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BOROUGH OF PALISADES PARK
BOARD OF ADJUSTMENT
MONDAY, JUNE 12, 2023
7:08 P.M.

IN THE MATTER OF:)
Case No. 21-14)
Grand Bellview, LLC)
254 Grand Avenue)
Block 202, Lot 4)
Case No. 21-30)
Suzie Lee)
437 Highland Avenue)
Block: 211; Lot: 18)
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 607, Lot 42)
Case No. 23-03)
Mohamed & Zahar Jaafar)
107 Sunset Avenue)
Block 713, Lot 8)

TRANSCRIPT OF
PROCEEDINGS

B E F O R E:

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

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201-641-1812

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A P P E A R A N C E S:

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Counsel for the Board of Adjustment
MARK J. SOKOLICH, ESQUIRE
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(201) 224-4000
Counsel to the Applicants, Mohamed & Zahar Jaafar

A L S O P R E S E N T:

MICHAEL KAUKER, PP, AICP, BOARD PLANNER
GINA KIM, BOARD ADMINISTRATOR
REBEKAH HIM, BOARD SECRETARY
STEVEN COLLAZUOL, P.E., Board Engineer (ABSENT)
HAL SIMOFF, P.E., Traffic Engineer (ABSENT)

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1 CHAIRMAN FERGUSON: I'd like to call
 2 the meeting to order.
 3 (Whereupon, all rise for a Recitation
 4 of the Pledge of Allegiance.)
 5 CHAIRMAN FERGUSON: Okay. Roll call.
 6 MS. KIM: Mr. Ferguson?
 7 CHAIRMAN FERGUSON: Here.
 8 MS. KIM: Mr. Albanese?
 9 VICE CHAIRMAN ALBANESE: Here.
 10 MS. KIM: Mr. Brogna?
 11 MR. BROGNA: Here.
 12 MS. KIM: Mr. Carnovale?
 13 (No response.)
 14 MS. KIM: Mr. Elefteriou?
 15 (No response.)
 16 MS. KIM: Mr. Grala?
 17 MR. GRALA: Here.
 18 MS. KIM: Mr. Terranova?
 19 (No response.)
 20 MS. KIM: Mr. Chung?
 21 MR. CHUNG: Here.
 22 MS. KIM: Mrs. Kim?
 23 MS. ESTHER KIM: Yes.
 24 MS. KIM: Mrs. Yoon?
 25 MS. YOON: Here.

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1 CHAIRMAN FERGUSON: In accordance with
 2 the Open Public Meetings Act, notice of this meeting
 3 has been posted on the Borough Bulletin Board and
 4 notice has been approved -- has been provided to the
 5 official borough newspaper and filed with the Borough
 6 Clerk's office.
 7 Okay. So first we're going to pay some
 8 bills.
 9 We have a bill from our board attorney,
 10 1968.75. And we have a bill from the New Jersey
 11 Record, 75.16, and then we have some bills from
 12 Kauker and Kauker, which is 1,060.
 13 VICE CHAIRMAN ALBANESE: I make a
 14 motion we pay the bills.
 15 MR. GRALA: And I'll second.
 16 CHAIRMAN FERGUSON: Roll call.
 17 MS. KIM: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. KIM: Mr. Albanese?
 20 VICE CHAIRMAN ALBANESE: Yes.
 21 MS. KIM: Mr. Brogna?
 22 MR. BROGNA: Yes.
 23 MS. KIM: Mr. Grala?
 24 MR. GRALA: Yes.
 25 MS. KIM: Mr. Chung?

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1 MR. CHUNG: Yes.
 2 MS. KIM: Mrs. Kim?
 3 MS. ESTHER KIM: Yes.
 4 MS. KIM: Mrs. Yoon?
 5 MS. YOON: Yes.
 6 CHAIRMAN FERGUSON: Okay.
 7 Next we're going to -- we all have a
 8 copy of the minutes of the previous meeting.
 9 Is there any corrections to the
 10 minutes?
 11 (No response.)
 12 VICE CHAIRMAN ALBANESE: I make a
 13 motion we accept the meeting minutes.
 14 CHAIRMAN FERGUSON: Can I get a second?
 15 MR. GRALA: I'll second.
 16 CHAIRMAN FERGUSON: Okay.
 17 Roll call.
 18 MS. KIM: Mr. Ferguson?
 19 CHAIRMAN FERGUSON: Yes.
 20 MS. KIM: Mr. Albanese?
 21 VICE CHAIRMAN ALBANESE: Yes.
 22 MS. KIM: Mr. Brogna?
 23 MR. BROGNA: Abstain.
 24 MS. KIM: Mr. Grala?
 25 MR. GRALA: Yes.

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1 MS. KIM: Mr. Chung?
 2 MR. CHUNG: Yes.
 3 MS. KIM: Mrs. Kim?
 4 MS. ESTHER KIM: Yes.
 5 MS. KIM: Mrs. Yoon?
 6 MS. YOON: Abstain.
 7 CHAIRMAN FERGUSON: Okay.
 8 Now I believe we have --
 9 MS. TESTA: Resolutions.
 10 CHAIRMAN FERGUSON: Okay.
 11 Case No. 21-14, Grand Bellview, LLC.
 12 It's 254 Grand Avenue.
 13 MS. TESTA: This was for the extension
 14 from the approvals that were granted.
 15 CHAIRMAN FERGUSON: Okay. Can I get a
 16 motion?
 17 VICE CHAIRMAN ALBANESE: I make a
 18 motion.
 19 CHAIRMAN FERGUSON: Second?
 20 MR. GRALA: I'll second.
 21 CHAIRMAN FERGUSON: Okay.
 22 Roll call.
 23 MS. KIM: Mr. Ferguson?
 24 CHAIRMAN FERGUSON: Yes.
 25 MS. KIM: Mr. Albanese?

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1 VICE CHAIRMAN ALBANESE: Yes.
 2 MS. KIM: Mr. Brogna?
 3 MR. BROGNA: Yes.
 4 MS. TESTA: Abstain because you weren't
 5 here.
 6 MR. BROGNA: Abstain, sorry.
 7 MS. KIM: Mr. Grala?
 8 MR. GRALA: Yes.
 9 MS. KIM: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 MS. KIM: Mrs. Kim?
 12 MS. ESTHER KIM: Yes.
 13 MS. KIM: Mrs. Yoon?
 14 MS. YOON: Abstain.
 15 CHAIRMAN FERGUSON: Okay.
 16 Case No. 21-30, Suzie Lee, 437 Highland
 17 Avenue.
 18 MS. TESTA: This was also an extension
 19 from approvals that were granted last year.
 20 VICE CHAIRMAN ALBANESE: I make a
 21 motion to memorialize the resolution.
 22 CHAIRMAN FERGUSON: Second?
 23 MR. GRALA: I'll second it.
 24 CHAIRMAN FERGUSON: All right.
 25 Roll call.

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1 MS. KIM: Mr. Ferguson?
 2 CHAIRMAN FERGUSON: Yes.
 3 MS. KIM: Mr. Albanese?
 4 VICE CHAIRMAN ALBANESE: Yes.
 5 MS. KIM: Mr. Brogna?
 6 MR. BROGNA: Abstain.
 7 MS. KIM: Mr. Grala?
 8 MR. GRALA: Yes.
 9 MS. KIM: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 MS. KIM: Mrs. Kim?
 12 MS. ESTHER KIM: Yes.
 13 MS. KIM: Mrs. Yoon?
 14 MS. YOON: Abstain.
 15 CHAIRMAN FERGUSON: Okay.
 16 And I think Case No. 22-08 is asking
 17 for an adjournment.
 18 MS. TESTA: Correct.
 19 CHAIRMAN FERGUSON: So this has been on
 20 the calendar now for a couple of months and I think
 21 we should -- I don't know what the situation is, why
 22 he's not here tonight, but I think this is going to
 23 be the last time that we grant them an adjournment,
 24 because otherwise we're just going to keep on going.
 25 MR. COCOROS: Can I give some

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1 MS. KIM: Mr. Ferguson?
 2 CHAIRMAN FERGUSON: Yes.
 3 MS. KIM: Mr. Albanese?
 4 VICE CHAIRMAN ALBANESE: Yes.
 5 MS. KIM: Mr. Brogna?
 6 MR. BROGNA: Abstain.
 7 MS. KIM: Mr. Grala?
 8 MR. GRALA: Yes.
 9 MS. KIM: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 MS. KIM: Mrs. Kim?
 12 MS. ESTHER KIM: Abstain.
 13 MS. KIM: Mrs. Yoon?
 14 MS. YOON: Abstain.
 15 CHAIRMAN FERGUSON: Okay.
 16 Case No. 22-13, Atrium Billiards Cafe,
 17 315 Broad Avenue, and I believe this is the one that
 18 withdrew.
 19 MS. TESTA: Yes, this is a withdrawal.
 20 VICE CHAIRMAN ALBANESE: I make a
 21 motion we accept the withdrawal.
 22 CHAIRMAN FERGUSON: Okay. Second.
 23 MR. GRALA: I'll second.
 24 CHAIRMAN FERGUSON: That a boy, John.
 25 Roll call?

