way
 13 do they have a demand of 50 parking spaces. So the
 14 board has to deal with the intensity of the pool
 15 tables being satisfied with the parking.
 16 MR. SOKOLICH: Agreed.
 17 MR. SIMOFF: The other alternative is
 18 to reduce the space.
 19 MR. SOKOLICH: Well, if I may,
 20 Chairman.
 21 CHAIRMAN FERGUSON: Yeah, sure.
 22 You have already.
 23 MR. SOKOLICH: No, we haven't already.
 24 Beware of the file you inherit.
 25 Never mind.

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1 You get -- they've got a little bubble.
 2 MR. LEE: Using 11 balls.
 3 VICE CHAIRMAN ALBANESE: No, no, no,
 4 no.
 5 In there's 15 pills, numbers 1 to 15.
 6 And you play it. Now, you pick it. Everybody who is
 7 playing can get one. You could have five people
 8 playing. You could have ten people playing. They
 9 all get a pill. And they shoot. Whoever knocks the
 10 guy's ball in, they're playing for a beer, the guy's
 11 got to give him a beer, whatever they do. Okay?
 12 So you could have -- essentially you
 13 could have 15 people playing on one table.
 14 MR. LEE: No holes.
 15 MR. SOKOLICH: If I may, Mr. Albanese.
 16 And the name -- but the idea of that game is to put
 17 the ball in a hole.
 18 VICE CHAIRMAN ALBANESE: Yeah.
 19 MR. SOKOLICH: You do realize, though,
 20 that 70, 80 percent of the pool tables that are
 21 proposed here don't have holes.
 22 VICE CHAIRMAN ALBANESE: I'm not
 23 talking about that. I'm talking about the billiard
 24 table. The billiard table, you've got eight of them.
 25 MR. SOKOLICH: I just don't know --

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1 There is -- there is some -- you have a
 2 busy agenda. And I don't want this application to
 3 drag on. I don't want you mad at me. I do want to
 4 move the agenda.
 5 Can we ask for your indulgences and
 6 have this relisted? Because there is consideration
 7 to a market reduction here.
 8 Maybe that would be more conducive to
 9 the board. It would also allow us to work on this
 10 parking situation that Mr. Simoff just raised. Maybe
 11 just carry this until the next one?
 12 CHAIRMAN FERGUSON: That would be fine
 13 with me.
 14 But I just want to give the board any
 15 questions they have. Just this way you can answer
 16 them now.
 17 VICE CHAIRMAN ALBANESE: On the
 18 billiards tables, you say you're only going to put
 19 three tables on there.
 20 MR. LEE: Yes.
 21 VICE CHAIRMAN ALBANESE: Did you ever
 22 hear of pill pool? Pill pool, it's a game that you
 23 play.
 24 MR. LEE: No, I never.
 25 VICE CHAIRMAN ALBANESE: Okay.

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1 VICE CHAIRMAN ALBANESE: There are
 2 three people.
 3 MR. SOKOLICH: I understand.
 4 VICE CHAIRMAN ALBANESE: Okay. You
 5 could have --
 6 MR. SOKOLICH: I've got to Google this
 7 pill game.
 8 VICE CHAIRMAN ALBANESE: I played a lot
 9 of pool in my day.
 10 MR. SOKOLICH: I believe you.
 11 VICE CHAIRMAN ALBANESE: Okay. You
 12 never heard of it?
 13 MR. SOKOLICH: But I believe you. So I
 14 get it.
 15 VICE CHAIRMAN ALBANESE: Normally when
 16 I was a kid when we used to play, we used to get
 17 maybe five, six, seven guys playing. We'd all of us
 18 get a pill. We'd play for a dollar, if you knock your
 19 guy's ball in. Okay? But you could have five, six,
 20 seven guys at one table. You've got eight tables.
 21 You're talking 50 people.
 22 MR. SOKOLICH: Well, yeah. We will --
 23 that's why we're asking for this intervening time to
 24 just give some thought to some of these issues.
 25 VICE CHAIRMAN ALBANESE: Any pool table

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1 that I saw when I was young --
 2 MR. SOKOLICH: Yes, sir.
 3 VICE CHAIRMAN ALBANESE: -- you always
 4 had two, maybe four people.
 5 Because they play partners, whatever
 6 game you were playing, you could play partners, four.
 7 Okay? Never three. I don't remember playing three,
 8 unless you played nine-ball. Okay?
 9 That's a different game. But you
 10 could put up to five, six, seven.
 11 MR. SOKOLICH: These tables don't even
 12 have holes, so I can't refute that.
 13 But I get it.
 14 But the point is made and we
 15 understand.
 16 CHAIRMAN FERGUSON: Okay. So again,
 17 Mayor, just if I can take another five minutes.
 18 Hal?
 19 MR. SIMOFF: What I was --
 20 CHAIRMAN FERGUSON: I know you're
 21 itching to say something.
 22 Do you have something to say about the
 23 parking?
 24 MR. SIMOFF: Yeah.
 25 And maybe there's other -- other

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1 MS. LAMBRINIDES: Mr. Albanese?
 2 VICE CHAIRMAN ALBANESE: Yes.
 3 MS. LAMBRINIDES: Mr. Elefteriou?
 4 MR. ELEFTERIOU: Yes.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 MS. LAMBRINIDES: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 MS. LAMBRINIDES: Ms. Kim?
 12 MS. KIM: Yes.
 13 CHAIRMAN FERGUSON: Okay.
 14 MR. SOKOLICH: Chairman, Vice Chair,
 15 Members of the Board, thank you. Thank you.
 16 Sorry I took so long tonight.
 17 CHAIRMAN FERGUSON: No problem.
 18 MS. TESTA: No problem.
 19 That's Case 22-13, 315 Broad Avenue, at
 20 the request of the applicant, is being carried to the
 21 May 15, 2023 hearing, 7 p.m.
 22 No further notice will be provided by
 23 the applicant.
 24 CHAIRMAN FERGUSON: Okay.
 25 Next up is Case No. 22-14, which is

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1 locations for parking that can be rented. I'm just
 2 throwing out a...
 3 CHAIRMAN FERGUSON: What was that?
 4 MS. TESTA: About renting.
 5 CHAIRMAN FERGUSON: Oh, renting. Okay.
 6 So you don't think it's a sufficient -- sufficient
 7 parking now?
 8 MR. SIMOFF: Well, I'm getting the
 9 feedback from the board also that it's not.
 10 CHAIRMAN FERGUSON: All right. No
 11 problem. Okay.
 12 So I'm going to grant the request for a
 13 continuation until the next meeting.
 14 MS. TESTA: And no further notice.
 15 CHAIRMAN FERGUSON: No further notice.
 16 MS. LAMBRINIDES: Can I get a second?
 17 MR. ELEFTERIOU: Second.
 18 CHAIRMAN FERGUSON: Can I get a second?
 19 MR. ELEFTERIOU: Second.
 20 MR. SOKOLICH: What is that date?
 21 MS. TESTA: The 15th, May 15th.
 22 CHAIRMAN FERGUSON: Okay.
 23 Roll call?
 24 MS. LAMBRINIDES: Mr. Ferguson?
 25 CHAIRMAN FERGUSON: Yes.

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1 KL Palisades, LLC, 500 Tenth Street.
 2 My attorney, the board attorney, has to
 3 step aside because...
 4 MS. TESTA: Conflict.
 5 CHAIRMAN FERGUSON: A conflict. So
 6 she, I believe, has another distinguished attorney
 7 filling in for her.
 8 MR. MACRI: It's an honor.
 9 (Whereupon, Ms. Testa steps off the
 10 dais and recuses herself from KL Palisades,
 11 LLC and Ardeshir Mohtaram applications. Marc
 12 Macri, Esquire serves as the conflict counsel
 13 for the board for the duration of these two
 14 applications.)
 15 CHAIRMAN FERGUSON: Okay, Counselor.
 16 MR. BIRCHWALE: For the record, my name
 17 is Albert Birchwale of the Law Firm of Basile,
 18 Birchwale & Pellino appearing on behalf of the
 19 applicant KL Palisades, LLC.
 20 Mr. Chairman, I just want to give to
 21 Eleni the receipts --
 22 CHAIRMAN FERGUSON: He takes a look at
 23 them to make sure.
 24 MR. BIRCHWALE: Good.
 25 Proof of Service.

