

BOROUGH OF PALISADES PARK
 BOARD OF ADJUSTMENT
 MONDAY, JANUARY 28, 2019
 COMMENCING AT 7:04 P.M.

IN THE MATTER OF: : TRANSCRIPT
 : OF
 : PROCEEDINGS

APPLICATION NO. 18-11
 HILLSIDE, LLC :
 463 Roff Avenue :
 Block 313, Lot 22 :

APPLICATION NO. 19-01
 JACK SUNG AN :
 65 Brinkerhoff Terrace :
 Block 209, Lot 16 :

APPLICATION NO. 18-09
 DERVO DEVELOPERS, LLC :
 145 E. Edsall Boulevard :
 Block 325, Lot 22 :

APPLICATION NO. 18-10
 DHANA REALTY :
 411 5th Street :
 Block 324, Lot 33 :

B E F O R E :
 THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
 THERE BEING PRESENT:

JOSEPH FERGUSON, CHAIRMAN
 PAUL ALBANESE, VICE CHAIRMAN
 ANDY NAM, MEMBER
 VINCENT CARNOVALE, MEMBER
 LEFTERI LEFTERIOU, MEMBER
 SUK JUN MIN, ALTERNATE
 MIRJANA TARABOCCHIA, ALTERNATE

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 201-641-1812

I N D E X

W I T N E S S E S	S W O R N	P A G E
APPLICATION NO. 18-11		
HILLSIDE, LLC		
463 Roff Avenue		
Block 313, Lot 22		29, 120
KENNETH OCHAB	30	
Direct Examination by Mr. Macri		31
Board/Professional Questions		39
STEVE COLLAZUOL	39	
MICHAEL KAUKER	39	
Public Questions		
Pina Brusco		41
469 Roff Avenue		
Susan Brauer		46
50 Henry Street		
Marsha Schor		50
50 Henry Street		
VASSILIOS COCOROS	121	
Board Professionals Questions and Comments		124
Steve Collazuol	127	
Michael Kauker	130	
Public Questions	131	
Pina Brusco	131	
469 Roff Avenue		
Marsha Schor		147
50 Henry Street		
APPLICATION NO. 19-01		
JACK SUNG AN		
65 Brinkerhoff Terrace		
Block 209, Lot 16		54
PETER CHANGSOO PARK	55	
Direct Examination by Mr. Macri		55
Board/Professional Questions		61
Steve Collazuol	64	
Michael Kauker	66	
Public Questions and Comments		67
Marsha Schor		67
50 Henry Street		
Susan Brauer		69
50 Henry Street		
Pina Brusco		72
469 Roff Avenue		

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

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

2 DIANE TESTA, ESQ.
 Counsel for the Board

3

4 MARC D. MACRI, P.C.
 BY: MARC D. MACRI, ESQ.
5 2160 North Central Road
 Fort Lee, New Jersey 07024

6 Counsel for Hillside, LLC; Jack Sung An; Dervo
Developers, LLC

7

8 CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC
 BY: BRIAN M. CHEWCASKIE, ESQ.
9 955 State Highway 34, Unit 200
 Matawan, New Jersey 07747

10 Counsel for Dhana Realty

11

12

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

14 ELENI LAMBRINIDES, BOARD SECRETARY
MICHAEL KAUKER, BOARD PLANNER

15 JUDD ROCCIOLA, BOARD TRAFFIC ENGINEER
STEVE COLLAZUOL, BOARD ENGINEER

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

I N D E X (Continued)

W I T N E S S E S	S W O R N	P A G E
APPLICATION NO. 18-09		
DERVO DEVELOPERS, LLC		
145 E. Edsall Boulevard		
Block 325, Lot 22		76
VASSILIOS COCOROS	77	
Board/Professional Questions		77
Steve Collazuol	83	
APPLICATION NO. 18-10		
DHANA REALTY		
411 5th Street		
Block 324, Lot 33		90
VASSILIOS COCOROS	91	
Direct Examination by Mr. Chewcaskie		91
Board/Professional Questions		97
Michael Kauker	98	
Steve Collazuol	101	
Public Questions	103	
Jung Chong	103	
415 5th Street		
Marsha Schor		107
50 Henry Street		
Susan Brauer		109
50 Henry Street		
<u>E X H I B I T S</u>		
No.	Description	Ident/Evid
APPLICATION NO. 18-11		
HILLSIDE, LLC		
463 Roff Avenue		
Block 313, Lot 22		
A-1	Photo exhibit, two pages	29
APPLICATION NO. 19-01		
JACK SUNG AN		
65 Brinkerhoff Terrace		
Block 209, Lot 16		
A-1	Basement plan, first floor plan	59

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

5

07:04PM 1 CHAIRMAN FERGUSON: Okay. We'll call
 07:04PM 2 the meeting to order.
 07:04PM 3 Paul, do you want to lead us in the
 07:04PM 4 flag salute?
 07:04PM 5 VICE CHAIRMAN ALBANESE: Yes, sir.
 07:04PM 6 (Whereupon, all stand for a Recitation
 07:04PM 7 of the Pledge of Allegiance led by Vice
 07:04PM 8 Chairman Albanese.)
 07:04PM 9 CHAIRMAN FERGUSON: Okay. So tonight
 07:04PM 10 we have our reorganization. And let me get my
 07:04PM 11 glasses.
 07:05PM 12 Roll call vote for attendance?
 07:05PM 13 MS. TESTA: Should we swear in the new
 07:05PM 14 members first and then --
 07:05PM 15 CHAIRMAN FERGUSON: You think so?
 07:05PM 16 MS. TESTA: Yes.
 07:05PM 17 CHAIRMAN FERGUSON: Okay. We will
 07:05PM 18 swear in our new member.
 19 MS. TESTA: Okay.
 20 CHAIRMAN FERGUSON: And he is?
 21 MS. TESTA: Mr. Lefteriou is a
 22 full-time member.
 23 CHAIRMAN FERGUSON: Right.
 24 MS. TESTA: And then Mr. Min?
 25 MR. MIN: Yes.

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

7

07:07PM 1 CHAIRMAN FERGUSON: Here.
 07:07PM 2 MS. LAMBRINIDES: Mr. Albanese?
 07:07PM 3 VICE CHAIRMAN ALBANESE: Here.
 07:07PM 4 MS. LAMBRINIDES: Mr. Terranova?
 07:07PM 5 (No response.)
 07:07PM 6 MS. LAMBRINIDES: Mr. Lefteriou?
 07:07PM 7 MR. LEFTERIOU: Here.
 07:07PM 8 MS. LAMBRINIDES: Mr. Nam?
 07:07PM 9 MR. NAM: Here.
 07:07PM 10 MS. LAMBRINIDES: Ms. Yoon?
 07:07PM 11 (No response.)
 07:07PM 12 MS. LAMBRINIDES: Mr. Carnovale?
 07:07PM 13 MR. CARNOVALE: Here.
 07:07PM 14 MS. LAMBRINIDES: Ms. Tarabocchia?
 07:07PM 15 MS. TARABOCCHIA: Here.
 07:07PM 16 MS. LAMBRINIDES: Mr. Min?
 07:07PM 17 MR. MIN: Here.
 07:07PM 18 CHAIRMAN FERGUSON: Okay. Conditions
 07:07PM 19 for the Sunshine Law have been met by notice on the
 07:07PM 20 bulletin board and at Borough Hall and notice was
 07:07PM 21 sent to the official newspaper, which I believe is
 07:07PM 22 The Bergen Record.
 07:07PM 23 Right?
 07:07PM 24 MS. TESTA: Uh-huh.
 07:07PM 25 CHAIRMAN FERGUSON: Okay. So the first

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

6

07:05PM 1 MS. TESTA: Yes, is an alternate. He
 07:05PM 2 would be Alternate II.
 07:05PM 3 And Ms. Yoon, we'll do at the next
 07:05PM 4 meeting.
 5 CHAIRMAN FERGUSON: Okay.
 6 MS. TESTA: All right. So both
 7 members, if you would both stand.
 8 MS. TARABOCCHIA: Do I have to because
 9 --
 10 MS. TESTA: No, because you were
 11 appointed for two years --
 12 MS. TARABOCCHIA: Oh, okay.
 07:05PM 13 MS. TESTA: -- so you have another year
 07:05PM 14 yet.
 07:05PM 15 MS. TARABOCCHIA: Okay, good.
 07:05PM 16 CHAIRMAN FERGUSON: Congratulations.
 17 (At this time in the proceeding, Board
 18 Member Lefteriou and Min recite the oath of
 19 office.)
 20 MS. TESTA: Congratulations.
 21 CHAIRMAN FERGUSON: Congratulations.
 07:07PM 22 (Applause.)
 07:07PM 23 CHAIRMAN FERGUSON: Okay. Roll call.
 07:07PM 24 MS. LAMBRINIDES: Sorry.
 07:07PM 25 Mr. Ferguson?

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

8

07:08PM 1 order of business is the election for chairman.
 07:08PM 2 Can I get a motion?
 07:08PM 3 VICE CHAIRMAN ALBANESE: I nominate Joe
 07:08PM 4 Ferguson.
 07:08PM 5 MR. CARNOVALE: I second.
 07:08PM 6 CHAIRMAN FERGUSON: Is there any other
 07:08PM 7 nominations?
 07:08PM 8 (No response.)
 07:08PM 9 VICE CHAIRMAN ALBANESE: Close
 07:08PM 10 nominations.
 07:08PM 11 MS. TESTA: Do a roll call.
 07:08PM 12 CHAIRMAN FERGUSON: Roll call?
 07:08PM 13 MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM 14 CHAIRMAN FERGUSON: Yes.
 07:08PM 15 MS. LAMBRINIDES: Mr. Albanese?
 07:08PM 16 VICE CHAIRMAN ALBANESE: Yes.
 07:08PM 17 MS. LAMBRINIDES: Mr. Terranova is not
 07:08PM 18 here.
 07:08PM 19 Mr. Lefteriou?
 07:08PM 20 MR. LEFTERIOU: Yes.
 07:08PM 21 MS. LAMBRINIDES: Mr. Nam?
 07:08PM 22 MR. NAM: Yes.
 07:08PM 23 MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM 24 MR. CARNOVALE: Yes.
 07:08PM 25 MS. LAMBRINIDES: Ms. Tarabocchia?

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

9

07:08PM	1	MS. TARABOCCHIA: Yes.
07:08PM	2	MS. LAMBRINIDES: Mr. Min?
07:08PM	3	MR. MIN: Yes.
07:08PM	4	(Applause.)
07:08PM	5	CHAIRMAN FERGUSON: Okay. Next we have
07:08PM	6	appointment of vice chairman.
07:08PM	7	MR. CARNOVALE: I nominate Pauly
07:08PM	8	Albanese.
07:08PM	9	CHAIRMAN FERGUSON: I'll second.
07:08PM	10	Is there any other nominations?
07:08PM	11	(No response.)
07:08PM	12	CHAIRMAN FERGUSON: Okay. Roll call?
07:08PM	13	MS. LAMBRINIDES: Mr. Ferguson?
07:08PM	14	CHAIRMAN FERGUSON: Yes.
07:08PM	15	MS. LAMBRINIDES: Mr. Albanese?
07:08PM	16	VICE CHAIRMAN ALBANESE: Yes.
07:08PM	17	MS. LAMBRINIDES: Mr. Lefteriou?
07:08PM	18	MR. LEFTERIOU: Yes.
07:08PM	19	MS. LAMBRINIDES: Mr. Nam?
07:08PM	20	MR. NAM: Yes.
07:08PM	21	MS. LAMBRINIDES: Mr. Carnovale?
07:08PM	22	MR. CARNOVALE: Yes.
07:08PM	23	MS. LAMBRINIDES: Ms. Tarabocchia?
07:08PM	24	MS. TARABOCCHIA: Yes.
07:08PM	25	MS. LAMBRINIDES: Mr. Min?

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

10

07:08PM	1	MR. MIN: Yes.
07:09PM	2	(Applause.)
07:09PM	3	CHAIRMAN FERGUSON: Next we're going to
07:09PM	4	have the appointment of the board secretary.
07:09PM	5	And I will nominate Eleni Lambrinides.
07:09PM	6	MS. LAMBRINIDES: Just Eleni. Like
07:09PM	7	Cher, one name.
07:09PM	8	VICE CHAIRMAN ALBANESE: I'll second
07:09PM	9	that.
07:09PM	10	MS. LAMBRINIDES: Thank you.
07:09PM	11	CHAIRMAN FERGUSON: Roll call.
07:08PM	12	MS. LAMBRINIDES: Mr. Ferguson?
07:08PM	13	CHAIRMAN FERGUSON: Yes.
07:08PM	14	MS. LAMBRINIDES: Mr. Albanese?
07:08PM	15	VICE CHAIRMAN ALBANESE: Yes.
07:08PM	16	MS. LAMBRINIDES: Mr. Lefteriou?
07:08PM	17	MR. LEFTERIOU: Yes.
07:08PM	18	MS. LAMBRINIDES: Mr. Nam?
07:08PM	19	MR. NAM: Yes.
07:08PM	20	MS. LAMBRINIDES: Mr. Carnovale?
07:08PM	21	MR. CARNOVALE: Yes.
07:08PM	22	MS. LAMBRINIDES: Ms. Tarabocchia?
07:08PM	23	MS. TARABOCCHIA: Yes.
07:08PM	24	MS. LAMBRINIDES: Mr. Min?
07:08PM	25	MR. MIN: Yes.

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

11

07:09PM	1	(Applause.)
07:09PM	2	CHAIRMAN FERGUSON: Next we'll have the
07:09PM	3	appointment of the board attorney and I'd like to
07:09PM	4	nominate Testa and DeCarlo.
07:09PM	5	Right?
07:09PM	6	MS. TESTA: Thank you. Yes.
07:09PM	7	MR. CARNOVALE: I second.
07:09PM	8	CHAIRMAN FERGUSON: Can I get a second?
07:09PM	9	MR. CARNOVALE: I second it.
07:09PM	10	CHAIRMAN FERGUSON: Roll call?
07:08PM	11	MS. LAMBRINIDES: Mr. Ferguson?
07:08PM	12	CHAIRMAN FERGUSON: Yes.
07:08PM	13	MS. LAMBRINIDES: Mr. Albanese?
07:08PM	14	VICE CHAIRMAN ALBANESE: Yes.
07:08PM	15	MS. LAMBRINIDES: Mr. Lefteriou?
07:08PM	16	MR. LEFTERIOU: Yes.
07:08PM	17	MS. LAMBRINIDES: Mr. Nam?
07:08PM	18	MR. NAM: Yes.
07:08PM	19	MS. LAMBRINIDES: Mr. Carnovale?
07:08PM	20	MR. CARNOVALE: Yes.
07:08PM	21	MS. LAMBRINIDES: Ms. Tarabocchia?
07:08PM	22	MS. TARABOCCHIA: Yes.
07:08PM	23	MS. LAMBRINIDES: Mr. Min?
07:08PM	24	MR. MIN: Yes.
07:10PM	25	MS. TESTA: Thank you.

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

12

07:10PM	1	(Applause.)
07:10PM	2	CHAIRMAN FERGUSON: Next we'll appoint
07:10PM	3	the board engineer.
07:10PM	4	I'd like to nominate Steve Collazuol
07:10PM	5	with Collazuol Engineering.
07:10PM	6	MR. CARNOVALE: I second.
07:10PM	7	CHAIRMAN FERGUSON: Roll call vote?
07:08PM	8	MS. LAMBRINIDES: Mr. Ferguson?
07:08PM	9	CHAIRMAN FERGUSON: Yes.
07:08PM	10	MS. LAMBRINIDES: Mr. Albanese?
07:08PM	11	VICE CHAIRMAN ALBANESE: Yes.
07:08PM	12	MS. LAMBRINIDES: Mr. Lefteriou?
07:08PM	13	MR. LEFTERIOU: Yes.
07:08PM	14	MS. LAMBRINIDES: Mr. Nam?
07:08PM	15	MR. NAM: Yes.
07:08PM	16	MS. LAMBRINIDES: Mr. Carnovale?
07:08PM	17	MR. CARNOVALE: Yes.
07:08PM	18	MS. LAMBRINIDES: Ms. Tarabocchia?
07:08PM	19	MS. TARABOCCHIA: Yes.
07:08PM	20	MS. LAMBRINIDES: Mr. Min?
07:08PM	21	MR. MIN: Yes.
07:10PM	22	CHAIRMAN FERGUSON: Next we'll have our
07:10PM	23	-- appoint our traffic engineer.
07:10PM	24	I'd like to appoint Judd Rocciola.
07:10PM	25	MR. CARNOVALE: I second.

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

07:10PM **1** CHAIRMAN FERGUSON: Roll call vote?
 07:08PM **2** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **3** CHAIRMAN FERGUSON: Yes.
 07:08PM **4** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **5** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **6** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **7** MR. LEFTERIOU: Yes.
 07:08PM **8** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **9** MR. NAM: Yes.
 07:08PM **10** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **11** MR. CARNOVALE: Yes.
 07:08PM **12** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **13** MS. TARABOCCHIA: Yes.
 07:08PM **14** MS. LAMBRINIDES: Mr. Min?
 07:08PM **15** MR. MIN: Yes.
 07:10PM **16** CHAIRMAN FERGUSON: And last I'd like
 07:11PM **17** to appoint as our planner, would be Kauker and
 07:11PM **18** Kauker.
 07:11PM **19** MR. CARNOVALE: I second.
 07:11PM **20** CHAIRMAN FERGUSON: Roll call vote?
 07:08PM **21** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **22** CHAIRMAN FERGUSON: Yes.
 07:08PM **23** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **24** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **25** MS. LAMBRINIDES: Mr. Lefteriou?

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

07:08PM **1** MR. NAM: Yes.
 07:08PM **2** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **3** MR. CARNOVALE: Yes.
 07:08PM **4** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **5** MS. TARABOCCHIA: Yes.
 07:08PM **6** MS. LAMBRINIDES: Mr. Min?
 07:08PM **7** MR. MIN: Yes.
 07:12PM **8** MS. TESTA: Mr. Min should abstain,
 07:12PM **9** since you weren't here.
 07:12PM **10** MR. MIN: Oh, right.
 07:12PM **11** CHAIRMAN FERGUSON: Okay.
 07:12PM **12** Next we have to set up the meeting
 07:12PM **13** dates for the third Monday of each month at 7:00,
 07:12PM **14** except for Presidents' Day, which would be the
 07:12PM **15** February meeting would be on February 25th.
 07:12PM **16** MS. TESTA: Correct.
 07:12PM **17** CHAIRMAN FERGUSON: 2019, right?
 07:12PM **18** MS. TESTA: Yes.
 07:12PM **19** CHAIRMAN FERGUSON: Is everybody okay
 07:12PM **20** the third Monday like we've been meeting?
 07:12PM **21** Everybody's good with that?
 07:12PM **22** VICE CHAIRMAN ALBANESE: I'll second
 07:12PM **23** that.
 07:12PM **24** CHAIRMAN FERGUSON: Okay. I'll make
 07:12PM **25** that motion.

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

07:08PM **1** MR. LEFTERIOU: Yes.
 07:08PM **2** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **3** MR. NAM: Yes.
 07:08PM **4** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **5** MR. CARNOVALE: Yes.
 07:08PM **6** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **7** MS. TARABOCCHIA: Yes.
 07:08PM **8** MS. LAMBRINIDES: Mr. Min?
 07:08PM **9** MR. MIN: Yes.
 07:11PM **10** CHAIRMAN FERGUSON: Okay. Next I want
 07:11PM **11** to accept -- the board attorney, that would be for
 07:11PM **12** the --
 07:11PM **13** MS. TESTA: 2018, all the cases that
 07:11PM **14** the board decided is contained in the report.
 07:11PM **15** CHAIRMAN FERGUSON: Can I get a second
 07:11PM **16** on that?
 07:11PM **17** VICE CHAIRMAN ALBANESE: Second.
 07:11PM **18** CHAIRMAN FERGUSON: Roll call vote?
 07:08PM **19** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **20** CHAIRMAN FERGUSON: Yes.
 07:08PM **21** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **22** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **23** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **24** MR. LEFTERIOU: Yes.
 07:08PM **25** MS. LAMBRINIDES: Mr. Nam?

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

07:12PM **1** VICE CHAIRMAN ALBANESE: I'll second
 07:12PM **2** it.
 07:12PM **3** CHAIRMAN FERGUSON: Pauly seconds.
 07:12PM **4** Roll call vote?
 07:08PM **5** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **6** CHAIRMAN FERGUSON: Yes.
 07:08PM **7** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **8** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **9** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **10** MR. LEFTERIOU: Yes.
 07:08PM **11** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **12** MR. NAM: Yes.
 07:08PM **13** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **14** MR. CARNOVALE: Yes.
 07:08PM **15** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **16** MS. TARABOCCHIA: Yes.
 07:08PM **17** MS. LAMBRINIDES: Mr. Min?
 07:08PM **18** MR. MIN: Yes.
 07:12PM **19** CHAIRMAN FERGUSON: Okay. And now I'd
 07:12PM **20** like to conclude the reorganization meeting with a
 07:12PM **21** motion to adjourn.
 07:13PM **22** VICE CHAIRMAN ALBANESE: I'll make a
 07:13PM **23** motion we adjourn.
 07:13PM **24** Second?
 07:13PM **25** CHAIRMAN FERGUSON: Roll call?

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

07:13PM **1** MS. LAMBRINIDES: You mean to close off
 07:13PM **2** the reorganization?
 07:13PM **3** MS. TESTA: Right, to close. Yeah.
 07:13PM **4** CHAIRMAN FERGUSON: Yes.
 07:08PM **5** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **6** CHAIRMAN FERGUSON: Yes.
 07:08PM **7** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **8** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **9** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **10** MR. LEFTERIOU: Yes.
 07:08PM **11** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **12** MR. NAM: Yes.
 07:08PM **13** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **14** MR. CARNOVALE: Yes.
 07:08PM **15** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **16** MS. TARABOCCHIA: Yes.
 07:08PM **17** MS. LAMBRINIDES: Mr. Min?
 07:08PM **18** MR. MIN: Yes.
 07:13PM **19** CHAIRMAN FERGUSON: Now we need a roll
 07:13PM **20** call to start the regular meeting.
 07:13PM **21** So roll call.
 07:13PM **22** MS. LAMBRINIDES: All right. Just give
 07:13PM **23** me one minute, please.
 07:08PM **24** Mr. Ferguson?
 07:08PM **25** CHAIRMAN FERGUSON: Yes.

Laura A. Carucci, C.S.R., R.P.R., L.L.C.

201-641-1812

07:14PM **1** Roll call vote?
 07:08PM **2** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **3** CHAIRMAN FERGUSON: Yes.
 07:08PM **4** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **5** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **6** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **7** MR. LEFTERIOU: Yes.
 07:08PM **8** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **9** MR. NAM: Yes.
 07:08PM **10** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **11** MR. CARNOVALE: Yes.
 07:08PM **12** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **13** MS. TARABOCCHIA: Yes.
 07:08PM **14** MS. LAMBRINIDES: And Mr. Min is going
 07:14PM **15** to abstain, right?
 07:14PM **16** MS. TESTA: Yeah.
 07:14PM **17** CHAIRMAN FERGUSON: Next we'll have to
 07:14PM **18** pay some bills and I have two bills tonight. Judd
 07:14PM **19** Rocciola for \$252.00 and the board attorney for
 07:14PM **20** \$1375.00.
 07:14PM **21** Can I get a second?
 07:14PM **22** VICE CHAIRMAN ALBANESE: Second.
 07:14PM **23** CHAIRMAN FERGUSON: Roll call?
 07:08PM **24** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **25** CHAIRMAN FERGUSON: Yes.

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201-641-1812

07:08PM **1** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **2** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **3** MS. LAMBRINIDES: Mr. Terranova is not
 07:08PM **4** here.
 07:08PM **5** Mr. Lefteriou?
 07:08PM **6** MR. LEFTERIOU: Yes.
 07:08PM **7** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **8** MR. NAM: Yes.
 07:08PM **9** MS. LAMBRINIDES: Ms. Yoon?
 07:08PM **10** Mr. Carnovale?
 07:08PM **11** MR. CARNOVALE: Yes.
 07:08PM **12** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **13** MS. TARABOCCHIA: Here.
 07:08PM **14** MS. LAMBRINIDES: Mr. Min?
 07:08PM **15** MR. MIN: Yes.
 07:13PM **16** CHAIRMAN FERGUSON: Okay. We all have
 07:13PM **17** a copy of the previous minutes of the previous
 07:14PM **18** meeting.
 07:14PM **19** Is there any corrections to the
 07:14PM **20** minutes?
 07:14PM **21** VICE CHAIRMAN ALBANESE: I make a
 07:14PM **22** motion we accept the minutes.
 07:14PM **23** CHAIRMAN FERGUSON: There's a motion to
 07:14PM **24** accept the minutes of the December meeting.
 07:14PM **25** I'll second.

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201-641-1812

07:08PM **1** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **2** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **3** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **4** MR. LEFTERIOU: Yes.
 07:08PM **5** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **6** MR. NAM: Yes.
 07:08PM **7** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **8** MR. CARNOVALE: Yes.
 07:08PM **9** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **10** MS. TARABOCCHIA: Yes.
 07:08PM **11** MS. LAMBRINIDES: Mr. Min?
 07:08PM **12** MR. MIN: Yes.
 07:15PM **13** CHAIRMAN FERGUSON: Next we have case
 07:15PM **14** number -- memorialization, Case No. 18-05, K. Yoo,
 07:15PM **15** 317 East Edsall Boulevard.
 07:15PM **16** Everyone had an opportunity to review
 07:15PM **17** the case?
 07:15PM **18** I'll make a motion that we approve the
 07:15PM **19** memorialization.
 07:15PM **20** Can I get a second?
 07:15PM **21** MR. CARNOVALE: I'll second.
 07:15PM **22** MS. TESTA: Now, Mr. Albanese wasn't
 07:15PM **23** here.
 07:15PM **24** Ms. Tarabocchia, you weren't here.
 07:15PM **25** And Mr. Min was not a member at the

Laura A. Carucci, C.S.R., R.P.R., L.L.C.

201-641-1812

07:15PM **1** time.

07:15PM **2** So only present is Mr. Ferguson,

07:15PM **3** Mr. Carnovale, Mr. Nam. That's it, those three can

07:15PM **4** vote this evening on it.

07:15PM **5** CHAIRMAN FERGUSON: Okay. So I'll make

07:15PM **6** the motion.

07:15PM **7** MR. CARNOVALE: I second it.

07:15PM **8** CHAIRMAN FERGUSON: Roll call vote?

07:08PM **9** MS. LAMBRINIDES: Mr. Ferguson?

07:08PM **10** CHAIRMAN FERGUSON: Yes.

07:08PM **11** MS. LAMBRINIDES: Mr. Albanese?

07:08PM **12** VICE CHAIRMAN ALBANESE: Abstain.

07:08PM **13** MS. LAMBRINIDES: Mr. Lefteriou?

07:08PM **14** MR. LEFTERIOU: Abstain.

07:08PM **15** MS. LAMBRINIDES: Mr. Nam?

07:08PM **16** MR. NAM: Yes.

07:08PM **17** MS. LAMBRINIDES: Mr. Carnovale?

07:08PM **18** MR. CARNOVALE: Yes.

07:08PM **19** MS. LAMBRINIDES: Ms. Tarabocchia?

07:08PM **20** MS. TARABOCCHIA: Abstain.

07:08PM **21** MS. LAMBRINIDES: Mr. Min?

07:08PM **22** MR. MIN: Yes.

07:08PM **23** MS. TESTA: Abstain.

07:08PM **24** MR. MIN: Abstain.

07:16PM **25** MS. TESTA: Yes.

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

07:08PM **1** MR. MIN: Yes.

07:17PM **2** CHAIRMAN FERGUSON: Okay.

07:17PM **3** Next we have Duzgan, 18-03, 423 Bergen

07:17PM **4** Boulevard. And I received the -- we received the

07:17PM **5** communication from him.

07:17PM **6** MS. TESTA: Right, also looking to

07:17PM **7** withdraw his application without prejudice.

07:17PM **8** CHAIRMAN FERGUSON: So there's a motion

07:17PM **9** the withdraw the application.

07:17PM **10** VICE CHAIRMAN ALBANESE: I'll second.

07:17PM **11** CHAIRMAN FERGUSON: Roll call?

07:08PM **12** MS. LAMBRINIDES: Mr. Ferguson?

07:08PM **13** CHAIRMAN FERGUSON: Yes.

07:08PM **14** MS. LAMBRINIDES: Mr. Albanese?

07:08PM **15** VICE CHAIRMAN ALBANESE: Yes.

07:08PM **16** MS. LAMBRINIDES: Mr. Lefteriou?

07:08PM **17** MR. LEFTERIOU: Yes.

07:08PM **18** MS. LAMBRINIDES: Mr. Nam?

07:08PM **19** MR. NAM: Yes.

07:08PM **20** MS. LAMBRINIDES: Mr. Carnovale?

07:08PM **21** MR. CARNOVALE: Yes.

07:08PM **22** MS. LAMBRINIDES: Ms. Tarabocchia?

07:08PM **23** MS. TARABOCCHIA: Yes.

07:08PM **24** MS. LAMBRINIDES: Mr. Min?

07:08PM **25** MR. MIN: Yes.

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

07:16PM **1** CHAIRMAN FERGUSON: Okay. So we have

07:16PM **2** two requests for withdrawals. First one would be

07:16PM **3** King Spa, Case No. 13-07, 329 Commercial Avenue.

07:16PM **4** MS. TESTA: The attorney has sent in a

07:16PM **5** letter basically advising that King Parking Lot, Inc.

07:16PM **6** hereby withdraws the application without prejudice

07:16PM **7** before the board.

07:16PM **8** We should do a motion and a vote.

07:16PM **9** CHAIRMAN FERGUSON: I'll make that

07:16PM **10** motion.

07:17PM **11** VICE CHAIRMAN ALBANESE: I'll second.

07:17PM **12** CHAIRMAN FERGUSON: Roll call?

07:17PM **13** MS. LAMBRINIDES: Mr. Ferguson?

07:08PM **14** CHAIRMAN FERGUSON: Yes.

07:08PM **15** MS. LAMBRINIDES: Mr. Albanese?

07:08PM **16** VICE CHAIRMAN ALBANESE: Yes.

07:08PM **17** MS. LAMBRINIDES: Mr. Lefteriou?

07:08PM **18** MR. LEFTERIOU: Yes.

07:08PM **19** MS. LAMBRINIDES: Mr. Nam?

07:08PM **20** MR. NAM: Yes.

07:08PM **21** MS. LAMBRINIDES: Mr. Carnovale?

07:08PM **22** MR. CARNOVALE: Yes.

07:08PM **23** MS. LAMBRINIDES: Ms. Tarabocchia?

07:08PM **24** MS. TARABOCCHIA: Yes.

07:08PM **25** MS. LAMBRINIDES: Mr. Min?

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

07:17PM **1** CHAIRMAN FERGUSON: Okay.

07:17PM **2** FEMALE AUDIENCE MEMBER: Does that mean

07:17PM **3** we'll get a new letter if there's another new scheme

07:18PM **4** that he wants.

07:18PM **5** CHAIRMAN FERGUSON: Yeah, they would

07:18PM **6** have to submit new plans, new letter, new everything.

07:18PM **7** MS. TESTA: Yes, right. And you would

07:18PM **8** be notified.

07:18PM **9** CHAIRMAN FERGUSON: And you would be

07:18PM **10** notified again.

07:18PM **11** FEMALE AUDIENCE MEMBER: And just a

07:18PM **12** note for you, I had surgery on my knee, so I had to

13 come again. This is the third time I've come. I

14 have my crutches.

15 CHAIRMAN FERGUSON: Right.

16 FEMALE AUDIENCE MEMBER: It's a real

17 burden.

18 CHAIRMAN FERGUSON: Okay.

19 FEMALE AUDIENCE MEMBER: If you'll

20 remember that the next time he brings a ridiculous

21 whimsical case in front of you.

22 Please remember this history.

07:18PM **23** CHAIRMAN FERGUSON: Okay. The only

07:18PM **24** thing that I will say to you, people apply to the

07:18PM **25** board, we just can't arbitrarily say -- right?

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201-641-1812

25

07:18PM **1** MS. TESTA: No, you can't.

07:18PM **2** We did at the last ajournment basically

07:18PM **3** told him he needed to appear tonight to put his case

07:18PM **4** on, that the board was not granting any further

07:18PM **5** adjournments, but, again, if he does file, it's an

07:18PM **6** application the board has to hear.

07:18PM **7** FEMALE AUDIENCE MEMBER: Has to start

07:18PM **8** from the beginning?

07:18PM **9** MS. TESTA: Yes.

07:18PM **10** CHAIRMAN FERGUSON: Yes, has to start

07:18PM **11** again.

07:18PM **12** FEMALE AUDIENCE MEMBER: Thank you.

07:18PM **13** CHAIRMAN FERGUSON: Okay. So the first

07:18PM **14** case up tonight will be Case 18-09, Dervo Developers,

07:18PM **15** LLC, 145 East Edsall Boulevard.

07:19PM **16** Counsel, do you want to put your

07:19PM **17** appearance in.

07:19PM **18** MR. MACRI: Good evening, Mr. Chairman,

07:19PM **19** Members of the Board. My name is Marc Macri

07:19PM **20** appearing on behalf of Dervo Developers.

07:19PM **21** Mr. Chairman, this is a continuation

07:19PM **22** from last month's meeting. My architect is running

23 behind.

24 CHAIRMAN FERGUSON: Okay.

25 MR. MACRI: He's already provided his

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201-641-1812

26

1 testimony, but it would be more beneficial to have

2 him here when we discuss the application with

07:19PM **3** Mr. Collazuol.

07:19PM **4** CHAIRMAN FERGUSON: So you want to --

07:19PM **5** we'll put somebody else on and then you can...

07:19PM **6** MR. MACRI: Right.

07:19PM **7** CHAIRMAN FERGUSON: Okay.

07:19PM **8** MR. MACRI: I think Mr. Cocoros has two

07:19PM **9** more applications tonight.

07:19PM **10** CHAIRMAN FERGUSON: Who?

07:19PM **11** Mr. MACRI: Mr. Cocoros has the next

07:19PM **12** two applications.

07:19PM **13** CHAIRMAN FERGUSON: Okay.

07:19PM **14** MR. MACRI: The last one is Mr. An.

07:19PM **15** MS. TESTA: He's not here.

07:19PM **16** MR. MACRI: I have that architect, I'm

07:19PM **17** ready on that one, if you want to proceed.

07:19PM **18** CHAIRMAN FERGUSON: Well, he's not --

07:19PM **19** no, I don't want to proceed because he's last on the

07:19PM **20** agenda.

07:19PM **21** MR. MACRI: I know, but the other three

07:19PM **22** are Mr. Cocoros.

07:19PM **23** CHAIRMAN FERGUSON: Okay. But we go

07:20PM **24** down the order of --

07:20PM **25** MR. MACRI: Okay.

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

27

07:20PM **1** CHAIRMAN FERGUSON: Right? So...

07:20PM **2** MR. MACRI: All right. Understood.

07:20PM **3** CHAIRMAN FERGUSON: Okay. So the next

07:20PM **4** one will be 18-10, which would be Dhana Realty, 411

5 5th Street.

6 MR. CHEWCASKIE: Dhana Realty.

7 CHAIRMAN FERGUSON: Okay.

8 MR. CHEWCASKIE: Different attorney,

9 same problem. Brian M. Chewcaskie, Cleary, Giacobbe,

10 Alfieri & Jacobs, on behalf of the applicant.

11 CHAIRMAN FERGUSON: Right.

12 MR. CHEWCASKIE: Our witness is

13 Mr. Kauker [sic] as he has not arrived yet. So...

14 CHAIRMAN FERGUSON: Well, does

15 Mr. Kauker --

16 MS. LAMBRINIDES: Cocoros.

07:20PM **17** CHAIRMAN FERGUSON: -- know that we

07:20PM **18** start at 7:00?

07:20PM **19** MR. CHEWCASKIE: He does.

07:20PM **20** CHAIRMAN FERGUSON: I would give him a

07:20PM **21** reprimand. I would definitely give him a severe

07:20PM **22** reprimand.

07:20PM **23** MR. CHEWCASKIE: I think we will.

07:20PM **24** CHAIRMAN FERGUSON: Okay.

07:20PM **25** MR. CHEWCASKIE: But the same -- same

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

28

07:20PM **1** issue. He will be our only witness, Mr. Chairman.

07:20PM **2** CHAIRMAN FERGUSON: Okay. Well, I

07:20PM **3** guess that takes care of that.

07:20PM **4** MS. TESTA: Moving along.

07:21PM **5** Hillside?

07:21PM **6** CHAIRMAN FERGUSON: I think -- you have

07:21PM **7** Hillside too?

07:21PM **8** MR. MACRI: Yes, I'm covering that for

07:21PM **9** Mr. Sokolich.

07:21PM **10** I have two witnesses on that

07:21PM **11** application, I have Mr. Cocoros, as well as Mr. Ken

07:21PM **12** Ochab. Mr. Ochab is present.

07:21PM **13** CHAIRMAN FERGUSON: Okay. You want to

07:21PM **14** start with him?

07:21PM **15** MR. MACRI: Okay.

07:21PM **16** FEMALE AUDIENCE MEMBER: Sorry, I have

07:21PM **17** a question of 411 5th Street. The case is not here

07:21PM **18** today.

07:21PM **19** CHAIRMAN FERGUSON: No, no.

07:21PM **20** MR. CHEWCASKIE: It will be heard.

07:21PM **21** CHAIRMAN FERGUSON: It will be heard.

07:21PM **22** MS. LAMBRINIDES: Do you have your

07:21PM **23** proofs, your notices? I can hand them out.

07:22PM **24** Do you want me to hand them out? What

07:22PM **25** do you have, two different exhibits or one? They're

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

07:22PM 1 all the same.