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1 background on that?
 2 MS. TESTA: Not really.
 3 CHAIRMAN FERGUSON: So in other words,
 4 have a seat.
 5 VICE CHAIRMAN ALBANESE: I second that
 6 motion that Mr. Ferguson made.
 7 MS. TESTA: Yeah, do you want to
 8 approve the continuation with or without notice to
 9 the public?
 10 Is anyone here for 128 Grand Avenue?
 11 (No response.)
 12 MS. TESTA: Okay.
 13 Do you want to do it with no notice or
 14 do you want to have them provide notice?
 15 CHAIRMAN FERGUSON: Well, there's a
 16 problem with his plans.
 17 MS. TESTA: He has to resubmit them,
 18 which I guess the architect is working on, yes.
 19 CHAIRMAN FERGUSON: Okay. So he has to
 20 do -- notify everybody with the new plans?
 21 MS. TESTA: Well, he could -- no,
 22 because as long as the plans are here 10 days before
 23 the hearing, but if you want because it's been
 24 carried for so long, you want him to provide notice
 25 or we can tell him that this is his last

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1 postponement.
2 CHAIRMAN FERGUSON: Oh, we definitely
3 want to tell him this is the last.
4 MS. TESTA: This is the last
5 postponement and give the notice here at the meeting.
6 We could do it either way.
7 CHAIRMAN FERGUSON: Okay. All right.
8 We'll do the notice.
9 MS. TESTA: Okay. So that's motion.
10 So we'll carry it for one month --
11 VICE CHAIRMAN ALBANESE: I'll second
12 that motion.
13 MS. TESTA: -- with no further notice
14 required by the applicant.
15 CHAIRMAN FERGUSON: And this is the
16 last one.
17 MS. TESTA: Yeah, I'll let him know.
18 Roll call, please.
19 MS. KIM: Mr. Ferguson?
20 CHAIRMAN FERGUSON: Yes.
21 MS. KIM: Mr. Albanese?
22 VICE CHAIRMAN ALBANESE: Yes.
23 MS. KIM: Mr. Brogna?
24 MR. BROGNA: Yes.
25 MS. KIM: Mr. Grala?
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1 MR. GRALA: Yes.
2 MS. KIM: Mr. Chung?
3 MR. CHUNG: Yes.
4 MS. KIM: Mrs. Kim?
5 MS. ESTHER KIM: Yes.
6 MS. KIM: Mrs. Yoon?
7 MS. YOON: Yes.
8 MS. TESTA: Okay.
9 So Case No. 22-08, Hosu Lee, 128 Grand
10 Avenue, at the request of the applicant, is being
11 carried to the July meeting.
12 Let's get the date for the record.
13 It's going to be July 17th, 2023, at
14 7:00 p.m.
15 They'll be no further notice and it's
16 also the board's motion that this will be the last
17 postponement granted to the applicant, but again, the
18 next date for this hearing is July 17th, 2023, at
19 7 p.m.
20 They'll be no further notice.
21 CHAIRMAN FERGUSON: Okay.
22 So the next case and the only case for
23 tonight is Case No. 23-03, 107 Sunset -- I think -- I
24 don't think it's avenue.
25 MR. BROGNA: Place.
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1 CHAIRMAN FERGUSON: Place.
2 Okay. Counsel, if you want to put your
3 appearance in.
4 MR. SOKOLICH: Yes, Chairman, thank
5 you.
6 Mark Sokolich on behalf of the
7 applicant Mohamed and Zahar Jaafar regarding
8 107 Sunset Place designated as Lot 8, Block 713.
9 Just by way of housekeeping, we had
10 provided your board counsel with the affidavit of
11 service with the mandatory exhibits including proof
12 of publication and proof of certified mailing, which
13 I trust hopefully is in order, vesting the board the
14 jurisdiction to hear the application.
15 Just by way of general background and
16 very brief background, this property exists at
17 107 Sunset Place, consists of over 8,000 square feet.
18 It is in your AA zone, predominant use
19 being one- and two-family. The request is for a
20 three-family triplex development.
21 In conjunction with the application
22 that our office filed on behalf of the applicants,
23 there are multiple exhibits, not the least of which
24 include proof that all real estate taxes have been
25 paid up to date and itemization of the variance is
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1 sought.
2 A proposed copy of the public notice,
3 per the requirement of your ordinance, and a request
4 for the letter of denial.
5 As I said, this is an application for a
6 three-family. These types of applications only fit
7 particular and peculiar tight pieces of property in
8 certain sections of the borough.
9 We respectfully believe that we are
10 presenting the board with that very type of property.
11 As far as this evening is concerned,
12 the applicant will present testimony from Vassilios
13 Cocoros, architect, and David Spatz as planner.
14 I do not want to consume any more of
15 the board's time and with the Chair's permission,
16 we'd ask Mr. Cocoros to be sworn in, if that's okay.
17 CHAIRMAN FERGUSON: It's fine with me.
18 THE COURT REPORTER: Can you just spell
19 your name before you're sworn in?
20 MR. COCOROS: Sure.
21 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
22 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
23 New Jersey.
24 THE COURT REPORTER: Thank you.
25 MS. TESTA: Do you swear the testimony
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1 you will give in this application will be the truth,
 2 the whole truth, and nothing but the truth?
 3 MR. COCOROS: I do.
 4 VASSILIOS COCOROS, RA
 5 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 6 having been duly sworn, testifies as follows:
 7 MS. TESTA: Thank you.
 8 CHAIRMAN FERGUSON: Okay. It seems
 9 that our engineer is not here tonight for some --
 10 MR. SOKOLICH: But we do acknowledge --
 11 I should have pointed that out, Chairman, we do
 12 acknowledge receipt of his comments.
 13 CHAIRMAN FERGUSON: Oh, you do?
 14 Okay.
 15 MR. SOKOLICH: And we can represent to
 16 the board that there are no comments in that letter
 17 that we cannot reasonably satisfy, subject, of
 18 course, to any amendments by the board.
 19 CHAIRMAN FERGUSON: Okay.
 20 Mr. Cocoros, you're up.
 21 VOIR DIRE EXAMINATION
 22 BY MR. SOKOLICH:
 23 Q. Mr. Cocoros, you have been -- you've
 24 been accepted as an expert in the field of
 25 architecture before this board multiple times?
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1 A. Yes.
 2 Q. Your credentials haven't changed and
 3 you still remain an expert in the field of
 4 architecture?
 5 A. Yes.
 6 Q. And I presume --
 7 CHAIRMAN FERGUSON: He's been here
 8 many, many times.
 9 MR. SOKOLICH: Yes, he has, probably
 10 more than you and I.
 11 Thank you, Chairman.
 12 DIRECT EXAMINATION
 13 BY MR. SOKOLICH:
 14 Q. The scope of your engagement, if you
 15 would, for the benefit of the record. And then I'm
 16 going to mark as A-1 what you've identified also as
 17 A-1, which are your plans entitled "Front Elevation
 18 and Site Plan" initially dated October 21, 2022; last
 19 revised date February 7th, 2023.
 20 (Whereupon Front Elevation and Site
 21 Plan Last Revised February 7th, 2023 is
 22 received and marked as Exhibit A-1 for
 23 identification.)
 24 BY MR. SOKOLICH:
 25 Q. Bill, if you could just indicate to the
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1 board the scope of your engagement and then if you
 2 could get into the existing conditions on A-1.
 3 A. Sure.
 4 I was basically retained to design a
 5 three-family.
 6 AUDIENCE MEMBER: I can't see the plan.
 7 BY MR. SOKOLICH:
 8 Q. Go ahead, Bill.
 9 A. Yeah, basically I was retained to
 10 design a three-family dwelling on the existing
 11 property.
 12 The property is located on the
 13 northwest corner of Sunset Place and Grantwood
 14 Boulevard.
 15 It's basically just north of the car
 16 wash and just north of Route 5.
 17 It's close to the Ridgefield border.
 18 We're proposing to demolish the
 19 existing improvements on the property.
 20 Right now the house, itself, fronts
 21 onto Sunset Place and there's a garage and driveway
 22 from the Grantwood Boulevard.
 23 We're proposing to do a three-unit,
 24 townhouse-style dwelling facing on Grantwood.
 25 The property is irregular. It's a
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1 total of 8047.64 square feet.
 2 The irregular nature of the property
 3 and the corner makes it a little difficult to come up
 4 with a scheme to, kind of, work within this -- in
 5 this configuration.
 6 So we decided to put the three units
 7 facing Grantwood, which is kind of the -- would match
 8 the townhouses that are closer to the car wash with a
 9 two-car driveway and a two-car garage for each unit
 10 on Grantwood.
 11 The building, itself, kind of, is not a
 12 square or a rectangle. It's basically sought to
 13 accommodate the irregular shape of the lot, which is,
 14 kind of, nice because it gives the building a little
 15 bit of variety.
 16 Instead of having basically four square
 17 walls, you have, you know -- along Sunset Place, you
 18 have basically three sections that have -- telescope
 19 out to each other which follow the angle of Sunset
 20 Place.
 21 The proposed dwelling is a three-story
 22 brick structure with basically a ground floor
 23 basement, a first floor living space and a second
 24 floor for bedrooms.
 25 Q. And the exterior façade that you chose,
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1 Bill, or proposed, I should say?