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1 CHAIRMAN FERGUSON: Okay.
 2 MR. BIRCHWALE: Thank you, Mr. Chairman
 3 and Members of the Board, this is just a very simple
 4 application. It's an for an amended site plan.
 5 I have just one witness, Sean Kim, who
 6 is a licensed architect in the State of New Jersey.
 7 CHAIRMAN FERGUSON: Right. He's been
 8 here before.
 9 We'll accept him.
 10 MR. MACRI: I'll swear him in.
 11 Please raise your right hand.
 12 Do you swear or affirm the testimony
 13 you provide to this board shall be the truth?
 14 MR. KIM: Yes, I do.
 15 S E A N K I M, RA
 16 Having been duly sworn, testifies as follows:
 17 MR. MACRI: Please state your name and
 18 spell your name for the record.
 19 MR. KIM: My name is Sean W. Kim,
 20 S-E-A-N. The last name is Kim, K-I-M.
 21 I'm a registered architect. I've been
 22 doing testimony on this board, before this board more
 23 than 20 years.
 24 CHAIRMAN FERGUSON: We're going to --
 25 we're going to accept him.

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1 women's spa, we're going to break off a portion of it
 2 and make it a nail salon. And that would be a third
 3 entity.
 4 But with all that being said, there's
 5 not going to be any expansion of the existing
 6 footprint. Okay? We're not making the building
 7 larger.
 8 And also the parking, currently there's
 9 94 off-street parking. Sean will let you know that
 10 if the board approves the site plan converting the
 11 women's spa on the second floor to a women's spa and
 12 a nail salon, there will actually be less parking
 13 spaces needed, so you'd be picking up seven
 14 off-street parking spaces. If you want to get into
 15 that, Sean will let you know how he came up with
 16 those calculations.
 17 CHAIRMAN FERGUSON: Okay. Take it away
 18 Sean.
 19 MR. BIRCHWALE: Yes, Sean.
 20 THE WITNESS: If I can explain a brief
 21 history of the building, itself, why this application
 22 is being here.
 23 The thing is this building has been
 24 built around 2000, the year 2000. And when the
 25 owner, all the owners built -- got the variance

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1 MR. BIRCHWALE: Good.
 2 I only have one other person here,
 3 Kimberly Chung, who is the property manager. I don't
 4 think she's going to be testifying this evening.
 5 CHAIRMAN FERGUSON: Okay.
 6 DIRECT EXAMINATION
 7 BY MR. BIRCHWALE:
 8 Q. So, Sean, just can you just describe, I
 9 guess, the ground floor, the first floor, and then
 10 the second floor? The ground floor is where the
 11 men's spa is located.
 12 Is that correct?
 13 A. Yeah.
 14 I think it will be better to have a
 15 full picture of the application, itself.
 16 Q. What we're basically doing here is just
 17 requesting an amended site plan. The men's spa
 18 located on the ground floor, that's going be a
 19 separate entity.
 20 Right now it's the same owner as the
 21 second floor women's spa. So what we want to do is
 22 have a -- one entity owns the men's spa on the ground
 23 floor, and then one entity will own the women's spa
 24 on the second floor.

However, the second floor spa, the
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1 through this board here, got the old variance with
 2 the -- the use variance with the spa.
 3 And he ran -- maintained the building
 4 as the owner and as a business owner as well, ran the
 5 business of the men's spa at the basement level.
 6 And the women's spa is on the second
 7 floor level. So he owns that.
 8 He ran the business at the time before
 9 -- I think several years ago the new owner came into
 10 the building there. Now he tried to rent out the
 11 hall. They're building that. They've got a problem
 12 with it. They have only one C of O running the men's
 13 spa and women's spa. There are two separate levels.
 14 You know, it has to be -- it has to be one owner.
 15 But the new owner has a really big
 16 problem to find the proper tenant to run that kind of
 17 business here.
 18 So now they decided to split --
 19 splitting the ownership -- I mean, the business
 20 ownership, basement men's level and the women's spa
 21 on the second floor level.
 22 And, basically, I explained the whole
 23 entire building here. The basement level is the
 24 men's spa. The first floor level is all the
 25 commercial, three restaurants and the one beauty

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1 parlor. The second floor is the women's spa. And
2 then, basically, was the women's spa with some
3 accessory use of nail and hair salon on the second
4 floor at that time.

5 But right now basically the second
6 floor, the whole thing is vacant.

7 So nobody -- because we couldn't get
8 the proper CO through this board -- I mean, the
9 Building Department, because we have to get another
10 amenity approval, exactly, approval.

11 CHAIRMAN FERGUSON: Right.

12 So let me just, you know -- because I'm
13 not sure that this application should even be before
14 the board, to be honest with you.

15 However, the only question I've got is,
16 because I want to be clear, you're not changing
17 the footprint of the existing building?

18 MR. BIRCHWALE: We're not expanding the
19 footprint.

20 MR. KIM: No, not at all.

21 CHAIRMAN FERGUSON: So it stays there.

22 The original owner, is he going to be one of these
23 entities?

24 MR. KIM: No.

25 CHAIRMAN FERGUSON: No?

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1 MR. COLLAZUOL: No problems. No
2 survey.

3 We asked just for a few items to
4 comply. That's really it for this property.

5 There's no survey. It's very simple.

6 CHAIRMAN FERGUSON: Yeah, right.

7 Some local documents that we could use.

8 Okay. Anybody in the audience have

9 anything?

10 (No response.)

11 CHAIRMAN FERGUSON: No?

12 Okay. Do you have another witness you

13 want to put on?

14 MR. BIRCHWALE: No.

15 CHAIRMAN FERGUSON: No?

16 Okay. So I'm going to make a motion to

17 approve this --

18 MR. BIRCHWALE: Amended site plan.

19 CHAIRMAN FERGUSON: -- amended site

20 plan.

21 VICE CHAIRMAN ALBANESE: I'll second.

22 CHAIRMAN FERGUSON: Second.

23 VICE CHAIRMAN ALBANESE: I'll second.

24 CHAIRMAN FERGUSON: Do you have any

25 comments?

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1 He's gone.

2 MR. KIM: He's gone.

3 CHAIRMAN FERGUSON: So what you're
4 going to have is basically two owners, one for the
5 women's spa and whatever she puts there and another
6 one for the men's spa, right?

7 MR. KIM: That's correct.

8 CHAIRMAN FERGUSON: So there's going to
9 be two owners instead of one? That's the whole drift
10 of the --

11 MR. KIM: In addition to that,
12 actually, on the second floor, the women's spa, the
13 existing women's spa consists of the regular spa and
14 an accessory use of hair and nail salon on that part
15 of the space there.

16 Now, we want to split that business
17 separate. So we propose on the women's spa and hair
18 and nail salon on the second floor level. So
19 basically splitting another business on the second
20 floor.

21 CHAIRMAN FERGUSON: Okay, I gotcha.

22 Any board members?

23 (No response.)

24 CHAIRMAN FERGUSON: How about any, you
25 know...

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1 MR. BIRCHWALE: No.

2 CHAIRMAN FERGUSON: No?

3 Thank you.

4 Roll call.

5 MS. LAMBRINIDES: Mr. Ferguson?

6 CHAIRMAN FERGUSON: Yes.

7 MS. LAMBRINIDES: Mr. Albanese?

8 VICE CHAIRMAN ALBANESE: Yes.

9 MS. LAMBRINIDES: Mr. Elefteriou?

10 MR. ELEFTERIOU: 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.

19 CHAIRMAN FERGUSON: Go ahead.

20 All right. You've got the next one too,

21 my friend.

22 MR. BIRCHWALE: Yes, I do.

23 Thank you.

24 CHAIRMAN FERGUSON: All right. Take

25 care now.

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1 Go ahead.

2 MR. BIRCHWALE: The next one is the

3 application of Arde Mohtaram, 226-3rd Street. Let me

4 first take care of this.

5 Also the Affidavit of Service.

6 This is an application to construct a

7 one-family -- a single-family home on an undersized

8 lot.

9 The lot is 25-feet-by-100. So,

10 therefore, there are a number of bulk variances that

11 we need. And we also need a D-6 height variance,

12 because the new structure will be 37 feet in height,

13 whereas the ordinance only permits 25 feet in height.

14 So what I'd like to do, I have two

15 witnesses this evening. Number one, Demetrios

16 Kaltsis. He's an architect. And he testified

17 earlier this evening. He's licensed in the State of

18 New Jersey. So I think you can accept him as an

19 architect for this application.

20 CHAIRMAN FERGUSON: Sure.

21 MR. BIRCHWALE: Good.

22 And then I also have Kathryn Gregory,

23 who is my client's municipal planner.

24 CHAIRMAN FERGUSON: Oh, okay.

25 MR. BIRCHWALE: Good.

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1 But just to let the board know what the

2 bulk variances are for this application.

3 **A. So everybody is aware, this property is**

4 **on the east side of Third Street. It's a**

5 **25-foot-wide-by-100-foot lot. So it's undersized,**

6 **where the minimum lot size requirement is 5,000**

7 **square feet.**

8 There is a slight incline of topography

9 of about 4-and-a-half to 5-feet high in the back.

10 There is an existing nonconforming two-story

11 structure in the rear portion of the existing

12 property.