07:22PM 2 MR. MACRI: Yeah, these two pages.

07:23PM 3 CHAIRMAN FERGUSON: Okay.

07:23PM 4 MR. MACRI: Good evening, Mr. Chairman,

07:23PM 5 Members of the Board. My name is Marc Macri. I'm

07:23PM 6 appearing this evening on behalf of Hillside, LLC,

07:23PM 7 the owners of the property and applicant in

07:23PM 8 connection with the property located at 527 Roff

07:23PM 9 Avenue [sic] here in the borough.

07:23PM 10 We're here this evening seeking the

07:23PM 11 board's approval to demolish the existing dwelling

07:23PM 12 and construct a new two-family side-by-side duplex

07:23PM 13 building on the property.

07:23PM 14 With me this evening, I have Mr. Ken

07:23PM 15 Ochab, our professional planner. Our architect,

07:23PM 16 Mr. Vassilios Cocoros, is in Cliffside Park and will

07:23PM 17 appear here, hopefully, within the next 20 minutes.

07:23PM 18 Mr. Chairman, I just handed out a

07:23PM 19 two-page photo exhibit. We'll mark that as A-1.

07:23PM 20 CHAIRMAN FERGUSON: Okay.

07:23PM 21 (Whereupon, Photo Exhibit, two pages,

07:23PM 22 is received and marked as Exhibit A-1 for

07:23PM 23 identification.)

07:23PM 24 CHAIRMAN FERGUSON: Do you want to

07:23PM 25 swear him in?

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201-641-1812

07:24PM 1 MR. MACRI: Thank you.

07:24PM 2 DIRECT EXAMINATION

07:24PM 3 BY MR. MACRI:

07:24PM 4 Q. Mr. Ochab, you're familiar with the

07:24PM 5 property located at 527 [sic] Roff Avenue here in the

6 borough?

7 A. **It's 463.**

8 MS. TESTA: What is the -- yeah, the

9 address is --

10 THE WITNESS: 463.

11 MS. TESTA: Okay.

07:24PM 12 THE WITNESS: Yeah, 463.

07:24PM 13 BY MR. MACRI:

07:24PM 14 Q. I'm sorry, 463 Roff Avenue?

07:24PM 15 A. **I am. Yes, I am.**

07:24PM 16 Q. And prior to tonight's application, did

07:24PM 17 you review the application that was submitted to the

07:24PM 18 board, as well as the plans?

07:24PM 19 A. **I did, yes.**

07:24PM 20 Q. Are you familiar with the area where

07:24PM 21 this property is located?

07:24PM 22 A. **I am, yes.**

07:25PM 23 Q. Can you please tell the board your

07:25PM 24 findings?

07:25PM 25 A. **Okay.**

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

07:23PM 1 MS. TESTA: Yes.

07:23PM 2 Please raise your right hand. Do you

07:24PM 3 swear that the testimony you will give in this

07:24PM 4 application will be the truth, the whole truth and

07:24PM 5 nothing but the truth?

07:24PM 6 MR. OCHAB: I do.

07:24PM 7 **K E N N E T H O C H A B,**

07:24PM 8 **12-16 Fair Lawn Avenue, Fair Lawn, New Jersey**

07:24PM 9 **07410, having been duly sworn, testifies as**

07:24PM 10 **follows:**

07:24PM 11 MS. TESTA: Please state your name,

07:24PM 12 spell it for the record.

07:24PM 13 MR. OCHAB: My name is Ken Ochab,

07:24PM 14 that's O-C-H-A-B as in Boy. Address is 12-16 Fair

07:24PM 15 Lawn Avenue, Fair Lawn, New Jersey.

07:24PM 16 CHAIRMAN FERGUSON: Okay.

07:24PM 17 MR. MACRI: Mr. Chairman, do you want

07:24PM 18 me to give his credentials or will you accept him as

19 he's been --

20 CHAIRMAN FERGUSON: I think he's -- has

21 he been before this board?

22 MR. OCHAB: I have, yes.

23 MS. LAMBRINIDES: Many times.

24 CHAIRMAN FERGUSON: Then we'll accept

07:24PM 25 him as an expert.

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

07:25PM 1 **So the property is on Roff Avenue and**

07:25PM 2 **it's just south of Edsall. It's on the, I'll call**

07:25PM 3 **it, the west side of Roff. It's a dead-end Street.**

07:25PM 4 **So there's -- there's only a few houses on that**

07:25PM 5 **street.**

07:25PM 6 **The major property surrounding this**

07:25PM 7 **parcel is the school, which is directly to the south**

07:25PM 8 **of the property in question.**

07:25PM 9 **So we're looking at 463 Roff Avenue,**

07:25PM 10 **Block 313, Lot 22. The property is 50 by 100 feet in**

07:25PM 11 **dimension. So it's 5,000 square feet.**

07:25PM 12 **It's got an existing two-family home on**

07:25PM 13 **it at the present time. And the proposed plan is to**

07:25PM 14 **construct a new duplex dwelling on the property.**

07:25PM 15 **The property is in the AA zone, so**

07:26PM 16 **duplexes are permitted. And you can see by the**

07:26PM 17 **zoning chart that was submitted with the development**

07:26PM 18 **application, all of the AA bulk standards have been**

07:26PM 19 **met, including lot area, width, the setbacks are all**

07:26PM 20 **met according to the duplex section of the ordinance,**

07:26PM 21 **which applies here and as well as building coverage.**

07:26PM 22 **The only variance that exists here is**

07:26PM 23 **for building height. We're proposing a building**

07:26PM 24 **height of 34 -- 34.33 feet, three stories, where the**

07:26PM 25 **ordinance allows two-and-a-half stories and 28 feet.**

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

07:26PM 1 So that's our only variance here.
 07:26PM 2 This variance is a (d) variance. It's
 07:26PM 3 a (d) variance because it exceeds the allowable
 07:26PM 4 height by more than 10 percent. So 10 percent of 28
 07:27PM 5 feet would have been 2 -- or is 2.8 feet. So we're
 07:27PM 6 allowed under the (c) variance criteria to go to 30.8
 07:27PM 7 feet, we're at 34 feet and change, so we have a (d)
 07:27PM 8 variance here.
 07:27PM 9 The (d) variance, it's a (d)(6)
 07:27PM 10 variance under the Municipal Land Use Law. And
 07:27PM 11 typically the (d) variance requires special reasons
 07:27PM 12 and criteria, which is set forth in the case law.
 07:27PM 13 This is not a (d) variance like a use variance, so
 07:27PM 14 it's not special reasons where you have to show
 07:27PM 15 particular suitability of a site or consistency with
 07:27PM 16 the master plan or really special reasons.
 07:27PM 17 The (d)(6) variance is controlled by
 07:27PM 18 basically two cases, one is Grasso versus Spring
 07:27PM 19 Valley [sic] or Spring Lake, I'm sorry, and the
 07:27PM 20 second really is the Conventry versus Westwood case.
 07:27PM 21 And those cases basically have the criteria where you
 07:28PM 22 have to show that the additional height of the
 07:28PM 23 building will not have -- can be accommodated by the
 07:28PM 24 site, there's no particular issues with the
 07:28PM 25 additional height and that it's basically consistent

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

07:28PM 1 with the type of construction and the type of
 07:28PM 2 buildings within the neighborhood.
 07:28PM 3 So with that being said, what I've
 07:28PM 4 done, I typically do, is go to the site, review the
 07:28PM 5 site, itself, and take photographs of the site and
 07:28PM 6 then the surrounding properties.
 07:28PM 7 So what you have in front of you in the
 07:28PM 8 first exhibit is two sheets and those sheets are
 07:28PM 9 replicated on the board here (indicating), the second
 07:28PM 10 board behind it.
 07:28PM 11 So from left to right, the upper left,
 07:28PM 12 you're looking at -- in photo one a copy -- a
 07:28PM 13 photograph of the existing building on the site,
 07:28PM 14 itself. The upper right is a photograph of the
 07:28PM 15 existing building to the right side and then the
 07:28PM 16 school, which is just adjacent to the property to the
 07:29PM 17 south.
 07:29PM 18 The lower left is showing the buildings
 07:29PM 19 to the -- or residences to the north of the site,
 07:29PM 20 which is, again, on the left. You can see an
 07:29PM 21 existing home adjacent to it and then a more modern
 07:29PM 22 duplex just to the outside of that or north of that
 07:29PM 23 (indicating).
 07:29PM 24 And then the lower right is a
 07:29PM 25 photograph of the building directly across

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

07:29PM 1 (indicating), the house directly across the street on
 07:29PM 2 Roff from the subject property.
 07:29PM 3 The second sheet shows (indicating),
 07:29PM 4 again, from the upper left the photo one is a
 07:29PM 5 photograph of the building that's diagonally across
 07:29PM 6 the street from the subject property on Roff.
 07:29PM 7 The photo two (indicating) is the
 07:29PM 8 second house to the north from the site. So if
 07:29PM 9 you're on the same side of Roff, one, two, and that's
 07:29PM 10 the house you see, again, it's the duplex development
 07:29PM 11 there.
 07:29PM 12 And then the lower two photographs are
 07:30PM 13 photographs of the two residences that back up to
 07:30PM 14 this property. They're actually fronting on 3rd, on
 07:30PM 15 3rd Street.
 07:30PM 16 So both the left and the right
 07:30PM 17 photograph are adjacent buildings. They're both
 07:30PM 18 duplexes and they both, again, back up to the
 07:30PM 19 property in question.
 07:30PM 20 The -- so the point of doing all of
 07:30PM 21 this is to show the board that the development
 07:30PM 22 pattern here is for a duplex development to be sure
 07:30PM 23 and also to show that the buildings that I'm showing
 07:30PM 24 you, that are the newer buildings, the duplex
 07:30PM 25 buildings, are all over 30 feet in height.

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

07:30PM 1 So they all exceed the 28-foot height
 07:30PM 2 requirement of the zone. They're all three stories
 07:30PM 3 in nature. So every single one of these buildings,
 07:30PM 4 the ones on 3rd, the ones to the north and the one
 07:31PM 5 directly across are all -- are all duplex buildings,
 07:31PM 6 all three-story buildings, all exceed 30 feet in
 07:31PM 7 height.
 07:31PM 8 So even though we exceed the 28-foot
 07:31PM 9 height requirement, I would definitely say that the
 07:31PM 10 building we're proposing, the residence we're
 07:31PM 11 proposing, is consistent with the development pattern
 07:31PM 12 in -- in the neighborhood and that would be basically
 07:31PM 13 the basis for the justification on the variance.
 07:31PM 14 The second part of every variance, of
 07:31PM 15 course, is to also consider what's called the
 07:31PM 16 negative criteria.
 07:31PM 17 So there's really two prongs of the
 07:31PM 18 negative criteria; one is whether or not there would
 07:31PM 19 be a substantial detriment if the board would pass
 07:31PM 20 the variance.
 07:31PM 21 That basically means, what's the
 07:31PM 22 impact? Is the impact of the additional height
 07:31PM 23 substantial?
 07:31PM 24 And here, again, I would say, no, that
 07:31PM 25 there was no substantial impact of the additional

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

07:31PM **1** height, again above the 28 feet, which would have any
 07:31PM **2** impact on any neighboring property or have any impact
 07:32PM **3** with respect to the neighborhood in general and of
 07:32PM **4** course, the second prong of the negative criteria is
 07:32PM **5** whether or not there would be a substantial
 07:32PM **6** impairment to the zone plan or to the zoning
 07:32PM **7** ordinance if the board would pass this variance as
 07:32PM **8** well.
 07:32PM **9** And, again, my opinion on that would
 07:32PM **10** be, no, there would not be any substantial impairment
 07:32PM **11** to the zone plan because of -- again, the nature of
 07:32PM **12** development in the surrounding area, all of which,
 07:32PM **13** again, is above 30-foot height requirement and all at
 07:32PM **14** three stories, again above the height requirement.
 07:32PM **15** So I'm not looking to kill time here,
 07:32PM **16** but...
 07:32PM **17** MS. LAMBRINIDES: But we are.
 07:32PM **18** THE WITNESS: Because I don't see Billy
 07:32PM **19** in the -- coming up behind me, but basically that's
 07:32PM **20** the -- that's the long and the short of the planning
 07:32PM **21** testimony with respect to this particular
 07:32PM **22** application.
 07:32PM **23** CHAIRMAN FERGUSON: Okay.
 07:32PM **24** THE WITNESS: So, Mr. Chairman, thank
 07:32PM **25** you.

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

1 don't we swear both of them in now.
2 MS. TESTA: Right. Yes, both of them
3 for the year.
4 CHAIRMAN FERGUSON: For the year, yeah.
5 MS. TESTA: Please raise your right
6 hand.
7 Do you swear that the comments and
8 advice that you will give to this board regarding any
9 applications held throughout 2019 will be the truth,
10 the whole truth and nothing but the truth?
11 MR. COLLAZUOL: I do.
12 STEVE COLLAZUOL,
13 having been duly sworn for the year 2019 as the
14 Board Engineer, testifies as follows:
15 MR. KAUKER: I do.
16 MICHAEL KAUKER,
17 having been duly sworn for the year 2019 as the
 07:34PM **18** Board Planner, testifies as follows:
 07:34PM **19** CHAIRMAN FERGUSON: Okay, Mr. Kauker,
 07:34PM **20** you're on.
 07:34PM **21** MR. KAUKER: Yeah, just actually one
 07:34PM **22** question, Mr. Ochab.
 07:34PM **23** And if I understand your testimony
 07:34PM **24** correctly, you indicated that the height of the
 07:34PM **25** proposed structure is consistent, I guess, with the

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

07:32PM **1** I'd be happy to answer any questions.
 07:33PM **2** FEMALE AUDIENCE MEMBER: Ask questions.
 07:33PM **3** CHAIRMAN FERGUSON: Well, I'll call on
 07:33PM **4** you.
 07:33PM **5** Maybe I should have said it at the
 07:33PM **6** beginning. After every witness testifies, we go, our
 07:33PM **7** experts go, and then we open it up to the public.
 07:33PM **8** Please, when you're asking questions, you have to ask
 07:33PM **9** the witness his expertise. This witness is a
 07:33PM **10** planner, so anything pertaining to a planner would be
 07:33PM **11** answered by him.
 07:33PM **12** If you had questions about how big it
 07:33PM **13** is, how many bedrooms, et cetera, et cetera, that
 07:33PM **14** would be for the architect, which will be coming.
 07:33PM **15** Right?
 07:33PM **16** MR. MACRI: Yes.
 07:33PM **17** CHAIRMAN FERGUSON: So I just got one
 07:33PM **18** quick one, it's pretty obvious.
 07:33PM **19** What zone is this?
 07:33PM **20** THE WITNESS: It's the AA zone.
 07:33PM **21** CHAIRMAN FERGUSON: Right. So it's
 07:33PM **22** one- and two-family?
 07:33PM **23** THE WITNESS: It is, yes.
 07:33PM **24** CHAIRMAN FERGUSON: Okay.
 07:33PM **25** Mr. Kauker, do you want to -- well, why

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

07:34PM **1** newer -- other newer duplexes in the area, both in
 07:34PM **2** terms of number of stories and, I guess, they're all
 07:34PM **3** over 30 feet.
 07:34PM **4** You wouldn't happen to know the exact
 07:34PM **5** height of those structures, would you?
 07:34PM **6** THE WITNESS: The exact height? No.
 07:34PM **7** MR. KAUKER: Okay.
 07:34PM **8** THE WITNESS: Here's what I did,
 07:34PM **9** though, I -- I looked for the files on -- on each of
 07:34PM **10** these properties. I couldn't locate the files.
 07:34PM **11** MR. KAUKER: Okay.
 07:34PM **12** THE WITNESS: So what I did is I
 07:34PM **13** measured the height of the structures using -- using
 07:34PM **14** GoogleEarth --
 07:34PM **15** MR. KAUKER: Okay.
 07:34PM **16** THE WITNESS: And if you know, you go
 07:34PM **17** to the street view and you can actually measure the
 07:34PM **18** physical height of each building.
 07:34PM **19** So I'm close, I'm not exact, but I know
 07:35PM **20** that each of them are over 30 feet.
 07:35PM **21** MR. KAUKER: Okay. Thank you.
 07:35PM **22** And I guess this would probably be more
 07:35PM **23** of a question for the architect, rather than the
 07:35PM **24** planner, but I guess did they look into other means
 07:35PM **25** to try to lower the height of the structure?

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

07:35PM **1** But I guess that's more of a questions
 07:35PM **2** for the architect.
 07:35PM **3** CHAIRMAN FERGUSON: Yeah, right.
 07:35PM **4** MR. KAUKER: Other than that, I really
 07:35PM **5** have no other questions for the planner.
 07:35PM **6** CHAIRMAN FERGUSON: Okay.
 07:35PM **7** Any person in the audience who has any
 07:35PM **8** questions for the planner?
 07:35PM **9** MS. BRUSCO: I live at --
 07:35PM **10** CHAIRWOMAN FERGUSON: Can you give us
 07:35PM **11** your name and address, please?
 07:35PM **12** MS. BRUSCO: Brusco, Pina Brusco.
 07:35PM **13** THE COURT REPORTER: Please spell your
 07:35PM **14** name.
 07:35PM **15** MS. BRUSCO: Brusco, B-R-U-S-C-O.
 07:35PM **16** THE COURT REPORTER: Your first name?
 07:35PM **17** MS. BRUSCO: Pina, P-I-N-A.
 07:35PM **18** THE COURT REPORTER: And your address?
 07:35PM **19** MS. BRUSCO: 469 Roff Avenue in
 07:35PM **20** Palisades Park.
 07:35PM **21** CHAIRMAN FERGUSON: Okay.
 07:35PM **22** MS. BRUSCO: I live right -- the land
 07:35PM **23** is connect [sic], I'm right there.
 07:35PM **24** THE WITNESS: You're next door?
 07:35PM **25** MS. BRUSCO: Yes, I'm next door.

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

07:36PM **1** CHAIRMAN FERGUSON: All right?
 07:36PM **2** MS. BRUSCO: Bring the house -- if
 07:36PM **3** you're going to build a wall, a retaining wall,
 07:36PM **4** you're going to fill up the dirt.
 07:36PM **5** So where I'm going to go? You next to
 07:36PM **6** me and my land is going to be sunken in and that's a
 07:36PM **7** danger to my house.
 07:36PM **8** CHAIRMAN FERGUSON: What was the --
 07:36PM **9** what's the question?
 07:37PM **10** MS. BRUSCO: Yeah. He's building a
 07:37PM **11** wall and it's going to make the house -- he's not
 07:37PM **12** going to dig down to the -- to the ground. He's
 07:37PM **13** building the house 33 feet.
 07:37PM **14** CHAIRMAN FERGUSON: Right.
 07:37PM **15** MS. BRUSCO: Okay? Whatever that is,
 07:37PM **16** 33 feet high.
 07:37PM **17** CHAIRMAN FERGUSON: Right.
 07:37PM **18** MS. BRUSCO: The house is going to be
 07:37PM **19** so high.
 07:37PM **20** CHAIRMAN FERGUSON: Yes.
 07:37PM **21** MS. BRUSCO: It's going to fill it up.
 07:37PM **22** My land is going to be too...
 07:37PM **23** CHAIRMAN FERGUSON: Your land?
 07:37PM **24** MS. BRUSCO: Yeah, my land.
 07:37PM **25** CHAIRMAN FERGUSON: But you're --

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

07:35PM **1** THE WITNESS: Okay.
 07:36PM **2** MS. BRUSCO: I have questions with that
 07:36PM **3** height. That's too high, the house. You're going to
 07:36PM **4** lock me in. I mean, that house is too high.
 07:36PM **5** I don't have any questions building the
 07:36PM **6** house, but it's supposed to be...
 07:36PM **7** THE WITNESS: I think you really have
 07:36PM **8** to ask the architect that question, because I can't
 07:36PM **9** --
 07:36PM **10** MS. BRUSCO: You are no --
 07:36PM **11** THE WITNESS: -- I can't talk about
 07:36PM **12** lowering the height.
 07:36PM **13** CHAIRMAN FERGUSON: Well, here's -- the
 07:36PM **14** architect's going to be here, hopefully --
 07:36PM **15** MS. BRUSCO: Oh, okay.
 07:36PM **16** CHAIRMAN FERGUSON: -- right? Before we
 07:36PM **17** --
 07:36PM **18** MS. BRUSCO: Oh, hopefully.
 07:36PM **19** CHAIRMAN FERGUSON: And one of the
 07:36PM **20** questions that the board's going to ask him is how
 07:36PM **21** can we --
 07:36PM **22** MS. BRUSCO: See the --
 07:36PM **23** CHAIRMAN FERGUSON: How can you lower
 07:36PM **24** the height of the building?
 07:36PM **25** MS. BRUSCO: Okay.

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

07:37PM **1** MS. BRUSCO: I'm right there.
 07:37PM **2** MS. LAMBRINIDES: She's next door.
 07:37PM **3** MS. BRUSCO: I'm right there. We
 07:37PM **4** connect. We have this much space between the one
 07:37PM **5** house and the other (indicating).
 07:37PM **6** CHAIRMAN FERGUSON: Right. So you're
 07:37PM **7** saying --
 07:37PM **8** MS. BRUSCO: He's going to build the
 07:37PM **9** house too high and where is my house going?
 07:37PM **10** CHAIRMAN FERGUSON: I don't think I
 07:37PM **11** understand. Are you saying --
 07:37PM **12** MS. BRUSCO: It's going to be a danger
 07:37PM **13** to my house.
 07:37PM **14** CHAIRMAN FERGUSON: Are you saying that
 07:37PM **15** you're afraid that your building --
 07:37PM **16** MS. BRUSCO: It's going to be a danger
 07:37PM **17** to my house.
 07:37PM **18** CHAIRMAN FERGUSON: Why would it be
 07:37PM **19** dangerous to your house?
 07:37PM **20** MS. BRUSCO: Because they're building
 07:37PM **21** up too high.
 07:37PM **22** MR. MACRI: It's not going to fall.
 07:37PM **23** CHAIRMAN FERGUSON: Yes, but when they
 07:37PM **24** build houses, they have an architect, right?
 07:38PM **25** MS. BRUSCO: They built the house, a

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

07:38PM 1 two-family house, duplex.
 07:38PM 2 CHAIRMAN FERGUSON: Right.
 07:38PM 3 MS. BRUSCO: They -- yes, I don't have
 07:38PM 4 nothing against to build the house, but you've got to
 07:38PM 5 build it to knock down somebody else's property.
 07:38PM 6 CHAIRMAN FERGUSON: Counsel?
 07:38PM 7 MR. MACRI: We have no intention of
 07:38PM 8 damaging Ms. Brusco's home.
 07:38PM 9 CHAIRMAN FERGUSON: Yeah.
 07:38PM 10 MS. BRUSCO: Where are you going to put
 07:38PM 11 the retaining wall when you pick up that land? I'm
 07:38PM 12 right here, so you're going to be here (indicating)
 07:38PM 13 and I'm going to be down here.
 07:38PM 14 CHAIRMAN FERGUSON: Oh, right, if the
 07:38PM 15 question is about retaining walls, that would be for
 07:38PM 16 Mr. Cocoros, correct?
 07:38PM 17 MR. MACRI: Right.
 07:38PM 18 CHAIRMAN FERGUSON: Yes.
 07:38PM 19 Mr. Cocoros will answer that. When
 07:38PM 20 Mr. Cocoros comes, if he ever gets here, he will
 07:38PM 21 answer that question. Right?
 07:38PM 22 So --
 07:38PM 23 MS. BRUSCO: If he builds the land to
 07:38PM 24 put the house --
 07:38PM 25 CHAIRMAN FERGUSON: Yeah, but this --

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

07:39PM 1 CHAIRMAN FERGUSON: Right.
 07:39PM 2 MS. BRAUER: It's a very general kind
 07:39PM 3 of a statement, not knowing exactly what the sizes
 07:39PM 4 are.
 07:39PM 5 CHAIRMAN FERGUSON: Right.
 07:39PM 6 MS. BRAUER: If one of those houses had
 07:39PM 7 a bowling alley, does that mean he can come before
 07:39PM 8 you for a bowling alley?
 07:39PM 9 I don't think that can be used as a
 07:39PM 10 rule of thumb. There's a reason he's before a board.
 07:39PM 11 CHAIRMAN FERGUSON: Right.
 07:39PM 12 MS. BRAUER: It should be very
 07:39PM 13 individual.
 07:39PM 14 CHAIRMAN FERGUSON: I agree.
 07:39PM 15 MS. BRAUER: And I would assume each
 07:39PM 16 duplex that didn't conform and had to come before the
 07:39PM 17 board --
 07:39PM 18 CHAIRMAN FERGUSON: Right.
 07:40PM 19 MS. BRAUER: -- had to present under its
 07:40PM 20 own merits, because I don't think, you know, that
 07:40PM 21 makes anything deficient.
 07:40PM 22 CHAIRMAN FERGUSON: Right.
 07:40PM 23 Counsel.
 07:40PM 24 MR. MACRI: Mr. Chairman, his testimony
 07:40PM 25 was specific to this application.

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

07:38PM 1 yeah, but he --
 07:38PM 2 VICE CHAIRMAN ALBANESE: You're asking
 07:38PM 3 the wrong witness.
 07:39PM 4 CHAIRMAN FERGUSON: Which is the wrong
 07:39PM 5 person.
 07:39PM 6 VICE CHAIRMAN ALBANESE: It's not him.
 07:39PM 7 CHAIRMAN FERGUSON: The witness is
 07:39PM 8 going to come, the other guy is going to come.
 07:39PM 9 VICE CHAIRMAN ALBANESE: The other
 07:39PM 10 guy's going to come, you got to ask him.
 07:39PM 11 CHAIRMAN FERGUSON: And you can ask him
 07:39PM 12 all the questions.
 07:39PM 13 Okay?
 07:39PM 14 MS. TESTA: It's more architectural
 07:39PM 15 than planning. So he'll be here soon.
 07:39PM 16 MS. BRUSCO: I understand that.
 07:39PM 17 MS. TESTA: Right.
 07:39PM 18 CHAIRMAN FERGUSON: Okay.
 07:39PM 19 MS. BRUSCO: But you ruin somebody else
 07:39PM 20 to make it go that high. That's the problem.
 07:39PM 21 CHAIRMAN FERGUSON: Name and address.
 07:39PM 22 MS. BRAUER: Susan Brauer.
 07:39PM 23 Mr. Ochab's reasoning for requesting
 07:39PM 24 the height variance is that he says all the other
 07:39PM 25 houses, the new duplexes are over 30 feet.

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

07:40PM 1 MS. BRAUER: Well, but -- but his
 07:40PM 2 statement was, he said all of the surrounding
 07:40PM 3 duplexes were 30 feet in height, which his reasoning
 07:40PM 4 for requesting the height variance.
 07:40PM 5 I mean, if all the houses were painted
 07:40PM 6 bright orange and the town had an ordinance against
 07:40PM 7 it, but the board let them do it with a variance, you
 07:40PM 8 can't -- you just can't do that. This is the problem
 07:40PM 9 we have, is that everything has to stand on its own.
 07:40PM 10 MR. MACRI: Mr. Chairman, Mr. Ochab is
 07:40PM 11 going to answer that question.
 07:40PM 12 CHAIRMAN FERGUSON: Yes, right.
 07:40PM 13 MS. BRAUER: It has to be a reason for
 07:40PM 14 this specific lot.
 07:40PM 15 CHAIRMAN FERGUSON: Go ahead.
 07:40PM 16 THE WITNESS: No, but what I'm -- what
 07:40PM 17 I'm doing in terms of using that argument is I'm
 07:40PM 18 following what the Municipal Land Use Law, which
 07:40PM 19 governs what the board does and the case law, which
 07:40PM 20 are cases that were decided on height variances, says
 07:41PM 21 the criteria is.
 07:41PM 22 So the criteria is, if you're
 07:41PM 23 consistent with what the neighborhood development
 07:41PM 24 pattern is, it's a justification for the board to
 07:41PM 25 grant the variance. They don't have to grant the

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

07:41PM **1** variance, but it's -- but that's the criteria that we
 07:41PM **2** use.
 07:41PM **3** So if I -- if I looked at the
 07:41PM **4** neighborhood and all -- let's say, all of the houses
 07:41PM **5** were 24-feet high and we were 34-feet high, I would
 07:41PM **6** -- I would be in trouble and we would go back and
 07:41PM **7** say, look, we can't -- there's no way we can justify
 07:41PM **8** this.
 07:41PM **9** But when you look at the neighborhood
 07:41PM **10** development pattern of the newer structures and
 07:41PM **11** they're all at 30-feet plus, there's a rationale that
 07:41PM **12** says, well, we're following the Municipal Land Use
 07:41PM **13** Law and we're following the cases that were decided
 07:41PM **14** by judges on height variances, which is how that --
 07:41PM **15** we have to present ourselves to the board.
 07:41PM **16** MS. BRAUER: Okay. But I choose -- I
 07:41PM **17** beg to differ in that if they're all approximately 30
 07:41PM **18** feet, this structure should be 30 feet --
 07:41PM **19** MS. SCHOR: 30 feet.
 07:42PM **20** MS. BRAUER: -- but he's asking for a
 07:42PM **21** huge variance.
 07:42PM **22** THE WITNESS: As I said they were over
 07:42PM **23** 30 feet, they're over 30 feet.
24 I didn't say 30 feet.
25 MS. BRAUER: Yes, but did you measure
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:42PM **1** MS. TESTA: You're welcome.
 07:42PM **2** CHAIRMAN FERGUSON: Okay.
 07:42PM **3** MS. LAMBRINIDES: Does anybody have
 07:42PM **4** Billy's phone number? Can we -- like the whole
 07:42PM **5** meeting is waiting for Bill.
 07:42PM **6** MR. MACRI: Mr. Chairman, if I can step
 07:42PM **7** out and give him a call.
 07:42PM **8** CHAIRMAN FERGUSON: That would be good.
 07:42PM **9** MS. LAMBRINIDES: Or one of the other
 07:43PM **10** lawyers that hired him.
 07:43PM **11** MR. CARNOVALE: Five-minute recess,
12 Joe?
13 CHAIRMAN FERGUSON: Yeah, we're going
14 to do a 10-minute recess.
15 MR. CARNOVALE: Ten minutes?
16 CHAIRMAN FERGUSON: Yes. Okay?
17 MR. CARNOVALE: Yes.
18 CHAIRMAN FERGUSON: I make a motion.
19 MR. CARNOVALE: I second the motion.
 07:43PM **20** CHAIRMAN FERGUSON: Yes, 10-minute
 07:43PM **21** recess.
 07:55PM **22** (Whereupon, a brief recess is taken.)
 07:55PM **23** CHAIRMAN FERGUSON: Okay. So we're
 07:55PM **24** going to call the meeting back.
 07:55PM **25** MS. LAMBRINIDES: Want me take
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 each house?
2 MS. LAMBRINIDES: But why are they all
3 30 feet?
4 MS. BRAUER: You used --
5 MS. LAMBRINIDES: Roff Avenue is flat,
6 no.
 07:42PM **7** MS. BRAUER: You used GoogleEarth. I
 07:42PM **8** don't think that's as accurate.
 07:42PM **9** And I think it's a generalization to
 07:42PM **10** get in front of the board, I don't think it's fair.
 07:42PM **11** MS. BRUSCO: It's not fair to us, not
 07:42PM **12** fair to the neighborhood.
 07:42PM **13** CHAIRMAN FERGUSON: Yes. Yeah, one at
 07:42PM **14** a time.
 07:42PM **15** Go ahead.
 07:42PM **16** MS. SCHOR: Marsha Schor.
 07:42PM **17** Just a quickie. This is just general
 07:42PM **18** things.
 07:42PM **19** Was this -- was there an advertisement
 07:42PM **20** in the newspapers for this particular case? Was
 07:42PM **21** there a public ad?
 07:42PM **22** MR. MACRI: Yes.
 07:42PM **23** MS. TESTA: Yeah, January 14, 2019.
 07:42PM **24** MS. SCHOR: Okay, thank you.
 07:42PM **25** MR. MACRI: Thank you.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:55PM **1** attendance again?
 07:55PM **2** CHAIRMAN FERGUSON: We need attendance,
 07:55PM **3** yeah.
 07:08PM **4** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **5** CHAIRMAN FERGUSON: Here.
 07:08PM **6** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **7** VICE CHAIRMAN ALBANESE: Here.
 07:08PM **8** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **9** MR. LEFTERIOU: Here.
 07:08PM **10** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **11** MR. NAM: Here.
 07:08PM **12** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **13** MR. CARNOVALE: Here.
 07:08PM **14** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **15** MS. TARABOCCHIA: Here.
 07:08PM **16** MS. LAMBRINIDES: Mr. Min?
 07:08PM **17** MR. MIN: Here.
 07:55PM **18** CHAIRMAN FERGUSON: Okay, Counselor?
 07:55PM **19** MR. MACRI: Mr. Chairman, I made -- I
 07:55PM **20** made attempts to contact Mr. Cocoros. I know he's on
 07:55PM **21** his feet in Cliffside Park and he's not able to
 07:55PM **22** answer the phone.
 07:55PM **23** What I'd like to do is I'd like to stop
 07:55PM **24** now and when he comes --
 07:55PM **25** CHAIRMAN FERGUSON: Continue.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:55PM **1** MR. MACRI: Continue.
 07:55PM **2** CHAIRMAN FERGUSON: Okay.
 07:55PM **3** MR. MACRI: I do have another
 07:55PM **4** application where Mr. Cocoros is not an expert
 07:56PM **5** witness.
 07:56PM **6** CHAIRMAN FERGUSON: Okay. So I'll make
 07:56PM **7** a motion to --
 07:56PM **8** MS. LAMBRINIDES: Suspend.
 07:56PM **9** MS. TESTA: Right.
 07:56PM **10** CHAIRMAN FERGUSON: -- suspend until
 07:56PM **11** Mr. Cocoros arrives on the scene.
 07:56PM **12** Can I get a second?
 07:56PM **13** VICE CHAIRMAN ALBANESE: Second.
 07:56PM **14** CHAIRMAN FERGUSON: Roll call?
 07:56PM **15** MS. LAMBRINIDES: Hold on a second.
 07:56PM **16** That was which number, 18-11?
 07:56PM **17** MS. TESTA: Yes.
 07:08PM **18** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **19** CHAIRMAN FERGUSON: Yes.
 07:08PM **20** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **21** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **22** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **23** MR. LEFTERIOU: Yes.
 07:08PM **24** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **25** MR. NAM: Yes.