2 **A.** It's all brick structure; however, we
3 do have some bay windows.

4 And we'll treat the different panels
5 with either a stucco or, like, a metallic panel to
6 break up the overall elevation, especially on Sunset
7 Place and on Grantwood Boulevard.

8 The main building, itself, is set back
9 along the -- our -- which I would call our left side,
10 which is basically the west portion of the property,
11 which is 101.14-feet deep.

12 We're setting that back 6 feet, which
13 is in line with the typical duplex.

14 And same thing on the staircases, I
15 think we have 3-feet-2-inches of the staircase,
16 5-foot staircase, and this case it's, I think it's
17 4-foot-4.

18 So we set it up where the portion on
19 the interior side basically looks like a typical
20 duplex.

21 Since it's irregular along Grantwood,
22 at the closest point, we have 23 feet from Grantwood.

23 At the closer point at the
24 intersection, I think we're closer to 18 feet.

25 So there are variance for the front

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1 **A.** No, it's going to be commensurate on
2 all four sides.

3 **Q.** As far as utilities are concerned,
4 Bill, I believe you have a stormwater management
5 system that's depicted on A-1, correct?

6 **A.** Yes, we have all the stormwater
7 changes.

8 We also that S-2 with more details.

9 **Q.** And just a quick preliminary, there's
10 no stormwater management system on-site now to speak
11 of, correct?

12 **A.** No.

13 **Q.** So that water might be going anywhere,
14 but it's not contained within the system?

15 **A.** Correct.

16 **Q.** Your system is designed to do what?

17 **A.** It's designed to capture all the roof
18 leaders.

19 In addition, as per the board
20 engineer's previous comments on other projects, we
21 also have trench drains at the front of the driveway
22 since our driveway is a little bit higher than the
23 sidewalk.

24 He wants whatever flow from the
25 driveway to be captured and also put into those

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1 yard setback; however, we do adjust the building to
2 try to keep it as much, you know, as set back as
3 possible.

4 We also have enough room to park two
5 cars in each driveway within the full right-of-way.

6 **Q.** And vehicular access is only from the
7 front off of Grantwood, correct?

8 **A.** Correct.

9 **Q.** And there is how many cars in the
10 garage?

11 **A.** It's a two-car garage in all the units.

12 **Q.** And two-car driveway for all the units?

13 **A.** Correct.

14 And, you know, the -- and there's also
15 between the actual right-of-way line, there's maybe
16 3 feet in some cases.

17 In some cases we have 4-and-a-half feet
18 from the right-of-way line to the actual sidewalk.

19 **Q.** The exterior façade that you spoke of
20 before, that's going to be consistent on all four
21 sides, correct?

22 **A.** Yes.

23 **Q.** In other words, there's not a cheaper
24 or less expensive material used in the rear or on the
25 sides?

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1 stormwater chambers.

2 **Q.** I know we're a little ahead of
3 ourselves, but we do acknowledge receipt of detailed
4 memorandum from Mr. Collazuol, we'll date it October
5 20, '23 [sic], correct?

6 **A.** Yes.

7 **MR. SOKOLICH:** I don't want to belabor
8 the board or the --

9 **MS. TESTA:** What's the date?

10 **MR. SOKOLICH:** I'm sorry?

11 **MS. TESTA:** The date of that?

12 **MR. SOKOLICH:** I'm sorry.

13 April 20, 2023.

14 **MS. TESTA:** Thank you.

15 **BY MR. SOKOLICH:**

16 **Q.** I don't want to belabor the board of
17 the public with a line-by-line itemization, but was
18 there anything in this memorandum, Bill, that you
19 didn't see that the applicant could not either
20 completely or materially comply with to the spirit of
21 Mr. Collazuol's memorandum?

22 **A.** No, we could comply with the
23 requirements, as per Steve's letter.

24 **Q.** And to that end, if Steve requested,
25 for example, a catch basin or a pipe or whatever

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1 modification, put it somewhere else that you
 2 otherwise would propose, in fact, we would follow
 3 Mr. Collazuol's lead on that?
 4 **A.** Correct, we usually -- you know, his
 5 biggest concerns were either in this case here that,
 6 you know, make sure we don't damage that -- the mat
 7 or the crosswalk bays, you know, those are the, kind
 8 of, main issues that he worried about.
 9 **Q.** Yes, sir.
 10 Got it?
 11 **A.** And also I'll just mention some of the
 12 reasons also why we put it on Grantwood is it's a
 13 little more of an open space.
 14 It's set back, you know, by the corner
 15 of Sunset Place. It's a little bit of a tight street
 16 whereas at Grantwood there's a right-of-way.
 17 So that's part of the reason why we
 18 also fronted the dwelling on Grantwood.
 19 The backyards of these units are, kind
 20 of, set up for a triangular-shaped backyard.
 21 The one closer to Sunset Place has more
 22 of just an access area in the back.
 23 We do have a yard area that could be
 24 screened off that's all Sunset Place and it's far
 25 enough away from the corner where we would not impede

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1 have 4-foot-1; however, it's probably closer to
 2 6 feet or maybe 7 feet as you get towards the middle.
 3 The other unit, same thing.
 4 We have about 8 feet from the deck to
 5 the side yard, except it's more of a side yard than
 6 the neighbor and we tried to minimize the impact in
 7 the backyard.
 8 So in this case here, there's no roof
 9 decks or anything on these properties, so we would
 10 like to keep the decks as a nice space to have off
 11 the kitchen.
 12 **Q.** And on Unit C without having much of a
 13 rear yard, it's on the side of the unit, correct?
 14 **A.** Correct, and then what we usually do
 15 with those is since it's a new thing, we, kind of,
 16 picked up from Cliffside Park is we can do, like, a
 17 masonry pier at the deck so it looks like it's part
 18 of the building and not like a cheap wood post at the
 19 corner.
 20 So it, kind of, looks like it's tied
 21 together with both Sunset Ave, say, with the deck
 22 post, we could have a nicely done deck with like a
 23 12-by-12 brick pier that, kind of, would match the
 24 brick of the deck, itself.
 25 **Q.** Are you addressing landscaping on your

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1 the visual triangle on the corner of Grantwood and
 2 Sunset Place.
 3 The closest point of the building at
 4 that area there is 5-foot-4 and -- about
 5 5-foot-4-and-a-half inches form the building corner;
 6 however, that is be more of a side yard.
 7 From a zoning point of view, it's a
 8 rear yard, but if you're looking at it from Sunset
 9 Place, it's more of a side yard to that building.
 10 So it's, kind of, close to the 5 -- the
 11 6-foot requirement.
 12 As you go back further, the buildings
 13 get further and further -- the building gets further
 14 away from that side yard, the adjacent property
 15 that's on Sunset.
 16 **Q.** Now, Bill, at the rear, are there any
 17 decks to speak of that you want to address now or
 18 would you rather we get to the floor plan on those?
 19 **A.** I'll show you.
 20 On the Unit A and B there's a deck in
 21 the rear.
 22 We have -- they are set up at
 23 9-foot-by-12-feet, which is a typical deck size in a
 24 duplex.
 25 At the closest point on the unit, we

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1 site plan or is that a separate page, Bill?
 2 You don't have to -- we'll get to it
 3 when we --
 4 **A.** I don't think we did landscaping.
 5 We usually do. If Steve recommends
 6 anything, you know, we would work with it.
 7 I know here the critical point is the
 8 corner of Sunset; however, we probably could provide
 9 some privacy landscaping along the northern portion
 10 of the property.
 11 The right, you know, we'd probably just
 12 put a fence, as a typical duplex. I'm sorry, the
 13 left we would do a typical fence, like a PVC along
 14 the property.
 15 **Q.** And were the board to act favorably and
 16 make a conditional landscaped plan, in fact, the
 17 applicant will provide that to the satisfaction of
 18 the board's engaged experts, correct?
 19 **A.** Yes.
 20 **Q.** There's a zoning schedule that's on
 21 your A-1.
 22 We have a planner that's on deck. If
 23 you want to briefly review those variances;
 24 otherwise, they do whatever your preference, Bill, I
 25 will leave that to your discretion?