13 The variances that we're seeking relief

14 for, which are directly as a result of the

15 nonconforming lot size, are building coverage, where

16 we're slightly over by 2-and-a-half percent. Minimum

17 lot width is preexisting. Fifty feet is required.

18 We have 25 feet. Minimum lot area, 5,000 is required

19 and we have half of that at 2,500 square feet.

20 As was discussed, the building height

21 is 25 feet and 2-and-a-half stories is required. We

22 have 37 feet.

23 And then finally, side yard, 5 feet is

24 required as a minimum for one side and 14 feet for

25 both. We are proposing 3 feet on each side for a

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1 So do you want to swear in Demetrios?

2 MR. MACRI: Please raise your right

3 hand.

4 Do you swear or affirm the testimony

5 you're about to give shall be the truth?

6 MR. KALTSIS: I do.

7 D E M E T R I O S K A L T S I S, RA

8 8005 Kennedy Boulevard, North Bergen, New Jersey,

9 having been duly sworn, testifies as follows:

10 MR. MACRI: Please state your name and

11 spell your last name for the record.

12 MR. KALTSIS: It's Demetrios Kaltsis.

13 The last name is K-A-L-T-S-IS.

14 Business address is 8005 on Kennedy

15 Boulevard in North Bergen.

16 MR. MACRI: Welcome.

17 DIRECT EXAMINATION

18 BY MR. BIRCHWALE:

19 **Q.** Demetrios, the architectural drawings

20 have been submitted to this board. So all the

21 members have the architectural drawings?

22 **A. Yes.**

23 **Q.** Demetrios, could you maybe just go over

24 the bulk variances? There's one major variance. Of

25 course, that's the height variance.

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1 total of 6.

2 And finally, the rear yard, 25 feet is

3 required and we're proposing 23 feet.

4 **Q.** Demetrios, I think the major concern of

5 this board is with the height, okay, the 37 feet.

6 Can you describe what you plan on putting on the

7 roof?

8 **A. Sure.**

9 **So if I turn to Sheet A-2, these are**

10 **the floor plans of the proposed home. I'm looking at**

11 **the far right side of the sheet. This is the upper**

12 **floor where we're proposing a family room, which is**

13 **about one-third the size of the footprint of the**

14 **floor below, and then a sliding glass door that gives**

15 **you access to a rooftop terrace over the rear portion**

16 **of the -- of the upper floor.**

17 The front portion is a hip roof, which

18 you can see here (indicating).

19 And looking at this home from the

20 street, this will be consistent in height with the

21 adjoining homes.

22 This upper level is set back about

23 15 feet. So the intent here is to be consistent with

24 the adjoining homes and have this be set back far

25 enough so it's not visible to not -- not to give the

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1 appearance of a four-story home.

2 **Q.** So these other houses in the immediate

3 area, duplexes, is that what you're referring to

4 adjoining?

5 **A.** **There are three-story duplexes on**

6 **either side of this home. Those are larger lot size,**

7 **50-by-100.**

8 **In our case, we have a narrower lot of**

9 **25 feet. So naturally there's more limited space for**

10 **yards, et cetera.**

11 So what we did is we went -- we went up

12 and provided an outdoor space for this one-family by

13 means of a rooftop terrace. That was the motivation

14 behind this design.

15 CHAIRMAN FERGUSON: That's it.

16 MR. BIRCHWALE: Yes.

17 CHAIRMAN FERGUSON: Okay. So let me

18 just say a couple things -- well, ask a couple

19 things.

20 What was on the lot before?

21 MR. KALTSIS: So I brought the existing

22 survey which shows -- which shows the prior home.

23 And you can see here (indicating) in

24 the back there is a two-story structure that has a

25 setback of 2-and-a-half feet on the left and then

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1 floors.

2 MR. KALTSIS: Right.

3 CHAIRMAN FERGUSON: The last floor is

4 up on -- it's up on top.

5 It's a terrace, et cetera, up there.

6 You're 37 feet, which I'm sure you realize is very,

7 very, very large. I mean, no one -- you know, a

8 one-family house 37 feet, it's too big.

9 So my -- you've got to get rid of this

10 whole upper floor, you know. And that would bring it

11 down to -- I believe from 37 down to 30 or 31,

12 something like that.

13 MR. BIRCHWALE: Yeah.

14 How about if we remove the rooftop -- I

15 guess rooftop deck.

16 MR. KALTSIS: Yeah.

17 So if you -- so the way the height is

18 calculated in this case, because it's a flat roof,

19 it's to the very top. If it was a sloping roof, it

20 would be to the average of the roof slope.

21 So if we were to take this off, we

22 would measure it to the average of the sloping roof,

23 which would bring it down to about 7 feet. So it

24 would come down to about the 30 feet.

25 CHAIRMAN FERGUSON: To about 30 feet.

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1 3 feet to the rear property line.

2 So this here is the structure that was

3 on the property.

4 MR. BIRCHWALE: Right.

5 And how far was it set back off the

6 street?

7 MR. KALTSIS: It was set back

8 68-and-a-half feet.

9 MR. BIRCHWALE: Sixty-eight-and-a-half

10 feet.

11 CHAIRMAN FERGUSON: Okay.

12 So was this property, as far as the

13 backyard, smaller or --

14 MR. KALTSIS: Well, in the current

15 home, it doesn't have a backyard.

16 It's only 3 feet from the rear property

17 line.

18 CHAIRMAN FERGUSON: So there's no

19 backyard.

20 MR. KALTSIS: No.

21 There's only a front yard.

22 CHAIRMAN FERGUSON: So the real problem

23 with this property is the height.

24 And I notice on your plans that you

25 have one floor, two floors, three floors, four

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1 MR. KALTSIS: Yes.

2 MR. BIRCHWALE: To 30 feet.

3 CHAIRMAN FERGUSON: Well, let's just go

4 briskly through the plans.

5 MR. KALTSIS: Sure.

6 CHAIRMAN FERGUSON: Do you just want to

7 start with the garage?

8 And what do we have in the garage? You

9 have a bath. When you say "bath," what do you mean

10 by "bath"?

11 MR. KALTSIS: It's a bathroom.

12 CHAIRMAN FERGUSON: Okay. A full bath.

13 MR. KALTSIS: It's a full bathroom with

14 a shower, yes.

15 CHAIRMAN FERGUSON: Yeah.

16 Well, that's a no-no. We don't -- we

17 don't... Tell him. This is a single-family house.

18 MR. BIRCHWALE: It's a single-family

19 house.

20 CHAIRMAN FERGUSON: Yeah.

21 But we don't -- we don't allow full

22 bathrooms behind the garage.

23 MR. BIRCHWALE: How about we go, Joe,

24 with a toilet and a sink? Would that be acceptable.

25 To get rid of --

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1 CHAIRMAN FERGUSON: Yeah.
 2 It would be -- a sink and a toilet
 3 would be okay. We accept that.
 4 MR. BIRCHWALE: Okay.
 5 CHAIRMAN FERGUSON: But we don't allow
 6 baths. What? I don't know. Who would know that?
 7 MR. BIRCHWALE: Probably the Testa girl
 8 may know that, but...
 9 CHAIRMAN FERGUSON: Is it allowed in a
 10 one-family house?
 11 MR. COLLAZUOL: I think what you're
 12 referring to is what the board prefers to see on
 13 basement, lavatories only as opposed to full baths.
 14 I think it's more of a preference and a
 15 recommendation of the board that prevails over most
 16 of the applicants these days.
 17 MR. BIRCHWALE: Demetrios, what other
 18 bathrooms do we have in this proposed structure.
 19 MR. KALTSIS: So the other bathrooms.
 20 On the main floor of the house, we have
 21 a half-bath, which is part of the kitchen, living,
 22 dining room.
 23 On the bedroom floor we have two baths.
 24 One is a part of the master suite. And the other
 25 full bath is for the other two bedrooms.