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

07:57PM **1** okay, then you have to...
 07:57PM **2** MR. MACRI: Mr. Chairman, to my right
 07:58PM **3** is one and only witness, Mr. Peter Park, who's a
 07:58PM **4** registered architect in the State of New Jersey.
 07:58PM **5** MS. TESTA: Let me swear him in and
 07:58PM **6** then you can --
 07:58PM **7** MR. MACRI: Sure.
 07:58PM **8** MS. TESTA: Raise your right hand.
 07:58PM **9** Do you swear that the testimony you
 07:58PM **10** will give in this application will be the truth, the
 07:58PM **11** whole truth and nothing but the truth?
 07:58PM **12** MR. PARK: Yes, I do.
 07:58PM **13** P E T E R C H A N G S O O P A R K,
 07:58PM **14** 1 Bridge Plaza North, Suite 275, Fort Lee, New
 07:58PM **15** Jersey 07024, having been duly sworn, testifies
 07:58PM **16** as follows:
 07:58PM **17** MS. TESTA: State your name, spell it
 07:58PM **18** for the record.
 07:58PM **19** MR. PARK: Peter Changsoo Park,
 07:58PM **20** P-E-T-E-R C-H-A-N-G-S-O-O, last name is P-A-R-K.
 07:58PM **21** DIRECT EXAMINATION
 07:58PM **22** BY MR. MACRI:
 07:58PM **23** **Q.** Mr. Park, can you explain to the board
 07:58PM **24** where you went to school?
 07:58PM **25** **A. Yeah, I graduated Harvard University in**

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

07:08PM **1** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **2** MR. CARNOVALE: Yes.
 07:08PM **3** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **4** MS. TARABOCCHIA: Yes.
 07:08PM **5** MS. LAMBRINIDES: Mr. Min?
 07:08PM **6** MR. MIN: Yes.
 07:56PM **7** CHAIRMAN FERGUSON: Okay.
 07:56PM **8** So the next case is going to be the
 07:56PM **9** last one, should be 19-01, Jack Sung An, 65
 07:56PM **10** Brinkerhoff Terrace.
 07:56PM **11** MR. MACRI: Good evening, Mr. Chairman,
 07:56PM **12** Members of the Board. My name is Marc Macri. I
 07:56PM **13** represent Jack Sung An who's the owner of the
 07:56PM **14** property located at 65 Brinkerhoff Terrace in the
 07:56PM **15** borough.
 07:57PM **16** Before I begin, I want to hand in my
 07:57PM **17** affidavit of service and proof of publication.
 07:57PM **18** CHAIRMAN FERGUSON: Okay. Have you
 07:57PM **19** testified here before, my friend, in front of this
 07:57PM **20** board?
 07:57PM **21** MR. PARK: In front of Palisades Park?
 07:57PM **22** CHAIRMAN FERGUSON: Have you appeared
 07:57PM **23** before this board?
 07:57PM **24** MR. PARK: No, this is the first time.
 07:57PM **25** CHAIRMAN FERGUSON: The first time,

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

07:58PM **1** **Massachusetts.**
 07:58PM **2** **Q.** What year did you become a licensed
 07:58PM **3** architect?
 07:58PM **4** **A. 2014.**
 07:58PM **5** **Q.** Is your license current in the State of
 07:58PM **6** New Jersey?
 07:58PM **7** **A. Yes.**
 07:58PM **8** **Q.** And with the exception of Palisades
 07:58PM **9** Park, have you appeared before any other planning
 07:58PM **10** board or zoning boards in the State of New Jersey?
 07:58PM **11** **A. Yes, I do.**
 07:58PM **12** **Q.** And you gave expert testimony when you
 07:58PM **13** appeared before those boards.
 07:58PM **14** Is that correct?
 07:58PM **15** **A. Yes.**
 07:58PM **16** MR. MACRI: Mr. Chairman --
 07:58PM **17** CHAIRMAN FERGUSON: Can you give me one
 07:58PM **18** town that you have appeared in?
 07:58PM **19** THE WITNESS: Closter.
 07:58PM **20** CHAIRMAN FERGUSON: Closter? Okay.
 07:59PM **21** So we'll accept him then.
 07:59PM **22** MR. MACRI: Thank you, Mr. Chairman.
 07:59PM **23** THE COURT REPORTER: Sir, can you
 07:59PM **24** please state your business address for the record?
 07:59PM **25** THE WITNESS: 1 Bridge Plaza North,

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

07:59PM 1 Suite 275, Fort Lee, New Jersey.
 07:59PM 2 CHAIRMAN FERGUSON: Okay. Take it
 07:59PM 3 away.
 07:59PM 4 BY MR. MACRI:
 07:59PM 5 Q. Mr. Park, to the right are your plans
 07:59PM 6 that were submitted to the board in anticipation of
 07:59PM 7 this evening's application.
 07:59PM 8 Is that correct?
 07:59PM 9 A. Yes, it is.
 07:59PM 10 Q. Can you please explain to the board the
 07:59PM 11 dimensions of the property and what currently exists
 07:59PM 12 on the property?
 07:59PM 13 A. Yes.
 07:59PM 14 Right now it is a single-family house,
 07:59PM 15 but our client wants to develop a two-family dwelling
 07:59PM 16 based on the 40-by-120-foot lot on the 65 Brinkerhoff
 07:59PM 17 Terrace.
 07:59PM 18 Actually there is 4,821 square feet,
 07:59PM 19 but the AA residential zone in Palisades Park
 07:59PM 20 requires 5,000. But it is a preexisting condition.
 07:59PM 21 And also lot frontage, it requires 50,
 08:00PM 22 but we have 40 feet, which is a narrow side, but this
 08:00PM 23 is still a preexisting condition.
 08:00PM 24 Based on the lot area per unit,
 08:00PM 25 Palisades Park requires 2,500, but we have 2,410, but
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

08:01PM 1 sorry.
 08:01PM 2 MR. MACRI: If the lot was 50 feet in
 08:01PM 3 width --
 08:01PM 4 CHAIRMAN FERGUSON: Right.
 08:01PM 5 MR. MACRI: -- we would not require the
 08:01PM 6 side yard.
 08:01PM 7 CHAIRMAN FERGUSON: Right.
 08:01PM 8 This is 6 over 6, correct?
 08:01PM 9 MR. MACRI: Correct.
 08:01PM 10 THE WITNESS: Yes.
 08:01PM 11 BY MR. MACRI:
 08:01PM 12 Q. Mr. Park, can you just go back to the
 08:01PM 13 easel, page A-101, showing the basement --
 08:01PM 14 MS. TESTA: Do you want to mark this?
 08:01PM 15 Do you want to mark it as an exhibit?
 08:02PM 16 MR. MACRI: I'm going to mark it A-1.
 08:02PM 17 MS. TESTA: Okay.
 08:02PM 18 (Whereupon, Basement Plan, First Floor
 08:02PM 19 Plan is received and marked as Exhibit A-1 for
 08:02PM 20 identification.)
 08:02PM 21 BY MR. MACRI:
 08:02PM 22 Q. Page A-101?
 08:02PM 23 A. A-101.
 08:02PM 24 Q. Can you please explain to the board
 08:02PM 25 what 101 depicts?
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

08:00PM 1 actual maximum coverage is 2,365, but even there is
 08:00PM 2 49 percent that is under -- still under based on the
 08:00PM 3 Palisades Park requirement.
 08:00PM 4 And we're going to keep the front and
 08:00PM 5 back yard as Palisades Park requirement, 25 feet.
 08:00PM 6 But we are seeking two side yard
 08:00PM 7 setback as 3.17 feet each, because since this is
 08:00PM 8 really narrow site, 40 feet, in order to develop the
 08:00PM 9 proper 6 by 6, six bedrooms -- six rooms of
 08:00PM 10 development, we are trying to seeking this joining
 08:00PM 11 variances.
 08:00PM 12 And also based on -- based on the
 08:00PM 13 building height, we are looking for two-and-a-half
 08:01PM 14 stories, 27.33 feet, which means almost 9 percent
 08:01PM 15 more than the Palisades Park requirement.
 08:01PM 16 The reason is that we want to really
 08:01PM 17 avoid the negative grading to access the parking lot,
 08:01PM 18 so that's why we're looking for this height
 08:01PM 19 variances.
 08:01PM 20 Q. And going back to the side yard, if
 08:01PM 21 this property was a conforming size lot width, we
 08:01PM 22 would not -- we would not need a side yard variance.
 08:01PM 23 Is that correct?
 08:01PM 24 A. Yes, it is.
 08:01PM 25 CHAIRMAN FERGUSON: What was that? I'm
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

08:02PM 1 A. Yeah, 101 has a basement plan and also
 08:02PM 2 a first floor plan.
 08:02PM 3 The basement plan is -- consists of
 08:02PM 4 two- parking garages and also there is a recreation
 08:02PM 5 rooms and a storage room and also a home office that
 08:02PM 6 is connect to the first floor. And the first floor
 08:02PM 7 is a typical two-family development space planning;
 08:02PM 8 three bedrooms and a living room, dining and kitchen.
 08:02PM 9 Q. Okay. If we can just turn now to
 08:02PM 10 A-102.
 08:02PM 11 A. Yeah, A-102 is -- consists of the
 08:02PM 12 second floor plan, but mostly second floor plan is
 08:02PM 13 similar with the first floor plan and also a roof
 08:03PM 14 plan showing what is the pitch and how it looks like,
 08:03PM 15 you know, a roof plan.
 08:03PM 16 Q. If you can just go to page A-105.
 08:03PM 17 A. Yeah. A-105 showing the elevation for
 08:03PM 18 each side elevation and also some details, but mostly
 08:03PM 19 in the adjoining board, the elevation is showing how
 08:03PM 20 I calculate based on the average height. Average
 08:03PM 21 height is adding up the four corners of the building
 08:03PM 22 and also four central location elevation and then we
 08:03PM 23 adding up everything and divide it. And that's why
 08:03PM 24 we got the average height.
 08:03PM 25 And then the -- the building height is
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

08:03PM **1** the average median height between the top of plate
 08:03PM **2** and the top of the rooftop.
 08:03PM **3** So that's why we got this finer
 08:03PM **4** building height, 27.33 feet.
 08:04PM **5** Q. Okay. Have you had an opportunity to
 08:04PM **6** review the report prepared by Collazuol Engineering?
 08:04PM **7** A. Yes.
 08:04PM **8** We -- I received that comments, but the
 08:04PM **9** -- nothing really special about this one, but the --
 08:04PM **10** our engineer is going to be -- reply all about his
 08:04PM **11** comments and during the construction, we're going to
 08:04PM **12** definitely follow the Palisades Park's requirements.
 08:04PM **13** Q. So it's your testimony that we will be
 08:04PM **14** able to comply with all of Mr. Collazuol's requests
 08:04PM **15** and requirements to construct this 6 over 6
 08:04PM **16** two-family dwelling?
 08:04PM **17** A. Yes, it is.
 08:04PM **18** Q. Thank you.
 08:04PM **19** MR. MACRI: Mr. Chairman, I have no
 08:04PM **20** further questions.
 08:04PM **21** CHAIRMAN FERGUSON: What's the length
 08:04PM **22** of the building?
 08:04PM **23** THE WITNESS: The length is 100 -- oh,
 08:04PM **24** building. Building is around 71 feet.
 08:04PM **25** CHAIRMAN FERGUSON: Yes, building, 71?
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:05PM **1** THE WITNESS: Yeah.
 08:05PM **2** CHAIRMAN FERGUSON: Okay. And you're
 08:05PM **3** looking for --
 08:05PM **4** THE WITNESS: Height.
 08:05PM **5** CHAIRMAN FERGUSON: Height, right. And
 08:05PM **6** that's -- but the height isn't -- the height isn't, I
 08:05PM **7** mean, outrageous. I mean, you're at 27 --
 08:05PM **8** THE WITNESS: .33, it's 2 feet.
 08:05PM **9** CHAIRMAN FERGUSON: It's not like 34
 08:05PM **10** feet or 35 feet --
 08:05PM **11** THE WITNESS: No.
 08:05PM **12** CHAIRMAN FERGUSON: -- or 36 feet --
 08:05PM **13** THE WITNESS: No.
 08:05PM **14** CHAIRMAN FERGUSON: -- you know.
 08:06PM **15** MR. MACRI: And, again, Mr. Chairman,
 08:06PM **16** as Mr. Park testified, the reason we are 2 feet
 08:06PM **17** higher is because we don't want to have -- we don't
 08:06PM **18** want to have a sloped driveway.
 08:06PM **19** CHAIRMAN FERGUSON: Right. The board
 08:06PM **20** doesn't want that. All right. Okay.
 08:06PM **21** Any board members have anything?
 08:06PM **22** (No response.)
 08:06PM **23** CHAIRMAN FERGUSON: Okay. Steve, do
 08:06PM **24** you want to go through it?
 08:06PM **25** MR. COLLAZUOL: Certainly.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 THE WITNESS: Around 70.
2 CHAIRMAN FERGUSON: 71?
3 THE WITNESS: I think 70 -- 70 feet.
4 CHAIRMAN FERGUSON: 70 feet?
5 THE WITNESS: Yeah, seven zero.
 08:04PM **6** CHAIRMAN FERGUSON: Don't you think 70
 08:04PM **7** feet is a little large?
 08:05PM **8** THE WITNESS: The lot size is really, I
 08:05PM **9** mean, long --
 08:05PM **10** CHAIRMAN FERGUSON: I know that.
 08:05PM **11** THE WITNESS: It's narrow and long. So
 08:05PM **12** we're going to keeping the back yard, the setback 25
 08:05PM **13** feet --
 08:05PM **14** CHAIRMAN FERGUSON: Right.
 08:05PM **15** THE WITNESS: -- and the front yard is
 08:05PM **16** also 25.
 08:05PM **17** CHAIRMAN FERGUSON: Okay.
 08:05PM **18** THE WITNESS: But it is still --
 08:05PM **19** overall -- overall site -- overall building area,
 08:05PM **20** coverage area is still under the Palisades Park's
 08:05PM **21** requirements.
 08:05PM **22** CHAIRMAN FERGUSON: Right. No, I see
 08:05PM **23** that.
 08:05PM **24** Now -- so what you're looking for are
 08:05PM **25** side yards?
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:06PM **1** Mr. Park, can you let me know -- we
 08:06PM **2** received S-1 from your office --
 08:06PM **3** THE WITNESS: Yeah.
 08:06PM **4** MR. COLLAZUOL: -- with the package.
 08:06PM **5** With the elevation of the garage floor
 08:06PM **6** would be, you show 50.88 at the front -- in front of
 08:06PM **7** a trench drain, would the garage floor be pretty
 08:06PM **8** close to that?
 08:06PM **9** THE WITNESS: Garage floor, yeah, it is
 08:06PM **10** -- yeah, it is 50.88, yeah.
 08:06PM **11** Yeah, that's the -- that's the same,
 08:06PM **12** yeah, 50.88.
 08:06PM **13** MR. COLLAZUOL: Okay. You received our
 08:06PM **14** report. On page 2 on the landscape review, there
 08:07PM **15** have been no trees shown.
 08:07PM **16** THE WITNESS: Based on the original,
 08:07PM **17** the survey drawing, they didn't mark -- the surveyor
 08:07PM **18** didn't mark up any trees.
 08:07PM **19** MR. COLLAZUOL: Yes, I understand that.
 08:07PM **20** I saw that. Thank you for sending that along as
 08:07PM **21** well.
 08:07PM **22** Do you know if there are any trees on
 08:07PM **23** the property or in the borough right-of-way between
 08:07PM **24** the curb and the sidewalk?
 08:07PM **25** THE WITNESS: When I -- when I take a
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

65

08:07PM 1 look at the Google map, I think that there's one tree
 08:07PM 2 between the -- it's not the site area. It is a
 08:07PM 3 sidewalk, sidewalk, you know, there's a -- there's
 08:07PM 4 one tree, I guess.
 08:07PM 5 MR. COLLAZUOL: Would you be preserving
 08:07PM 6 that tree then?
 08:07PM 7 THE WITNESS: Because of -- of conflict
 08:07PM 8 of the driveway --
 08:07PM 9 MR. COLLAZUOL: Okay.
 08:07PM 10 THE WITNESS: -- we have to remove.
 08:07PM 11 MR. COLLAZUOL: I see.
 08:07PM 12 The board may request a shade tree.
 08:07PM 13 Sometimes the board finds that certain areas require
 08:08PM 14 replacement trees.
 08:08PM 15 CHAIRMAN FERGUSON: Oh, he's donating
 08:08PM 16 \$2,000.00 to the Tree Preservation Fund.
 08:08PM 17 MR. COLLAZUOL: Okay, very good.
 08:08PM 18 And the last comment is on the last
 08:08PM 19 page of the report, page 3 under "requirements," item
 08:08PM 20 number eight, you did not provide a soil
 08:08PM 21 erosion/sedimentation control plan. We would require
 08:08PM 22 to have that sent to the district and approved prior
 08:08PM 23 to the issuance of a building permit if this was to
 08:08PM 24 be approved.
 08:08PM 25 THE WITNESS: Okay.

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

66

08:08PM 1 MR. COLLAZUOL: I have nothing further.
 08:08PM 2 Thank you.
 08:08PM 3 CHAIRMAN FERGUSON: Okay.
 08:08PM 4 Mr. Kauker?
 08:08PM 5 MR. KAUKER: I just have one question.
 08:08PM 6 CHAIRMAN FERGUSON: Okay.
 08:08PM 7 MR. KAUKER: In the basement floor, I
 08:08PM 8 was just curious as to what unit would have use of
 08:08PM 9 that area.
 08:08PM 10 MR. MACRI: The basement?
 08:08PM 11 MR. KAUKER: Yeah, the basement, are
 08:08PM 12 you going to shared it or is it going to be dedicated
 08:08PM 13 --
 08:08PM 14 MR. MACRI: No, limited to the first
 08:08PM 15 floor.
 08:08PM 16 MR. KAUKER: The first unit, okay.
 08:08PM 17 THE WITNESS: If you see the plan,
 08:08PM 18 there's only stair connection to the first floor.
 08:08PM 19 MR. KAUKER: Okay. Thank you.
 08:08PM 20 And just for the board's edification,
 08:08PM 21 all of the variances that are requested are all (c)
 08:08PM 22 variances.
 08:08PM 23 CHAIRMAN FERGUSON: Right.
 08:09PM 24 MR. KAUKER: There are no (d)
 08:09PM 25 variances.

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

67

08:09PM 1 CHAIRMAN FERGUSON: Okay.
 08:09PM 2 Anybody in the audience?
 08:09PM 3 MS. SCHOR: Marsha Schor.
 08:09PM 4 Are you going to have any porches in
 08:09PM 5 the back?
 08:09PM 6 THE WITNESS: Yeah, we have one porch.
 08:09PM 7 MS. SCHOR: Second floor or first
 08:09PM 8 floor?
 08:09PM 9 THE WITNESS: First floor and also
 08:09PM 10 second floor.
 08:09PM 11 MS. SCHOR: And how about bump outs on
 08:09PM 12 your house, bump out windows?
 08:09PM 13 THE WITNESS: No, no, we don't have any
 08:09PM 14 -- we have only front side. I mean, you mean a bay
 08:09PM 15 window? Yeah, bay window.
 08:09PM 16 MS. SCHOR: Also on the sides of your
 08:09PM 17 house --
 08:09PM 18 THE WITNESS: We don't have any bump,
 08:09PM 19 you know --
 08:09PM 20 MS. SCHOR: No, I know.
 08:09PM 21 Are you going to keep that all grass or
 08:09PM 22 are you going to put, like, a cement border around
 08:09PM 23 it?
 08:09PM 24 THE WITNESS: Where?
 08:09PM 25 MS. SCHOR: On the sides of the house,

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

68

08:09PM 1 are you going --
 08:09PM 2 THE WITNESS: Oh, yeah, we -- in order
 08:09PM 3 to access basement plan, left side we have to keep as
 08:09PM 4 a pavement. There's a door.
 08:09PM 5 MR. MACRI: Only one side.
 08:09PM 6 MS. SCHOR: Only one side?
 08:09PM 7 Because I'm thinking the person next
 08:09PM 8 door, the houses are fairly close and it's going to
 08:09PM 9 be kind of difficult to get between.
 08:10PM 10 THE WITNESS: But the -- it's left side
 08:10PM 11 we already have an existing condition of the house.
 08:10PM 12 It's really close to the -- you know, our required
 08:10PM 13 setback.
 08:10PM 14 So it means that, like, it's more,
 08:10PM 15 like, a scenery, the grandparents', you know,
 08:10PM 16 location.
 08:10PM 17 MS. SCHOR: Because sometimes when you
 08:10PM 18 have to go through, you have to walk through
 08:10PM 19 sideways. And there are no bathrooms in the
 08:10PM 20 basement?
 08:10PM 21 MR. MACRI: Not in the basement, no.
 08:10PM 22 MS. SCHOR: So you're going to have
 08:10PM 23 three and what on each side? Three feet?
 08:10PM 24 MR. MACRI: Yes, 3 feet, 4 inches.
 08:10PM 25 MS. SCHOR: But on one side only you're

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

08:10PM 1 going to have cement?
 08:10PM 2 THE WITNESS: Yeah, one side, left
 08:10PM 3 side. It's going to be 3 feet.
 08:10PM 4 CHAIRMAN FERGUSON: Steve, is there
 08:10PM 5 something with the fire code?
 08:10PM 6 MR. COLLAZUOL: With respect to what?
 08:10PM 7 CHAIRMAN FERGUSON: When you have 3
 08:10PM 8 feet, don't you have to do something with the fire
 08:10PM 9 code?
 08:10PM 10 MR. COLLAZUOL: I believe the fire code
 08:10PM 11 requires a minimum of 3 feet to the property line for
 08:10PM 12 windows.
 08:11PM 13 So I think you're achieving that.
 08:11PM 14 CHAIRMAN FERGUSON: Okay.
 08:11PM 15 Yes? Do you have anything.
 08:11PM 16 MS. BRAUER: No, she asked what I was
 08:11PM 17 --
 08:11PM 18 CHAIRMAN FERGUSON: She asked?
 08:11PM 19 MS. BRAUER: I was concerned about what
 08:11PM 20 was in the basement and it's recreation, home office
 08:11PM 21 and storage.
 08:11PM 22 CHAIRMAN FERGUSON: Okay.
 08:11PM 23 THE WITNESS: Yeah, home office.
 08:11PM 24 CHAIRMAN FERGUSON: And they don't have
 08:11PM 25 any -- you have no tubs, correct?

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

08:11PM 1 CHAIRMAN FERGUSON: Right.
 08:12PM 2 MS. BRAUER: To Grand and there are no
 08:12PM 3 catch basins. So I'm just concerned about runoff and
 08:12PM 4 everything else. There's always a problem with
 08:12PM 5 backup. There's been some flooding in some basements
 08:12PM 6 there.
 08:12PM 7 CHAIRMAN FERGUSON: Okay.
 08:12PM 8 MS. BRAUER: So I was concerned about
 08:12PM 9 what's involved.
 08:12PM 10 CHAIRMAN FERGUSON: Steve.
 08:12PM 11 MR. COLLAZUOL: Well, they've provided
 08:12PM 12 a stormwater maintenance plan with requirements for
 08:12PM 13 test holes prior to the installation.
 08:12PM 14 So they have to provide the excavation
 08:12PM 15 and test the boring logs and submit that for approval
 08:12PM 16 prior to the installation of the drainage system.
 08:12PM 17 CHAIRMAN FERGUSON: They're going to do
 08:12PM 18 a perc test?
 08:12PM 19 MR. COLLAZUOL: Yes, they have to do a
 08:12PM 20 perc test and if it doesn't prove to be positive,
 08:12PM 21 they'll have to come up with an alternate drainage
 08:12PM 22 plan.
 08:12PM 23 CHAIRMAN FERGUSON: Okay. Yes?
 08:12PM 24 is there any other questions?
 08:12PM 25 (No response.)

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

08:11PM 1 THE WITNESS: No, we don't have.
 08:11PM 2 CHAIRMAN FERGUSON: No showers?
 08:11PM 3 THE WITNESS: No.
 08:11PM 4 MS. BRAUER: So they'll all be --
 08:11PM 5 they'll all have schmutz, dirty hands -- it's okay,
 08:11PM 6 it's a side joke.
 08:11PM 7 CHAIRMAN FERGUSON: And this is your
 08:11PM 8 only witness?
 08:11PM 9 MR. MACRI: Yes.
 08:11PM 10 CHAIRMAN FERGUSON: Have we heard from
 08:11PM 11 Mr. Cocoros?
 08:11PM 12 MR. MACRI: I did. He texted me. He's
 08:11PM 13 in route.
 08:11PM 14 CHAIRMAN FERGUSON: Say again?
 08:11PM 15 MR. MACRI: He texted me at 8:07, he's
 08:11PM 16 in route.
 08:11PM 17 CHAIRMAN FERGUSON: He's in route, oh,
 08:11PM 18 good.
 08:11PM 19 Yes, go ahead.
 08:11PM 20 MS. BRAUER: I'm sorry, I do have a
 08:11PM 21 question.
 08:11PM 22 CHAIRMAN FERGUSON: Sure.
 08:11PM 23 MS. BRAUER: About the drainage,
 08:11PM 24 because Brinkerhoff has no catch basins at the end of
 08:11PM 25 the street. It's on a hill.

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

08:12PM 1 CHAIRMAN FERGUSON: You have any
 08:12PM 2 questions?
 08:12PM 3 MS. BRUSCO: Yeah. I thought it was 5
 08:12PM 4 feet.
 08:12PM 5 CHAIRMAN FERGUSON: How much?
 08:12PM 6 MS. BRUSCO: It's 5 feet. I heard 3
 08:12PM 7 feet.
 08:12PM 8 CHAIRMAN FERGUSON: That's why he's
 08:12PM 9 here.
 08:12PM 10 MS. BRUSCO: On the side of the house.
 08:12PM 11 CHAIRMAN FERGUSON: He's -- that's why
 08:12PM 12 he's here. He's here because he wants to have 3 feet
 08:12PM 13 instead of 5 feet. That's why he's here.
 08:12PM 14 MS. BRUSCO: Okay.
 08:12PM 15 CHAIRMAN FERGUSON: You see, in the
 08:13PM 16 other case -- I don't want to -- right, he doesn't --
 08:13PM 17 he's not asking for that. He's asking for a height
 08:13PM 18 variance. He's here because he needs the side yards.
 08:13PM 19 MS. BRUSCO: Well, I'm listening to
 08:13PM 20 that. I mean, I thought the law was 5 feet from one
 08:13PM 21 to another. It doesn't matter where you are. It's
 08:13PM 22 supposed to be 5 feet.
 08:13PM 23 CHAIRMAN FERGUSON: That is true.
 08:13PM 24 MS. BRUSCO: That's what I was asking.
 08:13PM 25 CHAIRMAN FERGUSON: Yes, and you're

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

08:13PM **1** right. It's supposed to be 5 feet and the reason why
 08:13PM **2** he's coming --
 08:13PM **3** MR. CARNOVALE: No, 6. Joe, 6.
 08:13PM **4** MS. BRUSCO: Why are they --
 08:13PM **5** CHAIRMAN FERGUSON: And the reason why
6 he's coming --
7 MS. BRUSCO: Why when they build the
8 house --
9 VICE CHAIRMAN ALBANESE: It's 6 feet.
10 CHAIRMAN FERGUSON: It's 6 feet, okay.
11 MS. BRUSCO: I know, I know.
 08:13PM **12** CHAIRMAN FERGUSON: Anybody else?
 08:13PM **13** Nobody has any questions?
 08:13PM **14** (No response.)
 08:13PM **15** CHAIRMAN FERGUSON: Okay. So I'm going
 08:13PM **16** to make a motion that we approve the application with
 08:13PM **17** the proviso that you do everything that the board
 08:13PM **18** engineer has outlined and also we'd like to donate
 08:13PM **19** \$2,000.00 to the Tree Preservation Fund.
 08:14PM **20** MR. MACRI: Yes, Mr. Chairman.
 08:14PM **21** CHAIRMAN FERGUSON: So we can either
 08:14PM **22** plant trees there or somewhere else.
 08:14PM **23** Can I get a second?
 08:14PM **24** MR. CARNOVALE: I second.
 08:14PM **25** CHAIRMAN FERGUSON: Roll call vote.

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

08:24PM **1** back in the session.
 07:08PM **2** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **3** CHAIRMAN FERGUSON: Yes.
 07:08PM **4** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **5** VICE CHAIRMAN ALBANESE: Here.
 07:08PM **6** MS. LAMBRINIDES: Okay. Can we -- be
 07:08PM **7** quiet.
 07:08PM **8** Mr. Lefteriou?
 07:08PM **9** MR. LEFTERIOU: Here.
 07:08PM **10** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **11** MR. NAM: Here.
 07:08PM **12** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **13** MR. CARNOVALE: Here.
 07:08PM **14** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **15** MS. TARABOCCHIA: Here.
 07:08PM **16** MS. LAMBRINIDES: Mr. Lim [sic]?
 07:08PM **17** Mr. Min?
 07:08PM **18** MR. MIN: Here.
 08:24PM **19** CHAIRMAN FERGUSON: Okay. Counselor?
 08:25PM **20** So now we're going to go back to 145
 08:25PM **21** East Edsall Avenue -- Boulevard, rather.
 08:25PM **22** MS. LAMBRINIDES: No.
 08:25PM **23** CHAIRMAN FERGUSON: Right?
 08:25PM **24** MR. MACRI: Boulevard.
 08:25PM **25** MS. TESTA: Yeah, Case 18-09, Dervo

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

07:08PM **1** MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM **2** CHAIRMAN FERGUSON: Yes.
 07:08PM **3** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **4** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **5** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **6** MR. LEFTERIOU: Yes.
 07:08PM **7** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **8** MR. NAM: Yes.
 07:08PM **9** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **10** MR. CARNOVALE: Yes.
 07:08PM **11** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **12** MS. TARABOCCHIA: Yes.
 07:08PM **13** MS. LAMBRINIDES: Mr. Min?
 07:08PM **14** MR. MIN: Yes.
 08:14PM **15** CHAIRMAN FERGUSON: Thank you,
 08:14PM **16** Counselor.
 08:14PM **17** MR. MACRI: Thank you.
 08:14PM **18** CHAIRMAN FERGUSON: And he's on the
 08:14PM **19** way?
 08:14PM **20** MR. MACRI: Yes.
 08:14PM **21** CHAIRMAN FERGUSON: All right. Because
 08:14PM **22** we're not going to wait too much longer.
 08:14PM **23** We're taking another 10-minute break.
 08:24PM **24** (Whereupon, a brief recess is taken.)
 08:24PM **25** CHAIRMAN FERGUSON: Roll call. We're

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

08:25PM **1** Developers.
 08:25PM **2** MR. MACRI: Yes.
 08:25PM **3** MS. LAMBRINIDES: Why don't we continue
 08:25PM **4** with these people so that they can leave.
 08:25PM **5** CHAIRMAN FERGUSON: Which one?
 08:25PM **6** MS. LAMBRINIDES: Isn't that one that
 08:25PM **7** we suspended before, Roff Avenue?
 08:25PM **8** MR. MACRI: We're going back to number
 08:25PM **9** one.
 08:25PM **10** CHAIRMAN FERGUSON: We're back to
 08:25PM **11** number one.
 08:25PM **12** MS. LAMBRINIDES: Okay. Got it. I was
 08:25PM **13** confused.
 08:25PM **14** MR. MACRI: Mr. Chairman, good evening.
 08:25PM **15** My name is Marc Macri.
 08:25PM **16** I represent Dervo Developers, II, LLC,
 08:25PM **17** the owners of the property located at 145 East Edsall
 08:25PM **18** Boulevard here in the borough.
 08:25PM **19** CHAIRMAN FERGUSON: Right.
 08:25PM **20** MR. MACRI: With me this evening I have
 08:25PM **21** Mr. Vassilios Cocoros, who, if you recall, testified
 08:25PM **22** at the last meeting, but we're back here again today
 08:25PM **23** to address Mr. Collazuol's questions and concerns.
 08:25PM **24** So if we can have Mr. Cocoros sworn in,
 08:25PM **25** we'll begin.

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

08:25PM 1 MS. TESTA: Please raise your right
 2 hand.
 3 Do you swear that the testimony you
 4 will give in this application will be the truth, the
 5 whole truth and nothing but the truth?
 6 MR. COCOROS: I do.
 7 VASSILIOS COCOROS,
 8 having been duly sworn, testifies as follows:
 9 MS. TESTA: State your name for the
 10 record, please.
 11 MR. COCOROS: Vassilios,
 12 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 13 CHAIRMAN FERGUSON: Okay. So you were
 14 here last meeting --
 15 MR. COCOROS: Yes.
 16 CHAIRMAN FERGUSON: We heard from your
 17 planner. There was some discussion about either
 18 filling in or dummy something up or doing a crawl
 19 space --
 20 MR. COCOROS: Yes.
 21 CHAIRMAN FERGUSON: -- and I wanted to
 22 talk with our engineer. Right?
 23 So Mr. Cocoros, are you ready?
 24 MR. COCOROS: Yes.
 25 CHAIRMAN FERGUSON: Okay. So at the
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:27PM 1 reducing the height of the building by 1 foot,
 08:27PM 2 correct?
 08:27PM 3 MR. COCOROS: Yes.
 08:27PM 4 CHAIRMAN FERGUSON: Okay.
 08:27PM 5 Now, we also talked about reducing the
 08:27PM 6 length of the house to 63, correct?
 08:28PM 7 MR. COCOROS: Was it 63 or 65?
 08:28PM 8 CHAIRMAN FERGUSON: No, I think it was
 08:28PM 9 63.
 08:28PM 10 MR. COCOROS: Yeah, I know we were
 08:28PM 11 concerned about the neighbor in the back.
 08:28PM 12 CHAIRMAN FERGUSON: My notes have 63, I
 08:28PM 13 don't, you know...
 08:28PM 14 MR. COCOROS: Two-and-a-half feet, I
 08:28PM 15 guess, off -- yeah. So 2-and-a-half feet off of each
 08:28PM 16 side, so a reduction of 5 feet.
 08:28PM 17 CHAIRMAN FERGUSON: No, I'm talking
 08:28PM 18 about the length.
 08:28PM 19 MR. COCOROS: Well, yeah, I'm talking
 08:28PM 20 -- well, if you look at it from 5th Street, it's
 08:28PM 21 2-and-a-half feet off of the width of each unit,
 08:28PM 22 because the units themselves --
 08:28PM 23 CHAIRMAN FERGUSON: Right.
 08:28PM 24 MR. COCOROS: -- are oriented on 5th
 08:28PM 25 Street.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:26PM 1 last meeting there was -- I made a proposal to reduce
 08:26PM 2 the first floor from 8 to 9, however you had a
 08:27PM 3 counteroffer -- a counteroffer how to get that foot,
 08:27PM 4 correct?
 08:27PM 5 MR. COCOROS: Yes.
 08:27PM 6 CHAIRMAN FERGUSON: Okay. You just
 08:27PM 7 want to review that for me?
 08:27PM 8 MS. TARABOCCHIA: Can you turn that
 08:27PM 9 this way, please?
 08:27PM 10 MR. COCOROS: Oh, sure.
 08:27PM 11 Yeah, we're adjusting the driveway
 08:27PM 12 because we have room to bring it down and still have
 08:27PM 13 a positive pitch out of the --
 08:27PM 14 CHAIRMAN FERGUSON: Right.
 08:27PM 15 MR. COCOROS: -- out of the -- yes, we
 08:27PM 16 also -- the rear corner, we're able to build up the
 08:27PM 17 staircases.
 08:27PM 18 At this front left (indicating), I'd
 08:27PM 19 rather keep that the way it is because we would bring
 08:27PM 20 the height down by increasing the rear corner --
 08:27PM 21 CHAIRMAN FERGUSON: Right.
 08:27PM 22 MR. COCOROS: -- without really
 08:27PM 23 affecting the retaining walls that are there now and
 08:27PM 24 also by bringing the driveway down 6 inches.
 08:27PM 25 CHAIRMAN FERGUSON: Okay. So you're
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:28PM 1 CHAIRMAN FERGUSON: Okay.
 08:28PM 2 MR. COCOROS: So do you want to add
 08:28PM 3 that or would the board prefer it in the back to give
 08:28PM 4 it more side yard on the -- or would they rather have
 08:28PM 5 this thing set back further from the street?
 08:29PM 6 CHAIRMAN FERGUSON: Well, how much --
 08:29PM 7 where are we at now with it?
 08:29PM 8 Are we --
 08:29PM 9 MR. COCOROS: Right now we have the
 08:29PM 10 front yard basically lines up with the 20-foot
 08:29PM 11 setback.
 08:29PM 12 I mean, what we've done before, we
 08:29PM 13 split the difference where two-and-a-half and
 08:29PM 14 two-and-a-half were added to each -- each yard --
 08:29PM 15 CHAIRMAN FERGUSON: Yeah.
 08:29PM 16 MR. COCOROS: -- you know then it gets
 08:29PM 17 us further back and it makes this --
 08:29PM 18 CHAIRMAN FERGUSON: Yeah, it gets it
 08:29PM 19 back, further back and more in line.
 08:29PM 20 MR. COCOROS: And we still have -- so I
 08:29PM 21 guess that would give us a 22-and-a-half foot front
 08:29PM 22 setback.
 08:29PM 23 CHAIRMAN FERGUSON: Okay.
 08:29PM 24 MR. COCOROS: And then a rear setback
 08:29PM 25 to the building would be 14-and-a-half.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

81

08:29PM 1 CHAIRMAN FERGUSON: Okay. Let's do
 08:29PM 2 that. All right?
 08:29PM 3 MR. COCOROS: The rear yard would be
 08:29PM 4 14-and-a-half and then we would have -- there's an
 08:29PM 5 8-foot deck that can stay and then we would have
 08:29PM 6 6-and-a-half feet to the deck that's proposed on that
 08:29PM 7 side.
 08:29PM 8 CHAIRMAN FERGUSON: Okay. And also we
 08:29PM 9 talked about the width of the house. I don't know if
 08:29PM 10 we talked about that.
 08:29PM 11 MR. COCOROS: That's -- it's tough
 08:29PM 12 because the configuration that we have, anything less
 08:29PM 13 than 35 feet, which is basically -- nobody's ever
 08:29PM 14 gone over that number for the depth on -- on these
 08:29PM 15 things. You go any less than that, it makes it a
 08:30PM 16 little tough to configure.
 08:30PM 17 CHAIRMAN FERGUSON: Okay, right.
 08:30PM 18 MR. COCOROS: So we would like to keep
 08:30PM 19 that.
 08:30PM 20 CHAIRMAN FERGUSON: Okay. Now, what
 08:30PM 21 are we going to do about the subbasement?
 08:30PM 22 MR. COCOROS: We can do a crawl space
 08:30PM 23 and --
 08:30PM 24 MR. MACRI: We can do a crawl space.
 08:30PM 25 MR. COCOROS: Yeah, we just basically
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

82

08:30PM 1 just -- we'd have to do a crawl space, because I
 08:30PM 2 don't want to fill it in because you're going to be
 08:30PM 3 exerting more pressure --
 08:30PM 4 CHAIRMAN FERGUSON: Pressure on the
 08:30PM 5 wall, right.
 08:30PM 6 MR. COCOROS: -- pressure on the
 08:30PM 7 existing wall that's to the -- to the west of us.
 08:30PM 8 CHAIRMAN FERGUSON: And as far as
 08:30PM 9 access to the -- to the house?
 08:30PM 10 MR. MACRI: No access to the house from
 08:30PM 11 the crawl space, only from the rear.
 08:30PM 12 CHAIRMAN FERGUSON: Okay.
 08:30PM 13 Now, I also see in here, it was pointed
 08:30PM 14 out to me, actually, that you have -- you have tubs.
 08:30PM 15 MR. MACRI: We agreed to remove them at
 08:30PM 16 the last meeting.
 08:30PM 17 CHAIRMAN FERGUSON: Say again?
 08:30PM 18 MR. MACRI: We agreed to remove them at
 08:30PM 19 the last meeting.
 08:30PM 20 CHAIRMAN FERGUSON: They were removed?
 08:30PM 21 Okay. I just want to be sure.
 08:30PM 22 All right. So you're getting rid of
 08:30PM 23 the tubs behind the garages.
 08:30PM 24 MR. COCOROS: (Shakes head.)
 08:30PM 25 CHAIRMAN FERGUSON: Okay. Steve, do
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

83

08:30PM 1 you want to take -- any board members have anything?
 08:30PM 2 (No response.)
 08:30PM 3 CHAIRMAN FERGUSON: No? Okay.
 08:30PM 4 Steve, you got?
 08:30PM 5 MR. COLLAZUOL: Yes, Mr. Chairman, I
 08:31PM 6 read the transcripts, in part, from last month.
 08:31PM 7 CHAIRMAN FERGUSON: Okay.
 08:31PM 8 MR. COLLAZUOL: Would you like me to go
 08:31PM 9 through the report or just the isolated items that I
 08:31PM 10 am --
 08:31PM 11 CHAIRMAN FERGUSON: Well, I would go
 08:31PM 12 through any -- I would go through any concerns you
 08:31PM 13 have.
 08:31PM 14 MR. COLLAZUOL: Okay.
 08:31PM 15 CHAIRMAN FERGUSON: And then he's
 08:31PM 16 telling the board about a crawl space.
 08:31PM 17 Are you okay with a crawl space?
 08:31PM 18 MR. COLLAZUOL: Yes, I believe that
 08:31PM 19 would be fine. I just want to point out that I would
 08:31PM 20 suggest that the footings for that crawl space that
 08:31PM 21 part of the house, go down below the existing garage
 08:31PM 22 level, existing house and below the lower elevation
 08:31PM 23 of that wall on the adjoining property.
 08:31PM 24 MR. COCOROS: We would have to find
 08:31PM 25 where the virgin line was and avoid any -- we would
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