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1 A. Okay.
 2 This is located in the AA zone where it
 3 allows for two-family dwellings lot size.
 4 The required is 5,000 square feet.
 5 We have a lot size of 8,047.64 square
 6 feet, lot width 50 feet.
 7 We have a lot width as you're looking
 8 at it from, this will be Sunset, I have 65 feet at
 9 the closest point. I have a front and it goes to
 10 101.14 feet, so the lot size --
 11 Q. Just the variances.
 12 A. I'm sorry. The dwelling units, it's a
 13 two-family zone. So we're proposing three units,
 14 which is a variance.
 15 Lot area per dwelling unit in the zone
 16 is two-and-a-half thousand square feet. We have
 17 2,682 square feet.
 18 So the -- even though it's a variance
 19 for the three units, however, we do comply with the
 20 density.
 21 Building coverage. We are requesting a
 22 building coverage variance where we have
 23 44.47 percent.
 24 And the maximum footprint that we have,
 25 we're at 3,579 square feet.

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1 Front yard setback, and this is based
 2 on the irregular-shaped lot, we have a variance for
 3 19.06 feet and then it's 25 feet at the farthest
 4 point.
 5 So we do have a variance for the front
 6 yard, front yard platform with 4-foot enclosure.
 7 We have 13.25 feet to the deck. Right
 8 side yard setback 6-foot-10, which is based on the
 9 wider lot than 50-by-100.
 10 We have a proposed setback of
 11 5-and-a-half feet, 4.2 feet, and 15 feet. So we are
 12 requesting a variance for those two front sections of
 13 the dwelling.
 14 Left side yard, 16-foot-8 is required.
 15 That's also based on being in the corner and also the
 16 oversized nature of the lot. We have 18.06, 17.92
 17 and 23 feet.
 18 So the -- I'm sorry, that's not a
 19 variance. We do comply. Sorry about that.
 20 Rear yard setback we have 25 feet. We
 21 have 6-feet setback, which is a variance; however,
 22 that portion is along the side yard with the adjacent
 23 neighbors, so I think that could be granted --
 24 Q. But to be clear, the rear yard is being
 25 treated as the yard that's the side yard to the

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1 adjacent property because this is a corner lot,
 2 correct?
 3 A. Yes.
 4 And the building height, 2-an-a-half
 5 stories, 25 feet, which is based on a typical
 6 non-duplex requirements, because we're not a duplex,
 7 we're a three-family, a townhouse they're calling is
 8 25 feet.
 9 We have a three-story structure and
 10 that's 33 feet measured to the midpoint of the roof
 11 from the average.
 12 Part of that house, it does drop off as
 13 you're going from the left front to the left rear.
 14 In addition it's, kind of, a low part
 15 of town, so we want to make sure that we have the
 16 driveways up high enough from the sidewalk level so
 17 we could provide positive pitch away from the
 18 driveways themselves.
 19 And to mitigate that positive pitch
 20 away, we do have trench drains that would catch that
 21 rain water and then put it into the stormwater
 22 system.
 23 Q. Billy to conclude your testimony, I'm
 24 going to mark, with Diane's permission as A-2, your
 25 plan entitled "Elevations and Basement." Excuse me.

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1 Which has an initial date of October 21, 2022, a last
 2 revised date of February 7th, 2023.
 3 (Whereupon, Elevations and Basement
 4 Last Revised February 7th, 2023 is received
 5 and marked as Exhibit A-2 for identification.)
 6 BY MR. SOKOLICH:
 7 Q. It depicts -- A-2, that is, depicts the
 8 sides of the premises.
 9 If you have anything to comment on,
 10 feel free. Otherwise, starting at the lowest level
 11 and then bring us through the house?
 12 A. Sure.
 13 If you're looking on the left side of
 14 the elevations, the rear elevation, which is the side
 15 yard along Sunset, it looks, you know, basically,
 16 like, your typical side yard of a duplex, except we
 17 have a couple of decks on the unit.
 18 The one that closest to the -- on the
 19 right-hand side is Unit A, which is basically the
 20 typical duplex configuration.
 21 Left elevation, which is the -- like I
 22 said, the west side of the property, it looks like
 23 basically your typical duplex.
 24 You can see here there's quite a bit of
 25 a drop off from the front to the back where our

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1 driveway is, it's almost a 4-and-a-half foot
2 difference. So that's part of the reason for the
3 height variance.

4 On the right-hand side, we have the
5 floor plan basically set up with a garage, two-car
6 garage in the front for each unit.

7 In the back we have a recreation room,
8 den, powder rooms. The middle unit has slightly
9 different configuration, but we have the den and the
10 recreation room next to each other.

11 Unit C is -- since it's a more
12 rectangular shape, has a similar configuration to the
13 middle unit.

14 However, we actually set it up where we
15 can have the right side of that unit a little bit
16 nicer because it's facing Sunset.

17 You can see here the steps kind of step
18 in more where we typically have, like, a
19 foot-and-a-half indentation in the front portion of
20 the building and here we're going in a full 5 feet
21 from the corner, which kind of helps open up that
22 corner from anybody driving down from Sunset.

23 Q. Billy, I'm going to turn you to your --
24 I believe this is your last page, correct?

25 A. Of the architectural.

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1 It's slightly configuration --
2 different configuration because of the irregular
3 shape of the footprint (indicating).

4 Each one has an entry from a staircase
5 on the exterior at the sidewalk level (indicating).

6 The two outside units have, kind of, a
7 resectional in from the side to minimize their impact
8 to the front yard (indicating).

9 However, the one in the middle, since
10 it's the middle, we come out closer to the sidewalk
11 (indicating).

12 However, at that portion there, it's
13 further away from the corner so the impact is not as
14 pronounced (indicating).

15 Second floor is on the right-hand side,
16 which is basically a bedroom level (indicating).

17 Each one same program, basically a
18 three-bedroom configuration, one being a master or
19 primary suite, which has its own bathroom with a
20 double sink, soaking tub, it's almost, like, a shower
21 with an alcove (indicating).

22 And then there's two secondary bedrooms
23 each with their own closet. They share a hall
24 bathroom (indicating).

25 There's a side-by-side laundry on the

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1 Q. Yup, of the architectural.
2 I'm going to mark it as A-3, we'll date
3 it today the 12th, and I will initial it.

4 The plan is entitled "Floor plans."

5 Initial date October 21, 2022, last
6 revised February 7th, 2023?

7 (Whereupon, Floor Plans, Last Revised
8 February 7th, 2023 is received and marked as
9 Exhibit A-3 for identification.)

10 BY MR. SOKOLICH:

11 Q. I didn't ask you this, but on A-1, A-2
12 and now what's in front of you A-3, these plans were
13 prepared by you?

14 A. Yes.

15 Q. Okay.

16 If you bring us through, please, Bill,
17 what you're calling the first and second floor plan
18 of the units?

19 A. Sure.

20 Sheet A-3 on the left side we have the
21 first floor, which is basically the living space
22 (indicating).

23 Each unit has basically the same
24 program. I'm talking about living room, dining room,
25 kitchen and eating area (indicating).

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1 second floor, and then we have a linen closet
2 (indicating).

3 So, you know, they're basically the
4 same layout. I'm sorry, the layouts are different,
5 however, they have the same amount of amenities.

6 Q. And, Bill, just to be clear for the
7 board, I believe the gross floor area of the
8 footprint is right around 3575 square feet, correct?

9 A. Yes, the actual ground floor.

10 On the upper floors it's a little
11 bigger because of the overhang, which is typical on a
12 duplex.

13 Q. So you're in the vicinity of 33, 3400
14 square foot per unit all in, correct?

15 A. Yeah.

16 Q. Quick math.

17 The point I'm making is these are not
18 by any stretch of the imagination oversized townhouse
19 units nor do they in comparison to, for example, a
20 conventional duplex, they're not overly large or much

21 --

22 A. No, they're comfortable.

23 You know, the extra width of the lot is
24 actually nice because we get a real two-car driveway
25 and a real, you know, two-car garage.