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1 MR. KALTSIS: Yes.
 2 MR. COLLAZUOL: Yeah, I didn't get it.
 3 And if you just comply with the board, that will be
 4 fine.
 5 MR. KALTSIS: Yeah, no problem.
 6 MR. COLLAZUOL: Okay.
 7 That's it.
 8 CHAIRMAN FERGUSON: That's it.
 9 MR. COLLAZUOL: Yeah.
 10 That's it from our report.
 11 Thank you.
 12 CHAIRMAN FERGUSON: All right.
 13 Anybody in the audience have anything?
 14 (No response.)
 15 CHAIRMAN FERGUSON: From the audience?
 16 (No response.)
 17 CHAIRMAN FERGUSON: Nothing?
 18 Okay. Do you want to call your next
 19 witness?
 20 MR. BIRCHWALE: Yes.
 21 Kathryn.
 22 MR. MACRI: Can you state your name and
 23 address for the record, please.
 24 MS. GREGORY: Kathryn Gregory,
 25 96 Linwood Plaza, Number 350, in Fort Lee, New

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1 CHAIRMAN FERGUSON: So we're going to
 2 get rid of the --
 3 MR. BIRCHWALE: I would suggest, yeah.
 4 I think it's a reasonable request to remove the
 5 shower from the basement.
 6 CHAIRMAN FERGUSON: But you keep it,
 7 you know, the sink.
 8 MR. BIRCHWALE: And just have a sink
 9 and a toilet in the basement.
 10 I understand that.
 11 CHAIRMAN FERGUSON: Okay.
 12 Any board members have anything?
 13 Steve, do you want to take it away?
 14 MR. COLLAZUOL: Yes.
 15 Demetrios, you were talking about
 16 topography earlier?
 17 MR. KALTSIS: Yes.
 18 MR. COLLAZUOL: You didn't submit a
 19 topographic survey.
 20 With respect to the average grade, your
 21 original plan showed plus .5 and plus .5.
 22 So will you be able to submit a full
 23 topographic survey?
 24 MR. BIRCHWALE: We can make it subject
 25 to providing that to you, Steve, if we get approval.

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1 Jersey.
 2 MR. MACRI: Do you swear the testimony
 3 you provide to this board will be the truth and
 4 nothing but the truth?
 5 MS. GREGORY: Yes, I do.
 6 K A T H R Y N G R E G O R Y, PP,
 7 96 Linwood Plaza, Number 350, in Fort Lee, New
 8 Jersey, having been duly sworn, testifies as
 9 follows:
 10 VOIR DIRE EXAMINATION
 11 BY MR. BIRCHWALE:
 12 **Q.** Kathryn, you're a licensed municipal
 13 planner in the State of New Jersey?
 14 **A. Yes, I am.**
 15 **Q.** You've appeared before this and other
 16 boards in the area as a municipal planner?
 17 **A. That's correct.**
 18 CHAIRMAN FERGUSON: You've appeared
 19 before this board.
 20 MS. GREGORY: Yeah.
 21 I come here, like, every four or five
 22 years. I'm also the planner over in Edgewater. I've
 23 testified in every surrounding town.
 24 CHAIRMAN FERGUSON: We're going to
 25 accept her.

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1 MS. GREGORY: Thank you.
 2 Great.
 3 DIRECT EXAMINATION
 4 BY MR. BIRCHWALE:
 5 Q. Kathryn, let's probably focus on the
 6 roof and the height of the building, because that's
 7 the D-6 variance.
 8 A. **Okay. I do have photos --**
 9 Q. Okay.
 10 A. **-- I wanted to hand out.**
 11 MR. MACRI: Mark them as A-1.
 12 MR. BIRCHWALE: Let's mark it A-1.
 13 (Whereupon, Photo Exhibit is received
 14 and marked as Exhibit A-1 for identification.)
 15 MS. GREGORY: So if everyone -- I made
 16 12 so I have enough.
 17 Yeah, we're good.
 18 CHAIRMAN FERGUSON: Take it away.
 19 BY MR. BIRCHWALE:
 20 Q. Can you describe the photos?
 21 A. **Yes.**
 22 **What's being handed out now is an**
 23 **11-by-17 photo exhibit that was prepared by myself.**
 24 **All of the photographs are actually**
 25 **either taken from Microsoft or Google with the**
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1 The reason that I was also showing the
 2 lower right-hand corner is that that gives you a
 3 three-dimensional view of the streetscape.
 4 And you can see that most of these
 5 properties have been redeveloped at three stories,
 6 where 2-and-a-half is permitted, at heights that are
 7 greater than 25 feet that is permitted in the zone.
 8 Based upon my conversations with the
 9 architect, he estimates that most of these are
 10 approximately 32 feet, given the fact that we don't
 11 know exactly what the grade is on each of the
 12 properties, but obviously they seem to be conforming
 13 with one another.
 14 Then the lower left-hand corner, I just
 15 was trying to look for other undersized lots that
 16 were located in the Borough of Palisades Park.
 17 So there are actually a number of
 18 different properties that are 25-by-100 that do
 19 indeed have homes on them, the most recent of which
 20 that was constructed actually 444 Glen Avenue in
 21 2007. That was actually from the tax records.
 22 Most of the homes that are located on
 23 the smaller properties were developed at a much
 24 earlier date. That would be the most recent, at
 25 least that I found in my -- in my limited search
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1 **exception of the upper left-hand corner.**
 2 **That picture was actually taken by**
 3 **myself last October, as we were waiting to get on the**
 4 **agenda.**
 5 **Now your professionals have some**
 6 **photographs.**
 7 So on the upper left-hand corner, there
 8 is a view of the property of the picture that I took
 9 last October.
 10 Since that time, that large tree has
 11 actually been cut down, and apparently the house has
 12 been removed from the property.
 13 To the right of that, what you'll see
 14 is where that house was located on the property.
 15 It's the white, sort of, square box that's located
 16 kind of in the center of that photograph.
 17 You see where that was located in
 18 relationship to all the other structures.
 19 On the right-hand side, I have a couple
 20 of aeriels.
 21 Again, the upper aerial on the right --
 22 upper right-hand corner shows basically the lotting
 23 pattern and the housing pattern located in the area,
 24 again with our property with the house that used to
 25 be on the back of the property.
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1 without doing an exhaustive search of the entire
 2 town.
 3 But with that said, I just wanted to
 4 give an idea of the neighborhood there. I know that
 5 the architect testified to the fact that there are a
 6 number of three-story duplex homes located along the
 7 streetscape on Third Street.
 8 I'm here to testify for the variances.
 9 First and foremost, we do have the D-6 height
 10 variance.
 11 Again, I stated 25 feet is permitted.
 12 We are proposing 37 feet. We are one of the
 13 structures that we're proposing to have an additional
 14 amenity, which would be that roof terrace. And
 15 that's what leads to the 37 feet versus the average
 16 of about 32 feet along the streetscape.
 17 We don't feel that this is a
 18 significant deviation at this location. It's a
 19 portion of the upper story. It's not the length of
 20 the entire house, itself. So we don't think that
 21 that's going to have a substantial negative impact.
 22 And the architect also went over the
 23 C variances with you that would be -- as he stated,
 24 we have one for minimum lot width. Fifty feet is
 25 required, and we only have 25 feet, which also means
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1 that our lot area is deficient. We have about half
2 -- actually exactly half. We have 2,500 square feet
3 where 5,000 square feet is required.

4 So that leads to the fact that we have
5 deficient side yard setbacks. Five feet and 14 feet
6 are required, one on both sides. And we are
7 proposing 3 feet and 6 feet.

8 So, you know, if we were to do that, we
9 would have a house that was not very wide. So we're
10 proposing a 19-foot-wide house, which is actually
11 modest as well.

12 And we do feel that the 3 foot on
13 either side of the property is appropriate for access
14 in and around the property.

15 We also have the rear yard setback
16 variance. Twenty-five feet is required and 22 feet
17 is proposed. We are -- well, we already eliminated
18 the existing deficient feet of 3 feet because the
19 house was actually demolished.

20 As I understand it, there were some
21 break-ins into the home. And so instead of having it
22 be a nuisance, our applicant decided to actually
23 knock down the house and got the permits to do so, so
24 it wouldn't be a nuisance to the neighborhood.

25 We're also seeking a max building

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1 will not impact adequate light, air and open space on
2 this or any adjacent properties.

3 I also believe that we promote
4 Purpose E, promoting appropriate population
5 densities. We are permitted to have a two-family,
6 5,000 feet.

7 Just by a matter of math, it would seem
8 that we would be able to have a one-family obviously
9 on an undersized lot.

10 And also Purpose I, which talks about
11 promoting a desirable environment. Again, I go back
12 to that streetscape and massing and the fact that
13 we're going to have now an actual streetscape where
14 the house is not going to be set back 65 more feet
15 from the front. We're going to, kind of, fill that
16 little donut hole in the middle and bring it up from
17 the rear as well so that we have a nice rear yard.

18 In terms of the negative criteria, I
19 don't think there's any substantial detriment to the
20 public good by the granting of the variances. It
21 will be an improvement from the existing conditions
22 or the prior existing conditions.

23 And in terms of no substantial
24 impairment to the intent and purpose of your zone
25 plan and zoning ordinance, the last Master Plan was

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1 coverage variance. Forty percent is permitted, and
2 42.4 percent is proposed. I believe this is a slight
3 over. The architect talked about. We do have an
4 undersized lot, so we're not really asking for a lot
5 more than the 40 percent which is required.

6 So in terms of the variances and the
7 criteria, I do believe that we promote a few of
8 purposes of the Municipal Land Use Law under the
9 positive criteria.