84

08:31PM 1 not -- we would not place any footings on fill.
 08:31PM 2 So I guess once we knock the house down
 08:31PM 3 and excavate, we would see where that...
 08:31PM 4 MR. COLLAZUOL: I'm suggesting you
 08:31PM 5 might have to go farther than that --
 08:31PM 6 Because I think otherwise the proximity
 08:31PM 7 of the proposed house to the adjoining wall is such
 08:31PM 8 that you might be exerting even if you are on virgin
 08:32PM 9 soil.
 08:32PM 10 MR. COCOROS: Well, again, the bottom
 08:32PM 11 of the wall, we have 202.2 it looks like, so I guess
 08:32PM 12 yeah, we would probably keep -- we would place the
 08:32PM 13 footing at least at that level and make sure we have
 08:32PM 14 proper coverage.
 08:32PM 15 MR. COLLAZUOL: You might have to go
 08:32PM 16 below that, I think.
 08:32PM 17 MR. COCOROS: Like a foot.
 08:32PM 18 MR. COLLAZUOL: I'm thinking you might
 08:32PM 19 have to go down to 199 or 200 for the footing in that
 08:32PM 20 area.
 08:32PM 21 So that's just pointing that out.
 08:32PM 22 MR. COCOROS: Okay. Well, again, the
 08:32PM 23 existing -- yeah, I guess we can see that when we
 08:32PM 24 excavate.
 08:32PM 25 MR. COLLAZUOL: On page 1 of the
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:32PM 1 report, on site plan number two, the wall in the
 08:32PM 2 back, I recognize that the house now is a 14.5 foot
 08:32PM 3 rear yard setback --
 08:32PM 4 MR. COCOROS: Yes.
 08:32PM 5 MR. COLLAZUOL: -- where the deck is,
 08:32PM 6 but there's a section of the wall that's shown to be
 08:32PM 7 greater than 6 feet. Has that been changed now based
 08:32PM 8 on the rear offset of 14.5 or is it still going to be
 08:32PM 9 in excess of 6 feet or thereabouts, because that
 08:32PM 10 would then require a variance, an additional
 08:32PM 11 variance.
 08:32PM 12 THE WITNESS: I guess we're going to
 08:32PM 13 fill the area in so that part of it is going to need
 08:33PM 14 the variance for the 6 feet, but it's going to
 08:33PM 15 minimize the wall. We're filling it in. It's going
 08:33PM 16 to actually reduce the variance on the one wall, but
 08:33PM 17 create a small 6-foot variance, part of the wall
 08:33PM 18 that's to the rear left.
 08:33PM 19 MR. COLLAZUOL: I just wanted to make
 08:33PM 20 that clear.
 08:33PM 21 On -- recognizing you're showing
 08:33PM 22 proposed sidewalk along 5th Street, you terminate the
 08:33PM 23 sidewalk at a certain point on the north side. I
 08:33PM 24 would suggest you continue that and then transition
 08:33PM 25 because of the wall, it's in the right-of-way by the
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:34PM 1 come to the intersection to the corner, as well as a
 08:34PM 2 sidewalk should be placed in the frontage of East
 08:34PM 3 Edsall Boulevard and it should be properly set. I
 08:34PM 4 recognize that the sidewalk on the adjoining property
 08:34PM 5 is monolithic to the curb, but it should not be. So
 08:34PM 6 you should have a transition there and a sidewalk
 08:34PM 7 either 4 or 5 feet away from the curb. I've shown it
 08:34PM 8 on my drawings if you'd like to see this later.
 08:34PM 9 THE WITNESS: So it basically would
 08:34PM 10 line up with -- not including the part where their
 08:34PM 11 apron is, you would line up the sidewalk with their
 08:34PM 12 sidewalk?
 08:34PM 13 MR. COLLAZUOL: You would not line it
 08:34PM 14 up. It would not be monolithic with the curb.
 08:34PM 15 THE WITNESS: No, I'm saying we'll have
 08:34PM 16 to --
 08:34PM 17 MR. COLLAZUOL: The setback.
 08:35PM 18 THE WITNESS: Right now there's, like,
 08:35PM 19 a 2-foot -- there's a curb and there's, like, a
 08:35PM 20 2-foot gap and -- but it's all monolithic, but
 08:35PM 21 there's score lines where you can see where the
 08:35PM 22 sidewalk would be.
 08:35PM 23 MR. COLLAZUOL: There should be a grass
 08:35PM 24 strip between the curb and the sidewalk as standard,
 08:35PM 25 I don't -- you know, we're not substantiating what's
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:33PM 1 telephone pole.
 08:33PM 2 THE WITNESS: This is on --
 08:33PM 3 MR. COLLAZUOL: On the 5th Street side
 08:33PM 4 on the top of the drawing.
 08:33PM 5 THE WITNESS: I'm not sure if was --
 08:33PM 6 was there an existing sidewalk there? Oh, the only
 08:33PM 7 thing is we won't have a grass strip or would you
 08:33PM 8 want to offset it to that?
 08:33PM 9 MR. COLLAZUOL: I think you'd have to
 08:33PM 10 transition to where the telephone pole is going. You
 08:33PM 11 have to bring the sidewalk to the lot line.
 08:33PM 12 THE WITNESS: Okay. Now, the -- the
 08:33PM 13 wall itself, I mean, it would make sense to have it
 08:34PM 14 basically cut that wall, but it's not our wall. I
 08:34PM 15 don't know...
 08:34PM 16 MR. COLLAZUOL: Well, you could suggest
 08:34PM 17 that to the property owner next door, if they allow
 08:34PM 18 you to, that's fine, but I think you have to bring
 08:34PM 19 the sidewalk at least to the lot line.
 08:34PM 20 And, likewise, down on the bottom
 08:34PM 21 right, you terminated this sidewalk (indicating), it
 08:34PM 22 looks like, about 4 feet south of the projected
 08:34PM 23 building line?
 08:34PM 24 THE WITNESS: Yeah.
 08:34PM 25 MR. COLLAZUOL: That sidewalk should
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:35PM 1 next door. It should meet borough standards.
 08:35PM 2 And, Bill, as stated in the report, the
 08:35PM 3 location of the dry wells so close to that wall on
 08:35PM 4 East Edsall Boulevard side.
 08:35PM 5 THE WITNESS: Well, the bottom is at
 08:35PM 6 197.
 08:35PM 7 MR. COLLAZUOL: But you have the
 08:35PM 8 infiltration trench within the backfill of the wall
 08:35PM 9 that's certainly going to bleed through there.
 08:35PM 10 So I would suggest you remove those
 08:35PM 11 from that area, bring them up to the front, separate
 08:35PM 12 this and use an overflow to the storm drainage system
 08:35PM 13 on 5th Street instead of relying totally on
 08:35PM 14 retention.
 08:35PM 15 THE WITNESS: Now, with the sidewalk
 08:35PM 16 coming onto the corner, what do we do with that --
 08:35PM 17 would that manhole be incorporated into that
 08:36PM 18 sidewalk?
 08:36PM 19 MR. COLLAZUOL: Yes.
 08:36PM 20 Thank you. I have nothing else.
 08:36PM 21 CHAIRMAN FERGUSON: Mr. Kauker?
 08:36PM 22 MR. KAUKER: No questions.
 08:36PM 23 CHAIRMAN FERGUSON: No questions?
 08:36PM 24 Good.
 08:36PM 25 Anybody in the audience have any
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:36PM 1 questions?

08:36PM 2 (No response.)

08:36PM 3 CHAIRMAN FERGUSON: All right. So do

08:36PM 4 you want to sum up, Counselor or -- no?

08:36PM 5 MR. MACRI: I believe the testimony

08:36PM 6 provided by Mr. David Spatz gives the board

08:36PM 7 sufficient basis.

08:36PM 8 CHAIRMAN FERGUSON: All right. So I'm

08:36PM 9 going to make a motion to accept the application with

08:36PM 10 all the things that we talked about, bathrooms, you

08:36PM 11 know, and also 2000 to the Tree Preservation Fund.

08:36PM 12 So I'll make that motion.

08:36PM 13 Second?

08:36PM 14 MR. CARNOVALE: I second.

08:36PM 15 CHAIRMAN FERGUSON: Roll call?

07:08PM 16 MS. LAMBRINIDES: Mr. Ferguson?

07:08PM 17 CHAIRMAN FERGUSON: Yes.

07:08PM 18 MS. LAMBRINIDES: Mr. Albanese?

07:08PM 19 VICE CHAIRMAN ALBANESE: Yes.

07:08PM 20 MS. LAMBRINIDES: Mr. Lefteriou?

07:08PM 21 MR. LEFTERIOU: Yes.

07:08PM 22 MS. LAMBRINIDES: Mr. Nam?

07:08PM 23 MR. NAM: Yes.

07:08PM 24 MS. TESTA: Mr. Min, you should abstain

07:08PM 25 since you weren't here at the last meeting.

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

08:38PM 1 December 7th. I believe you have those with the

08:38PM 2 file; if not, I do have additional copies.

08:38PM 3 CHAIRMAN FERGUSON: Okay.

08:38PM 4 MS. LAMBRINIDES: Affidavit of

08:38PM 5 publication, affidavit of service.

08:39PM 6 CHAIRMAN FERGUSON: Okay.

08:39PM 7 MS. TESTA: Okay.

08:39PM 8 **VASSILIOS COCOROS,**

08:39PM 9 **having been previously sworn, continues to**

08:39PM 10 **testify as follows:**

08:39PM 11 **DIRECT EXAMINATION**

08:39PM 12 **BY MR CHEWCASKIE:**

08:39PM 13 **Q.** The plan --

08:39PM 14 MS. TESTA: Mr. Cocoros, you're sworn

08:39PM 15 in from the previous application.

08:39PM 16 THE WITNESS: Thank you.

08:39PM 17 MR. CHEWCASKIE: And just,

08:39PM 18 Mr. Chairman, before we start with Mr. Cocoros, we're

08:39PM 19 here, basically we have an oversized lot. We need a

08:39PM 20 height variance by virtue of the fact that the

08:39PM 21 property slopes from front to rear approximately 10

08:39PM 22 feet.

08:39PM 23 CHAIRMAN FERGUSON: Right.

08:39PM 24 MR. CHEWCASKIE: We are also requesting

08:39PM 25 variances for front yard, side yard and building

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

07:08PM 1 MR. MIN: Right.

07:08PM 2 MS. LAMBRINIDES: Mr. Carnovale?

07:08PM 3 MR. CARNOVALE: Yes.

07:08PM 4 MS. LAMBRINIDES: Ms. Tarabocchia?

07:08PM 5 MS. TARABOCCHIA: Yes.

07:08PM 6 MS. LAMBRINIDES: Mr. Min?

07:08PM 7 MR. MIN: Abstain.

08:37PM 8 CHAIRMAN FERGUSON: Thank you,

08:37PM 9 Counselor.

08:37PM 10 MR. MACRI: Thank you very much.

08:37PM 11 CHAIRMAN FERGUSON: Okay. Next case

08:37PM 12 will be 411 5th Street.

08:37PM 13 MR. CHEWCASKIE: Good evening,

08:37PM 14 Mr. Chairman, Members of the Board. Brian M.

08:37PM 15 Chewcaskie on behalf of the applicant, Dhana Realty.

08:37PM 16 Basically what we have, again, is a

08:37PM 17 proposed two-family dwelling. We submitted our

08:38PM 18 application October 31st and you should have drawings

08:38PM 19 from Mr. Cocoros, which were dated August 20th,

08:38PM 20 revised through September 28, 2018.

08:38PM 21 The application was deemed complete on

08:38PM 22 November 6th. It was originally scheduled for

08:38PM 23 December, but then continued to this date.

08:38PM 24 We provided an affidavit of service on

08:38PM 25 December 5th and an affidavit of publication on

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

08:39PM 1 coverage.

08:39PM 2 CHAIRMAN FERGUSON: Right.

08:39PM 3 MR. CHEWCASKIE: We are substantially

08:39PM 4 in conformance with the basic standards for duplex,

08:39PM 5 but because of the oversized lot, some of those

08:39PM 6 standards changed.

08:39PM 7 Mr. Cocoros has been sworn, and he's

08:39PM 8 also been qualified on the other case.

08:39PM 9 BY MR. CHEWCASKIE:

08:39PM 10 **Q.** So not to waste time, Mr. Cocoros, if

08:39PM 11 you can go through what's proposed on the site.

08:40PM 12 **A. Sure.**

08:40PM 13 **The existing property, which is 75 by**

08:40PM 14 **100 in a AA zone. The AA-zone requirement is 50 by**

08:40PM 15 **100, so this lot is almost time-and-a-half of what's**

08:40PM 16 **required.**

08:40PM 17 **The existing property does have a big**

08:40PM 18 **difference from front to back as Mr. Chewcaskie**

08:40PM 19 **mentioned. It also has a cross slope of**

08:40PM 20 **approximately 5 feet going from right to -- right to**

08:40PM 21 **left, sorry, which is north to south.**

08:40PM 22 **The building, itself, we're proposing**

08:40PM 23 **is a side-by-side two-family dwelling with a side**

08:40PM 24 **yard setback of 6 feet on each side.**

08:40PM 25 **At the front we have 25 feet from the**

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

08:40PM **1** main face of the building and then we have 20 feet to
 08:40PM **2** the covered entry platform, which also has two levels
 08:40PM **3** of building above that.
 08:40PM **4** The building, itself, at that -- at the
 08:40PM **5** -- it's 48 feet, 8 inches deep at the 25-foot deep
 08:40PM **6** setback and it's 49 feet 8 inches deep at the front
 08:40PM **7** entry.
 08:40PM **8** The rear yard setback is 29 feet 4
 08:41PM **9** inches where 25 feet is required.
 08:41PM **10** We also have a building footprint of
 08:41PM **11** 2,996 square feet, which is a variance as far as the
 08:41PM **12** maximum footprint of two-and-a-half-thousand square
 08:41PM **13** feet, but we do meet the 40-percent requirement.
 08:41PM **14** We're at 39.94 percent.
 08:41PM **15** The building, itself, it kept the same
 08:41PM **16** roof plate across the front. However, we did step
 08:41PM **17** the first floors and the ground floor levels follow
 08:41PM **18** the pitch on 5th Street. The building, itself, is
 08:41PM **19** all brick. We decided to do a modern style with a
 08:41PM **20** paneled system at the entry and at the bay windows.
 08:41PM **21** Same thing with the windows in the back.
 08:41PM **22** We also have two decks in the back that
 08:41PM **23** are located 16 feet off the back property line and
 08:41PM **24** they are 16-feet wide each.
 08:41PM **25** The AC units are located dead center of
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 201-641-1812

08:41PM **1** the building, itself. So they are far away from the
 08:41PM **2** neighbors. Since the property does drop off, I
 08:41PM **3** forgot to mention that we do have a proposed
 08:41PM **4** retaining wall at the back of approximately 3 feet 4
 08:42PM **5** inches at the left-hand side, and then we have a
 08:42PM **6** 4-foot wall on the right-hand side and these walls
 08:42PM **7** come towards the front where they tie into the
 08:42PM **8** existing grade at the sides.
 08:42PM **9** We have no staircases at the front.
 08:42PM **10** You basically enter at the ground level and the
 08:42PM **11** portion that sticks out 4 feet from the building with
 08:42PM **12** parts of the roof above, act as the covered entry
 08:42PM **13** platform for the front doors.
 08:42PM **14** Go to Sheet A-2. At the front lower
 08:42PM **15** right we have the basement floor plan. We have a
 08:42PM **16** real two-car garage at the front. We also the entry
 08:42PM **17** doors that bring you into a stair hall with the
 08:42PM **18** staircase up to the first floor. We have a coat
 08:42PM **19** closet (indicating).
 08:42PM **20** At the back we have a recreation room
 08:42PM **21** with doors and a little small den area. We also have
 08:43PM **22** a bathroom proposed. We have the AC units under the
 08:43PM **23** deck at the back and the middle and there's two per
 08:43PM **24** unit.
 08:43PM **25** The staircase up to the first floor,
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

08:43PM **1** which is the main living space, if you look at the
 08:43PM **2** left-hand side of the drawing, we have a staircase up
 08:43PM **3** to the railing that you look down to the ground floor
 08:43PM **4** level. We have a living room, dining room, family
 08:43PM **5** room, a kitchen with a eating area and a sliding
 08:43PM **6** glass door out to a wood deck in the back.
 08:43PM **7** At the front we have a small home
 08:43PM **8** office and a staircase up to the second floor, which
 08:43PM **9** is the bedroom level.
 08:43PM **10** At the top floor we have the bedroom
 08:43PM **11** level, we have a four-bedroom configuration. We have
 08:43PM **12** the master in the back. You get the views, you're up
 08:43PM **13** kind of high here. There is an en suite master
 08:43PM **14** bathroom and we have an en suite at the front bedroom
 08:43PM **15** and two secondary bedrooms have their own shared
 08:43PM **16** bathroom in the hallway. We also have side-by-side
 08:43PM **17** laundry and a linen closet (indicating).
 08:43PM **18** There's also a skylight above the
 08:44PM **19** staircase, which brings light throughout the whole
 08:44PM **20** building.
 08:44PM **21** Since the property does drop off, we do
 08:44PM **22** have a three-story building at 34 feet 6 inches. So
 08:44PM **23** we are requesting a variance for the height, but
 08:44PM **24** given the topography of the property, there's a cross
 08:44PM **25** slope and a drop-off in the back, where we have
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

08:44PM **1** 499.82 at the front right and at the back we have
 08:44PM **2** 490.7.
 08:44PM **3** So as Brian mentioned, it's almost 10
 08:44PM **4** feet of a drop-off on the right-hand side. And on
 08:44PM **5** the left-hand side, it's slightly less.
 08:44PM **6** Q. And slope, as indicated, Mr. Cocoros,
 08:44PM **7** required the adjustment in height that we're
 08:44PM **8** proposing, correct?
 08:44PM **9** A. Correct.
 08:44PM **10** Q. Now, with respect to the other
 08:44PM **11** variances that you've identified, they meet the
 08:44PM **12** standards set forth for duplexes, but because this is
 08:45PM **13** an oversized lot, the standards are to be somewhat
 08:45PM **14** increased, am I correct?
 08:45PM **15** A. Yes.
 08:45PM **16** For every foot you have over 50 feet,
 08:45PM **17** you add 4 inches to the side yard setback, 4 inches
 08:45PM **18** to each side and 4 inches to the building.
 08:45PM **19** Q. But, otherwise, the basic standards are
 08:45PM **20** met, correct?
 08:45PM **21** A. Yeah, so the 6 feet.
 08:45PM **22** In addition, we did not have any full
 08:45PM **23** staircases in the front, you basically enter on the
 08:45PM **24** ground floor.
 08:45PM **25** So we feel that even though we're
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 201-641-1812

08:45PM **1 asking for a variance for the side yard setbacks for**
 08:45PM **2 the maximum building footprint, give the fact that we**
 08:45PM **3 have a bigger backyard than usual and a bigger front**
 08:45PM **4 yard than usual, we feel the configuration could work**
 08:45PM **5 on this property.**

08:45PM **6 Q.** And based upon your experience in
 08:45PM **7 Palisades Park, Mr. Cocoros, the design of the home**
 08:45PM **8 is consistent with other homes, other duplexes that**
 08:45PM **9 have been -- that have been built and also approved**
 08:45PM **10 by either the planning or zoning board, correct?**

08:45PM **11 A. Yes.**
 08:45PM **12 On this size property, we've done maybe**
 08:45PM **13 one or two this size duplex. However, there have**
 08:45PM **14 been three families also done on a 75 by 100.**

08:45PM **15 Q.** And in addition, I believe today,
 08:46PM **16 Mr. Cocoros, we did receive Mr. Collazuol's report?**

08:46PM **17 A. Yes.**

08:46PM **18 Q.** And is there anything in that report
 08:46PM **19 that we cannot comply with?**

08:46PM **20 A. No, we could comply with his**
 08:46PM **21 requirements.**

08:46PM **22 MR. CHEWCASKIE:** Mr. Chairman, that's
 08:46PM **23 all I have for Mr. Cocoros at this time. He's our**
 08:46PM **24 only witness.**

08:46PM **25 CHAIRMAN FERGUSON:** Well, I have a
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:47PM **1 CHAIRMAN FERGUSON:** Oh, I got one.
 08:47PM **2 Here's the -- now, I understand it's a large lot. I**
 08:47PM **3 also see that you're also asking for side yard**
 08:47PM **4 variances and also the building coverage.**

08:47PM **5 If I took 2 feet off or 4 feet, 2 on**
 08:47PM **6 each side off, that would give you the necessary --**
 08:47PM **7 so that would eliminate that variance and also it**
 08:47PM **8 would cut down on the building coverage.**

08:48PM **9 THE WITNESS:** I mean, I could do it --
 08:48PM **10 I can definitely do a foot on each side, because one**
 08:48PM **11 of the ideas I'm trying to keep a realistic two-car**
 08:48PM **12 garage with a 16- or 17-foot door, so I can get -- if**
 08:48PM **13 I take a foot off each side, I get a 17 foot 8**
 08:48PM **14 driveway, then I still have, let's say, 3 foot 6 for**
 08:48PM **15 planting, 5-foot walkway and 6 foot 8 and I can keep**
 08:48PM **16 my entry on the ground floor, so I can keep a**
 08:48PM **17 staircase.**

08:48PM **18 So I can definitely do a foot on each**
 08:48PM **19 side, which would bring us to a 7-foot setback on the**
 08:48PM **20 sides and it would bring our footprint -- it would**
 08:48PM **21 probably -- we're close to bringing it down 100 more**
 08:48PM **22 square feet to get the coverage down to approximately**
 08:48PM **23 2900.**

08:48PM **24 CHAIRMAN FERGUSON:** So are you telling
 08:48PM **25 me, Mr. Cocoros, that 2 feet on each side is too**
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:46PM **1 couple of questions. I just have one quick one,**
 08:46PM **2 though. It's my understanding you're not putting a**
 08:46PM **3 planner on tonight.**

08:46PM **4 MR. CHEWCASKIE:** That is correct. If
 08:46PM **5 you require planning testimony, Mr. Chairman, we will**
 08:46PM **6 be back with a planner.**

08:46PM **7 CHAIRMAN FERGUSON:** Yeah, I think the
 08:46PM **8 board usually requires -- when there's a use**
 08:46PM **9 variance, I think we need a planner.**

08:46PM **10 Mr. Kauker?**

08:46PM **11 MR. KAUKER:** It's a (d)(6) height
 08:46PM **12 variance, so they would be required to show that, as**
 08:46PM **13 was mentioned earlier this evening, there are two**
 08:46PM **14 specific cases that address the height variance issue**
 08:47PM **15 with respect to a (d)(6) variance, the Grasso versus**
 08:47PM **16 Spring Lake and then also the Coventry versus**
 08:47PM **17 Westwood.**

08:47PM **18 So the applicant would be required to**
 08:47PM **19 show that the property could accommodate the increase**
 08:47PM **20 in height and also that it is consistent with the**
 08:47PM **21 heights of other buildings in the area.**

08:47PM **22 CHAIRMAN FERGUSON:** Okay.

08:47PM **23 MR. CHEWCASKIE:** Mr. Chairman, I have
 08:47PM **24 no problem returning. However, if there are specific**
 08:47PM **25 questions for Mr. Cocoros, we can certainly address.**

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

08:48PM **1 much? Is that what you're telling me?**

08:48PM **2 THE WITNESS:** I mean, I would -- it's
 08:48PM **3 -- it's your prerogative, but I would -- I would like**
 08:48PM **4 to keep some of the configuration. I think it's a**
 08:48PM **5 nice layout, given the fact that it's -- we did try**
 08:49PM **6 to increase the setbacks so we're not so close to 5th**
 08:49PM **7 Street.**

08:49PM **8 CHAIRMAN FERGUSON:** Right.

08:49PM **9 THE WITNESS:** We also kept our setback
 08:49PM **10 as big as we could at the rear to kind of help**
 08:49PM **11 minimize the effect of the taller building.**

08:49PM **12 CHAIRMAN FERGUSON:** Right.

08:49PM **13 The other thing is the deck in the**
 08:49PM **14 back, what's the dimensions of the deck in the back.**

08:49PM **15 THE WITNESS:** It's 13 feet 4 inches and
 08:49PM **16 we have 16 feet to the property line and they're**
 08:49PM **17 16-feet wide.**

08:49PM **18 CHAIRMAN FERGUSON:** Does that concur
 08:49PM **19 with the Pal Park ordinances or is that --**

08:49PM **20 THE WITNESS:** Typical decks we do. I
 08:49PM **21 know it's not within the setback. We usually do 12**
 08:49PM **22 feet by 9-feet wide on a typical house.**

08:49PM **23 Like I said, this is -- what we've done**
 08:49PM **24 here, we have quite a bit of distance from the side**
 08:49PM **25 yard, so, you know, we try to keep them as far away**

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

08:49PM **1** from the corners as we could.

08:49PM **2** CHAIRMAN FERGUSON: Right.

08:49PM **3** Well, if you reduce it, wouldn't that

08:50PM **4** be -- I mean, if you went to the 12, 9, wouldn't that

08:50PM **5** help you.

08:50PM **6** THE WITNESS: I'm trying to think,

08:50PM **7** because if -- the part of the deck that's in the

08:50PM **8** variance is the 9 feet, because we have 16 feet to --

08:50PM **9** the 16-foot setback that we usually do to the deck,

08:50PM **10** that's what I kept as my boundary. So we have the 16

08:50PM **11** foot, that's a typical deck setback on 100-foot deep

08:50PM **12** lot and we have 13 feet 4 that's left over on the gap

08:50PM **13** between the building and the back property line.

08:50PM **14** CHAIRMAN FERGUSON: So what's the

08:50PM **15** distance between the end of the deck and the property

08:50PM **16** line?

08:50PM **17** THE WITNESS: 17 feet, 17-and-a-half

08:50PM **18** feet. And usually it's -- it's about 11 feet on a

08:51PM **19** typical duplex, about 11 feet. Some cases it's 7

08:51PM **20** feet.

08:51PM **21** CHAIRMAN FERGUSON: So you're good with

08:51PM **22** 1 foot on each side?

08:51PM **23** THE WITNESS: Yes, if you're okay with

08:51PM **24** it.

08:51PM **25** MR. COLLAZUOL: One point, aside from
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

08:52PM **1** wait for his planner at the next meeting?

08:52PM **2** MR. KAUKER: Yeah, I have nothing of

08:52PM **3** Mr. Cocoros.

08:52PM **4** CHAIRMAN FERGUSON: Anybody in the

08:52PM **5** audience have anything?

08:52PM **6** Yes, the lady in the back that's been

08:52PM **7** patient.

08:52PM **8** MS. CHONG: Okay. We've been waiting

08:52PM **9** this chance, because it's our third time to come.

08:52PM **10** THE COURT REPORTER: Please state your

08:52PM **11** first and last name.

08:52PM **12** MS. CHONG: Sure.

08:52PM **13** My first name is J-U-N-G, last name is

08:52PM **14** C-H-O-N-G.

08:52PM **15** THE COURT REPORTER: And your address?

08:52PM **16** MS. CHONG: 415 5th Street, Palisades

08:52PM **17** Park, New Jersey 07650.

08:52PM **18** Before I came today, everybody I asked

08:52PM **19** in the town told me that's useless, you're not going

08:53PM **20** to get to be heard or you're going to get there and

08:53PM **21** what are you going to ask, because as lawyers keep

08:53PM **22** saying that Palisades Park has been allowing this, it

08:53PM **23** was average, it has been common, that I didn't know

08:53PM **24** even though I've been living in this town for 18

08:53PM **25** years. All I notice is that whenever that one
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

08:51PM **1** Bill agreeing that everything in the report that we

08:51PM **2** wrote is going to be satisfied, just a point of

08:51PM **3** clarity, the wall that's existing in the back is over

08:51PM **4** 6 feet, 6-and-a-half feet in height.

08:51PM **5** So I'm thinking that it's new

08:51PM **6** development and, therefore, a variance is required to

08:51PM **7** allow that existing wall to remain.

08:51PM **8** CHAIRMAN FERGUSON: Okay.

08:51PM **9** MR. COLLAZUOL: So I think it's an

08:51PM **10** additional variance that's required. Aside from the

08:51PM **11** fact that the comments about the second tiered wall,

08:51PM **12** it's location and the stability report for the lower

08:51PM **13** wall being required, I think the existing wall needs

08:51PM **14** a variance for height.

08:52PM **15** CHAIRMAN FERGUSON: Okay. You're okay

08:52PM **16** with that?

08:52PM **17** MR. CHEWCASKIE: Not a problem,

08:52PM **18** Mr. Chairman. We did have the appropriate phrase in

08:52PM **19** the notice, so we would amend the application to

08:52PM **20** request the variance if Mr. Collazuol believes that

08:52PM **21** that's required for the existing condition.

08:52PM **22** CHAIRMAN FERGUSON: Right.

08:52PM **23** Anything else, Mr Collazuol?

08:52PM **24** MR. COLLAZUOL: That's it. Thank you.

08:52PM **25** CHAIRMAN FERGUSON: You're going to
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

08:53PM **1** single-family house with my friends left, we got a

08:53PM **2** two-family house with a stranger, but that's the way

08:53PM **3** that is.

08:53PM **4** Being said, if I can say, I don't even

08:53PM **5** want to have a two-family house, first, because we

08:53PM **6** already have a lot of traffic problem if you are

08:53PM **7** aware of an accident report in the right out of 5th

08:53PM **8** Street, that we have a lot of accidents and then if

08:53PM **9** you have a two-family house, I hope he's not going to

08:53PM **10** rent up any more people, more than two-family house.

08:53PM **11** They would have four cars in the street. I don't

08:53PM **12** know what kind of effect that would have on this

08:53PM **13** traffic accident we already have. That's one thing

08:54PM **14** about duplex. But maybe this town will allow it

08:54PM **15** anyhow.

08:54PM **16** My second concern is that when we had

08:54PM **17** 14.33 feet required side yard, even though my

08:54PM **18** neighbor Lucy was a really nice lady, but she always

08:54PM **19** fought with her husband and we could hear everything

08:54PM **20** they were saying, even though we have 14 feet. But

08:54PM **21** they're allowed for 14, what, 6 feet? Maybe that

08:54PM **22** required we meet with the town standard, I

08:54PM **23** understand, so maybe they would build it, but I just

08:54PM **24** want to say in this time, that's not really enough

08:54PM **25** space for us, because we've been living in that house
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

08:54PM **1** for 18 years. My husband, living in that house for
 08:54PM **2** 20 something years. We had a wonderful relationship
 08:54PM **3** with the next neighbor. With that distance, still it
 08:54PM **4** was bothersome.
 08:54PM **5** So if you just have to build a bigger
 08:54PM **6** house, if that's the way that is, yes, that would be,
 08:54PM **7** but I just want to tell you that I don't want it, if
 08:54PM **8** you ask my opinion.
 08:54PM **9** CHAIRMAN FERGUSON: Okay.
 08:55PM **10** MS. CHONG: And height, also same
 08:55PM **11** thing, if you build a deck, and the height of what,
 08:55PM **12** like 34.5 feet proposed one, we'll be losing some
 08:55PM **13** sunlight from that nice side of that.
 08:55PM **14** But what can I say, if that's the way
 08:55PM **15** that it would be. But I don't want that height that
 08:55PM **16** much. So my request for any proposal, smaller is
 08:55PM **17** better than what proposed.
 08:55PM **18** So that's it's. But that's all I want
 08:55PM **19** to say about this and today I heard about this
 08:55PM **20** planning. So my question is that: Are you planning
 08:55PM **21** to have a central AC and heating system?
 08:55PM **22** THE WITNESS: We have central AC. What
 08:55PM **23** we did is we put them in the middle of the house
 08:55PM **24** instead of the side. We have them in the middle.
 08:55PM **25** MS. CHONG: So I'm not going to have
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:55PM **1** this big machine that's running next to my doors?
 08:55PM **2** THE WITNESS: No, they're in the middle
 08:55PM **3** in the back.
 08:55PM **4** MS. CHONG: Okay. That's what I want
 08:55PM **5** to say.
 08:55PM **6** Thank you.
 08:55PM **7** CHAIRMAN FERGUSON: Mr. Cocoros, we'll
 08:55PM **8** get into this, but is there any way -- I mean, I
 08:55PM **9** understand there's a big drop.
 08:56PM **10** Is there any way to drop the house, I
 08:56PM **11** mean, the height of the house?
 08:56PM **12** THE WITNESS: I mean I can probably
 08:56PM **13** bring it down a little.
 08:56PM **14** The only thing is the way the height's
 08:56PM **15** measured is the midpoint.
 08:56PM **16** CHAIRMAN FERGUSON: Right.
 08:56PM **17** THE WITNESS: So I can bring it down to
 08:56PM **18** a 3-on-12 pitch, you know, I think the most you're
 08:56PM **19** going to get is maybe 8 inches. I mean, it helps.
 08:56PM **20** You know, it's, like, an 8-inch drop. Even though
 08:56PM **21** it's a foot-and-a-half drop from, let's say, a
 08:56PM **22** foot-and-a-half or 16-inch drop from the overall
 08:56PM **23** ridge height, the actual net decrease would be about
 08:56PM **24** 8 inches, because it's a midpoint measurement.
 08:56PM **25** So I can bring it down to a 3-on-12
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 pitch, which would still give us enough room for an
2 attic space and for some mechanicals, but it will
3 bring the height down.
4 CHAIRMAN FERGUSON: Eight inches?
5 THE WITNESS: Yeah, let's say, 8 inches
6 to 1 foot. I mean, we can probably work that.
7 CHAIRMAN FERGUSON: Well, if it's
8 closer to 1 foot, I would say we should do it. I
9 mean, you know...
10 THE WITNESS: Okay.
11 CHAIRMAN FERGUSON: All right?
 08:56PM **12** Do you have any comments?
 08:56PM **13** MR. COLLAZUOL: No comments.
 08:56PM **14** CHAIRMAN FERGUSON: Okay, next?
 08:56PM **15** Name and address.
 08:56PM **16** MS. SCHOR: Marsha Schor.
 08:56PM **17** Just a quickie, in your basement -- I
 08:57PM **18** was out of the room -- you're having a bathroom in
 08:57PM **19** your basement?
 08:57PM **20** THE WITNESS: Yes.
 08:57PM **21** MS. SCHOR: What kind of bathroom?
 08:57PM **22** THE WITNESS: We have a toilet, a sink
 08:57PM **23** and a shower.
 08:57PM **24** CHAIRMAN FERGUSON: No showers.
 08:57PM **25** Mr. Cocoros, you come here every month,
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:57PM **1** Mr. Cocoros.
 08:57PM **2** THE WITNESS: I understand that, but
 08:57PM **3** this is not your typical lot. It's a way oversized
 08:57PM **4** lot.
 08:57PM **5** MS. LAMBRINIDES: He's always trying to
 08:57PM **6** get it through, that's why.
 08:57PM **7** CHAIRMAN FERGUSON: Yeah.
 08:57PM **8** The shower's got to go.
 08:57PM **9** MS. BRUSCO: Every house he's got a
 08:57PM **10** whole full shower --
 08:57PM **11** CHAIRMAN FERGUSON: Listen, wait until
 08:57PM **12** you're called, then you can talk.
 08:57PM **13** MS. BRUSCO: I'm sorry.
 08:57PM **14** THE WITNESS: Yes.
 08:57PM **15** CHAIRMAN FERGUSON: Remove the shower.
 08:57PM **16** THE WITNESS: Okay, will do.
 08:57PM **17** MS. SCHOR: Also, I think the decks are
 08:57PM **18** a bit oversized. I don't think the town allows a
 08:57PM **19** deck like that. I think it's, like, 6 feet or
 08:57PM **20** something.
 08:57PM **21** CHAIRMAN FERGUSON: I thought we just
 08:57PM **22** covered that.
 08:57PM **23** MS. SCHOR: No, he still has --
 08:57PM **24** Mr. Cocoros, this is an observation, always says,
 08:57PM **25** usually we do. Usually we do means that's the way he
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:57PM 1 builds. He's coming before you.

08:57PM 2 CHAIRMAN FERGUSON: Right.

08:57PM 3 MS. SCHOR: You have nothing to do with

08:57PM 4 the way he usually builds. He has to do what you

08:58PM 5 tell him to do, not because he's done it in 27 other

6 houses and with other boards and they've looked the

7 other way.

8 This board doesn't look the other way.

9 You do what they tell you, not because you usually do

10 it.

11 CHAIRMAN FERGUSON: Okay. Take it

12 easy, don't get -- you know, don't get upset. You're

13 flush. It's not good to get --

14 MR. CHEWCASKIE: There's no need,

15 Mr. Chairman, to be argumentive. We understand the

16 point.

08:58PM 17 CHAIRMAN FERGUSON: Okay.

08:58PM 18 MS. SCHOR: Good for you.

08:58PM 19 CHAIRMAN FERGUSON: Yeah.

08:58PM 20 MS. BRAUER: Yes. Susan Brauer.

08:58PM 21 Just I'm sorry, but could you just

08:58PM 22 explain, in layman's terms, simply and quickly so

08:58PM 23 we're not here forever, why the drop-off "justifies"

08:58PM 24 the height that you're asking for or even if you're

08:58PM 25 cutting it down? Why?