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1 Q. Got it.
 2 We've already confirmed that you
 3 acknowledge receipt of Mr. Collazuol's memo and
 4 there's nothing in there that's fatal to the cause,
 5 for lack of a better term, all will be complied with?
 6 A. We'll comply.
 7 Q. And is there anything else that you'd
 8 like to add for the benefit of the application?
 9 A. It was a difficult site to work with.
 10 You know, with try to minimize, you know, impact in
 11 the area and that's the reason why we put it on
 12 Grantwood to, kind of, match the -- there are some
 13 multifamilies in the area there. They will count
 14 that. There's also townhouses that are probably
 15 built in the '80s closer to the car wash.
 16 MR. SOKOLICH: Thank you, Bill.
 17 Chairman, I offer Mr. Cocoros.
 18 CHAIRMAN FERGUSON: Okay.
 19 So I don't mind telling you whenever I
 20 get these applications that you're doing the left and
 21 the right and switching, they're not the usual type,
 22 it's very confusing to me.
 23 So let's just go through it real easy.
 24 THE WITNESS: Sure.
 25 CHAIRMAN FERGUSON: The first thing is

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1 I don't -- I see, in the ground floor, I see a
 2 bathtub, which you know because you come here every
 3 meeting, that you can't have a bathtub in the
 4 basement.
 5 You can have a sink and a, you know --
 6 THE WITNESS: Understood.
 7 CHAIRMAN FERGUSON: No bathtub.
 8 VICE CHAIRMAN ALBANESE: And no shower.
 9 CHAIRMAN FERGUSON: And no shower.
 10 Thank you, Paul.
 11 THE WITNESS: We actually, yeah, the
 12 other two were in there --
 13 CHAIRMAN FERGUSON: I thought maybe you
 14 slide it in on the --
 15 THE WITNESS: No, no.
 16 CHAIRMAN FERGUSON: Okay. Let's go to
 17 the plan now.
 18 I'm on Grantwood Boulevard, I'm looking
 19 at the house, what's on the right side of the house
 20 as I'm looking at it on the right side of the house;
 21 is that rear yard or is that the --
 22 THE WITNESS: If you're looking at it
 23 from Grantwood?
 24 CHAIRMAN FERGUSON: I'm looking at it
 25 from Grantwood.

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1 THE WITNESS: On the right side is
 2 basically Sunset Place, that's --
 3 CHAIRMAN FERGUSON: What is that?
 4 THE WITNESS: It's -- basically it's
 5 like a side yard, but we treat that front, you know,
 6 we try to make it look like the front of the house
 7 also.
 8 So, you know, what we did here, we
 9 basically made this symmetrical so when you look at
 10 it from -- even though it's a side yard, it's like a
 11 second front yard.
 12 So what we did is we try to make it as
 13 nice as possible when you're looking at it from
 14 Sunset.
 15 CHAIRMAN FERGUSON: No, I understand,
 16 but is it -- would you call it a side yard, a rear
 17 yard?
 18 THE WITNESS: It's a side yard.
 19 CHAIRMAN FERGUSON: It's a side yard?
 20 THE WITNESS: Yeah, the way we oriented
 21 the dwelling, itself, I think --
 22 CHAIRMAN FERGUSON: So --
 23 MR. KAUKER: Joe, if I could just
 24 interject?
 25 Bill, are you talking about what it

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1 would be defined as per the ordinance for zoning?
 2 THE WITNESS: I'm sorry.
 3 From zoning the way the lot is set up
 4 from -- yeah, you're right, from a zoning point of
 5 view, this is technically it's like a corner unit.
 6 This is technically a front yard (indicating).
 7 However, from a development point of
 8 view, you're right, this is from a zoning point of
 9 view, this is the front yard and the second side yard
 10 or second front yard would be Grantwood.
 11 CHAIRMAN FERGUSON: So you've got two
 12 front yards?
 13 THE WITNESS: Yeah, because it's a
 14 corner property.
 15 CHAIRMAN FERGUSON: Yeah, I understand,
 16 that's why it's confusing.
 17 But let's go on.
 18 So on the one side which is now the
 19 left side, what I call the left side, what's the
 20 house from the property going or from the -- so
 21 you're showing on that side, you're showing steps,
 22 correct?
 23 THE WITNESS: You're looking at it from
 24 Grantwood, right?
 25 CHAIRMAN FERGUSON: I'm looking at it

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1 from Grantwood.
 2 THE WITNESS: Yeah, on the left-hand
 3 side is basically a typical duplex.
 4 You have the steps and then you have
 5 the 3-foot-2 walkway and then you have 6-foot to the
 6 building, which is like a typical duplex.
 7 CHAIRMAN FERGUSON: Right.
 8 How much do you have on the other side?
 9 THE WITNESS: On the other side, it
 10 varies.
 11 It's basically, like, 13-feet-3-inches
 12 to the deck. And then at the -- we have 19 feet
 13 closer to the -- closer to the Sunset corner.
 14 CHAIRMAN FERGUSON: Okay.
 15 So here's my first thought: Is there
 16 any reason why we couldn't shift the house over a
 17 little to give that individual some --
 18 THE WITNESS: On the left side? I
 19 could probably do --
 20 CHAIRMAN FERGUSON: If you could do it.
 21 I'm asking the question can you shift the house over
 22 towards Sunset to give the guy on that side a little
 23 bit more room than 6 feet?
 24 THE WITNESS: I mean I could. The only
 25 thing is I would have to maybe adjust, yeah, I would
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1 have to -- if I could maybe it's eight more inches,
 2 which, you know, it's comfortable, I'd actually have
 3 to maybe go in the 5-foot side yard setback along the
 4 closest part of the unit.
 5 So it's doable, it's just a matter of
 6 either if I move it towards Sunset as you're looking
 7 at it from Grantwood, I could do, let's say 8 inches.
 8 You know, even 6 inches, just enough to get the
 9 stairs further away from -- you know, the real trump
 10 point is the staircase.
 11 What I could do is I could basically
 12 go, you know, 8 inches and then I would have to maybe
 13 this portion here would come down to about 5 feet.
 14 CHAIRMAN FERGUSON: Don't do anything
 15 yet, but I'm just asking you if there's a way to do
 16 it.
 17 So you're telling me basically
 18 8 inches?
 19 THE WITNESS: Yeah, let's say it would
 20 be 6-foot-8 to the -- it would be 6-foot-8 on that
 21 portion that's along the left side if you're just
 22 looking at it from Grantwood, so you know, 2 inches
 23 to the house next to us.
 24 CHAIRMAN FERGUSON: Okay.
 25 Now, in the rear, what I call the rear,
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1 only God knows what you call it, you's have two
 2 decks.
 3 THE WITNESS: Yes.
 4 CHAIRMAN FERGUSON: Now, what's the
 5 from the property line to the decks, how long is it?
 6 How much is it?
 7 THE WITNESS: On the one that's in the
 8 middle, we have 4-foot-1-and-five-eighths and then
 9 the other one we have about 5 feet -- 5-foot-9 at the
 10 closest point.
 11 The property is on the angle so, you
 12 know, it gets a little bit more as you go further
 13 back.
 14 CHAIRMAN FERGUSON: Okay.
 15 So here's my dilemma: I understand
 16 you've got a big piece of property, I get it, but I
 17 don't -- you know, when you have a big piece of
 18 property and a big coverage of the building, right,
 19 and you're asking for a -- you know, on the building
 20 coverage, you at 44.4.
 21 So I'm wondering if you can take a
 22 couple feet from the building. And also on the front
 23 yard, you need 20 feet, you've got 19 feet.
 24 THE WITNESS: Well, it's -- if we move
 25 it any more, it's going to be 18-foot-4 if we're
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1 going to add to the side yard.
 2 CHAIRMAN FERGUSON: Forget that.
 3 Now we're talking about the rear, the
 4 rear yard where the two -- where the two --
 5 THE WITNESS: If I do a foot, let's
 6 say, if I take a foot off, I have 74 feet, 74 square
 7 feet less.
 8 It brings it down to 43.54 if I take a
 9 foot off.
 10 It also would increase the distance
 11 along the back of the development, which would be the
 12 -- as you're looking at it from Sunset Place, you
 13 know, it would increase the setbacks by 1 foot, you
 14 know.
 15 The other thing we could do is, what
 16 we've done before is we put the decks down 8 feet, so
 17 it gives you a little bit more of a buffer.
 18 CHAIRMAN FERGUSON: What's on the other
 19 side of that?
 20 THE WITNESS: It's a side yard.
 21 You could see here there's a side yard
 22 of the neighbor on Sunset.
 23 CHAIRMAN FERGUSON: Okay. Going up
 24 Sunset?
 25 THE WITNESS: Yeah.
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1 CHAIRMAN FERGUSON: Okay. And that's
 2 if you take a foot in the back?
 3 THE WITNESS: Yeah.
 4 CHAIRMAN FERGUSON: And if you took --
 5 I noticed that you're looking for a foot in the
 6 front.
 7 Is there any reason why you need to do
 8 a foot in the front?
 9 THE WITNESS: I guess, yeah, we could
 10 probably push that one portion back a little bit.
 11 You know, I was trying to maintain a comfortable,
 12 real two-car garage on the front portion, but you
 13 know, I think there's a way we could make that work,
 14 we could bring that --
 15 CHAIRMAN FERGUSON: So you're taking a
 16 foot from the front and a foot from the back?
 17 THE WITNESS: It would be a foot where
 18 these back portion would be here.
 19 So I would cut it back 1 foot at this
 20 portion of the building because you see there's a
 21 chokepoint here (indicating), so.
 22 CHAIRMAN FERGUSON: Okay.
 23 THE WITNESS: And that will give us --
 24 CHAIRMAN FERGUSON: It also would
 25 reduce the building coverage, correct?