10 I do believe we promote Purpose A,
11 which talks about promoting the public health, safety
12 morals and general welfare.

13 Essentially what we're doing is taking
14 an eyesore of a property and we're creating a nice
15 new structure that's going to conform to the
16 architecture and massing of the neighborhood. We're
17 going to create that rear yard that doesn't exist
18 today.

19 So we definitely will have a much more
20 conforming street pattern at this location.

21 I also believe that we promote
22 Purpose C, which talks about providing adequate
23 light, air and open space.

24 I think the height of the limited
25 dimension and the limited portion of the property

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1 actually prepared in 2000.

2 And I was part of the firm at the time
3 this Master Plan was done, interestingly enough.

4 But we do promote a few of the goals of
5 the Master Plan. Goal Number 1 talks about
6 preserving and protecting residential character and
7 prevailing density of the community. We are doing
8 that here.

9 Goal Number 4 talks about providing a
10 variety of housing types -- housing types and
11 densities, and balance housing supply in appropriate
12 locations.

13 And that includes varying housing stock
14 from that existing single-family dwelling as well as
15 two-family dwelling.

16 And also Goal Number 5, promote the
17 continued maintenance and rehabilitation of the
18 Borough's housing stock and to replace old housing
19 stock with new. That's exactly what we're doing
20 here.

21 Obviously there was an old house that I
22 believe was built around circa 1926, according to the
23 tax records, that's now been knocked down. We are
24 providing a new state-of-the-art home in its place.

25 So with that said, I do believe that

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1 the benefits of granting the variance outweigh the
2 detriments. We are filling that donut hole and
3 completing the streetscape and bringing this property
4 basically into better conformity than it was prior.

5 And so with that said, I think that we
6 meet both the positive and the negative criteria for
7 the granting of the variances.

8 CHAIRMAN FERGUSON: Okay.
9 Any board members have anything?

10 MR. BIRCHWALE: Just one question to
11 Kathryn.

12 CHAIRMAN FERGUSON: Sure.

13 BY MR. BIRCHWALE:

14 Q. That rooftop terrace, how much of the
15 roof is that going to be covering? Is that maybe
16 just a third of the roof, or a 25 percent of the
17 roof?

18 A. Yeah.
19 **It's approximately one-third,**
20 **one-third, one-third.**
21 **So one-third seems to be the terrace.**
22 **One-third is actually a floor where they have a**
23 **family room and a storage room. And one-third is**
24 **actually the pitched roof.**

25 MR. BIRCHWALE: Okay.
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1 the building, so it's really not an issue.
2 MS. GREGORY: It's pretty much going to
3 be the same as the houses right next door.

4 MR. KAUKER: If you were leaving it, I
5 would have questions.

6 But you're eliminating it so it erases
7 the concerns.

8 CHAIRMAN FERGUSON: Okay.
9 Anybody in the audience have anything?
10 (No response.)

11 CHAIRMAN FERGUSON: No?
12 Okay. Do you want to sum up?

13 MR. BIRCHWALE: Well, I think it's -- I
14 certainly think it's an improvement compared to the
15 building that was formerly there.

16 From what I understand, the building
17 that was located on the property was constructed back
18 in 1910. It is set so far back off the road, if you
19 drive by, it looks like it's a vacant lot. That's
20 going to be eliminated, as Kathryn had said in her
21 testimony, by leveling off so it will be equal to the
22 other structures in the immediate area.

23 So I think it's clearly an improvement.

24 And, again, I think that Kathryn stated
25 that we're only looking for a one-family structure as

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1 CHAIRMAN FERGUSON: But we're
2 eliminating that whole floor.

3 The whole...

4 MR. BIRCHWALE: We are.

5 CHAIRMAN FERGUSON: I just want to be
6 clear.

7 MR. BIRCHWALE: I know, Joe, you were
8 definitely eliminating it.

9 I was just curious. I also thought
10 there was going to be opposition.

11 CHAIRMAN FERGUSON: I'm not going to
12 poll the vote, but they can vote.

13 I'll make a motion. They can vote yes
14 or no, whatever they want to do.

15 MR. BIRCHWALE: Good.

16 CHAIRMAN FERGUSON: Any board members
17 have anything?

18 (No response.)

19 CHAIRMAN FERGUSON: Mr. Kauker, do you
20 have anything.

21 MR. KAUKER: If you're eliminating the
22 floor, I have no questions.

23 CHAIRMAN FERGUSON: Yeah. The whole
24 thing, the whole --

25 MR. KAUKER: They reduced the height of
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1 opposed to a two-family. And that's simply because
2 we have a 25-by-100 lot as opposed to a 50-by-100.

3 So I think it's a very good project,
4 especially in light of the fact that we're going to
5 be taking off the top area so the height would be
6 about 31 feet. Okay.

7 Then also we do agree that the basement
8 will be a toilet and also a sink as opposed to having
9 shower facilities there also.

10 CHAIRMAN FERGUSON: Right.

11 MR. BIRCHWALE: So with that, I submit
12 and I'm hoping that it's acceptable.

13 CHAIRMAN FERGUSON: So I make a motion
14 that we accept the application with eliminating the
15 bathroom -- the shower in the basement, or the tub,
16 whatever, and eliminate the -- what it is is the
17 fourth floor entirely.

18 MR. BIRCHWALE: I understand.

19 CHAIRMAN FERGUSON: And \$2,000.00 to
20 the Tree Preservation, always. So I make that
21 motion.

22 Can I get a second?

23 VICE CHAIRMAN ALBANESE: Second.

24 CHAIRMAN FERGUSON: Roll call.

25 MS. LAMBRINIDES: Mr. Ferguson?
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1 CHAIRMAN FERGUSON: Yes.
 2 MS. LAMBRINIDES: Mr. Albanese?
 3 VICE CHAIRMAN ALBANESE: Yes.
 4 MS. LAMBRINIDES: Mr. Elefteriou?
 5 MR. ELEFTERIOU: Yes.
 6 MS. LAMBRINIDES: Mr. Grala?
 7 MR. GRALA: Yes.
 8 MS. LAMBRINIDES: Mr. Brogna?
 9 MR. BROGNA: Yes.
 10 MS. LAMBRINIDES: Mr. Chung?
 11 MR. CHUNG: Yes.
 12 MS. LAMBRINIDES: Ms. Kim?
 13 MS. KIM: Yes.
 14 CHAIRMAN FERGUSON: Okay.
 15 MR. BIRCHWALE: Thank you, Joe.
 16 Thank you, members of the board.
 17 MR. KALTSIS: Thank you.
 18 CHAIRMAN FERGUSON: Do we want to keep
 19 going, guys, or do you want to take another break.
 20 No?
 21 Keep going.
 22 The next case is 519 Orchard.
 23 519 Orchard. 519 Orchard.
 24 (Whereupon, Ms. Testa returns to the
 25 dais as the Board Counsel.)
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1 (Whereupon, Mr. Elefteriou recuses
 2 himself from this application and steps off
 3 the dais.)
 4 CHAIRMAN FERGUSON: Okay, let's go.
 5 Orchard.
 6 MR. MACRI: Good evening, Mr. Chairman,
 7 Members of the Board, for the record, my name is Marc
 8 Macri.
 9 I represent 519 Orchard, LLC, who is
 10 the record owner of property located at 519 Orchard
 11 Avenue here in the borough.
 12 We're here this evening seeking the
 13 board's permission to demolish the existing and
 14 construct a new two-family dwelling commonly known as
 15 a 6-over-6.
 16 With me this evening are our two
 17 experts, Mr. Cocoros, our architect, and Mr. David
 18 Spatz, our Professional Planner.
 19 If I can have Mr. Cocoros sworn in.
 20 He'll describe the proposed two-family lot.
 21 MS. TESTA: Do you swear the testimony
 22 you will give in the application is the truth, the
 23 whole truth, and nothing but the truth?
 24 MR. COCOROS: I do.
 25
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1 VASSILIOS COCOROS, RA
 2 467 Sylvan Avenue, Englewood Cliffs, New Jersey
 3 07632, having been duly sworn, testifies as
 4 follows:
 5 MS. TESTA: State your name for the
 6 record.
 7 MR. COCOROS: Sure.
 8 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
 9 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
 10 New Jersey 07632.
 11 CHAIRMAN FERGUSON: Okay.
 12 MR. MACRI: He's accepted.
 13 CHAIRMAN FERGUSON: We accept him. Oh,
 14 yes.
 15 DIRECT EXAMINATION
 16 BY MR. MACRI:
 17 Q. Bill, will you please describe what you
 18 propose to construct at 519?
 19 A. Sure.
 20 **519 is located on the west side of**
 21 **Orchard Avenue, 490 feet from West Edsall Boulevard.**
 22 The property, itself, is 40-feet-wide-by-100-feet
 23 deep, 4,000 square feet.
 24 The property has a small cross-slope of
 25 approximately a foot across the front, about maybe
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1 9 inches front to back; however, it does drop off
 2 considerably from front down to 104 down to 96 at the
 3 back, about 3-and-a-half to 4-foot difference in
 4 topography front to back.
 5 We're proposing an up-and-down or
 6 6-over-6 two-family dwelling based, based on the
 7 typical configuration.
 8 We have a 20-foot front yard, which is
 9 in line with the existing dwelling on each side of
 10 us, actually a little bit further back; 23-foot rear
 11 yard; 3-and-a-half side yard, which is in line with
 12 side yards on 6-over-6s that we've done before.
 13 The building footprint is
 14 33-feet-wide-by-67-feet deep. It's on three levels,
 15 one being the ground/basement floor with a garage at
 16 the front, recreation room at the back, then the
 17 apartments above that.
 18 There's two apartments. There's one on
 19 the first floor and one on the second floor.
 20 The one on the first floor is the
 21 primary. It consists of a three-bedroom
 22 configuration.
 23 The first floor is connected to the
 24 basement with a staircase. We have a trash area, a
 25 covered entry at the front.
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1 On the left side there's a door into
2 the first floor unit which is a three-bedroom layout.
3 The master primary suite in the back with an
4 en suite, two secondary bedrooms, living room, dining
5 room kitchen and eating area behind it. Behind the
6 eating area, a wood deck.