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

08:59PM 1 MS. BRAUER: Hold on. Mr. Cocoros, I'm

08:59PM 2 sorry. I don't know what a 3-on-12 pitch means.

08:59PM 3 Can you just tell me on each floor what

08:59PM 4 your height is, 8 feet, 9 -- excuse me, 9 feet,

08:59PM 5 whatever.

08:59PM 6 THE WITNESS: We have 9 feet, 8 feet

08:59PM 7 and then we have the roof.

08:59PM 8 Now, since the building --

08:59PM 9 MS. BRAUER: But I'm sorry, 9 feet is

08:59PM 10 --

08:59PM 11 THE WITNESS: I'm talking about the

08:59PM 12 right-hand side. The building, itself --

08:59PM 13 MS. BRAUER: No, no, but I'm sorry,

08:59PM 14 just please answer. 9 feet is -- all right.

15 THE WITNESS: First floor.

16 MS. BRAUER: -- so you're saying the

17 right-hand unit. All right. That's your first floor

18 --

19 THE WITNESS: Correct.

09:00PM 20 MS. BRAUER: -- is 9 feet.

09:00PM 21 THE WITNESS: Yes.

09:00PM 22 MS. BRAUER: Then the first floor, what

09:00PM 23 you call a basement is 9 feet?

09:00PM 24 THE WITNESS: No, no, the basement, no,

09:00PM 25 the basement we have 8 feet.

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

08:58PM 1 THE WITNESS: The typo -- I'm not a

08:58PM 2 planner, but it's a topographical hardship. There's

08:58PM 3 a 10-foot drop. You almost have a full-story drop

08:58PM 4 from front to back --

08:58PM 5 MS. BRAUER: Right.

08:58PM 6 THE WITNESS: -- and the height is

08:58PM 7 measured from the average grade. We put a small

08:59PM 8 retaining wall. We could have put stacks of

08:59PM 9 retaining walls on the property, the building would

08:59PM 10 look the same. Our variance would have been less,

08:59PM 11 but in reality you still have the same building.

08:59PM 12 The Chairman's comments as far as

08:59PM 13 bringing the height down, we're actually literally

08:59PM 14 bringing the overall ridge down. You know we have

08:59PM 15 two concerns here. The driveways, we do have a

08:59PM 16 little bit of a back pitch, but we've done it where

08:59PM 17 you would still get the water out, we still have a

08:59PM 18 backup trench drain.

08:59PM 19 So our driveways are at the lowest

08:59PM 20 point we can do them. They're actually -- any less

08:59PM 21 than that you would have water going towards the

08:59PM 22 driveways.

08:59PM 23 The height, itself, we were at 4-on-12,

08:59PM 24 we're going to be on 3-on-12 pitch. We've also --

08:59PM 25 the way we've done the building is --

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

09:00PM 1 MS. BRAUER: Eight feet?

09:00PM 2 THE WITNESS: Yeah, or 7 feet 10 inches

09:00PM 3 where the basement is.

09:00PM 4 MS. BRAUER: Okay.

09:00PM 5 THE WITNESS: Nine feet on the first

09:00PM 6 floor is the main living space. And then we have 8

09:00PM 7 feet on the bedroom level.

09:00PM 8 MS. BRAUER: So couldn't we lower the

09:00PM 9 first floor to 8 feet and knock off another foot?

09:00PM 10 You're already going --

09:00PM 11 THE WITNESS: The standard now for a

09:00PM 12 first floor living space is --

09:00PM 13 MS. BRAUER: What standard?

09:00PM 14 THE WITNESS: The standard for --

09:00PM 15 MS. BRAUER: The standard that you

09:00PM 16 design?

09:00PM 17 THE WITNESS: No, the standard -- most

09:00PM 18 new houses --

09:00PM 19 MS. BRAUER: It's not a law. It's what

09:00PM 20 you usually do.

09:00PM 21 MR. CHEWCASKIE: Can we allow

09:00PM 22 Mr. Cocoros to answer the question?

09:00PM 23 CHAIRMAN FERGUSON: All right. Let's

09:00PM 24 not argue with the -- ask the questions.

09:00PM 25 MR. CHEWCASKIE: Let him answer the

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

09:00PM 1 question.

09:00PM 2 MS. BRAUER: I asked my question.

09:00PM 3 CHAIRMAN FERGUSON: I know.

09:00PM 4 MR. CHEWCASKIE: But you need to let

09:00PM 5 him answer.

09:00PM 6 CHAIRMAN FERGUSON: Yeah.

09:00PM 7 MS. BRAUER: Excuse me?

09:00PM 8 MR. CHEWCASKIE: I said, you need to

09:00PM 9 let him answer the question.

09:00PM 10 MS. BRAUER: Well, he hasn't.

09:00PM 11 CHAIRMAN FERGUSON: Well, Mr. Cocoros?

09:00PM 12 THE WITNESS: The standard now is for

09:00PM 13 new construction is 9 feet to the ceiling. In some

09:01PM 14 cases, it's even 10 feet, but a 9 foot is a nice --

09:01PM 15 if you're doing a nice investment on a house like

09:01PM 16 this, which is going to cost almost a million dollars

09:01PM 17 to build, that's what people want to see in their

09:01PM 18 houses.

09:01PM 19 MS. BRAUER: Okay. I completely

09:01PM 20 understand that and I understand you want something

09:01PM 21 that's absolutely stunning, but we're not talking

09:01PM 22 about Saddle Brook, we're talking about a house in

09:01PM 23 Palisades Park and you have to go before the board,

09:01PM 24 because you're asking for an oversized house. Okay?

09:01PM 25 CHAIRMAN FERGUSON: Right.

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

09:02PM 1 MR. CARNOVALE: Joe, may I?

09:02PM 2 CHAIRMAN FERGUSON: Yes, go ahead.

09:02PM 3 MR. CARNOVALE: MR. Cocoros, let me ask

09:02PM 4 you a question. I'm not an architect. The chairman

09:02PM 5 suggested you go to a 3-on-12.

09:02PM 6 THE WITNESS: Yes.

09:02PM 7 MR. CARNOVALE: Do you think -- I hate

09:02PM 8 to make trouble. When we get 18 inches of snow

09:02PM 9 you're okay with that? I personally prefer

09:02PM 10 4-over-12, but I'm not trying to negate the Chairman.

09:02PM 11 THE WITNESS: You can do 3-on-12 with a

09:02PM 12 weather watch, just put it on all underlayment. You

09:02PM 13 know, we're trying to work something that people are

09:02PM 14 comfortable with.

09:02PM 15 MR. CARNOVALE: Now, I want to point

09:03PM 16 this out. I know you know and just for the audience

09:03PM 17 to know. I'm not an expert.

09:03PM 18 If you raise the retaining walls, which

09:03PM 19 I don't like to see myself, you could technically cut

09:03PM 20 this height down, correct?

09:03PM 21 THE WITNESS: You know, like I said --

09:03PM 22 MR. CARNOVALE: To me, it's detrimental

09:03PM 23 to the neighbors. And like, Mrs. Schor -- I'm sorry,

09:03PM 24 I don't know her name -- is trying to say, we don't

09:03PM 25 want to really kill the neighbors here.

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

09:01PM 1 MS. SCHOR: The fact of the matter is,

09:01PM 2 we would love to see it knocked down a little bit

09:01PM 3 more, because the house next to it is going to

09:01PM 4 suffer. You may want to do something terrific, but,

09:01PM 5 again, you weren't here earlier, because somebody

09:01PM 6 else has something, doesn't mean this house is good

09:01PM 7 for it. You're already getting an awful lot. Your

09:01PM 8 decks are huge. I don't know how far your deck is

09:01PM 9 from the next house. It's going to probably bother

09:01PM 10 the hell out of it when they barbecue, the neighbors.

09:01PM 11 But I mean, this house is ridiculously

09:01PM 12 high. And I think -- you know, the person who bought

09:02PM 13 that house, bought the property -- that soil didn't

09:02PM 14 appear overnight. They knew you had a problem on the

09:02PM 15 grading. You knew there was a difference front to

09:02PM 16 back and I think you're going to have to work with

09:02PM 17 the town on this.

09:02PM 18 But I'm sorry, there's an open public

09:02PM 19 meeting here and it's not that we can accommodate

09:02PM 20 you. It's that you can accommodate the board and the

09:02PM 21 town, and I think you have to understand that and

09:02PM 22 you're not.

09:02PM 23 I'm sorry, but I think it's got to be

09:02PM 24 done.

09:02PM 25 CHAIRMAN FERGUSON: Okay.

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

09:03PM 1 So I personally don't like to see

09:03PM 2 retaining walls go up to justify the height. So if

09:03PM 3 you're okay structurally on the 3-on-12, just me

09:03PM 4 personally as one board member, if you were a

09:03PM 5 different architect, you could have included

09:03PM 6 retaining walls, up to grade and the height would

09:03PM 7 have went down. Is that true?

09:03PM 8 THE WITNESS: Correct.

09:03PM 9 MR. CARNOVALE: Okay. That's all I

09:03PM 10 wanted to say. I don't know if you're following,

09:03PM 11 Mr. Chairman.

09:03PM 12 CHAIRMAN FERGUSON: I'm following you,

09:03PM 13 but --

09:03PM 14 MR. CARNOVALE: I would just say, I'm

09:03PM 15 not sticking up for the architect, but in his

09:03PM 16 defense, he hasn't added four tiered retaining walls,

09:03PM 17 which technically would of cut the height down to

09:03PM 18 where we are.

09:04PM 19 CHAIRMAN FERGUSON: Right. But I think

09:04PM 20 what Ms. Schor is saying, I think she -- correct me

09:04PM 21 if I'm wrong, she's saying there's 10 feet on the

09:04PM 22 first floor.

09:04PM 23 THE WITNESS: Nine feet.

09:04PM 24 MR. CARNOVALE: No, it's 9 feet.

09:04PM 25 CHAIRMAN FERGUSON: Nine feet?

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

09:04PM 1 VICE CHAIRMAN ALBANESE: Yeah.
 09:04PM 2 CHAIRMAN FERGUSON: Well, I don't know,
 09:04PM 3 it says 10 feet on the plan.
 09:04PM 4 VICE CHAIRMAN ALBANESE: The steps come
 09:04PM 5 down. It's a little problem there.
 09:04PM 6 MR. CARNOVALE: No, there's a 10-foot
 09:04PM 7 grade drop from front to back and his driveways are
 09:04PM 8 already almost -- are you almost at a negative pitch?
 09:04PM 9 THE WITNESS: Yeah, it's basically --
 09:04PM 10 and the middle of dead center, the right-hand side is
 09:04PM 11 a little bit -- you know, it's a little bit -- the
 09:04PM 12 street's a little bit higher and the left-hand side
 09:04PM 13 it's --
 09:04PM 14 CHAIRMAN FERGUSON: Okay.
 09:04PM 15 MR. CARNOVALE: A little lower.
 09:04PM 16 THE WITNESS: Yeah.
 09:04PM 17 CHAIRMAN FERGUSON: No, I got you. All
 09:04PM 18 right.
 09:04PM 19 And just for the audience, just so you
 09:04PM 20 know, he's coming back next -- so you have to listen
 09:04PM 21 to the motion --
 09:04PM 22 MS. BRAUER: I can't wait.
 09:04PM 23 CHAIRMAN FERGUSON: Me either. I can't
 09:04PM 24 wait either.
 09:04PM 25 So what we're going to do is, you know,

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

09:05PM 1 CHAIRMAN FERGUSON: Roll call?
 09:05PM 2 MS. LAMBRINIDES: Who was the second?
 09:05PM 3 CHAIRMAN FERGUSON: I made the motion.
 09:05PM 4 MS. LAMBRINIDES: Who was the second?
 09:05PM 5 MR. CARNOVALE: I'll second it.
 09:05PM 6 MS. TESTA: And, Brian, your client
 09:05PM 7 waives the time?
 09:05PM 8 MR. CHEWCASKIE: We waive the time
 09:05PM 9 requirements and no further notice is required.
 09:05PM 10 CHAIRMAN FERGUSON: Yes.
 09:05PM 11 MS. TESTA: Yes.
 09:05PM 12 MR. CHEWCASKIE: Thank you. We'll be
 09:05PM 13 back on the 25th.
 07:08PM 14 MS. LAMBRINIDES: Mr. Ferguson?
 07:08PM 15 CHAIRMAN FERGUSON: Yes.
 07:08PM 16 MS. LAMBRINIDES: Mr. Albanese?
 07:08PM 17 VICE CHAIRMAN ALBANESE: Yes.
 07:08PM 18 MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM 19 MR. LEFTERIOU: Yes.
 07:08PM 20 MS. LAMBRINIDES: Mr. Nam?
 07:08PM 21 MR. NAM: Yes.
 07:08PM 22 MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM 23 MR. CARNOVALE: Yes.
 07:08PM 24 MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM 25 MS. TARABOCCHIA: Yes.

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

09:04PM 1 maybe some of those comments that you mentioned might
 09:05PM 2 be in the motion.
 09:05PM 3 MS. SCHOR: By the way, she's Brauer,
 09:05PM 4 I'm Schor.
 09:05PM 5 CHAIRMAN FERGUSON: I'm sorry. I'm
 09:05PM 6 totally confused.
 09:05PM 7 Okay. Anybody else?
 09:05PM 8 (No response.)
 09:05PM 9 CHAIRMAN FERGUSON: So, Brian, you're
 09:05PM 10 going to --
 09:05PM 11 MR. CHEWCASKIE: I would request that
 09:05PM 12 the matter be rescheduled to February 25th. We'll
 09:05PM 13 submit revised drawings along the lines that we
 09:05PM 14 discussed.
 09:05PM 15 There were concerns regarding the
 09:05PM 16 height.
 09:05PM 17 CHAIRMAN FERGUSON: Okay.
 09:05PM 18 MR. CHEWCASKIE: And also the side
 09:05PM 19 yards and also to eliminate the shower and we'll
 09:05PM 20 provide limited planning testimony on the height
 09:05PM 21 issue.
 09:05PM 22 CHAIRMAN FERGUSON: Okay. So I'll make
 09:05PM 23 that motion.
 09:05PM 24 Can I get a second?
 09:05PM 25 MR. CARNOVALE: Second.

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

07:08PM 1 MS. LAMBRINIDES: Mr. Min?
 07:08PM 2 MR. MIN: Yes.
 09:06PM 3 CHAIRMAN FERGUSON: Okay. Are we good?
 09:06PM 4 MS. LAMBRINIDES: Do you need a break?
 09:06PM 5 CHAIRMAN FERGUSON: Court reporter, are
 09:06PM 6 we good, do you need a break?
 09:06PM 7 THE COURT REPORTER: I'm okay.
 09:06PM 8 CHAIRMAN FERGUSON: Okay. The last one
 09:06PM 9 is going to be 463 Roff Avenue. So it's 18-11,
 09:07PM 10 Hillside, LLC, 463 Roff Avenue.
 09:07PM 11 Counsel.
 09:07PM 12 MR. MACRI: Good evening, Mr. Chairman,
 09:07PM 13 Members of the Board.
 09:07PM 14 For the record again, Marc Macri
 09:07PM 15 representing the applicant, Hillside, LLC, with the
 09:07PM 16 property located 463 Roff Avenue.
 09:07PM 17 This is a continue --
 09:07PM 18 MS. BRUSCO: I came --
 09:07PM 19 CHAIRMAN FERGUSON: What did you say?
 09:07PM 20 Any comments? No?
 09:07PM 21 (No response.)
 09:07PM 22 CHAIRMAN FERGUSON: Okay. Go ahead.
 09:07PM 23 MR. MACRI: It's a continuation from
 09:07PM 24 earlier this evening. With me now I have our
 09:07PM 25 professional architect, Mr. Vassilios Cocoros. If I

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

09:07PM 1 can have him sworn in, he can explain our project.
 09:07PM 2 MS. TESTA: Please raise your right
 09:07PM 3 hand.
 09:07PM 4 Do you swear that the testimony that
 09:07PM 5 you will give in this application will be the truth,
 09:07PM 6 the whole truth and nothing but the truth?
 09:07PM 7 MR. COCOROS: I do.
 8 VASSILIOS COCOROS,
 9 having been duly sworn, testifies as follows:
 10 MS. TESTA: Please state your name for
 11 the record and spell it.
 12 MR. COCOROS: Sure. Vassilios,
 13 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 09:08PM 14 CHAIRMAN FERGUSON: Okay. Mr. Cocoros,
 09:08PM 15 do you want to walk us through it.
 09:08PM 16 MR. COCOROS: Sure.
 09:08PM 17 This property is located at the
 09:08PM 18 dead-end of Roff Avenue, I guess next to where the
 09:08PM 19 school is.
 09:08PM 20 It's on the west side of the street and
 09:08PM 21 the property has a cross slope and a back slope from
 09:08PM 22 left to right at the front on the -- I'm sorry -- the
 09:08PM 23 right-hand side we have 107.91 and on the left side,
 09:08PM 24 we have 105.9. So there's almost a 2-foot cross
 09:08PM 25 slope on Roff Avenue.

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

09:10PM 1 back, there's a drop-off approximately 2-and-a-half
 09:10PM 2 feet from the building corners from front to back.
 09:10PM 3 To help bring the height down, we've
 09:10PM 4 already done the 3-on-12 pitch in this proposal,
 09:10PM 5 which would make us do a weather watch underlayment
 09:10PM 6 and as in the previous application, we could have
 09:10PM 7 build up a second tiered wall, however, we think that
 09:10PM 8 we're trying to come as honest as possible with the
 09:10PM 9 retaining wall with one instead of have tiered
 09:10PM 10 retaining walls, which takes away from the backyard.
 09:10PM 11 Also, it makes it difficult to install
 09:10PM 12 the seepage pits and it provides additional bulk
 09:10PM 13 along the neighbor's property even though the
 09:10PM 14 neighbor on the right-hand side is the school
 09:10PM 15 property, it doesn't really effect anybody, but I
 09:10PM 16 think it's more of an honest site plan.
 09:10PM 17 The building, itself, is a
 09:10PM 18 three-bedroom three-level configuration. We have a
 09:10PM 19 basement basically exposed fully out of the ground
 09:10PM 20 and then we have the two floors above that, a living
 09:10PM 21 space and a bedroom space.
 09:11PM 22 So we're basically here tonight for a
 09:11PM 23 height variance based on the topography of the
 09:11PM 24 property.
 09:11PM 25

MR. MACRI: Thank you, Mr. Cocoros.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:08PM 1 However, in the back -- at the front,
 09:08PM 2 on the left-hand side we have 105 at the building
 09:08PM 3 property corner and the back we have 99 feet. So
 09:08PM 4 it's almost a 6-foot difference from front to back on
 09:08PM 5 the left-hand side at the front. We have about a 7
 09:09PM 6 -- 8-foot drop from front to back.
 09:09PM 7 We're proposing a side-by-side
 09:09PM 8 two-family dwelling on the property. It's an AA
 09:09PM 9 zone. The property, itself, is 50 by 100. It's
 09:09PM 10 located two houses from the corner of Edsall.
 09:09PM 11 I guess looking at Edsall Boulevard,
 09:09PM 12 there's a house that's on the corner. The house,
 09:09PM 13 itself, on the corner faces Roff Avenue. Block 21,
 09:09PM 14 there's another house that's next to us that's to the
 09:09PM 15 right.
 09:09PM 16 We are here tonight for a variance for
 09:09PM 17 the height where we have a three-story building and
 09:09PM 18 we have 34 feet 4 inches. The building, itself,
 09:09PM 19 we're proposing -- the property, itself, we're
 09:09PM 20 proposing one retaining wall that will be 4-feet high
 09:09PM 21 in the back to help level off the grade. However,
 09:09PM 22 since the property has quite a bit of a drop-off, we
 09:09PM 23 are trying to keep somewhat of a level driveway where
 09:09PM 24 our garage is set at 108, have a positive pitch away
 09:09PM 25 from the garage doors out towards Roff Avenue and the

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

09:11PM 1 CHAIRMAN FERGUSON: Okay. So obviously
 09:11PM 2 the first question has got to be: Is there anything
 09:11PM 3 we can do with the height?
 09:11PM 4 THE WITNESS: I mean, there's -- I'm
 09:11PM 5 looking at it right now. We have 108 and we have --
 09:11PM 6 at the curb on the right-hand side we have 108, so
 09:11PM 7 maybe 8 more inches. If we do 8 inches or a even a
 09:11PM 8 foot, we'd still get a positive pitch on most of the
 09:11PM 9 driveway. The right-hand driveway would be a little
 09:11PM 10 bit down than on the other side.
 09:11PM 11 VICE CHAIRMAN FERGUSON: How much down
 09:11PM 12 are you going to be?
 09:11PM 13 THE WITNESS: I could do 8 inches
 09:11PM 14 without really affecting it. I mean, I can maybe do
 09:11PM 15 a foot, but 8 inches will basically keep -- at 8
 09:11PM 16 inches I can keep the edge of the one driveway, let's
 09:12PM 17 say, on the right-hand side at the sidewalk to the
 09:12PM 18 garage door, it might be two, three inches lower, but
 09:12PM 19 at the --
 09:12PM 20 VICE CHAIRMAN ALBANESE: So instead of
 09:12PM 21 making it 8, make it 6, because I hate to see the
 09:12PM 22 water going in towards, you know, the house.
 09:12PM 23 CHAIRMAN FERGUSON: Right.
 09:12PM 24 MR. CARNOVALE: Mr. Cocoros, does 5th
 09:12PM 25 Street go from north to south, it pitches? Won't the

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

09:12PM 1 water go right down there? I was on that street. It
 09:12PM 2 pitches, I think, from north to south.
 09:12PM 3 THE WITNESS: Yeah, it goes towards the
 09:12PM 4 school.
 09:12PM 5 MR. CARNOVALE: Right. So when it
 09:12PM 6 rains, the water is going to follow the curb and go
 09:12PM 7 right down your driveway?
 09:12PM 8 THE WITNESS: Yeah, we'd have to put at
 09:12PM 9 least a 1-inch lip on it.
 09:12PM 10 VICE CHAIRMAN ALBANESE: Yeah, that's
 09:12PM 11 why --
 09:12PM 12 MR. CARNOVALE: I would rather see it
 09:12PM 13 up an inch or two, I'm sorry.
 09:12PM 14 VICE CHAIRMAN ALBANESE: Yeah.
 09:12PM 15 THE WITNESS: Yeah, right now it's like
 09:12PM 16 I said, where the actual -- the drop -- where the
 09:12PM 17 drop curb starts, we're probably at, let's say,
 09:12PM 18 107.33 and then I have 108 at the garage door, so...
 09:12PM 19 VICE CHAIRMAN ALBANESE: If you don't
 09:12PM 20 have a pitch there, it's --
 09:12PM 21 MR. CARNOVALE: Water -- the pressure
 09:12PM 22 of the water coming down --
 09:12PM 23 CHAIRMAN FERGUSON: One at a time.
 09:12PM 24 MR. CARNOVALE: I'm sorry. The water
 09:12PM 25 coming down Roff Avenue is going to follow the curb,

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

09:12PM 1 jump your curb and go in the garage. I don't like
 09:12PM 2 that, you know.
 09:12PM 3 CHAIRMAN FERGUSON: I think,
 09:12PM 4 Mr. Cocoros, the board feels like they don't want
 09:13PM 5 water running --
 09:13PM 6 THE WITNESS: So if that's the case,
 09:13PM 7 then, you know, it's like I would to keep it where it
 09:13PM 8 is. I know it's like -- we have the neighbor on the
 09:13PM 9 side of us, however, we are lower than they are,
 09:13PM 10 because they're on the hill also, so even though
 09:13PM 11 we're going for a height variance, the house next to
 09:13PM 12 us is a little bit higher because the street goes up
 09:13PM 13 as you go towards East Edsall Boulevard. And then
 09:13PM 14 our neighbor to the left is the school.
 09:13PM 15 CHAIRMAN FERGUSON: Okay. Let me ask
 09:13PM 16 you another question. Before you got here,
 09:13PM 17 Mr. Cocoros, one of the residents was talking about a
 09:13PM 18 retaining wall, her retaining wall. I'm not exactly
 09:13PM 19 clear on what the issue was.
 09:13PM 20 THE WITNESS: Yeah. It goes from zero
 09:13PM 21 to 4 feet. We basically have a U-shape, an upside
 09:13PM 22 down U-shape retaining wall that basically fills up
 09:13PM 23 the backyard 4 feet and at the front, let's say, the
 09:14PM 24 front third of the building it meets the existing
 09:14PM 25 grade.

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

09:14PM 1 CHAIRMAN FERGUSON: Okay. But is that
 09:14PM 2 retaining wall on the neighbor's property?
 09:14PM 3 THE WITNESS: No, we always set our
 09:14PM 4 retaining wall 2 inches in from the property line so
 09:14PM 5 it's clear of her property.
 09:14PM 6 CHAIRMAN FERGUSON: It has nothing to
 09:14PM 7 do -- we're good?
 09:14PM 8 THE WITNESS: We're good, yeah. I
 09:14PM 9 would never put it on someone else's property.
 09:14PM 10 CHAIRMAN FERGUSON: Do you have
 09:14PM 11 anything? You're standing up.
 09:14PM 12 MR. MACRI: I was going to say the
 09:14PM 13 retaining wall is depicted on page 1 of the plan is
 09:14PM 14 within the boundary of the property.
 09:14PM 15 CHAIRMAN FERGUSON: Okay. Any board
 09:14PM 16 members?
 09:14PM 17 (No response.)
 09:14PM 18 CHAIRMAN FERGUSON: Steve, do you want
 09:14PM 19 to take it away?
 09:14PM 20 MR. COLLAZUOL: Certainly.
 09:14PM 21 Bill, you got the report that we wrote?
 09:14PM 22 THE WITNESS: Yes.
 09:14PM 23 MR. COLLAZUOL: Okay. With respect to
 09:14PM 24 item number four on page 1, stormwater retention
 09:14PM 25 system that you have is too close, it appears to

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

09:14PM 1 close to the backfill for the new wall if you're
 09:14PM 2 building in the back line.
 09:15PM 3 So it looks like it should be adjusted
 09:15PM 4 such that it's about 5 feet from the ground or the
 09:15PM 5 backfill, so if you would address that. And place
 09:15PM 6 detail for the proposed wall, which is shown on page
 09:15PM 7 2.
 09:15PM 8 There was one item, also, on the survey
 09:15PM 9 on Sheet S1. It looks like the last grade they got
 09:15PM 10 in the upper left-hand corner or the south --
 09:15PM 11 northwest -- southwest corner of the property,
 09:15PM 12 there's no elevation there. You put on your
 09:15PM 13 schematic site plan that the bottom of the wall would
 09:15PM 14 be 9967. It appears that that's an estimate.
 09:15PM 15 So would you have the surveyor verify
 09:15PM 16 that spot elevation there and be concern that that
 09:15PM 17 wall does not exceed 4 feet in that location.
 09:16PM 18 THE WITNESS: Okay.
 09:16PM 19 MR. COLLAZUOL: I have nothing further.
 09:16PM 20 Oh, just one other thing. Bill,
 09:16PM 21 generally speaking this is the area that created the
 09:16PM 22 flooding problems on 3rd Street. So there is a drain
 09:16PM 23 that is shown on the survey. It looks like about 25
 09:16PM 24 feet. So if you can just make a note that there is a
 09:16PM 25 storm drain just inside the curb in the roadway.

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

09:16PM 1 THE WITNESS: Oh, yes.

09:16PM 2 MR. COLLAZUOL: And it isn't damaged

3 during construction.

4 THE WITNESS: Towards the school?

5 MR. COLLAZUOL: It runs from East

6 Edsall down into the school, yes. If you note on the

7 survey there's catch basins shown at the end of the

09:16PM 8 curb line, which I think is the end of the road.

09:16PM 9 So just make note that there's a --

09:16PM 10 there is a storm drain on Roff Avenue to make the

09:16PM 11 contractors aware that it's there.

09:16PM 12 THE WITNESS: Inlet protection, you

09:16PM 13 mean, so it doesn't get --

09:16PM 14 MR. CARNOVALE: No, no, just the fact

09:16PM 15 that it is there.

09:16PM 16 THE WITNESS: Okay.

09:16PM 17 MR. CARON VALE: If they cut for the

09:17PM 18 sewer or they cut for water, that they are aware of

09:17PM 19 it.

09:17PM 20 Thank you.

09:17PM 21 CHAIRMAN FERGUSON: Are you going to --

09:17PM 22 I assume, Counsel, you're going to do the necessary

09:17PM 23 perc tests before the construction?

09:17PM 24 MR. MACRI: Yes, Mr. Chairman.

09:17PM 25 CHAIRMAN FERGUSON: Steve, do you think

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

09:18PM 1 good.

09:18PM 2 MR. KAUKER: I'm sure somebody would

09:18PM 3 have caught it.

09:18PM 4 CHAIRMAN FERGUSON: Okay. So we're

09:18PM 5 getting rid of the, what is it, bathtub?

09:18PM 6 MS. BRUSCO: Can I ask a question?

09:18PM 7 CHAIRMAN FERGUSON: Wait a minute.

09:18PM 8 MR. MACRI: Mr. Chairman, the bathtub

09:18PM 9 in the basement is going to be removed. The bathtub

09:18PM 10 in the basement bathroom will be removed.

09:18PM 11 CHAIRMAN FERGUSON: Okay. Thank you.

09:18PM 12 Okay, Dear, name and address. Now you

09:18PM 13 can talk.

09:18PM 14 MS. BRUSCO: Okay. I have to give my

09:18PM 15 name again?

09:18PM 16 MS. TESTA: Yes.

09:18PM 17 CHAIRMAN FERGUSON: Yes.

09:18PM 18 MS. BRUSCO: Pina, P-I-N-A, Brusco,

09:18PM 19 B-R-U-S-C-O, 469 Roff Avenue in Palisades Park, New

09:18PM 20 Jersey.

09:18PM 21 CHAIRMAN FERGUSON: Right.

09:18PM 22 MS. BRUSCO: I have the house right

09:18PM 23 next to it. My land is not higher than the one

09:19PM 24 you're building. In the back they're even. You said

09:19PM 25 I'm higher.

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

09:17PM 1 the pits are large enough, the retaining pits?

09:17PM 2 MR. COLLAZUOL: The size of them, I

09:17PM 3 believe is adequate, yes. Soil test will tell us if

09:17PM 4 that area is suitable. They may get changed such

09:17PM 5 that they're on the driveway and overflow to the

09:17PM 6 storm drain, but the test will tell us.

09:17PM 7 CHAIRMAN FERGUSON: Okay.

09:17PM 8 Anybody else?

09:17PM 9 Okay. Oh, I'm sorry, Mr. Kauker, go

09:17PM 10 ahead.

09:17PM 11 MR. KAUKER: One comment and then a

09:17PM 12 question. With respect to the front yard setback,

09:17PM 13 you indicate that the required is 20 feet. I'm

09:17PM 14 assuming you did the calculations --

09:17PM 15 THE WITNESS: Yes, because the corner

09:17PM 16 house, you know, actually brings it within the 20

09:17PM 17 feet. The house next door, I think, is 22 or so. We

09:17PM 18 take the average of those two houses. We're actually

09:17PM 19 less than 20 feet.

09:17PM 20 I did verify that.

09:18PM 21 MR. KAUKER: Okay, thank you.

09:18PM 22 I don't know if the board had mentioned

09:18PM 23 this already, but they are providing a full bathroom

09:18PM 24 in the basement again on this application.

09:18PM 25 CHAIRMAN FERGUSON: Oh, that's not

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

09:19PM 1 THE WITNESS: No, if you look on the

09:19PM 2 street you're --

09:19PM 3 MS. BRUSCO: Yes, I look on the street,

09:19PM 4 I'm this much higher, not even a foot.

09:19PM 5 When you -- what's the reason to put

09:19PM 6 the house higher?

09:19PM 7 THE WITNESS: For the driveway not to

09:19PM 8 have water go down the driveway.

09:19PM 9 MS. BRUSCO: So how high are you going

09:19PM 10 to go? You know, my house is right there. So where

09:19PM 11 is the water going to go if it's raining on that

09:19PM 12 street?

09:19PM 13 THE WITNESS: Well, the -- on our

09:19PM 14 property whatever water we have on our roof is going

09:19PM 15 to go to a catch basin, a seepage pit that's going to

09:19PM 16 hold the water.

09:19PM 17 MS. BRUSCO: It's not going to hold the

09:19PM 18 water, because I have the house right next door, they

09:19PM 19 did the same thing and my basement is full of water.

09:19PM 20 Okay?

09:19PM 21 I already have that problem years ago

09:19PM 22 and I'm suffer for that. If you're going to higher

09:19PM 23 -- how high are you going to put the ground to put

09:19PM 24 the house on top of there? It's three levels.

09:19PM 25 THE WITNESS: No, the -- we're putting

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

09:19PM **1** a 4-foot-high wall in the back and that's go to meet
 09:19PM **2** the existing grade so it's --
 09:19PM **3** MS. BRUSCO: And what are you putting
 09:20PM **4** on my side, the way you put the land, the dirt when
 09:20PM **5** you higher the house?
 09:20PM **6** THE WITNESS: No, we're not going to
 09:20PM **7** touch your property. The wall, itself, is going to
 09:20PM **8** be on our property and we're going to fill up the
 09:20PM **9** back part where the wall is going to go. So whatever
 09:20PM **10** we dig out in the front is going to be --
 09:20PM **11** MS. BRUSCO: How high are you going to
 09:20PM **12** fill it? My yard is going to be a sunken pool back
 09:20PM **13** there when it's raining.
 09:20PM **14** THE WITNESS: No, it's going to be
 09:20PM **15** 4-foot high at the maximum point, then it's going to
 09:20PM **16** go up to no fill.
 09:20PM **17** MS. BRUSCO: To what?
 09:20PM **18** THE WITNESS: It's going to go 4-foot
 09:20PM **19** high at the max at the back of the property and then
 09:20PM **20** it's going to go up to almost nothing of fill. So
 09:20PM **21** we're going to fill up 4 feet of a wall in the back
 09:20PM **22** part and then it's just the property goes up, it's
 09:20PM **23** going to go up to zero.
 09:20PM **24** MS. BRUSCO: 4 feet?
 09:20PM **25** MR. MACRI: Not the entire wall, ma'am.

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

09:21PM **1** We're going to put --
 09:21PM **2** MS. BRUSCO: You cannot go that high
 09:21PM **3** and build it that high. You cannot do -- I'm sorry,
 09:21PM **4** but you cannot do that, because you'll ruin -- I
 09:21PM **5** understand, but this is wrong to push the other
 09:21PM **6** people away because you got -- you got to let us stay
 09:22PM **7** even, this is where the water goes.
 09:22PM **8** MR. MACRI: Mr. Chairman, she's
 09:22PM **9** testified that she has water in her backyard now.
 09:22PM **10** CHAIRMAN FERGUSON: Right.
 09:22PM **11** MR. MACRI: Our construction is going
 09:22PM **12** to, if anything --
 09:22PM **13** MS. BRUSCO: He's going to go higher.
 09:22PM **14** MR. MACRI: If anything, there's no
 09:22PM **15** retention system on our property now.
 09:22PM **16** CHAIRMAN FERGUSON: Right.
 09:22PM **17** MR. MACRI: We're going to put one in.
 09:22PM **18** All water hits our roof and it goes into liters into
 09:22PM **19** a seepage pit. We're going to improve the situation.
 09:22PM **20** CHAIRMAN FERGUSON: Right. Okay. Our
 09:22PM **21** engineer -- forget what -- our engineer said he's
 09:22PM **22** going to do tests to test to see about the water.
 09:22PM **23** Right?
 09:22PM **24** MR. COLLAZUOL: Correct.
 09:22PM **25** CHAIRMAN FERGUSON: He's not going to

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

09:20PM **1** Let him finish.
 09:20PM **2** THE WITNESS: On properties that have a
 09:20PM **3** drop, by borough ordinance you are allowed to build
 09:20PM **4** up your backyard. You're even allowed to do two
 09:20PM **5** retaining walls. We're building one 4-foot-high
 09:20PM **6** retaining wall.
 09:20PM **7** MS. BRUSCO: But you don't want to
 09:20PM **8** damage somebody else's house. This is my point. You
 09:21PM **9** will damage my property if you go that high, because
 09:21PM **10** we are the same thing.
 09:21PM **11** MR. MACRI: Ms. Brusco, I don't think
 09:21PM **12** you're understanding. We're not going to do any
 09:21PM **13** damage to your property.
 09:21PM **14** FEMALE AUDIENCE MEMBER: What you mean
 09:21PM **15** she's not going to have no light.
 09:21PM **16** THE COURT REPORTER: I don't know who's
 09:21PM **17** speaking. I need your name, please.
 09:21PM **18** MS. BRUSCO: So that's my reason. I'm
 09:21PM **19** right on the wall. You know the land, I guess you
 09:21PM **20** know the land. You saw where I am. Now, if you go
 09:21PM **21** high, that backyard is already a pool, because all my
 09:21PM **22** water goes in right there. Where my water is going?
 09:21PM **23** I will be sunken in. I mean, I'm sorry --
 09:21PM **24** MR. MACRI: Ms. Brusco, there's no
 09:21PM **25** water retention system on my client's property now.