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1 Sunset.
 2 So that's why I was saying, you know,
 3 we could make that nicer by putting a, like, a
 4 masonry pier on the bottom of it, so it looks like a
 5 covered portion almost.
 6 CHAIRMAN FERGUSON: I don't care. If
 7 it's something you can do.
 8 THE WITNESS: Yeah, I mean, we'll, like
 9 I said, we like to keep the decks there, you know,
 10 it's like a --
 11 CHAIRMAN FERGUSON: Yeah, no, I'm not
 12 saying -- the deck is staying, you know, but the deck
 13 on that side, though, when you come out to the deck,
 14 you can't look this way because the building is going
 15 to be there, correct?
 16 THE WITNESS: Yeah, behind the -- yeah.
 17 CHAIRMAN FERGUSON: Okay. So in the
 18 back where we got the two decks and you got a deck, a
 19 platform on the other side, the right side, what you
 20 call it the front. Okay? And I'm just looking for
 21 any other notes here. And you're going to get rid of
 22 the --
 23 THE WITNESS: Shower.
 24 CHAIRMAN FERGUSON: Yeah, you're going
 25 to get rid of the shower?

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1 THE WITNESS: Yes.
 2 That portion right here (indicating),
 3 let's say it comes in another foot, that would give
 4 us -- it will be another 15 feet.
 5 We'll save another 15 square feet, so
 6 let's say it's 75 plus 15, you have 10, so 90. So
 7 that brings it down to 43.35.
 8 CHAIRMAN FERGUSON: Okay.
 9 THE WITNESS: And then I think
 10 that's -- yeah, so that's basically, it would
 11 increase the setback along Sunset Place and also
 12 increased setback --
 13 CHAIRMAN FERGUSON: Of the back?
 14 THE WITNESS: Yeah, the back of the
 15 units, which is basically --
 16 CHAIRMAN FERGUSON: That's fine.
 17 Now, the other thing that I'm -- when
 18 you have on the plan "front yard platform."
 19 THE WITNESS: That's the deck.
 20 CHAIRMAN FERGUSON: Good.
 21 Where is the deck, you're talking about
 22 on the side?
 23 THE WITNESS: This is the view here
 24 (indicating). If you look at the red elevation,
 25 that's the view from Sunset, so it's basically in

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1 THE WITNESS: Yes.
 2 CHAIRMAN FERGUSON: All right. Any
 3 board members have anything?
 4 MR. GRALA: I have a few.
 5 CHAIRMAN FERGUSON: Yes, John.
 6 MR. GRALA: Snow.
 7 I'm looking at three driveways pushing
 8 snow onto Grantwood Boulevard, that worries me with
 9 that blind turn around Sunset Place.
 10 And also it looks like this crosswalk
 11 is going right into the driveway, unless I'm wrong,
 12 on the easterly side.
 13 THE WITNESS: Yes, I guess we have to
 14 go with Steve's recommendations. We've done it
 15 before where we -- if we move it to where the
 16 staircase is so there's not actually driveway there,
 17 we would have to repaint the lines for the crosswalk.
 18 MR. GRALA: That's a little scary, but
 19 I'm worried about that house now has had a truck in
 20 that driveway for 20 years, they've put very little
 21 snow on the street. I'm looking --
 22 CHAIRMAN FERGUSON: It's a bad hill.
 23 MR. GRALA: It's a blind spot. I'm
 24 worried about all that snow because it's coming on
 25 Grantwood Boulevard.

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1 He's got nowhere else to put it.
2 MR. SOKOLICH: Is there room to store
3 it on the side, Bill?
4 THE WITNESS: I mean, the biggest
5 concern would be the middle unit. I know on the one
6 on Grantwood, we'll put it further back, you know,
7 that one has, you know, a little bit of room to play
8 with as far as, like, storing snow.
9 The one on Unit A, which is to the
10 west, that one is like a typical duplex, so we do
11 have some room on the side. It's really more for the
12 one on the middle.
13 I mean, worst case scenario, they would
14 have the basically either move it on one side or have
15 somebody take it off-site when they, you know, if
16 they're doing like a service; that's the only way I
17 could see, you know, that could work.
18 There's no possibility -- there's no
19 way that they would even be able to put them on
20 Grantwood, because then they would block themselves
21 in and out of that driveway.
22 MR. SOKOLICH: It's a great point. I
23 mean, it is, it's a great point, but just one
24 question.
25 Factually, is there room on-site to
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1 store that snow if everybody was disciplined enough
2 to go to the Sunset Place side? I think there is,
3 correct, it's --
4 MR. GRALA: It's never a worry when
5 it's a flurry. It's the big ones.
6 MR. SOKOLICH: Yeah, it's a great
7 point.
8 THE WITNESS: Worse case scenario, if
9 we have no place to put it, it would have to be
10 basically set up in an area on the Sunset side, but
11 far enough away from the corner --
12 MR. GRALA: It's two blocks from the
13 high school. They get a lot of traffic, a lot of
14 traffic.
15 CHAIRMAN FERGUSON: Now, just one other
16 thing, I did talk to the -- our planner, parking
17 guru, and of course he couldn't be here tonight, but
18 he reviewed the plans and he recommends strongly his
19 words, not mine, that a stop sign be installed on
20 Sunset.
21 Now, I think the town can install it
22 for you, but you guys get to pay for it.
23 MR. SOKOLICH: Not a problem, Chairman,
24 not a problem.
25 CHAIRMAN FERGUSON: All right. Okay.
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1 Anybody else?
2 Mike, do you have anything?
3 MR. KAUKER: Nothing, Bill.
4 CHAIRMAN FERGUSON: Okay.
5 Any member of the audience?
6 MS. COMAS: I do.
7 CHAIRMAN FERGUSON: Name and address.
8 MS. COMAS: Melanie Comas, 83 West
9 Harwood Terrace.
10 THE COURT REPORTER: Could you spell
11 your last name, please, ma'am?
12 MS. COMAS: C-O-M-A-S.
13 I just want to verify -- I want to
14 verify a couple things.
15 The width of the property is what?
16 THE WITNESS: Well, the width from a
17 zoning point of view is we measure it to the
18 intersection of it, it's 65-feet-10-inches. And in
19 the back, it goes to 101.14 feet.
20 MS. COMAS: 101.4?
21 THE WITNESS: No, 101.14 feet. It's
22 irregular-shaped.
23 MS. COMAS: Okay. And what are the
24 width of the steps?
25 THE WITNESS: The steps are 5 feet.
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1 Let me just double check on it. On Unit A, yeah,
2 basically we have 5 feet.
3 We go from A is 4-foot-4, which is a
4 typical duplex. And then the middle unit is a 5-foot
5 step and then the unit on the Unit C, which is closer
6 to Sunset, is 5 feet.
7 MS. COMAS: Okay. And what's the
8 clearance on the property line, you know, from the --
9 the clearance, left to right, where the property line
10 is, how much do you have on --
11 THE WITNESS: Which way -- are you
12 looking at it from Grantwood or looking at it from
13 Sunset?
14 MS. COMAS: Well, what's it facing?
15 It's facing Grantwood, right?
16 THE WITNESS: Yes.
17 MS. COMAS: Yeah, so the front of the
18 building.
19 THE WITNESS: From the front of the
20 building if you're looking at it on the left-hand
21 side, we have 6 feet to the main building and then we
22 have 3-feet-2-inches to the staircase.
23 And then on the Sunset side, we're
24 basically going to have 20 feet to the close -- we're
25 going to have 20 feet to the closest point measured
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1 from Sunset Place and then the deck is
2 13-feet--3-inches from the property line on Sunset.
3 MS. COMAS: You just said on A was
4 4-feet-4-inches?

5 THE WITNESS: No, on Unit A I said that
6 was the staircase 4-foot-4.
7 The setback on the left-hand side is
8 6 feet.

9 And then we have 3-feet-2-inches to the
10 staircases, which is your typical --

11 MS. COMAS: What do you mean
12 3-feet-2-inches to the --

13 THE WITNESS: On a duplex in Palisades
14 Park, what we do is we have a 6-foot side yard and
15 the staircase in the front corner can be
16 3-feet-2-inches off the property.

17 The reason being is to give enough
18 width for two cars in the driveway.

19 MS. COMAS: Right, so it's on the
20 property, it should, you know, not even be built on.

21 THE WITNESS: No, it's --

22 MR. SOKOLICH: That's not true.

23 THE WITNESS: It's within our property,
24 it's within the required setback.

25 MS. COMAS: I still don't understand

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1 know, 3500.