7 The second floor is basically the same
8 footprint and the same configuration. It's accessed
9 via the staircase off the common platform on the
10 right-hand side.

11 There's a full staircase up to the
12 living room, dining room, three-bedroom
13 configuration, kitchen, eating area and a deck off
14 the back.

15 The building, itself, is typical as far
16 as the footprint of the 6-over-6 on a 40-by-100. The
17 board has approved before. I guess the planner is
18 here for the variances; however, the height variance
19 is based on the requirement and also the drop-off in
20 the topography.

21 The building, itself, we have the
22 driveway a little bit higher than the sidewalk to
23 provide a positive pitch so the water does not go
24 into the driveway.

25 CHAIRMAN FERGUSON: That's it.

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1 since it's a secondary unit.

2 Then we can put a flat spot on the
3 roof. So we can do a 3-foot reduction three ways,
4 you know, a three-part reduction. Basically we're
5 going to take a foot out of the second floor, top
6 floor. We're going to take a net maybe a foot -- it
7 would be, say, a foot-and-a-half. You know, let's
8 say I'll do a flat spot on the roof.

9 Then I think we have 4 inches to even
10 lower the floor of the building a little bit lower
11 and still have positive pitch away from the driveway.

12 So you know we can -- we can do 3 feet.
13 Yeah, we can reduce the building 3 feet, but it will
14 be a combination the second floor reduction.
15 Actually, 4 -- I guess it will be 4 feet.

16 MR. MACRI: Chairman, we're going to
17 stipulate -- we'll stipulate to take 3 feet off.

18 CHAIRMAN FERGUSON: We'll make 3 feet.
19 And it's still going to not go into the basement,
20 right?

21 It's going to go into the street?

22 MR. COCOROS: Correct.

23 CHAIRMAN FERGUSON: Correct.

24 MR. COCOROS: Yes.

25 CHAIRMAN FERGUSON: Okay.

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1 MR. MACRI: That's it.

2 CHAIRMAN FERGUSON: Okay.

3 So just a couple of things.

4 Number one, I note the way you've got
5 your closet in the basement right next to the powder
6 room, as it turns out. I think we should eliminate
7 that closet. This way it doesn't -- that will be
8 number one.

9 And then also the height of the
10 building, I think I would -- I will leave it to you
11 -- but I would like to bring the height of the
12 building down 3 feet.

13 So if you wanted to do it every floor,
14 reduce the foot every foot, or if there's a way that
15 you can do the basement. Because I notice that the
16 basement is --

17 MR. COCOROS: Well, it's different -- a
18 couple ways we could do it.

19 But the basement is, basically, the way
20 the garage is, we could lower the basement height by
21 adjusting the grade at the back corner of the
22 building.

23 Since the property does drop off, we
24 can adjust the rear of corner of the building. We can
25 also reduce the top -- the top floor down to 8 feet

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1 That's all I've got.

2 Anybody on the board have anything?
3 (No response.)

4 CHAIRMAN FERGUSON: Hal?

5 Wait, wait. We're going to talk to
6 you. Wait until he finishes and then we'll talk.
7 Okay.

8 Go ahead, go.

9 MR. COLLAZUOL: Bill, everything is
10 okay.

11 The drainage system in the back maybe
12 has to be 5 to 7 feet, depending on what the
13 groundwater conditions are. And you might have to
14 put in that plastic liner possibly?

15 MR. COCOROS: Oh, okay.

16 MR. COLLAZUOL: When the soil testing
17 gets done.

18 MR. COCOROS: Understood.

19 MR. COLLAZUOL: The last item was, if
20 you could on your as S-1 drawing just show what the
21 ground cover is going to be, such as in the rear
22 yard. If that's going to be grass.

23 The same on the yards that are on the
24 sides and other areas.

25 Occasionally there has been a deviation

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1 from landscaping. So if it's on the plan, the
 2 Building Department will know that.
 3 MR. COCOROS: Okay.
 4 MR. COLLAZUOL: Thank you.
 5 That's all.
 6 CHAIRMAN FERGUSON: Okay.
 7 Anybody have anything?
 8 (No response.)
 9 CHAIRMAN FERGUSON: Name and address,
 10 dear.
 11 FEMALE AUDIENCE MEMBER: The property is
 12 40-by-100.
 13 Are they going to put a duplex?
 14 CHAIRMAN FERGUSON: No.
 15 A 6-over-6.
 16 FEMALE AUDIENCE MEMBER: I thought a
 17 duplex.
 18 MR. MACRI: A two-family house.
 19 CHAIRMAN FERGUSON: Yeah, it's small.
 20 FEMALE AUDIENCE MEMBER: Oh, okay, yeah.
 21 Because it's a small property.
 22 CHAIRMAN FERGUSON: Anybody else?
 23 (No response.)
 24 CHAIRMAN FERGUSON: No? Okay.
 25 MR. MACRI: Can I have Mr. Spatz sworn

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1 homes just beyond that.
 2 The bottom left-hand photograph is the
 3 same, looking to the left of our property. It's a
 4 single-family home, but then a newer two-family home.
 5 Then the bottom right is directly
 6 across the street, which is the newer two-family
 7 home.
 8 So we're in the AA Zone, which permits
 9 two-families. We do have one D variance, which is
 10 for the building height, which we just adjusted
 11 further, and then C variances for lot area per unit,
 12 side yard, rear yard, lot coverage. Those are
 13 related to the size of the property.
 14 So looking at the height variance, I
 15 think the site is particularly well-suited for what
 16 we're proposing.
 17 The zone permits the use. The block
 18 contains a number of two-family uses, both older and
 19 newer. So we are consistent with the development.
 20 In terms of the purposes of zoning,
 21 Purpose A is promoting public health, safety, morals
 22 and general welfare. We meet that standard.
 23 Purpose E is establishing appropriate
 24 population densities. We are a two-family home in a
 25 two-family zone.

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1 in, please?
 2 I just handed out a board-on-board.
 3 I'll mark that A-1.
 4 MS. TESTA: A-1.
 5 (Whereupon, Photo Exhibit is received
 6 and marked as Exhibit A-1 for identification.)
 7 MS. TESTA: Please raise your right
 8 hand. Do you swear the testimony you will give this
 9 application will be the truth, the whole truth, and
 10 nothing but the truth?
 11 MR. SPATZ: Yes, I do.
 12 D A V I D S P A T Z, PP, AICP
 13 60 Friend Terrace, Harrington Park, New Jersey,
 14 having been duly sworn, testifies as follows:
 15 MS. TESTA: Please state your name.
 16 MR. SPATZ: David Spatz, S-P-A-T-Z.
 17 My business address is 60 Friend
 18 Terrace in Harrington Park, New Jersey.
 19 MS. TESTA: Thank you.
 20 MR. SPATZ: The photo exhibit marked
 21 A-1. The top left-hand photograph is of the subject
 22 property.
 23 The top right-hand photograph is
 24 looking to the right of our property. It's a
 25 single-family home, but then two newer two-family

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1 And lastly, we meet Purpose I, which is
 2 promoting a desirable visual environment. Promoting
 3 a newer two-family structure on a street that
 4 contains a number of new two-family structures
 5 similar height to them.
 6 We're designing the building to fit
 7 into the slightly narrower lot.
 8 Looking at the height variance in
 9 particular, we are consistent with the development in
 10 the neighborhood. The newer two-family homes are all
 11 three stories in height, similar in height to what we
 12 are proposing.
 13 As Mr. Cocoros testified, we're
 14 reducing the building height further by an additional
 15 3 feet, which will help it blend in even better with
 16 the surrounding neighborhood.
 17 Looking at the bulk variances, the lot
 18 is 40-by-100, which is typical on that street,
 19 including for the two-family home. The properties on
 20 either side of us are fully developed so we cannot
 21 increase the size of our property.
 22 In terms of the yard setbacks, the side
 23 yards are affected by that narrowness of the
 24 property.
 25 We want to have a driveway and a garage

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1 that can accommodate parking, so the building is just
2 slightly wider, but still adjusted to fit the
3 narrowness of the property.