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

09:22PM **1** allow him to build until after he does the test.
 09:22PM **2** MS. BRUSCO: That's what they did to me
 09:22PM **3** next door. The engineer did all that and the moment
 09:22PM **4** rain came -- they put everything there. They got a
 09:22PM **5** little higher, they went the same level and they're
 09:22PM **6** higher up, the house on the corner.
 09:22PM **7** Now you're going to be -- one this way
 09:23PM **8** high and one this way and I'm right in the middle.
 09:23PM **9** You ruin the property by me and that's not right. I
 09:23PM **10** don't mind they build a house, but they can build the
 09:23PM **11** way that it's supposed to be built, no high and no up
 09:23PM **12** and not too high. I'll be like --
 09:23PM **13** CHAIRMAN FERGUSON: You have a
 09:23PM **14** one-family house there now?
 09:23PM **15** MS. BRUSCO: No, it's a two-family
 09:23PM **16** house.
 09:23PM **17** CHAIRMAN FERGUSON: So he's still going
 09:23PM **18** to do a two-family house. He's not doing a
 09:23PM **19** three-family house, he's doing a two-family house.
 09:23PM **20** MS. BRUSCO: I understand that. I'm
 09:23PM **21** not talking about that, because he build it too high.
 09:23PM **22** MR. CARNOVALE: Where do her liters go?
 09:23PM **23** Where does her water go?
 09:23PM **24** CHAIRMAN FERGUSON: What?
 09:23PM **25** MR. CARNOVALE: Where does her water

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

09:23PM 1 go?

09:23PM 2 CHAIRMAN FERGUSON: Where does your

09:23PM 3 water go now? She's saying it stays on her property.

09:24PM 4 Right?

09:24PM 5 MR. CARNOVALE: Do they have seepage

09:24PM 6 pits?

09:24PM 7 CHAIRMAN FERGUSON: Do you have seepage

09:24PM 8 pits on your property?

09:24PM 9 MS. BRUSCO: I have a house, a house,

09:24PM 10 the thing goes.

09:24PM 11 MR. MACRI: Mr. Chairman?

09:24PM 12 CHAIRMAN FERGUSON: Yeah.

09:24PM 13 MS. BRUSCO: If he build it higher,

09:24PM 14 you'll let him build 33, what kind of house -- what's

09:24PM 15 the reason to do that? That's my point.

09:24PM 16 MR. MACRI: There's a 10-foot drop,

09:24PM 17 right?

09:24PM 18 THE WITNESS: Yeah.

09:24PM 19 CHAIRMAN FERGUSON: Right.

09:24PM 20 MS. BRUSCO: You have to drop the

09:24PM 21 house.

09:24PM 22 CHAIRMAN FERGUSON: Drop the house?

09:24PM 23 MS. BRUSCO: I mean, the height.

09:24PM 24 CHAIRMAN FERGUSON: How can he drop the

09:24PM 25 height?

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

09:25PM 1 about both, okay.

09:25PM 2 MS. BRUSCO: Yes.

09:25PM 3 CHAIRMAN FERGUSON: So the height --

09:25PM 4 MS. BRUSCO: I mean, I understand. My

09:25PM 5 English is not good, but I put my point there.

09:25PM 6 CHAIRMAN FERGUSON: I guess she's --

09:25PM 7 and correct me if I'm wrong, but I think she's

09:25PM 8 talking about she's next -- she's talking about the

09:25PM 9 grade.

09:25PM 10 MR. KAUKER: No, she's talking about

09:25PM 11 both.

09:25PM 12 CHAIRMAN FERGUSON: She keeps on

09:25PM 13 talking about the height, but it's not the height,

09:25PM 14 she's talking about the grade.

09:25PM 15 MS. BRUSCO: No, the grade and the

09:25PM 16 height.

09:25PM 17 MR. KAUKER: That's why I asked. She's

09:25PM 18 talking about both. That's what I was confused

09:25PM 19 about.

09:25PM 20 MS. BRUSCO: I'm talking about both.

09:25PM 21 VICE CHAIRMAN ALBANESE: They can't

09:25PM 22 lower the house.

09:25PM 23 CHAIRMAN FERGUSON: They can't lower

09:25PM 24 the house.

09:25PM 25 MS. BRUSCO: I talk about both.

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

09:24PM 1 MR. CARNOVALE: It's a regular duplex,

09:24PM 2 Joe, just higher in the back, that's all.

09:24PM 3 CHAIRMAN FERGUSON: Yeah.

09:24PM 4 MR. CARNOVALE: It's a regular duplex.

09:24PM 5 Is no higher than any other duplex.

09:24PM 6 CHAIRMAN FERGUSON: Right.

09:24PM 7 MR. CARNOVALE: Just because mention

09:24PM 8 just because the property goes down 10 feet, that's

09:24PM 9 the way the numbers come out.

09:24PM 10 CHAIRMAN FERGUSON: Yes, go ahead.

09:24PM 11 MR. KAUKER: Can I ask a question?

09:24PM 12 CHAIRMAN FERGUSON: Yeah, sure.

09:24PM 13 MR. KAUKER: I'm a little bit confused.

09:24PM 14 Miss, are you talking about the height

09:24PM 15 of the building structure or are you talking about

09:24PM 16 the grade of the property?

09:24PM 17 MS. BRUSCO: I talk about the whole

09:24PM 18 thing, the height of the building --

09:24PM 19 MR. KAUKER: The height of the

09:24PM 20 building?

09:24PM 21 MS. BRUSCO: Yes.

09:25PM 22 MR. KAUKER: Okay. And the --

09:25PM 23 MS. BRAUER: The grade of the soil.

09:25PM 24 MS. BRUSCO: And the grade of the soil.

09:25PM 25 MR. KAUKER: Okay. You're talking

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

09:25PM 1 MR. CARNOVALE: A standard duplex.

09:25PM 2 CHAIRMAN FERGUSON: Yeah, it's a

09:25PM 3 standard duplex.

09:25PM 4 MS. BRUSCO: Not the way he's building

09:25PM 5 it, it's not a standard duplex. This town has been

09:25PM 6 never standard duplex, they all. Everybody around I

09:25PM 7 have house around, they rent it, they're doing

09:25PM 8 bathrooms, they build it with the bathroom there, the

09:25PM 9 whole bathroom. I mean, this is disgraceful what

09:26PM 10 this town does.

09:26PM 11 I'm sorry, but I mean, I got to get my

09:26PM 12 point -- I understand all of that.

09:26PM 13 CHAIRMAN FERGUSON: Okay, thank you.

09:26PM 14 Next.

09:26PM 15 MS. BRUSCO: It's going to --

09:26PM 16 CHAIRMAN FERGUSON: I'm sorry, go

09:26PM 17 ahead.

09:26PM 18 MS. TARABOCCHIA: I have a question for

09:26PM 19 the architect. When you say that the grade is an

09:26PM 20 upside down U --

09:26PM 21 THE WITNESS: Yeah, it's -- see, this

09:26PM 22 is the retaining wall here. So you look at it from

09:26PM 23 the side, this dashed line is the grade. So

09:26PM 24 basically here it's 4 feet maximum and then the wall

09:26PM 25 is basically flat and it just ties back into the

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

09:26PM 1 existing grade. So it creates like a wedge, like a
 09:26PM 2 triangular effect.
 09:26PM 3 Ms. TARABOCCHIA: When you're creating
 09:26PM 4 that retaining walls or wall, how much -- how does
 09:26PM 5 that fit into her -- into the neighboring property
 09:26PM 6 that's standing here, that's complaining, how does
 09:26PM 7 that grade fit with her grade? Does that grade
 09:26PM 8 coincide?
 09:26PM 9 THE WITNESS: No. It's basically, like
 09:26PM 10 you see this dashed line, that's her grade. So it's
 09:27PM 11 like you're looking at --
 09:27PM 12 MS. TARABOCCHIA: So you're elevating
 09:27PM 13 your yard --
 09:27PM 14 THE WITNESS: Correct.
 09:27PM 15 MS. TARABOCCHIA: -- but her yard is
 09:27PM 16 actually going to be --
 09:27PM 17 CHAIRMAN FERGUSON: Lower.
 09:27PM 18 MR. MARCI: Stay the same.
 09:27PM 19 THE WITNESS: Stays --
 09:27PM 20 MS. BRUSCO: Lower.
 09:27PM 21 MS. TARABOCCHIA: Hers will stay the
 09:27PM 22 same, because you're not affecting hers, but you are
 09:27PM 23 increasing yours so that she will have like --
 09:27PM 24 THE WITNESS: Well, it's not really a
 09:27PM 25 dip. It's --

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

09:27PM 1 MS. TARABOCCHIA: Because 2 inches, you
 09:27PM 2 said, is just 2 inches. 2 inches, you're making --
 09:27PM 3 her runoff doesn't -- her property runoff doesn't
 09:27PM 4 have the same benefit as you.
 09:27PM 5 THE WITNESS: The only thing is if
 09:27PM 6 water does come down here, it hits the actual wall,
 09:27PM 7 but the water still should sheet from front to back.
 09:27PM 8 If you look at the grades here, you have about 107 in
 09:27PM 9 the front and it goes back down to --
 09:27PM 10 MS. TARABOCCHIA: It looks like it's
 09:27PM 11 going to the rear.
 09:27PM 12 THE WITNESS: Yes.
 09:27PM 13 MS. TARABOCCHIA: So the runoff is
 09:27PM 14 going to be going to the rear?
 09:27PM 15 THE WITNESS: Correct, on her part of
 09:27PM 16 the property here. I know, like I said, here, you
 09:27PM 17 know, we have -- you know, I know the wall, itself,
 09:28PM 18 there will gravel underneath it.
 09:28PM 19 MS. TARABOCCHIA: So for 2 inches, for
 09:28PM 20 the 2 inches on the property line, you're going to
 09:28PM 21 have a 6-inch pile.
 09:28PM 22 THE WITNESS: No, it's -- basically
 09:28PM 23 it's --
 09:28PM 24 MS. TARABOCCHIA: I'm trying to
 09:28PM 25 understand.

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

09:28PM 1 CHAIRMAN FERGUSON: Take your time,
 09:28PM 2 understand.
 09:28PM 3 THE WITNESS: Let's say this is the
 09:28PM 4 imaginary property line right here (indicating),
 09:28PM 5 right?
 09:28PM 6 MS. TARABOCCHIA: Yes.
 09:28PM 7 THE WITNESS: So this is her
 09:28PM 8 property --
 09:28PM 9 MS. TARABOCCHIA: Yeah.
 09:28PM 10 THE WITNESS: -- this is our property.
 09:28PM 11 MS. TARABOCCHIA: Yeah.
 09:28PM 12 THE WITNESS: So when you start the
 09:28PM 13 wall, you start it like within this point here.
 09:28PM 14 MS. TARABOCCHIA: Yeah, and it's also
 09:28PM 15 below the ground then you start --
 09:28PM 16 THE WITNESS: Yeah, well, the first --
 09:28PM 17 MS. TARABOCCHIA: The footing.
 09:28PM 18 THE WITNESS: Yeah, the first core is,
 09:28PM 19 like, maybe half into the ground. They have stone
 09:28PM 20 underneath that.
 09:28PM 21 MS. TARABOCCHIA: I understand that.
 09:28PM 22 But hers -- the back of the wall, what is it going to
 09:28PM 23 be, filled with what? For 2 inches of the property
 09:28PM 24 line, what's going to be filled within the back?
 09:28PM 25 THE WITNESS: Probably the gravel.

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

09:28PM 1 MS. TARABOCCHIA: Just the gravel?
 09:28PM 2 THE WITNESS: Yes.
 09:28PM 3 MS. TARABOCCHIA: And then the
 09:28PM 4 remaining height of it?
 09:28PM 5 THE WITNESS: Will be the Keystone.
 09:28PM 6 You'll see the exposed Keystone wall.
 09:28PM 7 MS. TARABOCCHIA: And what is she going
 09:28PM 8 to see on the back?
 09:28PM 9 MR. MACRI: It's a decorative block.
 09:28PM 10 THE WITNESS: Yeah, the Keystone wall
 09:28PM 11 looks like --
 09:28PM 12 MS. TARABOCCHIA: It will be finished
 09:28PM 13 on both sides?
 09:28PM 14 MR. MACRI: No, it's only finished on
 09:28PM 15 her side.
 09:28PM 16 MS. TARABOCCHIA: On her side and your
 09:28PM 17 side would be just the dirt?
 09:28PM 18 MR. MACRI: Correct.
 09:28PM 19 THE WITNESS: It would be dirt and it
 09:29PM 20 will be a cap on top of it.
 09:29PM 21 MS. TARABOCCHIA: Okay. That was my
 09:29PM 22 concern.
 09:29PM 23 MR. MACRI: It won't look like this.
 09:29PM 24 MS. TARABOCCHIA: That's what --
 09:29PM 25 MR. MACRI: Yeah, no, it won't look

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

09:29PM 1 like that.
 09:29PM 2 MS. BRUSCO: What are you doing on my
 09:29PM 3 side, a wall?
 09:29PM 4 MS. TARABOCCHIA: No, I thought it
 09:29PM 5 would be the other way.
 09:29PM 6 MR. MACRI: No, she gets the nice side.
 09:29PM 7 THE WITNESS: It's a Keystone, it's a
 09:29PM 8 decorative Keystone wall. You'll see it goes all the
 09:29PM 9 way to the back, it's 4 feet and as you get like a
 09:29PM 10 little bit past the middle of the property it meets
 09:29PM 11 the existing grade, like a triangle.
 09:29PM 12 MS. LAMBRINIDES: She's just saying
 09:29PM 13 she's going to be 4 feet below just to start, plus
 09:29PM 14 the other thing, it's just too much. She's going to
 09:29PM 15 be sunken in compared to this guy. That's what she's
 09:29PM 16 talking about.
 09:29PM 17 MS. BRUSCO: The condition, the dirt,
 09:29PM 18 the house is going to build up and that's the house
 09:29PM 19 goes so high. That's why the house is going so high.
 09:29PM 20 MS. TARABOCCHIA: Is there any way that
 09:29PM 21 you can lower the level of the floor, so it's not as
 09:29PM 22 high or what is level of each floor?
 09:29PM 23 THE WITNESS: I mean, like I said, you
 09:29PM 24 know, we basically have like a standard 9 foot on the
 09:29PM 25 first floor.

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

09:29PM 1 MS. TARABOCCHIA: What's on the
 09:29PM 2 basement?
 09:29PM 3 THE WITNESS: Basement 7 foot -- well,
 09:29PM 4 it's actually -- well, I can't, because you see the
 09:29PM 5 garage, I need 8 feet so I can get a 7-foot door.
 09:29PM 6 The garage, itself, the basement, itself, steps down
 09:29PM 7 to a taller ceiling, but that's to meet the existing
 09:29PM 8 grade.
 09:29PM 9 But the front, that dictates our -- I
 09:30PM 10 have a standard 8-foot high garage with a 7-foot door
 11 which can fit a regular car inside of there and then
 12 the other reason the basement is taller --
 13 THE COURT REPORTER: Sorry, Miss, I
 14 can't hear. I can't hear him.
 15 THE WITNESS: The only reason we have a
 09:30PM 16 taller basement is because it's behind the garage and
 09:30PM 17 stepped down. Instead of filling this with dirt,
 09:30PM 18 which, you know, puts more pressure on the soil on
 09:30PM 19 the surrounding properties, we figured, you know, we
 09:30PM 20 might as well take advantage, have a step down from
 09:30PM 21 the -- I call it the middle basement where the
 09:30PM 22 staircase comes down. Behind the garage you got some
 09:30PM 23 steps down to like a basement level.
 09:30PM 24 MS. TARABOCCHIA: And the top level of
 09:30PM 25 -- the third level?

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

09:30PM 1 THE WITNESS: We have 9 foot, then we
 09:30PM 2 have 8 feet above, then we have a 3-on-12 pitch.
 09:30PM 3 MS. TARABOCCHIA: Okay.
 09:30PM 4 CHAIRMAN FERGUSON: All right? We're
 09:30PM 5 good?
 09:30PM 6 MS. TARABOCCHIA: Yes.
 09:30PM 7 MS. BRUSCO: That's too high. You have
 09:30PM 8 to lower it down. Sorry, but you're going to hurt
 09:30PM 9 the builder and you're going to --
 09:30PM 10 CHAIRMAN FERGUSON: We listen to the
 09:30PM 11 builder here, we listen.
 09:30PM 12 MS. BRUSCO: Okay. So --
 09:31PM 13 CHAIRMAN FERGUSON: Anybody else?
 09:31PM 14 Yes.
 09:31PM 15 MS. SCHOR: Marsha Schor.
 09:31PM 16 Do you have any bump-out windows on the
 09:31PM 17 sides at all?
 09:31PM 18 THE WITNESS: Yeah, we have typical bay
 09:31PM 19 windows. We have --
 09:31PM 20 MR. SCHOR: You have bay windows on
 09:31PM 21 both sides?
 09:31PM 22 THE WITNESS: Yes.
 09:31PM 23 MS. SCHOR: Is it possible not to have
 09:31PM 24 bay windows on the side?
 09:31PM 25 CHAIRMAN FERGUSON: What is it?

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

09:31PM 1 MS. SCHOR: Would it be possible not to
 09:31PM 2 have bay windows so at least you get some light if
 09:31PM 3 it's just --
 09:31PM 4 MR. MACRI: When you're saying light,
 09:31PM 5 her house is east of ours. So the sun rises in the
 6 east and sets in the west. We don't cast a shadow on
 7 her property.
 8 MS. SCHOR: Not at all?
 9 MS. BRUSCO: The bay window --
 10 MS. SCHOR: And what about --
 11 THE COURT REPORTER: I can't hear
 09:31PM 12 everybody at once.
 09:31PM 13 CHAIRMAN FERGUSON: One at a time.
 09:31PM 14 MS. SCHOR: Do you have decks in the
 09:31PM 15 back also? Hello, do you have a deck in the back?
 16 THE WITNESS: Yeah, a typical deck.
 17 MS. BRUSCO: How big is the deck?
 18 MS. SCHOR: What's the size?
 19 THE WITNESS: 9 feet deep by 12 inch --
 20 12 feet wide.
 21 MS. SCHOR: 9 by 12.
 09:32PM 22 MS. BRUSCO: 9 feet, that's too big.
 09:32PM 23 And where's the backyard?
 09:32PM 24 CHAIRMAN FERGUSON: Thank you.
 09:32PM 25 Any other questions? Yes.

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

09:32PM **1** MR. KAUKER: Just one thing Steve and
 09:32PM **2** I, we were just talking, Billy, could you address the
 09:32PM **3** closets on the first -- I guess the basement floor in
 09:32PM **4** the front of the structure? It looks like that part
 09:32PM **5** of the foundation, it looks like it would be
 09:32PM **6** encroaching on the side yard.
 09:32PM **7** THE WITNESS: We'll we've done it
 09:32PM **8** before where it's an extension of the covered
 09:32PM **9** platform. It's just that one portion where the coat
 09:32PM **10** closet is and it's an extension of the entry
 09:32PM **11** platform.
 09:32PM **12** MS. BRUSCO: How many rooms are going
 09:32PM **13** to be in the --
 09:33PM **14** MR. KAUKER: It doesn't look like it's
 09:33PM **15** part of the covered porch. I think you might have to
 09:33PM **16** modify your side yard variance to include that.
 09:33PM **17** CHAIRMAN FERGUSON: Okay, you're ready?
 09:33PM **18** MS. LAMBRINIDES: Now he's making the
 09:33PM **19** closet bigger.
 09:33PM **20** THE WITNESS: Yeah, it has a foundation
 09:33PM **21** that comes down to the basement, which is like an
22 alcove.
23 MR. KAUKER: And how high does it go
24 up?
25 THE WITNESS: It just goes up one
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

09:34PM **1** subject.
 09:34PM **2** MS. BRUSCO: You put a door right on my
 09:34PM **3** side?
 09:34PM **4** THE WITNESS: Yes.
 09:34PM **5** MS. BRUSCO: So where's the door going
 09:34PM **6** to fit then?
 09:34PM **7** MR. MACRI: Excuse me?
 09:34PM **8** MS. BRUSCO: You're right on my -- you
 09:34PM **9** need 5 feet from my property, it's 5 feet.
 09:34PM **10** MR. MACRI: We're 6 feet from the
 09:34PM **11** property line.
 09:34PM **12** MS. BRUSCO: What?
 09:34PM **13** MR. MACRI: The door is going to be 6
 09:34PM **14** feet --
 09:34PM **15** MS. BRUSCO: And the --
 09:34PM **16** MR. MACRI: Ma'am, let me ask you a
 09:34PM **17** question, all right?
 09:34PM **18** MS. BRUSCO: Yes.
 09:34PM **19** MR. MACRI: Our door is 6 feet from our
 09:34PM **20** property line. I don't know how far it's from your
 09:34PM **21** house. I don't know the measurement between your
 09:34PM **22** house and the property line, but from our property
 09:34PM **23** line to the door is 6 feet.
 09:34PM **24** CHAIRMAN FERGUSON: Okay. Can I get a
 09:34PM **25** motion?
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

1 story.
2 MR. KAUKER: So it goes up one story?
3 THE WITNESS: If you look at the roof,
 09:33PM **4** it's an extension -- the roof of the entry platform
 09:33PM **5** goes over that. So it looks like it's part of the
 09:33PM **6** entry platform.
 09:33PM **7** MR. KAUKER: It's right here. So then
 09:33PM **8** I think you would need to amend your side yard
 09:33PM **9** variance to include that.
 09:33PM **10** THE WITNESS: I know the stairs -- we
 09:33PM **11** have 3 foot 1. I know the stairs are allowed to be 3
 09:33PM **12** feet from the staircase. If we have to amend it to
 09:33PM **13** include it, to include that portion of the closet, we
 09:33PM **14** would like to.
 09:33PM **15** MR. KAUKER: I think they would.
 09:33PM **16** CHAIRMAN FERGUSON: You think they need
 09:33PM **17** a variance?
 09:33PM **18** MR. KAUKER: Well, yeah, because it
 09:33PM **19** just -- this section of the building encroaches into
 09:34PM **20** the side yard. It's not elevated, so therefore it
 09:34PM **21** would count.
 09:34PM **22** CHAIRMAN FERGUSON: Okay.
 09:34PM **23** MS. BRUSCO: I have another question.
 09:34PM **24** CHAIRMAN FERGUSON: Another one? On a
 09:34PM **25** different subject, please. Go ahead. On a different
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

09:34PM **1** MR. CARNOVALE: I make a motion we
 09:34PM **2** accept the application.
 09:34PM **3** CHAIRMAN FERGUSON: Okay. You're going
 09:35PM **4** to make him pay \$2,000,00 to the Tree Preservation
 09:35PM **5** Fund? Vinny?
 09:35PM **6** MR. CARNOVALE: Yes, of course, sir,
 09:35PM **7** yes.
8 CHAIRMAN FERGUSON: Okay. Well, I
9 wanted to get it on the record.
10 MR. CARNOVALE: With all the --
11 CHAIRMAN FERGUSON: Yeah, with all
12 Steve's --
13 MR. CARNOVALE: All of Steve
 09:35PM **14** Collazuol's -- seepage, tests and everything else.
 09:35PM **15** CHAIRMAN FERGUSON: Steve, I want you
 09:35PM **16** to look at the perc test on this one closely.
 09:35PM **17** MR. COLLAZUOL: Absolutely.
 09:35PM **18** MS. LAMBRINIDES: Do we have a second?
 09:35PM **19** VICE CHAIRMAN ALBANESE: Second.
 09:35PM **20** MR. MACRI: I'm sorry, can I just amend
 09:35PM **21** to include the closets on the first floor.
 09:35PM **22** CHAIRMAN FERGUSON: Right.
 09:35PM **23** MR. MACRI: So that portion will be 3
 09:35PM **24** feet 1 inch. It will line up with the staircase.
 09:35PM **25** Right, Mr. Kauker?
Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

153

09:35PM **1** MR. KAUKER: Yeah, so they need a side
 09:35PM **2** yard variance of 3 foot, 1. The side yard would be 3
 09:35PM **3** foot 1 for that portion of the building.
 09:35PM **4** CHAIRMAN FERGUSON: So you're good?
 09:35PM **5** You need the variance or don't need the variance?
 09:35PM **6** MR. KAUKER: They would need a
 09:35PM **7** variance.
 09:35PM **8** CHAIRMAN FERGUSON: They what?
 09:35PM **9** MR. KAUKER: They would need a
 09:35PM **10** variance.
 09:35PM **11** CHAIRMAN FERGUSON: We're going to
 09:35PM **12** amend the motion.
 09:35PM **13** MR. CARNOVALE: Yes, I make the motion
 09:35PM **14** that we include that side yard addition.
 09:35PM **15** MR. MACRI: Thank you, Mr. Chairman.
 09:35PM **16** CHAIRMAN FERGUSON: All right. We got
 09:35PM **17** a second?
 09:35PM **18** MR. CARNOVALE: He second.
 09:35PM **19** MS. TESTA: Removing the bathroom.
 09:35PM **20** CHAIRMAN FERGUSON: And removing the
 09:35PM **21** bathroom.
 09:36PM **22** MR. MACRI: No tub in the basement.
 09:36PM **23** MS. BRAUER: No tub in the basement.
 09:36PM **24** MS. BRUSCO: No shower.
 09:36PM **25** CHAIRMAN FERGUSON: No shower. No

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

154

09:36PM **1** shower.
 09:36PM **2** MS. BRUSCO: And no --
 09:36PM **3** MS. LAMBRINIDES: Okay. Roll call?
 09:36PM **4** Mr. Ferguson?
 09:36PM **5** CHAIRMAN FERGUSON: Be nice.
 09:36PM **6** MS. BRUSCO: And no connection, because
 09:36PM **7** they do the connection, they did it next door.
 09:36PM **8** They're renting it.
 09:36PM **9** MR. CARNOVALE: Okay.
 09:36PM **10** CHAIRMAN FERGUSON: We're taking the
 09:36PM **11** bathroom -- the shower out behind the garage, we're
 09:36PM **12** taking it out.
 09:36PM **13** MS. BRUSCO: By me?
 09:36PM **14** CHAIRMAN FERGUSON: By them, not you.
 09:36PM **15** By him.
 09:36PM **16** VICE CHAIRMAN ALBANESE: Excuse me, do
 09:36PM **17** you have a bathroom in the basement?
 09:36PM **18** MS. BRUSCO: No.
 09:36PM **19** VICE CHAIRMAN ALBANESE: Oh, why not?
 09:36PM **20** MS. BRUSCO: No.
 09:36PM **21** CHAIRMAN FERGUSON: Okay. Roll call
 09:36PM **22** vote.
 09:36PM **23** MS. BRUSCO: I live by the law.
 09:36PM **24** CHAIRMAN FERGUSON: Roll call vote?
 09:36PM **25** MS. LAMBRINIDES: Mr. Ferguson?

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

155

07:08PM **1** CHAIRMAN FERGUSON: Yes.
 07:08PM **2** MS. LAMBRINIDES: Mr. Albanese?
 07:08PM **3** VICE CHAIRMAN ALBANESE: Yes.
 07:08PM **4** MS. LAMBRINIDES: Mr. Lefteriou?
 07:08PM **5** MR. LEFTERIOU: Yes.
 07:08PM **6** MS. LAMBRINIDES: Mr. Nam?
 07:08PM **7** MR. NAM: Yes.
 07:08PM **8** MS. LAMBRINIDES: Mr. Carnovale?
 07:08PM **9** MR. CARNOVALE: Yes.
 07:08PM **10** MS. LAMBRINIDES: Ms. Tarabocchia?
 07:08PM **11** MS. TARABOCCHIA: Yes.
 07:08PM **12** MS. LAMBRINIDES: Mr. Min?
 07:08PM **13** MR. MIN: Yes.
 09:37PM **14** MR. MACRI: Thank you, Mr. Chairman.
 09:37PM **15** THE WITNESS: Good evening. Thank you
 09:37PM **16** for your patience.
 09:37PM **17** VICE CHAIRMAN ALBANESE: Make a motion
 09:37PM **18** to adjourn.
 09:37PM **19** MR. CARNOVALE: I second the motion.
 09:37PM **20** (Whereupon, the meeting is adjourned.
 09:37PM **21** Time noted: 9:37 p.m.)
 09:37PM **22**
 09:37PM **23**
 09:37PM **24**
 09:37PM **25**

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

156

1 C E R T I F I C A T E
2
3
4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
5 Public of the State of New Jersey, Notary
6 ID.#50094914, Certified Court Reporter of the State
7 of New Jersey, and a Registered Professional
8 Reporter, hereby certify that the foregoing is a
9 verbatim record of the testimony provided under oath
10 before any court, referee, board, commission or other
11 body created by statute of the State of New Jersey.
12 I am not related to the parties
13 involved in this action; I have no financial
14 interest, nor am I related to an agent of or employed
15 by anyone with a financial interest in the outcome of
16 this action.
17 This transcript complies with
18 regulation 13:43-5.9 of the New Jersey Administrative
19 Code.
20
21 _____
22 LAURA A. CARUCCI, C.C.R., R.P.R.
23 License #XI02050, and Notary Public
24 of New Jersey # 50094914, Notary
25 Expiration Date December 3, 2023

17 Dated: _____

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

#	12-16 [2] - 30:8, 30:14 120 [1] - 3:5 121 [1] - 3:12 124 [1] - 3:12 127 [1] - 3:13 13 [2] - 100:15, 101:12 13-07 [1] - 22:3 130 [1] - 3:13 131 [2] - 3:14, 3:14 13:43-5.9 [1] - 156:10 14 [3] - 50:23, 104:20, 104:21 14-and-a-half [2] - 80:25, 81:4 14.33 [1] - 104:17 14.5 [2] - 85:2, 85:8 145 [5] - 1:10, 4:4, 25:15, 75:20, 76:17 147 [1] - 3:15 16 [8] - 1:8, 3:18, 4:23, 93:23, 99:12, 100:16, 101:8, 101:10 16-feet [2] - 93:24, 100:17 16-foot [1] - 101:9 16-inch [1] - 106:22 17 [2] - 99:13, 101:17 17-and-a-half [1] - 101:17 17-foot [1] - 99:12 18 [3] - 103:24, 105:1, 115:8 18-03 [1] - 23:3 18-05 [1] - 20:14 18-09 [4] - 1:9, 4:3, 25:14, 75:25 18-10 [3] - 1:12, 4:8, 27:4 18-11 [5] - 1:4, 3:3, 4:18, 53:16, 120:9 19-01 [4] - 1:7, 3:17, 4:22, 54:9 197 [1] - 88:6 199 [1] - 84:19	79:15, 79:21, 123:1 2-foot [3] - 87:19, 87:20, 121:24 2.8 [1] - 33:5 20 [6] - 29:17, 93:1, 105:2, 130:13, 130:16, 130:19 20-foot [1] - 80:10 200 [2] - 2:9, 84:19 2000 [1] - 89:11 201 641-1812 [1] - 1:24 201 843-0515 [1] - 1:24 2014 [1] - 56:4 2018 [2] - 14:13, 90:20 2019 [6] - 1:2, 15:17, 39:9, 39:13, 39:17, 50:23 202.2 [1] - 84:11 2023 [1] - 156:16 209 [3] - 1:8, 3:18, 4:23 20th [1] - 90:19 21 [1] - 122:13 2160 [1] - 2:5 22 [7] - 1:6, 1:11, 3:5, 4:5, 4:20, 32:10, 130:17 22-and-a-half [1] - 80:21 24-feet [1] - 49:5 25 [6] - 58:5, 62:12, 62:16, 92:25, 93:9, 128:23 25-foot [1] - 93:5 25th [3] - 15:15, 118:12, 119:13 27 [2] - 63:7, 109:5 27.33 [2] - 58:14, 61:4 275 [2] - 55:14, 57:1 28 [5] - 1:2, 32:25, 33:4, 37:1, 90:20 28-foot [2] - 36:1, 36:8 29 [3] - 3:5, 4:21, 93:8 2900 [1] - 99:23	123:4, 147:2 3.17 [1] - 58:7 30 [14] - 3:5, 35:25, 36:6, 40:3, 40:20, 46:25, 48:3, 49:17, 49:18, 49:19, 49:23, 49:24, 50:3 30-feet [1] - 49:11 30-foot [1] - 37:13 30.8 [1] - 33:6 31 [1] - 3:6 313 [4] - 1:6, 3:5, 4:20, 32:10 317 [1] - 20:15 31st [1] - 90:18 324 [2] - 1:13, 4:9 325 [2] - 1:11, 4:5 329 [1] - 22:3 33 [6] - 1:13, 4:9, 43:13, 43:16, 63:8, 137:14 34 [6] - 2:9, 32:24, 33:7, 63:9, 95:22, 122:18 34-feet [1] - 49:5 34.33 [1] - 32:24 34.5 [1] - 105:12 35 [2] - 63:10, 81:13 36 [1] - 63:12 39 [3] - 3:6, 3:7, 3:7 39.94 [1] - 93:14 3rd [4] - 35:14, 35:15, 36:4, 128:22	27:4, 28:17, 90:12 415 [2] - 4:14, 103:16 423 [1] - 23:3 46 [1] - 3:9 463 [11] - 1:5, 3:4, 4:19, 31:7, 31:10, 31:12, 31:14, 32:9, 120:9, 120:10, 120:16 469 [5] - 3:9, 3:15, 3:25, 41:19, 131:19 48 [1] - 93:5 49 [2] - 58:2, 93:6 490.7 [1] - 96:2 499.82 [1] - 96:1	5		
0	07024 [2] - 2:5, 55:15 07410 [1] - 30:9 07650 [1] - 103:17 07663 [1] - 1:23 07747 [1] - 2:9	1 [13] - 55:14, 56:25, 79:1, 84:25, 101:22, 107:6, 107:8, 127:13, 127:24, 150:11, 152:24, 153:2, 153:3 1-inch [1] - 125:9 10 [9] - 33:4, 91:21, 96:3, 112:2, 113:14, 116:21, 117:3, 138:8 10-foot [3] - 110:3, 117:6, 137:16 10-minute [3] - 51:14, 51:20, 74:23 100 [7] - 32:10, 61:23, 92:14, 92:15, 97:14, 99:21, 122:9 100-foot [1] - 101:11 101 [3] - 4:12, 59:25, 60:1 103 [2] - 4:13, 4:13 105 [1] - 122:2 105.9 [1] - 121:24 107 [2] - 4:14, 142:8 107.33 [1] - 125:18 107.91 [1] - 121:23 108 [4] - 122:24, 124:5, 124:6, 125:18 109 [1] - 4:15 11 [2] - 101:18, 101:19 12 [5] - 100:21, 101:4, 148:19, 148:20, 148:21	2 [15] - 33:5, 63:8, 63:16, 64:14, 99:5, 99:25, 127:4, 128:7, 142:1, 142:2, 142:19, 142:20, 143:23 2,365 [1] - 58:1 2,410 [1] - 57:25 2,500 [1] - 57:25 2,996 [1] - 93:11 2-and-a-half [3] -	3 [15] - 65:19, 68:24, 69:3, 69:7, 69:11, 72:6, 72:12, 94:4, 99:14, 150:11, 152:23, 153:2, 156:16 3-on-12 [9] - 106:18, 106:25, 110:24, 111:2, 115:5, 115:11, 116:3,	4 [21] - 68:24, 86:22, 87:7, 93:8, 94:4, 94:11, 96:17, 96:18, 99:5, 100:15, 101:12, 122:18, 126:21, 126:23, 128:17, 133:21, 133:24, 140:24, 145:9, 145:13 4,821 [1] - 57:18 4-feet [1] - 122:20 4-foot [3] - 94:6, 133:15, 133:18 4-foot-high [2] - 133:1, 134:5 4-on-12 [1] - 110:23 4-over-12 [1] - 115:10 40 [2] - 57:22, 58:8 40-by-120-feet [1] - 57:16 40-percent [1] - 93:13 41 [1] - 3:8 411 [5] - 1:13, 4:9,	5 [12] - 72:3, 72:6, 72:13, 72:20, 72:22, 73:1, 79:16, 87:7, 92:20, 128:4, 151:9 5,000 [2] - 32:11, 57:20 5-foot [1] - 99:15 50 [14] - 3:10, 3:10, 3:11, 3:16, 3:23, 3:24, 4:15, 4:16, 32:10, 57:21, 59:2, 92:14, 96:16, 122:9 50.88 [3] - 64:6, 64:10, 64:12 505 [1] - 1:23 527 [2] - 29:8, 31:5 54 [1] - 3:18 55 [2] - 3:19, 3:20 59 [1] - 4:24 5th [17] - 1:13, 4:9, 4:14, 27:5, 28:17, 79:20, 79:24, 85:22, 86:3, 88:13, 90:12, 90:25, 93:18, 100:6, 103:16, 104:7, 124:24	6
1	2 [15] - 33:5, 63:8, 63:16, 64:14, 99:5, 99:25, 127:4, 128:7, 142:1, 142:2, 142:19, 142:20, 143:23 2,365 [1] - 58:1 2,410 [1] - 57:25 2,500 [1] - 57:25 2,996 [1] - 93:11 2-and-a-half [3] -	3 [15] - 65:19, 68:24, 69:3, 69:7, 69:11, 72:6, 72:12, 94:4, 99:14, 150:11, 152:23, 153:2, 156:16 3-on-12 [9] - 106:18, 106:25, 110:24, 111:2, 115:5, 115:11, 116:3,	4 [21] - 68:24, 86:22, 87:7, 93:8, 94:4, 94:11, 96:17, 96:18, 99:5, 100:15, 101:12, 122:18, 126:21, 126:23, 128:17, 133:21, 133:24, 140:24, 145:9, 145:13 4,821 [1] - 57:18 4-feet [1] - 122:20 4-foot [3] - 94:6, 133:15, 133:18 4-foot-high [2] - 133:1, 134:5 4-on-12 [1] - 110:23 4-over-12 [1] - 115:10 40 [2] - 57:22, 58:8 40-by-120-feet [1] - 57:16 40-percent [1] - 93:13 41 [1] - 3:8 411 [5] - 1:13, 4:9,	6 [27] - 58:9, 59:8, 61:15, 73:3, 73:9, 73:10, 78:24, 85:7, 85:9, 85:14, 92:24, 95:22, 96:21, 99:14, 99:15, 102:4, 104:21, 108:19, 124:21, 151:10, 151:13, 151:19, 151:23 6-and-a-half [2] - 81:6, 102:4	6		