2 MS. COMAS: Plus or minus.

3 MR. SOKOLICH: Um-hmm.

4 MS. COMAS: Who is the builder?

5 MR. SOKOLICH: I should have pointed
6 that out for the record, the gentleman directly over
7 your right shoulder.

8 MS. COMAS: Hello. Who are you? I
9 mean I'd like to --

10 MR. SOKOLICH: The applicants are
11 Mohamed and Jamal Jaafar.

12 I can give you a copy of the
13 application if you'd like.

14 MS. COMAS: I have Mohamed and who?

15 MR. SOKOLICH: Mohamed and Jamal
16 Jaafar, J-A-A-F-A-R.

17 MS. COMAS: All right. Two-and-a-half
18 stories. Okay.

19 All right. Thank you.

20 MR. SOKOLICH: Thank you, ma'am.

21 CHAIRMAN FERGUSON: Is there anybody in
22 the audience have any questions?

23 (No response.)

24 CHAIRMAN FERGUSON: No.

25 MS. TESTA: Bill, can you just for my

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1 where the -- if you have a 5 foot -- well, let's say
2 on the left 4-feet-4-inches, okay, clear property
3 from the left of the first building.

4 MR. SOKOLICH: So a portion of the
5 stairs, ma'am, can encroach on that side yard setback
6 from the other property line --

7 MS. COMAS: Well, that's what I'm
8 saying.

9 MR. SOKOLICH: So we're entitled to
10 encroach into it and that's perfectly legal. It
11 doesn't require a variance.

12 MS. COMAS: I'm just asking. So what's
13 left of the property then on the side.

14 MR. SOKOLICH: So from the point of the
15 stairs to the side yard, what's that distance?

16 THE WITNESS: It's 3 feet 2.

17 MR. SOKOLICH: Yes, 3 feet 2.

18 But the 99 percent of the house is at.

19 THE WITNESS: Six feet.

20 MR. SOKOLICH: Six feet.

21 MS. COMAS: Okay. And it's 3500 square
22 feet for each unit?

23 MR. SOKOLICH: I think that was the --
24 right around there, because the footprint is right
25 around 34, 3500 square feet times three, so I don't

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1 notes exactly what it is we're reducing just for the
2 resolution.

3 THE WITNESS: The depth of the building
4 and looking out to Grantwood, we're basically taking
5 1 foot off the depth of the building, which is going
6 to increase the -- it's technically it's going to
7 increase the right side yard setback, it's going to
8 increase the distance from the back of the proposed
9 dwelling to the side yard along Sunset Place.

10 And then we're going decrease -- we're
11 going to increase the setback at a portion on Sunset
12 Place to comply with the 20-foot setback along
13 Sunset.

14 And then our revised building coverage,
15 the building footprint will be 3,489 square feet with
16 a percent coverage of 43.35 percent.

17 MS. TESTA: Okay. Thank you.

18 MR. SOKOLICH: Chairman, with your
19 permission, we'd ask Mr. Spatz to be sworn in.

20 CHAIRMAN FERGUSON: Looking forward to
21 it.

22 MR. SOKOLICH: Thank you.

23 MS. TESTA: Please raise your right
24 hand.

25 Do you swear the testimony you will

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1 give in this application will be the truth, the whole
2 truth, and nothing but the truth?

3 MR. SPATZ: Yes, I do.

4 D A V I D S P A T Z, PP, ACIP,
5 60 Friend Terrace in Harrington Park, New Jersey,
6 having been duly sworn, testifies as follows:

7 MS. TESTA: Please state your name,
8 spell it for the record and your business address.

9 MR. SPATZ: David Spatz, S-P-A-T-Z.
10 My business address is 60 Friend

11 Terrace in Harrington Park, New Jersey.

12 MS. TESTA: Thank you.

13 VOIR DIRE EXAMINATION

14 BY MR. SOKOLICH:

15 Q. David, you are a licensed planner, your
16 credentials have been accepted before this board
17 multiple times?

18 CHAIRMAN FERGUSON: More times than me.

19 BY MR. SOKOLICH:

20 Q. And no exception this evening?

21 A. Correct.

22 Q. I just want to -- so I don't interrupt
23 you, I just want to mark your photographs for
24 identification purposes.

25 MR. SOKOLICH: With Ms. Testa's
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1 The bottom left-hand photograph is
2 looking at the property from Grantwood, excuse me,
3 the existing structure is a truck that the board
4 member mentioned in the driveway which slopes
5 significantly down. And the bottom right-hand
6 photograph is looking directly across the street on
7 Sunset, which is your primarily newer two families
8 (indicating).

9 Grantwood, there are a number of
10 multifamily buildings on Grantwood, as well as the
11 townhouse development in the immediate vicinity
12 (indicating).

13 We're in the AA zone, which does not
14 permit three-family dwellings. We need one
15 additional D variance for building height and then
16 variances for building coverage, side yard and rear
17 yard, although those have been modified by the
18 changes this evening and in fact the front yard
19 setback variance has been eliminated.

20 So looking at our D variances, we need
21 a number of the purposes of zoning as stated in the
22 Municipal Land Use Law. We need Purpose A, which is
23 promoting public health, safety, morals and general
24 welfare, providing housing in a residential zone. It
25 meets that standard, Purpose E, establishing

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1 permission, I'm going to mark A-4, this collection of
2 four photographs, one I believe was of the subject
3 site, and then also adjacent improvements. I dated
4 it today's date, June 12th, 2023.

5 (Whereupon, Four Photographs, Dated
6 June 12th, 2023 are received and marked as
7 Exhibit A-4 for identification.)

8 DIRECT EXAMINATION

9 BY MR. SOKOLICH:

10 Q. You took these photographs?

11 A. I did, yes.

12 Q. You've not done anything to modify them
13 or crop them?

14 A. Nope, not at all.

15 Q. And they're accurate depictions of
16 what's within the four corners?

17 A. They are, yes.

18 Q. Thank you, David.

19 A. Okay. Looking at that photo exhibit
20 just to set the scene, the top left-hand photograph
21 is looking at the subject property from Sunset. The
22 top right is looking further up Sunset with an older
23 two family and a newer two family, and the property
24 raises up slightly as you go along Sunset
25 (indicating).

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1 appropriate population densities of the zone contains
2 primarily two families, but our property is
3 significantly larger than those, and I will go over
4 the density of that, but we are consistent with the
5 density for the zone.

6 And then we meet Purpose I, which is
7 promoting a desirable visual environment. The
8 structure is in only fair condition. The driveway
9 slopes down along the street. This is being replaced
10 with a modern building that meets all building codes.

11 In terms of the density going from two
12 family to three family, our property is more than
13 3,000 square feet larger than what is required for a
14 two family, so we're looking at the lot size per
15 unit. You're allowed two units on a 5,000 square
16 foot lot, that's 2500 per unit. We are actually at
17 2600 square feet per unit.

18 So in terms of lot size per unit, the
19 three units clearly fits on it within the density
20 permitted within that zone and that is consistent
21 with the neighborhood, which again contains a number
22 of multifamily buildings. So in terms of size, I
23 think our property can support that additional unit.

24 In terms of the height limitation by
25 feet, the property has some topographic challenges

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1 along both Grantwood and Sunset. As the photographs
2 indicated, as you go up Sunset, the properties go up
3 higher at a higher elevation, so we are consistent
4 ultimately with those heights.

5 And then the photograph at the bottom
6 right shows that across the street on Sunset also is
7 at a higher elevation and that goes up steeply as
8 well.

9 So in terms of building height, we are
10 consistent with the neighborhood and what is shown
11 for two-family dwellings.

12 Looking at the C variances, it is a
13 corner lot with two front yards. The building,
14 although currently now the driveway is quite a wide
15 driveway on Grantwood. We're orienting the building
16 towards Grantwood, which I think provides more
17 consistency with the development along that and
18 reduces the impact on Sunset and only the deck
19 projects into the side yard on that side.

20 In terms of building coverage, we
21 reduced the size of the building. We're less than
22 3-and-a-half percent above what is permitted.
23 Landscaping, walls, fencing are being provided to
24 help buffer the adjacent properties.

25 Mr. Cocoros indicated that there are

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1 currently no drainage facilities on the site and
2 those are being added, which will certainly provide a
3 benefit both to the property as well as the
4 surrounding neighborhood.

5 And lastly, as I've indicated, the
6 density is consistent with the neighborhood. The
7 two-family dwellings as you go up Sunset are on much
8 smaller lots than ours, so we are consistent with the
9 neighborhood.

10 In terms of the negative criteria, I
11 don't believe anything is substantially negative.
12 We're in character with the residential uses. The
13 setbacks are similar to what exists on the property
14 as well as in the surrounding properties, as can be
15 seen from the photographs.