4 By removing the existing detached
5 garage, the rear yard is actually greater than what
6 currently exists.

7 And in terms of lot coverage, we exceed
8 the percentage, but not the square footage. The
9 drainage improvements will be made to accommodate
10 that.

11 Looking at the negative criteria, I
12 don't believe anything is significantly negative.
13 We're consistent with the neighborhood development in
14 terms of use, in terms of building height. The
15 building has been designed to be -- to acknowledge
16 the property being a little narrower than what is
17 required in that zone, although it's a lot size that
18 is typical within the neighborhood.

19 So I believe the positive criteria
20 exists, what would be considered negative, and I
21 believe the variances could be granted.

22 CHAIRMAN FERGUSON: Any board members
23 have anything?

24 (No response.)

25 CHAIRMAN FERGUSON: Nope.

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1 MR. GRALA: Yes.

2 MS. LAMBRINIDES: Mr. Brogna?

3 MR. BROGNA: Yes.

4 MS. LAMBRINIDES: Mr. Chung?

5 MR. CHUNG: Yes.

6 MS. LAMBRINIDES: And, Ms. Kim?

7 MS. KIM: Yes.

8 CHAIRMAN FERGUSON: Okay.

9 Moving right along. This will be the
10 last case of the night. It is Case No. 23-01,
11 60 Edsall, LLC.

12 MR. MACRI: Good evening, Mr. Chairman,
13 Members of the Board, again for the record, my name
14 is Marc Macri.

15 I represent 60 Edsall, LLC, who is the
16 property owner of 60 West Edsall Boulevard here in
17 the borough.

18 We're here this everyone seeking the
19 board's approval to construct a two-family
20 side-by-side duplex-style home.

21 With me this evening I have
22 Mr. Vassilios Cocoros, our architect, and David
23 Spatz, our professional plan. I'd like to begin by
24 having Mr. Cocoros sworn in.

25 MS. TESTA: Do you swear the testimony
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1 Mr. Kauker has nothing?

2 MR. KAUKER: Nothing.

3 CHAIRMAN FERGUSON: Any audience
4 members have anything?

5 (No response.)

6 CHAIRMAN FERGUSON: No?

7 Okay. I'll make a motion to accept
8 this application as submitted.

9 We're eliminating the closet. We're
10 going to abide by whatever recommendations the
11 Borough Engineer has to say. And we're going to
12 reduce the overall height of the building by 3 feet.
13 All right. And \$2,000.00 to Tree Preservation Fund.

14 I'll take a second.

15 VICE CHAIRMAN ALBANESE: I'll second
16 the motion.

17 CHAIRMAN FERGUSON: All right, Paulie.
18 Roll call.

19 MS. LAMBRINIDES: Mr. Ferguson?

20 CHAIRMAN FERGUSON: Yes.

21 MS. LAMBRINIDES: Mr. Albanese?

22 VICE CHAIRMAN ALBANESE: Yes.

23 MS. LAMBRINIDES: Mr. Elefteriou?

24 Oh, no, he's recused.

25 Mr. Grala?

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1 you'll give this application will be the truth, the
2 whole truth, and nothing but the truth?

3 MR. COCOROS: I do.

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

5 467 Sylvan Avenue, Englewood Cliffs, New Jersey
6 07632, having been duly sworn, testifies as
7 follows:

8 MS. TESTA: Please state your name for
9 the record.

10 MR. COCOROS: Sure.

11 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
12 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
13 New Jersey.

14 CHAIRMAN FERGUSON: Okay.

15 DIRECT EXAMINATION

16 BY MR. MACRI:

17 Q. Bill, can you please describe the
18 proposed two-family duplex-style building we're
19 proposing at 60 West Edsall Boulevard, please?

20 A. Sure.

21 **The property, itself, is 50-by-127.**
22 **It's on the corner of Hillside and west Edsall.**
23 **Since it's on the corner, the zoning -- we have**
24 **facing two front yards.**

25 **The house, itself, will be fronting on**
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1 **Edsall.**
 2 **From a zoning point of view -- I'm**
 3 **sorry. The front -- the house will be fronting on**
 4 **Hillside Avenue; however, from a zoning point of**
 5 **view, the front yard is considered West Edsall**
 6 **Boulevard, and the second side yard and second front**
 7 **yard is considered on Hillside Avenue.**

8 We're proposing a side-by-side
 9 two-family dwelling that's going to be
 10 84-foot-deep-by-35-foot-wide, with a 10-foot setback
 11 from the Hillside Avenue side, which is technically
 12 our front of the building.

13 From a zoning point, it's the second
 14 front yard.

15 From the front yard, we have 25 feet.
 16 And then the backyard, which abuts the side yard of
 17 the property on Hillside, we have 18 feet.

18 The proposed footprint, as I mentioned
 19 before, is 35-by-84.

20 The building coverage of 46.3 percent.
 21 And 2,140 square feet.

22 It's a three-level configuration with a
 23 two-car garage and a two-car driveway at each unit,
 24 accessed off Hillside Avenue.

25 The base of the ground floor with the
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1 higher at the front corner. As you go down -- as you
 2 go down towards Hillside, it maybe goes down about a
 3 foot or so, Then maybe down as you're heading towards
 4 Grand Avenue and Edsall Boulevard.

5 I don't know if we show that. We
 6 should show this. You see the look of the house.
 7 I'll hand it out.

8 CHAIRMAN FERGUSON: This is a nice
 9 picture here.

10 MS. TESTA: A-1.

11 MR. MACRI: A-1.

12 MS. TESTA: A-1, okay.

13 MR. MACRI: Proposed rendering.

14 (Whereupon, Proposed Rendering is
 15 received and marked as Exhibit A-1 for
 16 identification.)

17 CHAIRMAN FERGUSON: All right. So are
 18 you done with your presentation, my friend?

19 MR. MACRI: Bill, is there anything
 20 else you want to add to the testimony?

21 You're good, right?

22 MR. COCOROS: Yeah, pretty much.

23 CHAIRMAN FERGUSON: I'm distressed to
 24 see bathrooms in the garage area.

25 MR. MACRI: That's supposed to be a
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1 garage level, recreation room, home office/den.
 2 Up above we have the first floor which
 3 is the main living space: A living room, dining,
 4 room kitchen and a small home office area, guest
 5 room. That's access off the main living space
 6 (indicating).

7 The second floor is the bedroom level,
 8 which is a three-bedroom configuration, one being the
 9 master with its own en suite, then two secondary --
 10 two secondary bedrooms that share -- that have
 11 actually their own en suite bathroom also.

12 So it's a three-bedroom configuration.
 13 We have a guest room on the first floor. The ground
 14 room, we have it set up with a two-car driveway and
 15 two-car garage.

16 As far as the -- I guess the setbacks,
 17 the only one that I guess is basically -- is the
 18 closest is the rear yard, but it's abutting the side
 19 yard of the plot on Hillside.

20 So as far as the height goes, the
 21 height -- the planner is here to testify -- is a
 22 function of the garage being a little bit higher than
 23 the sidewalk.

24 The lot, itself, is basically
 25 relatively level across the front, maybe a foot

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1 closet.

2 That's going to be eliminated.

3 CHAIRMAN FERGUSON: We're going to
 4 eliminate those bathrooms, for sure.

5 And also I'm looking at the length of
 6 the rear yard, which is now on the side.

7 MR. COCOROS: Right.

8 Now it's 18 feet.

9 CHAIRMAN FERGUSON: What is it?

10 MR. COCOROS: It's 18 feet right now,
 11 the rear yard.

12 CHAIRMAN FERGUSON: So what I want to
 13 do, I would like to drop 7. Because if you look at
 14 the building coverage, you're at 46.30.

15 MR. COCOROS: Yes.

16 CHAIRMAN FERGUSON: I would like to
 17 take 7 feet from the building. And talk with your
 18 owner. And that it would bring it down to 77, right?
 19 So that would give you -- reduce the...