<p>6-foot [2] - 85:17, 122:4</p> <p>6-inch [1] - 142:21</p> <p>61 [1] - 3:20</p> <p>63 [4] - 79:6, 79:7, 79:9, 79:12</p> <p>64 [1] - 3:21</p> <p>65 [7] - 1:8, 3:18, 4:23, 54:9, 54:14, 57:16, 79:7</p> <p>66 [1] - 3:21</p> <p>67 [2] - 3:22, 3:22</p> <p>69 [1] - 3:23</p> <p>6th [1] - 90:22</p>	<p>148:19, 148:21, 148:22</p> <p>9-feet [1] - 100:22</p> <p>90 [1] - 4:9</p> <p>91 [2] - 4:10, 4:11</p> <p>955 [1] - 2:9</p> <p>97 [1] - 4:11</p> <p>98 [1] - 4:12</p> <p>99 [1] - 122:3</p> <p>9967 [1] - 128:14</p> <p>9:37 [1] - 155:21</p>	<p>106:23, 125:16, 142:6</p> <p>ad [1] - 50:21</p> <p>add [2] - 80:2, 96:17</p> <p>added [2] - 80:14, 116:16</p> <p>adding [2] - 60:21, 60:23</p> <p>addition [3] - 96:22, 97:15, 153:14</p> <p>additional [8] - 33:22, 33:25, 36:22, 36:25, 85:10, 91:2, 102:10, 123:12</p> <p>address [14] - 30:14, 31:9, 41:11, 41:18, 46:21, 56:24, 76:23, 98:14, 98:25, 103:15, 107:15, 128:5, 131:12, 149:2</p> <p>adequate [1] - 130:3</p> <p>adjacent [3] - 34:16, 34:21, 35:17</p> <p>adjoining [4] - 60:19, 83:23, 84:7, 87:4</p> <p>adjourn [3] - 16:21, 16:23, 155:18</p> <p>adjourned [1] - 155:20</p> <p>adjournments [1] - 25:5</p> <p>adjusted [1] - 128:3</p> <p>adjusting [1] - 78:11</p> <p>ADJUSTMENT [2] - 1:1, 1:15</p> <p>adjustment [1] - 96:7</p> <p>Administrative [1] - 156:10</p> <p>advantage [1] - 146:20</p> <p>advertisement [1] - 50:19</p> <p>advice [1] - 39:8</p> <p>advising [1] - 22:5</p> <p>affecting [3] - 78:23, 124:14, 141:22</p> <p>affidavit [5] - 54:17, 90:24, 90:25, 91:4, 91:5</p> <p>afraid [1] - 44:15</p> <p>agenda [1] - 26:20</p> <p>agent [1] - 156:8</p> <p>ago [1] - 132:21</p> <p>agree [1] - 47:14</p> <p>agreed [2] - 82:15, 82:18</p> <p>agreeing [1] - 102:1</p> <p>ahead [9] - 48:15, 50:15, 70:19, 115:2, 120:22, 130:10, 138:10, 140:17,</p>	<p>150:25</p> <p>ajournment [1] - 25:2</p> <p>ALBANESE [53] - 1:17, 5:5, 7:3, 8:3, 8:9, 8:16, 9:16, 10:8, 10:15, 11:14, 12:11, 13:5, 13:24, 14:17, 14:22, 15:22, 16:1, 16:8, 16:22, 17:8, 18:2, 18:21, 19:5, 19:22, 20:2, 21:12, 22:11, 22:16, 23:10, 23:15, 46:2, 46:6, 46:9, 52:7, 53:13, 53:21, 73:9, 74:4, 75:5, 89:19, 117:1, 117:4, 119:17, 124:20, 125:10, 125:14, 125:19, 139:21, 152:19, 154:16, 154:19, 155:3, 155:17</p> <p>Albanese [27] - 5:8, 7:2, 8:15, 9:8, 9:15, 10:14, 11:13, 12:10, 13:4, 13:23, 14:21, 16:7, 17:7, 18:1, 19:4, 20:1, 20:22, 21:11, 22:15, 23:14, 52:6, 53:20, 74:3, 75:4, 89:18, 119:16, 155:2</p> <p>alcove [1] - 149:22</p> <p>Alfieri [1] - 27:10</p> <p>ALFIERI [1] - 2:8</p> <p>Allegiance [1] - 5:7</p> <p>alley [2] - 47:7, 47:8</p> <p>allow [5] - 86:17, 102:7, 104:14, 112:21, 136:1</p> <p>allowable [1] - 33:3</p> <p>allowed [5] - 33:6, 104:21, 134:3, 134:4, 150:11</p> <p>allowing [1] - 103:22</p> <p>allows [2] - 32:25, 108:18</p> <p>almost [10] - 58:14, 92:15, 96:3, 110:3, 113:16, 117:8, 121:24, 122:4, 133:20</p> <p>ALTERNATE [2] - 1:19, 1:20</p> <p>alternate [2] - 6:1, 71:21</p> <p>Alternate [1] - 6:2</p> <p>amend [5] - 102:19, 150:8, 150:12, 152:20, 153:12</p>	<p>AN [3] - 1:7, 3:17, 4:22</p> <p>ANDY [1] - 1:18</p> <p>answer [10] - 38:1, 45:19, 45:21, 48:11, 52:22, 111:14, 112:22, 112:25, 113:5, 113:9</p> <p>answered [1] - 38:11</p> <p>anticipation [1] - 57:6</p> <p>anyhow [1] - 104:15</p> <p>appear [3] - 25:3, 29:17, 114:14</p> <p>appearance [1] - 25:17</p> <p>appeared [4] - 54:22, 56:9, 56:13, 56:18</p> <p>appearing [2] - 25:20, 29:6</p> <p>applause [5] - 6:22, 9:4, 10:2, 11:1, 12:1</p> <p>applicant [5] - 27:10, 29:7, 90:15, 98:18, 120:15</p> <p>application [26] - 22:6, 23:7, 23:9, 25:6, 26:2, 28:11, 30:4, 31:16, 31:17, 32:18, 37:22, 47:25, 53:4, 55:10, 57:7, 73:16, 77:4, 89:9, 90:18, 90:21, 91:15, 102:19, 121:5, 123:6, 130:24, 152:2</p> <p>APPLICATION [10] - 1:4, 1:7, 1:9, 1:12, 3:3, 3:17, 4:3, 4:8, 4:18, 4:22</p> <p>applications [3] - 26:9, 26:12, 39:9</p> <p>applies [1] - 32:21</p> <p>apply [1] - 24:24</p> <p>appoint [4] - 12:2, 12:23, 12:24, 13:17</p> <p>appointed [1] - 6:11</p> <p>appointment [3] - 9:6, 10:4, 11:3</p> <p>appropriate [1] - 102:18</p> <p>approval [2] - 29:11, 71:15</p> <p>approve [2] - 20:18, 73:16</p> <p>approved [3] - 65:22, 65:24, 97:9</p> <p>apron [1] - 87:11</p> <p>arbitrarily [1] - 24:25</p> <p>architect [15] - 25:22, 26:16, 29:15, 38:14, 40:23, 41:2, 42:8, 44:24, 55:4, 56:3,</p>
7	A			
<p>7 [4] - 101:19, 112:2, 122:5, 146:3</p> <p>7-foot [3] - 99:19, 146:5, 146:10</p> <p>70 [5] - 62:1, 62:3, 62:4, 62:6</p> <p>71 [3] - 61:24, 61:25, 62:2</p> <p>72 [1] - 3:24</p> <p>75 [2] - 92:13, 97:14</p> <p>76 [1] - 4:5</p> <p>77 [2] - 4:6, 4:6</p> <p>7:00 [2] - 15:13, 27:18</p> <p>7:04 [1] - 1:2</p> <p>7th [1] - 91:1</p>	<p>A-1 [6] - 4:21, 4:24, 29:19, 29:22, 59:16, 59:19</p> <p>A-101 [3] - 59:13, 59:22, 59:23</p> <p>A-102 [2] - 60:10, 60:11</p> <p>A-105 [2] - 60:16, 60:17</p> <p>A-2 [1] - 94:14</p> <p>AA [7] - 32:15, 32:18, 38:20, 57:19, 92:14, 122:8</p> <p>AA-zone [1] - 92:14</p> <p>able [3] - 52:21, 61:14, 78:16</p> <p>absolutely [2] - 113:21, 152:17</p> <p>abstain [9] - 15:8, 19:15, 21:12, 21:14, 21:20, 21:23, 21:24, 89:24, 90:7</p> <p>AC [4] - 93:25, 94:22, 105:21, 105:22</p> <p>accept [8] - 14:11, 18:22, 18:24, 30:18, 30:24, 56:21, 89:9, 152:2</p> <p>access [4] - 58:17, 68:3, 82:9, 82:10</p> <p>accident [2] - 104:7, 104:13</p> <p>accidents [1] - 104:8</p> <p>accommodate [3] - 98:19, 114:19, 114:20</p> <p>accommodated [1] - 33:23</p> <p>according [1] - 32:20</p> <p>accurate [1] - 50:8</p> <p>achieving [1] - 69:13</p> <p>act [1] - 94:12</p> <p>action [2] - 156:8, 156:9</p> <p>actual [4] - 58:1,</p>	<p>106:23, 125:16, 142:6</p> <p>ad [1] - 50:21</p> <p>add [2] - 80:2, 96:17</p> <p>added [2] - 80:14, 116:16</p> <p>adding [2] - 60:21, 60:23</p> <p>addition [3] - 96:22, 97:15, 153:14</p> <p>additional [8] - 33:22, 33:25, 36:22, 36:25, 85:10, 91:2, 102:10, 123:12</p> <p>address [14] - 30:14, 31:9, 41:11, 41:18, 46:21, 56:24, 76:23, 98:14, 98:25, 103:15, 107:15, 128:5, 131:12, 149:2</p> <p>adequate [1] - 130:3</p> <p>adjacent [3] - 34:16, 34:21, 35:17</p> <p>adjoining [4] - 60:19, 83:23, 84:7, 87:4</p> <p>adjourn [3] - 16:21, 16:23, 155:18</p> <p>adjourned [1] - 155:20</p> <p>adjournments [1] - 25:5</p> <p>adjusted [1] - 128:3</p> <p>adjusting [1] - 78:11</p> <p>ADJUSTMENT [2] - 1:1, 1:15</p> <p>adjustment [1] - 96:7</p> <p>Administrative [1] - 156:10</p> <p>advantage [1] - 146:20</p> <p>advertisement [1] - 50:19</p> <p>advice [1] - 39:8</p> <p>advising [1] - 22:5</p> <p>affecting [3] - 78:23, 124:14, 141:22</p> <p>affidavit [5] - 54:17, 90:24, 90:25, 91:4, 91:5</p> <p>afraid [1] - 44:15</p> <p>agenda [1] - 26:20</p> <p>agent [1] - 156:8</p> <p>ago [1] - 132:21</p> <p>agree [1] - 47:14</p> <p>agreed [2] - 82:15, 82:18</p> <p>agreeing [1] - 102:1</p> <p>ahead [9] - 48:15, 50:15, 70:19, 115:2, 120:22, 130:10, 138:10, 140:17,</p>	<p>150:25</p> <p>ajournment [1] - 25:2</p> <p>ALBANESE [53] - 1:17, 5:5, 7:3, 8:3, 8:9, 8:16, 9:16, 10:8, 10:15, 11:14, 12:11, 13:5, 13:24, 14:17, 14:22, 15:22, 16:1, 16:8, 16:22, 17:8, 18:2, 18:21, 19:5, 19:22, 20:2, 21:12, 22:11, 22:16, 23:10, 23:15, 46:2, 46:6, 46:9, 52:7, 53:13, 53:21, 73:9, 74:4, 75:5, 89:19, 117:1, 117:4, 119:17, 124:20, 125:10, 125:14, 125:19, 139:21, 152:19, 154:16, 154:19, 155:3, 155:17</p> <p>Albanese [27] - 5:8, 7:2, 8:15, 9:8, 9:15, 10:14, 11:13, 12:10, 13:4, 13:23, 14:21, 16:7, 17:7, 18:1, 19:4, 20:1, 20:22, 21:11, 22:15, 23:14, 52:6, 53:20, 74:3, 75:4, 89:18, 119:16, 155:2</p> <p>alcove [1] - 149:22</p> <p>Alfieri [1] - 27:10</p> <p>ALFIERI [1] - 2:8</p> <p>Allegiance [1] - 5:7</p> <p>alley [2] - 47:7, 47:8</p> <p>allow [5] - 86:17, 102:7, 104:14, 112:21, 136:1</p> <p>allowable [1] - 33:3</p> <p>allowed [5] - 33:6, 104:21, 134:3, 134:4, 150:11</p> <p>allowing [1] - 103:22</p> <p>allows [2] - 32:25, 108:18</p> <p>almost [10] - 58:14, 92:15, 96:3, 110:3, 113:16, 117:8, 121:24, 122:4, 133:20</p> <p>ALTERNATE [2] - 1:19, 1:20</p> <p>alternate [2] - 6:1, 71:21</p> <p>Alternate [1] - 6:2</p> <p>amend [5] - 102:19, 150:8, 150:12, 152:20, 153:12</p>	<p>AN [3] - 1:7, 3:17, 4:22</p> <p>ANDY [1] - 1:18</p> <p>answer [10] - 38:1, 45:19, 45:21, 48:11, 52:22, 111:14, 112:22, 112:25, 113:5, 113:9</p> <p>answered [1] - 38:11</p> <p>anticipation [1] - 57:6</p> <p>anyhow [1] - 104:15</p> <p>appear [3] - 25:3, 29:17, 114:14</p> <p>appearance [1] - 25:17</p> <p>appeared [4] - 54:22, 56:9, 56:13, 56:18</p> <p>appearing [2] - 25:20, 29:6</p> <p>applause [5] - 6:22, 9:4, 10:2, 11:1, 12:1</p> <p>applicant [5] - 27:10, 29:7, 90:15, 98:18, 120:15</p> <p>application [26] - 22:6, 23:7, 23:9, 25:6, 26:2, 28:11, 30:4, 31:16, 31:17, 32:18, 37:22, 47:25, 53:4, 55:10, 57:7, 73:16, 77:4, 89:9, 90:18, 90:21, 91:15, 102:19, 121:5, 123:6, 130:24, 152:2</p> <p>APPLICATION [10] - 1:4, 1:7, 1:9, 1:12, 3:3, 3:17, 4:3, 4:8, 4:18, 4:22</p> <p>applications [3] - 26:9, 26:12, 39:9</p> <p>applies [1] - 32:21</p> <p>apply [1] - 24:24</p> <p>appoint [4] - 12:2, 12:23, 12:24, 13:17</p> <p>appointed [1] - 6:11</p> <p>appointment [3] - 9:6, 10:4, 11:3</p> <p>appropriate [1] - 102:18</p> <p>approval [2] - 29:11, 71:15</p> <p>approve [2] - 20:18, 73:16</p> <p>approved [3] - 65:22, 65:24, 97:9</p> <p>apron [1] - 87:11</p> <p>arbitrarily [1] - 24:25</p> <p>architect [15] - 25:22, 26:16, 29:15, 38:14, 40:23, 41:2, 42:8, 44:24, 55:4, 56:3,</p>
8				
<p>8 [21] - 78:2, 93:5, 93:6, 99:13, 99:15, 106:19, 106:24, 107:5, 111:4, 111:6, 111:25, 112:6, 112:9, 124:7, 124:13, 124:15, 124:21, 146:5, 147:2</p> <p>8-foot [3] - 81:5, 122:6, 146:10</p> <p>8-inch [1] - 106:20</p> <p>83 [1] - 4:7</p> <p>8:07 [1] - 70:15</p>	<p>8 [21] - 78:2, 93:5, 93:6, 99:13, 99:15, 106:19, 106:24, 107:5, 111:4, 111:6, 111:25, 112:6, 112:9, 124:7, 124:13, 124:15, 124:21, 146:5, 147:2</p> <p>8-foot [3] - 81:5, 122:6, 146:10</p> <p>8-inch [1] - 106:20</p> <p>83 [1] - 4:7</p> <p>8:07 [1] - 70:15</p>	<p>106:23, 125:16, 142:6</p> <p>ad [1] - 50:21</p> <p>add [2] - 80:2, 96:17</p> <p>added [2] - 80:14, 116:16</p> <p>adding [2] - 60:21, 60:23</p> <p>addition [3] - 96:22, 97:15, 153:14</p> <p>additional [8] - 33:22, 33:25, 36:22, 36:25, 85:10, 91:2, 102:10, 123:12</p> <p>address [14] - 30:14, 31:9, 41:11, 41:18, 46:21, 56:24, 76:23, 98:14, 98:25, 103:15, 107:15, 128:5, 131:12, 149:2</p> <p>adequate [1] - 130:3</p> <p>adjacent [3] - 34:16, 34:21, 35:17</p> <p>adjoining [4] - 60:19, 83:23, 84:7, 87:4</p> <p>adjourn [3] - 16:21, 16:23, 155:18</p> <p>adjourned [1] - 155:20</p> <p>adjournments [1] - 25:5</p> <p>adjusted [1] - 128:3</p> <p>adjusting [1] - 78:11</p> <p>ADJUSTMENT [2] - 1:1, 1:15</p> <p>adjustment [1] - 96:7</p> <p>Administrative [1] - 156:10</p> <p>advantage [1] - 146:20</p> <p>advertisement [1] - 50:19</p> <p>advice [1] - 39:8</p> <p>advising [1] - 22:5</p> <p>affecting [3] - 78:23, 124:14, 141:22</p> <p>affidavit [5] - 54:17, 90:24, 90:25, 91:4, 91:5</p> <p>afraid [1] - 44:15</p> <p>agenda [1] - 26:20</p> <p>agent [1] - 156:8</p> <p>ago [1] - 132:21</p> <p>agree [1] - 47:14</p> <p>agreed [2] - 82:15, 82:18</p> <p>agreeing [1] - 102:1</p> <p>ahead [9] - 48:15, 50:15, 70:19, 115:2, 120:22, 130:10, 138:10, 140:17,</p>	<p>150:25</p> <p>ajournment [1] - 25:2</p> <p>ALBANESE [53] - 1:17, 5:5, 7:3, 8:3, 8:9, 8:16, 9:16, 10:8, 10:15, 11:14, 12:11, 13:5, 13:24, 14:17, 14:22, 15:22, 16:1, 16:8, 16:22, 17:8, 18:2, 18:21, 19:5, 19:22, 20:2, 21:12, 22:11, 22:16, 23:10, 23:15, 46:2, 46:6, 46:9, 52:7, 53:13, 53:21, 73:9, 74:4, 75:5, 89:19, 117:1, 117:4, 119:17, 124:20, 125:10, 125:14, 125:19, 139:21, 152:19, 154:16, 154:19, 155:3, 155:17</p> <p>Albanese [27] - 5:8, 7:2, 8:15, 9:8, 9:15, 10:14, 11:13, 12:10, 13:4, 13:23, 14:21, 16:7, 17:7, 18:1, 19:4, 20:1, 20:22, 21:11, 22:15, 23:14, 52:6, 53:20, 74:3, 75:4, 89:18, 119:16, 155:2</p> <p>alcove [1] - 149:22</p> <p>Alfieri [1] - 27:10</p> <p>ALFIERI [1] - 2:8</p> <p>Allegiance [1] - 5:7</p> <p>alley [2] - 47:7, 47:8</p> <p>allow [5] - 86:17, 102:7, 104:14, 112:21, 136:1</p> <p>allowable [1] - 33:3</p> <p>allowed [5] - 33:6, 104:21, 134:3, 134:4, 150:11</p> <p>allowing [1] - 103:22</p> <p>allows [2] - 32:25, 108:18</p> <p>almost [10] - 58:14, 92:15, 96:3, 110:3, 113:16, 117:8, 121:24, 122:4, 133:20</p> <p>ALTERNATE [2] - 1:19, 1:20</p> <p>alternate [2] - 6:1, 71:21</p> <p>Alternate [1] - 6:2</p> <p>amend [5] - 102:19, 150:8, 150:12, 152:20, 153:12</p>	<p>AN [3] - 1:7, 3:17, 4:22</p> <p>ANDY [1] - 1:18</p> <p>answer [10] - 38:1, 45:19, 45:21, 48:11, 52:22, 111:14, 112:22, 112:25, 113:5, 113:9</p> <p>answered [1] - 38:11</p> <p>anticipation [1] - 57:6</p> <p>anyhow [1] - 104:15</p> <p>appear [3] - 25:3, 29:17, 114:14</p> <p>appearance [1] - 25:17</p> <p>appeared [4] - 54:22, 56:9, 56:13, 56:18</p> <p>appearing [2] - 25:20, 29:6</p> <p>applause [5] - 6:22, 9:4, 10:2, 11:1, 12:1</p> <p>applicant [5] - 27:10, 29:7, 90:15, 98:18, 120:15</p> <p>application [26] - 22:6, 23:7, 23:9, 25:6, 26:2, 28:11, 30:4, 31:16, 31:17, 32:18, 37:22, 47:25, 53:4, 55:10, 57:7, 73:16, 77:4, 89:9, 90:18, 90:21, 91:15, 102:19, 121:5, 123:6, 130:24, 152:2</p> <p>APPLICATION [10] - 1:4, 1:7, 1:9, 1:12, 3:3, 3:17, 4:3, 4:8, 4:18, 4:22</p> <p>applications [3] - 26:9, 26:12, 39:9</p> <p>applies [1] - 32:21</p> <p>apply [1] - 24:24</p> <p>appoint [4] - 12:2, 12:23, 12:24, 13:17</p> <p>appointed [1] - 6:11</p> <p>appointment [3] - 9:6, 10:4, 11:3</p> <p>appropriate [1] - 102:18</p> <p>approval [2] - 29:11, 71:15</p> <p>approve [2] - 20:18, 73:16</p> <p>approved [3] - 65:22, 65:24, 97:9</p> <p>apron [1] - 87:11</p> <p>arbitrarily [1] - 24:25</p> <p>architect [15] - 25:22, 26:16, 29:15</p>

<p>115:4, 116:5, 116:15, 120:25, 140:19</p> <p>architect's [1] - 42:14</p> <p>architectural [1] - 46:14</p> <p>area [17] - 31:20, 32:19, 37:12, 40:1, 57:24, 62:19, 62:20, 65:2, 66:9, 84:20, 85:13, 88:11, 94:21, 95:5, 98:21, 128:21, 130:4</p> <p>areas [1] - 65:13</p> <p>argue [1] - 112:24</p> <p>argument [1] - 48:17</p> <p>argumentative [1] - 109:15</p> <p>arrived [1] - 27:13</p> <p>arrives [1] - 53:11</p> <p>aside [2] - 101:25, 102:10</p> <p>assume [2] - 47:15, 129:22</p> <p>assuming [1] - 130:14</p> <p>AT [1] - 1:2</p> <p>attempts [1] - 52:20</p> <p>attendance [3] - 5:12, 52:1, 52:2</p> <p>attic [1] - 107:2</p> <p>attorney [5] - 11:3, 14:11, 19:19, 22:4, 27:8</p> <p>AUDIENCE [9] - 24:2, 24:11, 24:16, 24:19, 25:7, 25:12, 28:16, 38:2, 134:14</p> <p>audience [6] - 41:7, 67:2, 88:25, 103:5, 115:16, 117:19</p> <p>August [1] - 90:19</p> <p>Avenue [28] - 1:5, 3:4, 3:9, 3:15, 3:25, 4:19, 22:3, 29:9, 30:8, 30:15, 31:5, 31:14, 32:1, 32:9, 41:19, 50:5, 75:21, 76:7, 120:9, 120:10, 120:16, 121:18, 121:25, 122:13, 122:25, 125:25, 129:10, 131:19</p> <p>average [7] - 60:20, 60:24, 61:1, 103:23, 110:7, 130:18</p> <p>avoid [2] - 58:17, 83:25</p> <p>aware [3] - 104:7, 129:11, 129:18</p> <p>awful [1] - 114:7</p>	<p style="text-align: center;">B</p> <p>B-R-U-S-C-O [1] - 41:15</p> <p>backfill [3] - 88:8, 128:1, 128:5</p> <p>backup [2] - 71:5, 110:18</p> <p>backyard [7] - 97:3, 123:10, 126:23, 134:4, 134:21, 135:9, 148:23</p> <p>barbecue [1] - 114:10</p> <p>based [10] - 57:16, 57:24, 58:2, 58:12, 60:20, 64:16, 85:7, 97:6, 123:23</p> <p>basement [34] - 59:13, 60:1, 60:3, 66:7, 66:10, 66:11, 68:3, 68:20, 68:21, 69:20, 94:15, 107:17, 107:19, 111:23, 111:24, 111:25, 112:3, 123:19, 130:24, 131:9, 131:10, 132:19, 146:2, 146:3, 146:6, 146:12, 146:16, 146:21, 146:23, 149:3, 149:21, 153:22, 153:23, 154:17</p> <p>Basement [2] - 4:24, 59:18</p> <p>basements [1] - 71:5</p> <p>basic [2] - 92:4, 96:19</p> <p>basin [1] - 132:15</p> <p>basins [3] - 70:24, 71:3, 129:7</p> <p>basis [2] - 36:13, 89:7</p> <p>bathroom [13] - 94:22, 95:14, 95:16, 107:18, 107:21, 130:23, 131:10, 140:8, 140:9, 153:19, 153:21, 154:11, 154:17</p> <p>bathrooms [3] - 68:19, 89:10, 140:8</p> <p>bathtub [3] - 131:5, 131:8, 131:9</p> <p>bay [8] - 67:14, 67:15, 93:20, 147:18, 147:20, 147:24, 148:2, 148:9</p> <p>be.. [1] - 42:6</p> <p>become [1] - 56:2</p> <p>bedroom [7] - 95:9,</p>	<p>95:10, 95:11, 95:14, 112:7, 123:18, 123:21</p> <p>bedrooms [4] - 38:13, 58:9, 60:8, 95:15</p> <p>beg [1] - 49:17</p> <p>begin [2] - 54:16, 76:25</p> <p>beginning [2] - 25:8, 38:6</p> <p>behalf [4] - 25:20, 27:10, 29:6, 90:15</p> <p>behind [7] - 25:23, 34:10, 37:19, 82:23, 146:16, 146:22, 154:11</p> <p>BEING [1] - 1:16</p> <p>believes [1] - 102:20</p> <p>below [5] - 83:21, 83:22, 84:16, 143:15, 145:13</p> <p>beneficial [1] - 26:1</p> <p>benefit [1] - 142:4</p> <p>Bergen [2] - 7:22, 23:3</p> <p>better [1] - 105:17</p> <p>between [9] - 44:4, 61:1, 64:23, 65:2, 68:9, 87:24, 101:13, 101:15, 151:21</p> <p>big [7] - 38:12, 92:17, 100:10, 106:1, 106:9, 148:17, 148:22</p> <p>bigger [4] - 97:3, 105:5, 149:19</p> <p>Bill [3] - 51:5, 88:2, 102:1</p> <p>bill [2] - 127:21, 128:20</p> <p>bills [2] - 19:18</p> <p>Billy [2] - 37:18, 149:2</p> <p>Billy's [1] - 51:4</p> <p>bit [12] - 100:24, 108:18, 110:16, 114:2, 117:11, 117:12, 122:22, 124:10, 126:12, 138:13, 145:10</p> <p>bleed [1] - 88:9</p> <p>block [2] - 122:13, 144:9</p> <p>Block [11] - 1:6, 1:8, 1:11, 1:13, 3:5, 3:18, 4:5, 4:9, 4:20, 4:23, 32:10</p> <p>Board [10] - 2:2, 3:12, 6:17, 25:19, 29:5, 39:14, 39:18, 54:12, 90:14, 120:13</p> <p>board [54] - 7:20, 10:4,</p>	<p>11:3, 12:3, 14:11, 14:14, 19:19, 22:7, 24:25, 25:4, 25:6, 30:21, 31:18, 31:23, 34:9, 34:10, 35:21, 36:19, 37:7, 39:8, 47:10, 47:17, 48:7, 48:19, 48:24, 49:15, 50:10, 54:20, 54:23, 55:23, 56:10, 57:6, 57:10, 59:24, 60:19, 63:19, 63:21, 65:12, 65:13, 73:17, 80:3, 83:1, 83:16, 89:6, 97:10, 98:8, 109:8, 113:23, 114:20, 116:4, 126:4, 127:15, 130:22, 156:6</p> <p>BOARD [6] - 1:1, 1:15, 2:14, 2:14, 2:15, 2:15</p> <p>board's [3] - 29:11, 42:20, 66:20</p> <p>Board/Professional [4] - 3:6, 3:20, 4:6, 4:11</p> <p>boards [3] - 56:10, 56:13, 109:6</p> <p>body [1] - 156:7</p> <p>border [1] - 67:22</p> <p>boring [1] - 71:15</p> <p>Borough [1] - 7:20</p> <p>borough [7] - 29:9, 31:6, 54:15, 64:23, 76:18, 88:1, 134:3</p> <p>BOROUGH [2] - 1:1, 1:15</p> <p>bother [1] - 114:9</p> <p>bothersome [1] - 105:4</p> <p>bottom [4] - 84:10, 86:20, 88:5, 128:13</p> <p>bought [2] - 114:12, 114:13</p> <p>boulevard [1] - 75:24</p> <p>Boulevard [11] - 1:10, 4:4, 20:15, 23:4, 25:15, 75:21, 76:18, 87:3, 88:4, 122:11, 126:13</p> <p>boundary [2] - 101:10, 127:14</p> <p>bowling [2] - 47:7, 47:8</p> <p>Box [1] - 1:23</p> <p>Boy [1] - 30:14</p> <p>BRAUER [41] - 46:22, 47:2, 47:6, 47:12, 47:15, 47:19, 48:1,</p>	<p>48:13, 49:16, 49:20, 49:25, 50:4, 50:7, 69:16, 69:19, 70:4, 70:20, 70:23, 71:2, 71:8, 109:20, 110:5, 111:1, 111:9, 111:13, 111:16, 111:20, 111:22, 112:1, 112:4, 112:8, 112:13, 112:15, 112:19, 113:2, 113:7, 113:10, 113:19, 117:22, 138:23, 153:23</p> <p>Brauer [6] - 3:9, 3:23, 4:15, 46:22, 109:20, 118:3</p> <p>break [3] - 74:23, 120:4, 120:6</p> <p>Brian [5] - 27:9, 90:14, 96:3, 118:9, 119:6</p> <p>BRIAN [1] - 2:8</p> <p>brick [1] - 93:19</p> <p>Bridge [2] - 55:14, 56:25</p> <p>brief [2] - 51:22, 74:24</p> <p>bright [1] - 48:6</p> <p>bring [14] - 43:2, 78:12, 78:19, 86:11, 86:18, 88:11, 94:17, 99:19, 99:20, 106:13, 106:17, 106:25, 107:3, 123:3</p> <p>bringing [4] - 78:24, 99:21, 110:13, 110:14</p> <p>brings [3] - 24:20, 95:19, 130:16</p> <p>Brinkerhoff [7] - 1:8, 3:18, 4:23, 54:10, 54:14, 57:16, 70:24</p> <p>Brook [2] - 1:23, 113:22</p> <p>BRUSCO [100] - 41:9, 41:12, 41:15, 41:17, 41:19, 41:22, 41:25, 42:2, 42:10, 42:15, 42:18, 42:22, 42:25, 43:2, 43:10, 43:15, 43:18, 43:21, 43:24, 44:1, 44:3, 44:8, 44:12, 44:16, 44:20, 44:25, 45:3, 45:10, 45:23, 46:16, 46:19, 50:11, 72:3, 72:6, 72:10, 72:14, 72:19, 72:24, 73:4, 73:7, 73:11, 108:9, 108:13, 120:18, 131:6, 131:14,</p>
---	---	--	--	---

<p>131:18, 131:19, 131:22, 132:3, 132:9, 132:17, 133:3, 133:11, 133:17, 133:24, 134:7, 134:18, 135:2, 135:13, 136:2, 136:15, 136:20, 137:9, 137:13, 137:20, 137:23, 138:17, 138:21, 138:24, 139:2, 139:4, 139:15, 139:20, 139:25, 140:4, 140:15, 141:20, 145:2, 145:17, 147:7, 147:12, 148:9, 148:17, 148:22, 149:12, 150:23, 151:2, 151:5, 151:8, 151:12, 151:15, 151:18, 153:24, 154:2, 154:6, 154:13, 154:18, 154:20, 154:23</p> <p>Brusco [9] - 3:8, 3:14, 3:24, 41:12, 41:15, 131:18, 134:11, 134:24</p> <p>Brusco's [1] - 45:8</p> <p>build [22] - 43:3, 44:8, 44:24, 45:4, 45:5, 73:7, 78:16, 104:23, 105:5, 105:11, 113:17, 123:7, 134:3, 135:3, 136:1, 136:10, 136:21, 137:13, 137:14, 140:8, 145:18</p> <p>builder [2] - 147:9, 147:11</p> <p>building [68] - 29:13, 32:21, 32:23, 33:23, 34:13, 34:15, 34:25, 35:5, 36:10, 40:18, 42:5, 42:24, 43:10, 43:13, 44:15, 44:20, 58:13, 60:21, 60:25, 61:4, 61:22, 61:24, 61:25, 62:19, 65:23, 79:1, 80:25, 86:23, 91:25, 92:22, 93:1, 93:3, 93:4, 93:10, 93:15, 93:18, 94:1, 94:11, 95:20, 95:22, 96:18, 97:2, 99:4, 99:8, 100:11, 101:13, 110:9,</p>	<p>110:11, 110:25, 111:8, 111:12, 122:2, 122:17, 122:18, 123:2, 123:17, 126:24, 128:2, 131:24, 134:5, 138:15, 138:18, 138:20, 140:4, 150:19, 153:3</p> <p>buildings [10] - 34:2, 34:18, 35:17, 35:23, 35:24, 35:25, 36:3, 36:5, 36:6, 98:21</p> <p>builids [3] - 45:23, 109:1, 109:4</p> <p>built [3] - 44:25, 97:9, 136:11</p> <p>bulk [2] - 32:18, 123:12</p> <p>bulletin [1] - 7:20</p> <p>bump [4] - 67:11, 67:12, 67:18, 147:16</p> <p>bump-out [1] - 147:16</p> <p>burden [1] - 24:17</p> <p>business [2] - 8:1, 56:24</p> <p>but.. [1] - 37:16</p> <p>BY [10] - 2:4, 2:8, 31:3, 31:13, 55:22, 57:4, 59:11, 59:21, 91:12, 92:9</p>	<p>22:22, 23:21, 51:11, 51:15, 51:17, 51:19, 52:13, 54:2, 73:3, 73:24, 74:10, 75:13, 89:14, 90:3, 115:1, 115:3, 115:7, 115:15, 115:22, 116:9, 116:14, 116:24, 117:6, 117:15, 118:25, 119:5, 119:23, 124:24, 125:5, 125:12, 125:21, 125:24, 129:14, 136:22, 136:25, 137:5, 138:1, 138:4, 138:7, 140:1, 152:1, 152:6, 152:10, 152:13, 153:13, 153:18, 154:9, 155:9, 155:19</p> <p>Carnovale [25] - 7:12, 8:23, 9:21, 10:20, 11:19, 12:16, 13:10, 14:4, 15:2, 16:13, 17:13, 18:10, 19:10, 20:7, 21:3, 21:17, 22:21, 23:20, 52:12, 54:1, 74:9, 75:12, 90:2, 119:22, 155:8</p> <p>CARON [1] - 129:17</p> <p>cars [1] - 104:11</p> <p>CARUCCI [2] - 156:3, 156:14</p> <p>Carucci [1] - 1:22</p> <p>case [15] - 20:13, 20:17, 24:21, 25:3, 25:14, 28:17, 33:12, 33:20, 48:19, 50:20, 54:8, 72:16, 90:11, 92:8, 126:6</p> <p>Case [4] - 20:14, 22:3, 25:14, 75:25</p> <p>cases [8] - 14:13, 33:18, 33:21, 48:20, 49:13, 98:14, 101:19, 113:14</p> <p>cast [1] - 148:6</p> <p>catch [4] - 70:24, 71:3, 129:7, 132:15</p> <p>caught [1] - 131:3</p> <p>ceiling [2] - 113:13, 146:7</p> <p>cement [2] - 67:22, 69:1</p> <p>center [2] - 93:25, 117:10</p> <p>Central [1] - 2:5</p> <p>central [3] - 60:22, 105:21, 105:22</p>	<p>certain [2] - 65:13, 85:23</p> <p>certainly [4] - 63:25, 88:9, 98:25, 127:20</p> <p>Certified [2] - 1:22, 156:4</p> <p>certify [1] - 156:5</p> <p>cetera [2] - 38:13</p> <p>CHAIRMAN [470] - 1:17, 1:17, 5:1, 5:5, 5:9, 5:15, 5:17, 5:20, 5:23, 6:5, 6:16, 6:21, 6:23, 7:1, 7:3, 7:18, 7:25, 8:3, 8:6, 8:9, 8:12, 8:14, 8:16, 9:5, 9:9, 9:12, 9:14, 9:16, 10:3, 10:8, 10:11, 10:13, 10:15, 11:2, 11:8, 11:10, 11:12, 11:14, 12:2, 12:7, 12:9, 12:11, 12:22, 13:1, 13:3, 13:5, 13:16, 13:20, 13:22, 13:24, 14:10, 14:15, 14:17, 14:18, 14:20, 14:22, 15:11, 15:17, 15:19, 15:22, 15:24, 16:1, 16:3, 16:6, 16:8, 16:19, 16:22, 16:25, 17:4, 17:6, 17:8, 17:19, 17:25, 18:2, 18:16, 18:21, 18:23, 19:3, 19:5, 19:17, 19:22, 19:23, 19:25, 20:2, 20:13, 21:5, 21:8, 21:10, 21:12, 22:1, 22:9, 22:11, 22:12, 22:14, 22:16, 23:2, 23:8, 23:10, 23:11, 23:13, 23:15, 24:1, 24:5, 24:9, 24:15, 24:18, 24:23, 25:10, 25:13, 25:24, 26:4, 26:7, 26:10, 26:13, 26:18, 26:23, 27:1, 27:3, 27:7, 27:11, 27:14, 27:17, 27:20, 27:24, 28:2, 28:6, 28:13, 28:19, 28:21, 29:3, 29:20, 29:24, 30:16, 30:20, 30:24, 37:23, 38:3, 38:17, 38:21, 38:24, 39:4, 39:19, 41:3, 41:6, 41:21, 42:13, 42:16, 42:19, 42:23, 43:1, 43:8, 43:14, 43:17, 43:20, 43:23, 43:25, 44:6, 44:10, 44:14, 44:18,</p>	<p>44:23, 45:2, 45:6, 45:9, 45:14, 45:18, 45:25, 46:2, 46:4, 46:6, 46:7, 46:9, 46:11, 46:18, 46:21, 47:1, 47:5, 47:11, 47:14, 47:18, 47:22, 48:12, 48:15, 50:13, 51:2, 51:8, 51:13, 51:16, 51:18, 51:20, 51:23, 52:2, 52:5, 52:7, 52:18, 52:25, 53:2, 53:6, 53:10, 53:13, 53:14, 53:19, 53:21, 54:7, 54:18, 54:22, 54:25, 56:17, 56:20, 57:2, 58:25, 59:4, 59:7, 61:21, 61:25, 62:2, 62:4, 62:6, 62:10, 62:14, 62:17, 62:22, 63:2, 63:5, 63:9, 63:12, 63:14, 63:19, 63:23, 65:15, 66:3, 66:6, 66:23, 67:1, 69:4, 69:7, 69:14, 69:18, 69:22, 69:24, 70:2, 70:7, 70:10, 70:14, 70:17, 70:22, 71:1, 71:7, 71:10, 71:17, 71:23, 72:1, 72:5, 72:8, 72:11, 72:15, 72:23, 72:25, 73:5, 73:9, 73:10, 73:12, 73:15, 73:21, 73:25, 74:2, 74:4, 74:15, 74:18, 74:21, 74:25, 75:3, 75:5, 75:19, 75:23, 76:5, 76:10, 76:19, 77:13, 77:16, 77:21, 77:25, 78:6, 78:14, 78:21, 78:25, 79:4, 79:8, 79:12, 79:17, 79:23, 80:1, 80:6, 80:15, 80:18, 80:23, 81:1, 81:8, 81:17, 81:20, 82:4, 82:8, 82:12, 82:17, 82:20, 82:25, 83:3, 83:7, 83:11, 83:15, 88:21, 88:23, 89:3, 89:8, 89:15, 89:17, 89:19, 90:8, 90:11, 91:3, 91:6, 91:23, 92:2, 97:25, 98:7, 98:22, 99:1, 99:24, 100:8, 100:12, 100:18, 101:2, 101:14, 101:21, 102:8, 102:15, 102:22, 102:25,</p>
<p>C</p> <p>C-H-O-N-G [1] - 103:14</p> <p>C-O-C-O-R-O-S [2] - 77:12, 121:13</p> <p>C.C.R [3] - 1:22, 156:3, 156:14</p> <p>calculate [1] - 60:20</p> <p>calculations [1] - 130:14</p> <p>can.. [1] - 26:5</p> <p>cannot [4] - 97:19, 135:2, 135:3, 135:4</p> <p>cap [1] - 144:20</p> <p>car [3] - 94:16, 99:11, 146:11</p> <p>care [1] - 28:3</p> <p>CARNOVALE [74] - 1:18, 7:13, 8:5, 8:24, 9:7, 9:22, 10:21, 11:7, 11:9, 11:20, 12:6, 12:17, 12:25, 13:11, 13:19, 14:5, 15:3, 16:14, 17:14, 18:11, 19:11, 20:8, 20:21, 21:7, 21:18,</p>				