16 Building height, again, is similar to
17 the adjacent properties. We do have a conforming
18 amount of parking to serve the three units. The
19 photograph demonstrate that there is a significantly
20 large driveway on Grantwood. There is no parking
21 being eliminated on Grantwood, excuse me, by what
22 we're proposing, so there's no impact on that. That
23 crosswalk can be adjusted. A discussion of a stop
24 sign will be added, which will improve conditions in
25 the area.

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1 So on balance, I believe that the
2 positive criteria is met for both the C and D
3 variances and it far outweighs anything that might be
4 considered negative and I believe it would be
5 appropriate to grant those variances so.

6 Q. Thank you, David.

7 MR. SOKOLICH: I open questions to the
8 board.

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

11 (No response.)

12 CHAIRMAN FERGUSON: Do you have
13 anything?

14 MR. KAUKER: Yeah, just a quick
15 question, and maybe I should have asked Mr. Cocoros
16 this, but with the ordinance required a sight
17 triangle of 25 feet, could you just provide some
18 testimony, I don't know if you meet that or whether
19 or not a variance would be required for that, I don't
20 -- I'm sorry, David, I don't --

21 THE WITNESS: That's okay.

22 I'll let Mr. Cocoros respond.

23 MR. COCOROS: It's, kind of, like I
24 said, would you measure it from the -- it looks like
25 we're --

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1 MR. KAUKER: It's measured -- there's a
2 distance of 25 feet from the interesting street, it
3 would go along Grantwood along --

4 MR. COCOROS: From the property or the
5 curb line?

6 MR. KAUKER: From the curb line or from
7 the property line.

8 I'm sorry, street right-of-way line,
9 Bill.

10 MR. COCOROS: Which is basically the
11 property line, right?

12 MR. KAUKER: Yeah.

13 MR. COCOROS: I'm going to measure from
14 the imaginary intersection.

15 MR. KAUKER: The intent is just to
16 provide appropriate site distance for vehicles on
17 both streets.

18 MR. COCOROS: I mean, It's basically
19 clear, the site portion of it where the driveway is
20 within that, but the actual area, you know, where the
21 building itself is clear, the building -- there's
22 going to be a smaller triangular portion in the front
23 driveway that's going to have a car there.

24 MR. KAUKER: Like the car's moveable.
25 So there's no structure that's above 2-and-a-half

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1 feet, permanent structure?
 2 MR. COCOROS: Correct.
 3 MR. KAUKER: That's all I have.
 4 CHAIRMAN FERGUSON: Okay. Thank you.
 5 Any questions for our planner?
 6 (No response.)
 7 CHAIRMAN FERGUSON: No.
 8 All right. Counselor, do you want to
 9 sum up?
 10 MR. SOKOLICH: Chairman, the evening is
 11 late. I don't want to take up more time, nor do I
 12 want to recant all the testimony; however, this is an
 13 oddly shaped piece of property, it's in a peculiar
 14 location and it is, we believe, to be particularly
 15 suited for the three-family that's now proposed.
 16 Per the testimony of Mr. Cocoros, he's
 17 designed the property in a way to follow the contour
 18 of the property and to minimize adverse impact on the
 19 property which are adjacent to the proposed site.
 20 There is more than ample parking; two
 21 in the garage, two in the driveway. It also adds an
 22 aesthetic benefit to the area.
 23 There's currently no stormwater system
 24 to speak of. A state-of-the-art stormwater system
 25 will now be installed so that there's no adverse

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1 impact on any of the adjacent properties or on the
 2 public itself.
 3 As far as special reasons are the basis
 4 for the variances that are sought, again, as
 5 testified to by Mr. Spatz, it does advance several of
 6 the purposes of the Municipal Land Use Law and also
 7 there is not an adverse or substantial impact on the
 8 zone plan.
 9 This is one those respectfully
 10 exceptions to the zoning ordinance which is exactly
 11 why zoning boards of adjustment exist in the State of
 12 New Jersey.
 13 We agree with all the conditions that
 14 have been requested of us from a reduction of 1 foot
 15 to the rear and a slight reduction to the front to
 16 comply with the front yard setback.
 17 We agree with all the other conditions
 18 that were likewise imposed by the board and we would
 19 respectfully request that the board act favorably on
 20 the application for the reasons put forth.
 21 Thank you.
 22 CHAIRMAN FERGUSON: Okay. So I'll make
 23 a motion we accept the application with these
 24 provisos: Number one, 2,000 to the tree preservation
 25 fund, all recommendations made by the borough

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1 engineer be done and the changes that we made as far
 2 as reducing the coverage of the house.
 3 And also last, but certainly not least,
 4 remove the bathtub in the basement.
 5 And that's my motion.
 6 VICE CHAIRMAN ALBANESE: And the
 7 shower.
 8 Make sure you --
 9 CHAIRMAN FERGUSON: And the shower too.
 10 VICE CHAIRMAN ALBANESE: I'll second
 11 the motion.
 12 MS. TESTA: Landscaping plan.
 13 CHAIRMAN FERGUSON: Yes, and a
 14 landscaping plan.
 15 VICE CHAIRMAN ALBANESE: I'll second
 16 the motion.
 17 CHAIRMAN FERGUSON: Roll call?
 18 MS. KIM: Mr. Ferguson?
 19 CHAIRMAN FERGUSON: Yes.
 20 MS. KIM: Mr. Albanese?
 21 VICE CHAIRMAN ALBANESE: Yes.
 22 MS. KIM: Mr. Brogna?
 23 MR. BROGNA: Yes.
 24 MS. KIM: Mr. Grala?
 25 MR. GRALA: Yes.

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1 MS. KIM: Mr. Chung?
 2 MR. CHUNG: Yes.
 3 MS. KIM: Mrs. Kim?
 4 MS. ESTHER KIM: Yes.
 5 MS. KIM: Mrs. Yoon?
 6 MS. YOON: Yes.
 7 MR. SOKOLICH: Chairman, Vice Chairman,
 8 Members of the Board, thank you very much.
 9 Thank you. Thank you.
 10 VICE CHAIRMAN ALBANESE: Joe, can I
 11 make a motion to adjourn?
 12 CHAIRMAN FERGUSON: No, there's one
 13 other piece of business we've got to go though.
 14 Sit down, people, we're not done yet.
 15 MR. SOKOLICH: Chairman, Members, thank
 16 you.
 17 Diane, good seeing you again.
 18 MS. TESTA: Great seeing you.
 19 CHAIRMAN FERGUSON: Okay. Good.
 20 So this is a delicate situation to me,
 21 because I personally like Vinny. Vinny hasn't been
 22 here in about six months, so I think that we should
 23 -- I don't know, should we write a letter to the
 24 Mayor and Council or should we just ask Vinny for --
 25 is he leaving or his intention?

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1 MS. TESTA: We could.
 2 Do you want to reach out to him.
 3 CHAIRMAN FERGUSON: Yeah, I would like
 4 to reach out to him and know if he's ever coming back
 5 to the board.
 6 MS. TESTA: Okay.
 7 CHAIRMAN FERGUSON: And then we can
 8 pass it on to the Mayor and Council.
 9 MS. TESTA: Right.
 10 MS. GINA KIM: Would you like for us to
 11 send a letter?
 12 Diane, will you be sending a letter?
 13 How would you like for us to make contact with
 14 Mr. Carnovale?
 15 MS. TESTA: I could send it, that's
 16 fine, unless you would rather.
 17 MS. GINA KIM: I can.
 18 MS. TESTA: If it's coming from the
 19 board.
 20 MS. GINA KIM: Right, I can.
 21 MS TESTA: Yes.
 22 MS. GINA KIM: Yes, I can send a letter
 23 then, yes, no problem. And I will get back to
 24 Chairman Ferguson.
 25 CHAIRMAN FERGUSON: All right. Now we
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1 can go.
 2 VICE CHAIRMAN ALBANESE: I make a
 3 motion to adjourn.
 4 MR. GRALA: Second.
 5 MS. GINA KIM: All in favor?
 6 (Whereupon, all present members respond
 7 in the affirmative.)
 8 (Whereupon, this meeting is concluded.
 9 Time noted: 8:12 p.m.)
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

CERTIFICATE

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 2
 3 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 4 Public of the State of New Jersey, Notary
 5 ID.#50094914, Certified Court Reporter of the State
 6 of New Jersey, and a Registered Professional
 7 Reporter, hereby certify that the foregoing is a
 8 verbatim record of the testimony provided under oath
 9 before any court, referee, board, commission or other
 10 body created by statute of the State of New Jersey.
 11 I am not related to the parties
 12 involved in this action; I have no financial
 13 interest, nor am I related to an agent of or employed
 14 by anyone with a financial interest in the outcome of
 15 this action.
 16 This transcript complies with
 17 regulation 13:43-5.9 of the New Jersey Administrative
 18 Code.
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 Dated: _____
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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