20 MR. COCOROS: I'll give you a
 21 calculation. So it will be -- yes. So that will
 22 bring us down to 42.44 percent.

23 CHAIRMAN FERGUSON: That would be good.
 24 So it's the bathroom along with the -- reduce the
 25 building by 7 feet.

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1 That's all I have.
 2 Do you have anything, board?
 3 (No response.)
 4 CHAIRMAN FERGUSON: Hearing nothing.
 5 MR. COLLAZUOL: Three points. The
 6 proposed retaining wall in the left rear corner as
 7 you're looking at the top and bottom.
 8 MR. COCOROS: Yeah.
 9 We can do that, that was because the
 10 property dropped off in the back corner.
 11 MR. COLLAZUOL: That's not greater than
 12 4 feet.
 13 Is that all building?
 14 MR. COCOROS: No. It's more of a
 15 landscape wall.
 16 MR. COLLAZUOL: Okay. It may need fall
 17 protection.
 18 The drainage system on the left-hand
 19 side is about 1 foot from the property line, and
 20 normally that would be in the vicinity of 5 feet. So
 21 again, that should get moved over.
 22 Of course it's depending on the soils.
 23 MR. COCOROS: Oh, the one in the
 24 backyard.
 25 MR. COLLAZUOL: Yeah.

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1 MR. COCOROS: And the new footprint is
 2 going to be 2,695 square feet, with a building
 3 coverage of 42.44 percent.
 4 MS. TESTA: Thank you.
 5 CHAIRMAN FERGUSON: Take it away.
 6 MS. TESTA: Do you swear the testimony
 7 you will give this application will be the truth, the
 8 whole truth, and nothing but the truth?
 9 MR. SPATZ: Yes, I do.
 10 D A V I D S P A T Z, PP, AICP
 11 60 Friend Terrace, Harrington Park, New Jersey,
 12 having been duly sworn, testifies as follows:
 13 MS. TESTA: State your name for the
 14 record.
 15 MR. SPATZ: David Spatz, S-P-A-T-Z.
 16 My business address is 60 Friend
 17 Terrace in Harrington Park, New Jersey.
 18 MR. MACRI: Mark that A-2.
 19 MS. TESTA: Yes.
 20 (Whereupon, Photo Exhibit is received
 21 and marked as Exhibit A-2 for identification.)
 22 MR. SPATZ: Photo Exhibit A-2 which
 23 describes the area.
 24 The top left-hand photograph is of the
 25 subject property, which is behind the white vehicle

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1 That's too close to the property line
 2 there.
 3 MR. COCOROS: How much would you like?
 4 MR. COLLAZUOL: It should be 5 feet.
 5 You're reducing the building --
 6 MR. COCOROS: Oh, yeah.
 7 MR. COLLAZUOL: -- by 7 feet.
 8 So you should have room for that.
 9 And then again on -- when you develop
 10 the landscape plan or the S-1 plan, if you show the
 11 surface features, again grass, et cetera.
 12 CHAIRMAN FERGUSON: That's it?
 13 Okay. I also notice now that there's a
 14 -- on the front of the building there's a little
 15 terrace or something like that.
 16 MR. COCOROS: Yeah, the smoking
 17 balcony.
 18 CHAIRMAN FERGUSON: How many times are
 19 we going to go through this?
 20 All right. All right.
 21 MS. TESTA: You mentioned that you're
 22 reducing 7 foot.
 23 MR. COCOROS: It's going to be
 24 35-by-77.
 25 MS. TESTA: Thank you.

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1 (indicating).
 2 The top right is looking to the right
 3 of our property, which is a new two-family home
 4 (indicating). You can see the other newer two-family
 5 homes on the street.
 6 The bottom left is looking at the
 7 property. It's a corner lot. This is the view from
 8 Hillside.
 9 And then the bottom right is looking
 10 adjacent to the property on Hillside. And that's
 11 also a newer two-family home.
 12 So we are in the AA Zone, which permits
 13 two-family homes. The lot conforms to the area
 14 requirements of the zone.
 15 We do not have any D variances in our
 16 proposal. All C variances: Building height,
 17 building coverage, front yard setback for the
 18 platform, rear yard and side yard.
 19 In terms of those variances, the newly
 20 constructed -- the recently constructed two-family
 21 homes, both to the south and west on West Edsall
 22 Boulevard and Hillside, are all three stories in
 23 height. The photographs demonstrate that.
 24 So we are consistent with the
 25 neighborhood development pattern.

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1 We exceed the height limitation by less
2 than 3 feet and only a half-story. The topographical
3 conditions that were explained by Mr. Cocoros create
4 the height variance.

5 In terms of the setbacks, it's only the
6 stairs that project into the setback area on
7 Hillside. The building, itself, is conforming. The
8 orientation of the building was switched from West
9 Edsall to Hillside, which creates smaller side yards
10 and rear yard. It's typically provided, but still
11 consistent with the neighborhood.

12 They've been improved based on the
13 modifications of the building that were made in this
14 evening. In terms of coverage, that has likewise
15 been significantly reduced. Drainage improvements
16 are being made to support that, so the positive
17 criteria are met.

18 Looking at the negative criteria.
19 Nothing significantly negative. We're consistent
20 with the neighborhood development pattern, which
21 consists of a number of newer two-family homes
22 similarly sized to ours.

23 The setbacks likewise are consistent
24 with the neighborhood. And they've been approved
25 based on tonight's changes. Landscaping is being

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1 MS. TESTA: The depth.

2 MR. MACRI: Relocate the seepage pit to
3 5 feet from the property line, as per the Borough
4 Engineer.

5 There will be no full bath in the
6 basement.

7 No balcony in the front. And the
8 voluntary contribution of \$2,000.00 to the Tree
9 Preservation Fund. Okay.

10 CHAIRMAN FERGUSON: Okay. For all
11 those, I'll move that we accept the application with
12 those changes.

13 MS. LAMBRINIDES: Can I get a second,
14 please.

15 VICE CHAIRMAN ALBANESE: Second.

16 CHAIRMAN FERGUSON: Roll call.

17 MS. LAMBRINIDES: Mr. Ferguson?

18 CHAIRMAN FERGUSON: Yes.

19 MS. LAMBRINIDES: Mr. Albanese?

20 VICE CHAIRMAN ALBANESE: Yes.

21 MS. LAMBRINIDES: Mr. Elefteriou?

22 MR. ELEFTERIOU: Yes.

23 MS. LAMBRINIDES: Mr. Grala?

24 MR. GRALA: Yes.

25 MS. LAMBRINIDES: Mr. Brogna?

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1 provided to further buffer those properties.

2 We have a conforming amount of parking
3 on the property. The driveway access has been
4 relocated from West Edsall to Hillside. So we've
5 taken it off of the busier street as well, which is
6 consistent with the development that's taking place.

7 So on balance, the positive criteria are
8 met, and that far outweighs anything that might be
9 considered negative. And I believe it's appropriate
10 to grant the variances that we're seeking.

11 CHAIRMAN FERGUSON: Any board members?
12 (No response.)

13 CHAIRMAN FERGUSON: Mr. Kauker,
14 anything.

15 MR. KAUKER: I have about ten
16 questions.

17 MR. SPATZ: I'll answer five.

18 MR. KAUKER: I'm joking.

19 I just wanted to see your face.

20 CHAIRMAN FERGUSON: All right.

21 Do you want to sum up?

22 MR. MACRI: Diane, it has to be reduced
23 by 7 feet. The length of the house will be reduced
24 by 7 feet overall. Depth.

25 I'm sorry.

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1 MR. BROGNA: Yes.

2 MS. LAMBRINIDES: Mr. Chung?

3 MR. CHUNG: Yes.

4 MS. LAMBRINIDES: Ms. Kim?

5 MS. KIM: Yes.

6 MR. MACRI: Thank you very much.

7 MR. COCOROS: Thank you.

8 CHAIRMAN FERGUSON: Motion to adjourn.

9 VICE CHAIRMAN ALBANESE: Motion we
10 adjourn.

11 CHAIRMAN FERGUSON: All in favor?

12 (Whereupon, all present members respond
13 in the affirmative.)

14 (Whereupon, the meeting is adjourned.

15 Time noted: 10:00 p.m.)

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1 CERTIFICATE

2

3 I, RONDA L. REINSTEIN, a Certified Court
4 Reporter of the State of New Jersey, authorized to
5 administer oaths pursuant to R.S.41:2-2, do hereby
6 certify that the foregoing is a true and accurate
7 transcript of the testimony as taken stenographically
8 by and before me at the time, place and on the date
9 herein before set forth, to the best of my ability.

10 I DO FURTHER CERTIFY that I am neither a
11 relative nor employee nor attorney nor counsel of any
12 of the parties to this action, and that I am neither
13 a relative nor employee of such attorney or counsel,
14 and that I am not financially interested in the
15 action.

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RONDA L. REINSTEIN, CCR No. 30X100217800

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

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