<p>103:4, 105:9, 106:7, 106:16, 107:4, 107:7, 107:11, 107:14, 107:24, 108:7, 108:11, 108:15, 108:21, 109:2, 109:11, 109:17, 109:19, 112:23, 113:3, 113:6, 113:11, 113:25, 114:25, 115:2, 116:12, 116:19, 116:25, 117:1, 117:2, 117:4, 117:14, 117:17, 117:23, 118:5, 118:9, 118:17, 118:22, 119:1, 119:3, 119:10, 119:15, 119:17, 120:3, 120:5, 120:8, 120:19, 120:22, 121:14, 124:1, 124:11, 124:20, 124:23, 125:10, 125:14, 125:19, 125:23, 126:3, 126:15, 127:1, 127:6, 127:10, 127:15, 127:18, 129:21, 129:25, 130:7, 130:25, 131:4, 131:7, 131:11, 131:17, 131:21, 135:10, 135:16, 135:20, 135:25, 136:13, 136:17, 136:24, 137:2, 137:7, 137:12, 137:19, 137:22, 137:24, 138:3, 138:6, 138:10, 138:12, 139:3, 139:6, 139:12, 139:21, 139:23, 140:2, 140:13, 140:16, 141:17, 143:1, 147:4, 147:10, 147:13, 147:25, 148:13, 148:24, 149:17, 150:16, 150:22, 150:24, 151:24, 152:3, 152:8, 152:11, 152:15, 152:19, 152:22, 153:4, 153:8, 153:11, 153:16, 153:20, 153:25, 154:5, 154:10, 154:14,</p>	<p>154:16, 154:19, 154:21, 154:24, 155:1, 155:3, 155:17 Chairman [25] - 5:8, 25:18, 28:1, 29:4, 30:17, 37:24, 47:24, 48:10, 51:6, 52:19, 54:11, 56:16, 56:22, 63:15, 91:18, 98:23, 109:15, 115:10, 116:11, 120:12, 131:8, 135:8, 137:11, 153:15, 155:14 chairman [15] - 8:1, 9:6, 25:21, 29:18, 55:2, 61:19, 73:20, 76:14, 83:5, 90:14, 97:22, 98:5, 102:18, 115:4, 129:24 Chairman's [1] - 110:12 CHAIRWOMAN [1] - 41:10 chance [1] - 103:9 change [1] - 33:7 changed [3] - 85:7, 92:6, 130:4 Changsoo [1] - 55:19 CHANGSOO [2] - 3:19, 55:20 chart [1] - 32:17 Cher [1] - 10:7 CHEWCASKIE [27] - 2:8, 27:6, 27:8, 27:12, 27:19, 27:23, 27:25, 28:20, 90:13, 91:12, 91:17, 91:24, 92:3, 92:9, 97:22, 98:4, 98:23, 102:17, 109:14, 112:21, 112:25, 113:4, 113:8, 118:11, 118:18, 119:8, 119:12 Chewcaskie [4] - 4:11, 27:9, 90:15, 92:18 CHONG [6] - 103:8, 103:12, 103:16, 105:10, 105:25, 106:4 Chong [1] - 4:13 choose [1] - 49:16 clarity [1] - 102:3 clear [3] - 85:20, 126:19, 127:5 Cleary [1] - 27:9 CLEARY [1] - 2:8 client [2] - 57:15,</p>	<p>119:6 client's [1] - 134:25 Cliffside [2] - 29:16, 52:21 close [12] - 8:9, 17:1, 17:3, 40:19, 64:8, 68:8, 68:12, 88:3, 99:21, 100:6, 127:25, 128:1 closely [1] - 152:16 closer [1] - 107:8 closet [5] - 94:19, 95:17, 149:10, 149:19, 150:13 closets [2] - 149:3, 152:21 Closter [2] - 56:19, 56:20 coat [2] - 94:18, 149:9 COCOROS [38] - 3:12, 4:6, 4:10, 77:6, 77:11, 77:15, 77:20, 77:24, 78:5, 78:10, 78:15, 78:22, 79:3, 79:7, 79:10, 79:14, 79:19, 79:24, 80:2, 80:9, 80:16, 80:20, 80:24, 81:3, 81:11, 81:18, 81:22, 81:25, 82:6, 82:24, 83:24, 84:10, 84:17, 84:22, 85:4, 121:7, 121:12, 121:16 Cocoros [44] - 26:8, 26:11, 26:22, 27:16, 28:11, 29:16, 45:16, 45:19, 45:20, 52:20, 53:4, 53:11, 70:11, 76:21, 76:24, 77:12, 77:23, 90:19, 91:14, 91:18, 92:7, 92:10, 96:6, 97:7, 97:16, 97:23, 98:25, 99:25, 103:3, 106:7, 107:25, 108:1, 108:24, 111:1, 112:22, 113:11, 115:3, 120:25, 121:13, 121:14, 123:25, 124:24, 126:4, 126:17 code [3] - 69:5, 69:9, 69:10 Code [1] - 156:11 coincide [1] - 141:8 COLLAZUOL [47] - 2:15, 3:7, 39:11, 63:25, 64:4, 64:13, 64:19, 65:5, 65:9, 65:11, 65:17, 66:1,</p>	<p>69:6, 69:10, 71:11, 71:19, 83:5, 83:8, 83:14, 83:18, 84:4, 84:15, 84:18, 84:25, 85:5, 85:19, 86:3, 86:9, 86:16, 86:25, 87:13, 87:17, 87:23, 88:7, 88:19, 101:25, 102:9, 102:24, 107:13, 127:20, 127:23, 128:19, 129:2, 129:5, 130:2, 135:24, 152:17 Collazuol [10] - 3:13, 3:21, 4:7, 4:12, 12:4, 12:5, 26:3, 61:6, 102:20, 102:23 Collazuol's [4] - 61:14, 76:23, 97:16, 152:14 comfortable [1] - 115:14 coming [9] - 37:19, 38:14, 73:2, 73:6, 88:16, 109:1, 117:20, 125:22, 125:25 COMMENCING [1] - 1:2 comment [2] - 65:18, 130:11 Comments [2] - 3:12, 3:22 comments [9] - 39:7, 61:8, 61:11, 102:11, 107:12, 107:13, 110:12, 118:1, 120:20 Commercial [1] - 22:3 commission [1] - 156:6 common [1] - 103:23 communication [1] - 23:5 compared [1] - 145:15 complaining [1] - 141:6 complete [1] - 90:21 completely [1] - 113:19 complies [1] - 156:10 comply [3] - 61:14, 97:19, 97:20 concern [3] - 104:16, 128:16, 144:22 concerned [4] - 69:19, 71:3, 71:8, 79:11 concerns [4] - 76:23, 83:12, 110:15, 118:15</p>	<p>conclude [1] - 16:20 concur [1] - 100:18 condition [5] - 57:20, 57:23, 68:11, 102:21, 145:17 conditions [1] - 7:18 configuration [5] - 81:12, 95:11, 97:4, 100:4, 123:18 configure [1] - 81:16 conflict [1] - 65:7 conform [1] - 47:16 conformance [1] - 92:4 conforming [1] - 58:21 confused [4] - 76:13, 118:6, 138:13, 139:18 congratulations [3] - 6:16, 6:20, 6:21 connect [3] - 41:23, 44:4, 60:6 connection [4] - 29:8, 66:18, 154:6, 154:7 consider [1] - 36:15 consistency [1] - 33:15 consistent [6] - 33:25, 36:11, 39:25, 48:23, 97:8, 98:20 consists [2] - 60:3, 60:11 construct [3] - 29:12, 32:14, 61:15 construction [6] - 34:1, 61:11, 113:13, 129:3, 129:23, 135:11 contact [1] - 52:20 contained [1] - 14:14 continuation [2] - 25:21, 120:23 continue [5] - 52:25, 53:1, 76:3, 85:24, 120:17 continued [1] - 90:23 Continued [1] - 4:1 continues [1] - 91:9 contractors [1] - 129:11 control [1] - 65:21 controlled [1] - 33:17 Conventry [1] - 33:20 copies [1] - 91:2 copy [2] - 18:17, 34:12 core [1] - 143:18 corner [12] - 78:16, 78:20, 87:1, 88:16, 122:3, 122:10,</p>
---	--	---	--	---

<p>122:12, 122:13, 128:10, 128:11, 130:15, 136:6 corners [3] - 60:21, 101:1, 123:2 correct [26] - 15:16, 45:16, 56:14, 57:8, 58:23, 59:8, 59:9, 69:25, 78:4, 79:2, 79:6, 96:8, 96:9, 96:14, 96:20, 97:10, 98:4, 111:19, 115:20, 116:8, 116:20, 135:24, 139:7, 141:14, 142:15, 144:18 corrections [1] - 18:19 correctly [1] - 39:24 cost [1] - 113:16 counsel [3] - 25:16, 45:6, 47:23 Counsel [5] - 2:2, 2:6, 2:10, 120:11, 129:22 Counselor [4] - 52:18, 74:16, 89:4, 90:9 counselor [1] - 75:19 count [1] - 150:21 counteroffer [2] - 78:3 couple [1] - 98:1 course [3] - 36:15, 37:4, 152:6 court [2] - 120:5, 156:6 Court [2] - 1:22, 156:4 COURT [10] - 41:13, 41:16, 41:18, 56:23, 103:10, 103:15, 120:7, 134:16, 146:13, 148:11 Coventry [1] - 98:16 coverage [8] - 32:21, 58:1, 62:20, 84:14, 92:1, 99:4, 99:8, 99:22 covered [5] - 93:2, 94:12, 108:22, 149:8, 149:15 covering [1] - 28:8 crawl [8] - 77:18, 81:22, 81:24, 82:1, 82:11, 83:16, 83:17, 83:20 create [1] - 85:17 created [2] - 128:21, 156:7 creates [1] - 141:1 creating [1] - 141:3 credentials [1] - 30:18 criteria [9] - 33:6, 33:12, 33:21, 36:16,</p>	<p>36:18, 37:4, 48:21, 48:22, 49:1 cross [4] - 92:19, 95:24, 121:21, 121:24 crutches [1] - 24:14 curb [13] - 64:24, 87:5, 87:7, 87:14, 87:19, 87:24, 124:6, 125:6, 125:17, 125:25, 126:1, 128:25, 129:8 curious [1] - 66:8 current [1] - 56:5 cut [6] - 86:14, 99:8, 115:19, 116:17, 129:17, 129:18 cutting [1] - 109:25</p>	<p>decorative [2] - 144:9, 145:8 decrease [1] - 106:23 dedicated [1] - 66:12 deemed [1] - 90:21 deep [5] - 93:5, 93:6, 101:11, 148:19 defense [1] - 116:16 deficient [1] - 47:21 definitely [5] - 27:21, 36:9, 61:12, 99:10, 99:18 demolish [1] - 29:11 den [1] - 94:21 depicted [1] - 127:13 depicts [1] - 59:25 depth [1] - 81:14 DERVO [2] - 1:10, 4:4 Dervo [5] - 2:6, 25:14, 25:20, 75:25, 76:16 Description [1] - 4:17 design [2] - 97:7, 112:16 detail [1] - 128:6 details [1] - 60:18 detriment [1] - 36:19 detrimental [1] - 115:22 develop [2] - 57:15, 58:8 Developers [5] - 2:6, 25:14, 25:20, 76:1, 76:16 DEVELOPERS [2] - 1:10, 4:4 development [11] - 32:17, 35:10, 35:21, 35:22, 36:11, 37:12, 48:23, 49:10, 58:10, 60:7, 102:6 DHANA [2] - 1:12, 4:8 Dhana [4] - 2:10, 27:4, 27:6, 90:15 diagonally [1] - 35:5 DIANE [1] - 2:2 dictates [1] - 146:9 differ [1] - 49:17 difference [4] - 80:13, 92:18, 114:15, 122:4 different [5] - 27:8, 28:25, 116:5, 150:25 difficult [2] - 68:9, 123:11 dig [2] - 43:12, 133:10 dimension [1] - 32:11 dimensions [2] - 57:11, 100:14 dining [2] - 60:8, 95:4 dip [1] - 141:25 Direct [3] - 3:6, 3:20,</p>	<p>4:11 DIRECT [3] - 31:2, 55:21, 91:11 directly [4] - 32:7, 34:25, 35:1, 36:5 dirt [6] - 43:4, 133:4, 144:17, 144:19, 145:17, 146:17 dirty [1] - 70:5 discuss [1] - 26:2 discussed [1] - 118:14 discussion [1] - 77:17 disgraceful [1] - 140:9 distance [3] - 100:24, 101:15, 105:3 district [1] - 65:22 divide [1] - 60:23 dollars [1] - 113:16 donate [1] - 73:18 donating [1] - 65:15 done [11] - 34:4, 80:12, 97:12, 97:14, 100:23, 109:5, 110:16, 110:25, 114:24, 123:4, 149:7 door [22] - 41:24, 41:25, 44:2, 68:4, 68:8, 86:17, 88:1, 95:6, 99:12, 124:18, 125:18, 130:17, 132:18, 136:3, 146:5, 146:10, 151:2, 151:5, 151:13, 151:19, 151:23, 154:7 doors [5] - 94:13, 94:17, 94:21, 106:1, 122:25 down [48] - 26:24, 43:12, 45:5, 45:13, 78:12, 78:20, 78:24, 83:21, 84:2, 84:19, 86:20, 95:3, 99:8, 99:21, 99:22, 106:13, 106:17, 106:25, 107:3, 109:25, 110:13, 110:14, 114:2, 115:20, 116:7, 116:17, 117:5, 123:3, 124:10, 124:11, 125:1, 125:7, 125:22, 125:25, 126:22, 129:6, 132:8, 138:8, 140:20, 142:6, 142:9, 146:6, 146:17, 146:20, 146:22, 146:23,</p>	<p>147:8, 149:21 drain [6] - 64:7, 110:18, 128:22, 128:25, 129:10, 130:6 drainage [4] - 70:23, 71:16, 71:21, 88:12 drawing [3] - 64:17, 86:4, 95:2 drawings [3] - 87:8, 90:18, 118:13 driveway [13] - 63:18, 65:8, 78:11, 78:24, 99:14, 122:23, 124:9, 124:16, 125:7, 130:5, 132:7, 132:8 driveways [4] - 110:15, 110:19, 110:22, 117:7 drop [23] - 94:2, 95:21, 95:25, 96:4, 106:9, 106:10, 106:20, 106:21, 106:22, 109:23, 110:3, 117:7, 122:6, 122:22, 123:1, 125:16, 125:17, 134:3, 137:16, 137:20, 137:22, 137:24 drop-off [5] - 95:25, 96:4, 109:23, 122:22, 123:1 dry [1] - 88:3 duly [6] - 30:9, 39:13, 39:17, 55:15, 77:8, 121:9 dummy [1] - 77:18 duplex [21] - 29:12, 32:14, 32:20, 34:22, 35:10, 35:22, 35:24, 36:5, 45:1, 47:16, 92:4, 97:13, 101:19, 104:14, 138:1, 138:4, 138:5, 140:1, 140:3, 140:5, 140:6 duplexes [7] - 32:16, 35:18, 40:1, 46:25, 48:3, 96:12, 97:8 during [2] - 61:11, 129:3 Duzgan [1] - 23:3 dwelling [7] - 29:11, 32:14, 57:15, 61:16, 90:17, 92:23, 122:8</p>
D		<p>d)(6) [4] - 33:9, 33:17, 98:11, 98:15 damage [3] - 134:8, 134:9, 134:13 damaged [1] - 129:2 damaging [1] - 45:8 danger [3] - 43:7, 44:12, 44:16 dangerous [1] - 44:19 dashed [2] - 140:23, 141:10 Date [1] - 156:16 date [1] - 90:23 dated [1] - 90:19 Dated [1] - 156:17 dates [1] - 15:13 David [1] - 89:6 dead [4] - 32:3, 93:25, 117:10, 121:18 dead-end [2] - 32:3, 121:18 Dear [1] - 131:12 DeCarlo [1] - 11:4 December [5] - 18:24, 90:23, 90:25, 91:1, 156:16 decided [4] - 14:14, 48:20, 49:13, 93:19 deck [17] - 81:5, 81:6, 85:5, 94:23, 95:6, 100:13, 100:14, 101:7, 101:9, 101:11, 101:15, 105:11, 108:19, 114:8, 148:15, 148:16, 148:17 decks [5] - 93:22, 100:20, 108:17, 114:8, 148:14</p>	<p>4:11 DIRECT [3] - 31:2, 55:21, 91:11 directly [4] - 32:7, 34:25, 35:1, 36:5 dirt [6] - 43:4, 133:4, 144:17, 144:19, 145:17, 146:17 dirty [1] - 70:5 discuss [1] - 26:2 discussed [1] - 118:14 discussion [1] - 77:17 disgraceful [1] - 140:9 distance [3] - 100:24, 101:15, 105:3 district [1] - 65:22 divide [1] - 60:23 dollars [1] - 113:16 donate [1] - 73:18 donating [1] - 65:15 done [11] - 34:4, 80:12, 97:12, 97:14, 100:23, 109:5, 110:16, 110:25, 114:24, 123:4, 149:7 door [22] - 41:24, 41:25, 44:2, 68:4, 68:8, 86:17, 88:1, 95:6, 99:12, 124:18, 125:18, 130:17, 132:18, 136:3, 146:5, 146:10, 151:2, 151:5, 151:13, 151:19, 151:23, 154:7 doors [5] - 94:13, 94:17, 94:21, 106:1, 122:25 down [48] - 26:24, 43:12, 45:5, 45:13, 78:12, 78:20, 78:24, 83:21, 84:2, 84:19, 86:20, 95:3, 99:8, 99:21, 99:22, 106:13, 106:17, 106:25, 107:3, 109:25, 110:13, 110:14, 114:2, 115:20, 116:7, 116:17, 117:5, 123:3, 124:10, 124:11, 125:1, 125:7, 125:22, 125:25, 126:22, 129:6, 132:8, 138:8, 140:20, 142:6, 142:9, 146:6, 146:17, 146:20, 146:22, 146:23,</p>	<p>147:8, 149:21 drain [6] - 64:7, 110:18, 128:22, 128:25, 129:10, 130:6 drainage [4] - 70:23, 71:16, 71:21, 88:12 drawing [3] - 64:17, 86:4, 95:2 drawings [3] - 87:8, 90:18, 118:13 driveway [13] - 63:18, 65:8, 78:11, 78:24, 99:14, 122:23, 124:9, 124:16, 125:7, 130:5, 132:7, 132:8 driveways [4] - 110:15, 110:19, 110:22, 117:7 drop [23] - 94:2, 95:21, 95:25, 96:4, 106:9, 106:10, 106:20, 106:21, 106:22, 109:23, 110:3, 117:7, 122:6, 122:22, 123:1, 125:16, 125:17, 134:3, 137:16, 137:20, 137:22, 137:24 drop-off [5] - 95:25, 96:4, 109:23, 122:22, 123:1 dry [1] - 88:3 duly [6] - 30:9, 39:13, 39:17, 55:15, 77:8, 121:9 dummy [1] - 77:18 duplex [21] - 29:12, 32:14, 32:20, 34:22, 35:10, 35:22, 35:24, 36:5, 45:1, 47:16, 92:4, 97:13, 101:19, 104:14, 138:1, 138:4, 138:5, 140:1, 140:3, 140:5, 140:6 duplexes [7] - 32:16, 35:18, 40:1, 46:25, 48:3, 96:12, 97:8 during [2] - 61:11, 129:3 Duzgan [1] - 23:3 dwelling [7] - 29:11, 32:14, 57:15, 61:16, 90:17, 92:23, 122:8</p>

<p style="text-align: center;">E</p> <p>easel [1] - 59:13 east [2] - 148:5, 148:6 East [8] - 20:15, 25:15, 75:21, 76:17, 87:2, 88:4, 126:13, 129:5 easy [1] - 109:12 eating [1] - 95:5 edge [1] - 124:16 edification [1] - 66:20 Edsall [13] - 1:10, 4:4, 20:15, 25:15, 32:2, 75:21, 76:17, 87:3, 88:4, 122:10, 122:11, 126:13, 129:6 effect [4] - 100:11, 104:12, 123:15, 141:2 eight [3] - 65:20, 107:4, 112:1 either [6] - 73:21, 77:17, 87:7, 97:10, 117:23, 117:24 election [1] - 8:1 ELENI [1] - 2:14 Eleni [2] - 10:5, 10:6 elevated [1] - 150:20 elevating [1] - 141:12 elevation [8] - 60:17, 60:18, 60:19, 60:22, 64:5, 83:22, 128:12, 128:16 eliminate [2] - 99:7, 118:19 employed [1] - 156:8 en [2] - 95:13, 95:14 encroaches [1] - 150:19 encroaching [1] - 149:6 end [6] - 32:3, 70:24, 101:15, 121:18, 129:7, 129:8 ENGINEER [2] - 2:15, 2:15 Engineer [1] - 39:14 engineer [8] - 12:3, 12:23, 61:10, 73:18, 77:22, 135:21, 136:3 Engineering [2] - 12:5, 61:6 English [1] - 139:5 enter [2] - 94:10, 96:23 entire [1] - 133:25 entry [9] - 93:2, 93:7,</p>	<p>93:20, 94:12, 94:16, 99:16, 149:10, 150:4, 150:6 erosion/ sedimentation [1] - 65:21 ESQ [3] - 2:2, 2:4, 2:8 estimate [1] - 128:14 et [2] - 38:13 evening [14] - 21:4, 25:18, 29:4, 29:6, 29:10, 29:14, 54:11, 76:14, 76:20, 90:13, 98:13, 120:12, 120:24, 155:15 evening's [1] - 57:7 exact [3] - 40:4, 40:6, 40:19 exactly [2] - 47:3, 126:18 EXAMINATION [3] - 31:2, 55:21, 91:11 Examination [3] - 3:6, 3:20, 4:11 excavate [2] - 84:3, 84:24 excavation [1] - 71:14 exceed [4] - 36:1, 36:6, 36:8, 128:17 exceeds [1] - 33:3 except [1] - 15:14 exception [1] - 56:8 excess [1] - 85:9 excuse [4] - 111:4, 113:7, 151:7, 154:16 exerting [2] - 82:3, 84:8 Exhibit [3] - 29:21, 29:22, 59:19 exhibit [4] - 4:21, 29:19, 34:8, 59:15 exhibits [1] - 28:25 existing [23] - 29:11, 32:12, 34:13, 34:15, 34:21, 68:11, 82:7, 83:21, 83:22, 84:23, 86:6, 92:13, 92:17, 94:8, 102:3, 102:7, 102:13, 102:21, 126:24, 133:2, 141:1, 145:11, 146:7 exists [2] - 32:22, 57:11 experience [1] - 97:6 expert [4] - 30:25, 53:4, 56:12, 115:17 expertise [1] - 38:9 experts [1] - 38:7 Expiration [1] - 156:16</p>	<p>explain [5] - 55:23, 57:10, 59:24, 109:22, 121:1 exposed [2] - 123:19, 144:6 extension [3] - 149:8, 149:10, 150:4</p> <p style="text-align: center;">F</p> <p>face [1] - 93:1 faces [1] - 122:13 fact [6] - 91:20, 97:2, 100:5, 102:11, 114:1, 129:14 fair [3] - 50:10, 50:11, 50:12 Fair [4] - 30:8, 30:14, 30:15 fairly [1] - 68:8 fall [1] - 44:22 familiar [2] - 31:4, 31:20 families [1] - 97:14 family [22] - 29:12, 32:12, 38:22, 45:1, 57:14, 57:15, 60:7, 61:16, 90:17, 92:23, 95:4, 104:1, 104:2, 104:5, 104:9, 104:10, 122:8, 136:14, 136:15, 136:18, 136:19 far [7] - 82:8, 93:11, 94:1, 100:25, 110:12, 114:8, 151:20 FAX [1] - 1:24 February [3] - 15:15, 118:12 feet [160] - 32:10, 32:11, 32:24, 32:25, 33:5, 33:7, 35:25, 36:6, 37:1, 40:3, 40:20, 43:13, 43:16, 46:25, 48:3, 49:18, 49:19, 49:23, 49:24, 50:3, 52:21, 57:18, 57:22, 58:5, 58:7, 58:8, 58:14, 59:2, 61:4, 61:24, 62:3, 62:4, 62:7, 62:13, 63:8, 63:10, 63:12, 63:16, 68:23, 68:24, 69:3, 69:8, 69:11, 72:4, 72:6, 72:7, 72:12, 72:13, 72:20, 72:22, 73:1, 73:9, 73:10, 79:14, 79:15,</p>	<p>79:16, 79:21, 81:6, 81:13, 85:7, 85:9, 85:14, 86:22, 87:7, 91:22, 92:20, 92:24, 92:25, 93:1, 93:5, 93:6, 93:8, 93:9, 93:11, 93:13, 93:23, 94:4, 94:11, 95:22, 96:4, 96:16, 96:21, 99:5, 99:22, 99:25, 100:15, 100:16, 100:22, 101:8, 101:12, 101:17, 101:18, 101:19, 101:20, 102:4, 104:17, 104:20, 104:21, 105:12, 108:19, 111:4, 111:6, 111:9, 111:14, 111:20, 111:23, 111:25, 112:1, 112:2, 112:5, 112:7, 112:9, 113:13, 113:14, 116:21, 116:23, 116:24, 116:25, 117:3, 122:3, 122:18, 123:2, 126:21, 126:23, 128:4, 128:17, 128:24, 130:13, 130:17, 130:19, 133:21, 133:24, 138:8, 140:24, 145:9, 145:13, 146:5, 147:2, 148:19, 148:20, 148:22, 150:12, 151:9, 151:10, 151:14, 151:19, 151:23, 152:24 FEMALE [9] - 24:2, 24:11, 24:16, 24:19, 25:7, 25:12, 28:16, 38:2, 134:14 Ferguson [27] - 6:25, 8:4, 8:13, 9:13, 10:12, 11:11, 12:8, 13:2, 13:21, 14:19, 16:5, 17:5, 17:24, 19:2, 19:24, 21:2, 21:9, 22:13, 23:12, 52:4, 53:18, 74:1, 75:2, 89:16, 119:14, 154:4, 154:25 FERGUSON [418] - 1:17, 5:1, 5:9, 5:15, 5:17, 5:20, 5:23, 6:5, 6:16, 6:21, 6:23, 7:1, 7:18, 7:25, 8:6, 8:12, 8:14, 9:5, 9:9, 9:12,</p>	<p>9:14, 10:3, 10:11, 10:13, 11:2, 11:8, 11:10, 11:12, 12:2, 12:7, 12:9, 12:22, 13:1, 13:3, 13:16, 13:20, 13:22, 14:10, 14:15, 14:18, 14:20, 15:11, 15:17, 15:19, 15:24, 16:3, 16:6, 16:19, 16:25, 17:4, 17:6, 17:19, 17:25, 18:16, 18:23, 19:3, 19:17, 19:23, 19:25, 20:13, 21:5, 21:8, 21:10, 22:1, 22:9, 22:12, 22:14, 23:2, 23:8, 23:11, 23:13, 24:1, 24:5, 24:9, 24:15, 24:18, 24:23, 25:10, 25:13, 25:24, 26:4, 26:7, 26:10, 26:13, 26:18, 26:23, 27:1, 27:3, 27:7, 27:11, 27:14, 27:17, 27:20, 27:24, 28:2, 28:6, 28:13, 28:19, 28:21, 29:3, 29:20, 29:24, 30:16, 30:20, 30:24, 37:23, 38:3, 38:17, 38:21, 38:24, 39:4, 39:19, 41:3, 41:6, 41:10, 41:21, 42:13, 42:16, 42:19, 42:23, 43:1, 43:8, 43:14, 43:17, 43:20, 43:23, 43:25, 44:6, 44:10, 44:14, 44:18, 44:23, 45:2, 45:6, 45:9, 45:14, 45:18, 45:25, 46:4, 46:7, 46:11, 46:18, 46:21, 47:1, 47:5, 47:11, 47:14, 47:18, 47:22, 48:12, 48:15, 50:13, 51:2, 51:8, 51:13, 51:16, 51:18, 51:20, 51:23, 52:2, 52:5, 52:18, 52:25, 53:2, 53:6, 53:10, 53:14, 53:19, 54:7, 54:18, 54:22, 54:25, 56:17, 56:20, 57:2, 58:25, 59:4, 59:7, 61:21, 61:25, 62:2, 62:4, 62:6, 62:10, 62:14, 62:17, 62:22, 63:2, 63:5, 63:9, 63:12, 63:14, 63:19, 63:23, 65:15, 66:3, 66:6, 66:23, 67:1, 69:4, 69:7, 69:14, 69:18,</p>
---	--	--	---	---

69:22, 69:24, 70:2, 70:7, 70:10, 70:14, 70:17, 70:22, 71:1, 71:7, 71:10, 71:17, 71:23, 72:1, 72:5, 72:8, 72:11, 72:15, 72:23, 72:25, 73:5, 73:10, 73:12, 73:15, 73:21, 73:25, 74:2, 74:15, 74:18, 74:21, 74:25, 75:3, 75:19, 75:23, 76:5, 76:10, 76:19, 77:13, 77:16, 77:21, 77:25, 78:6, 78:14, 78:21, 78:25, 79:4, 79:8, 79:12, 79:17, 79:23, 80:1, 80:6, 80:15, 80:18, 80:23, 81:1, 81:8, 81:17, 81:20, 82:4, 82:8, 82:12, 82:17, 82:20, 82:25, 83:3, 83:7, 83:11, 83:15, 88:21, 88:23, 89:3, 89:8, 89:15, 89:17, 90:8, 90:11, 91:3, 91:6, 91:23, 92:2, 97:25, 98:7, 98:22, 99:1, 99:24, 100:8, 100:12, 100:18, 101:2, 101:14, 101:21, 102:8, 102:15, 102:22, 102:25, 103:4, 105:9, 106:7, 106:16, 107:4, 107:7, 107:11, 107:14, 107:24, 108:7, 108:11, 108:15, 108:21, 109:2, 109:11, 109:17, 109:19, 112:23, 113:3, 113:6, 113:11, 113:25, 114:25, 115:2, 116:12, 116:19, 116:25, 117:2, 117:14, 117:17, 117:23, 118:5, 118:9, 118:17, 118:22, 119:1, 119:3, 119:10, 119:15, 120:3, 120:5, 120:8, 120:19, 120:22, 121:14, 124:1, 124:11, 124:23, 125:23, 126:3, 126:15, 127:1, 127:6, 127:10, 127:15, 127:18,	129:21, 129:25, 130:7, 130:25, 131:4, 131:7, 131:11, 131:17, 131:21, 135:10, 135:16, 135:20, 135:25, 136:13, 136:17, 136:24, 137:2, 137:7, 137:12, 137:19, 137:22, 137:24, 138:3, 138:6, 138:10, 138:12, 139:3, 139:6, 139:12, 139:23, 140:2, 140:13, 140:16, 141:17, 143:1, 147:4, 147:10, 147:13, 147:25, 148:13, 148:24, 149:17, 150:16, 150:22, 150:24, 151:24, 152:3, 152:8, 152:11, 152:15, 152:22, 153:4, 153:8, 153:11, 153:16, 153:20, 153:25, 154:5, 154:10, 154:14, 154:21, 154:24, 155:1 few [1] - 32:4 figured [1] - 146:19 file [2] - 25:5, 91:2 files [2] - 40:9, 40:10 fill [10] - 43:4, 43:21, 82:2, 84:1, 85:13, 133:8, 133:12, 133:16, 133:20, 133:21 filled [2] - 143:23, 143:24 filling [3] - 77:18, 85:15, 146:17 fills [1] - 126:22 financial [2] - 156:8, 156:9 findings [1] - 31:24 fine [2] - 83:19, 86:18 finer [1] - 61:3 finish [1] - 134:1 finished [2] - 144:12, 144:14 fire [3] - 69:5, 69:8, 69:10 First [1] - 59:18 first [38] - 4:24, 5:14, 7:25, 22:2, 25:13, 34:8, 41:16, 54:24,	54:25, 60:2, 60:6, 60:13, 66:14, 66:16, 66:18, 67:7, 67:9, 78:2, 93:17, 94:18, 94:25, 103:11, 103:13, 104:5, 111:15, 111:17, 111:22, 112:5, 112:9, 112:12, 116:22, 124:2, 143:16, 143:18, 145:25, 149:3, 152:21 fit [4] - 141:5, 141:7, 146:11, 151:6 five [1] - 51:11 five-minute [1] - 51:11 flag [1] - 5:4 flat [2] - 50:5, 140:25 flooding [2] - 71:5, 128:22 Floor [1] - 59:18 floor [40] - 4:24, 60:2, 60:6, 60:12, 60:13, 64:5, 64:7, 64:9, 66:7, 66:15, 66:18, 67:7, 67:8, 67:9, 67:10, 78:2, 93:17, 94:15, 94:18, 94:25, 95:3, 95:8, 95:10, 96:24, 99:16, 111:3, 111:15, 111:17, 111:22, 112:6, 112:9, 112:12, 116:22, 145:21, 145:22, 145:25, 149:3, 152:21 floors [2] - 93:17, 123:20 flush [1] - 109:13 follow [4] - 61:12, 93:17, 125:6, 125:25 following [5] - 48:18, 49:12, 49:13, 116:10, 116:12 follows [7] - 30:10, 39:14, 39:18, 55:16, 77:8, 91:10, 121:9 foot [29] - 78:3, 79:1, 80:21, 84:17, 85:2, 96:16, 99:10, 99:13, 99:14, 99:15, 99:18, 101:11, 101:22, 106:21, 106:22, 107:6, 107:8, 112:9, 113:14, 124:8, 124:15, 132:4, 145:24, 146:3, 147:1, 150:11, 153:2, 153:3	foot-and-a-half [2] - 106:21, 106:22 footing [3] - 84:13, 84:19, 143:17 footings [2] - 83:20, 84:1 footprint [4] - 93:10, 93:12, 97:2, 99:20 foregoing [1] - 156:5 forever [1] - 109:23 forget [1] - 135:21 forgot [1] - 94:3 Fort [3] - 2:5, 55:14, 57:1 forth [2] - 33:12, 96:12 fought [1] - 104:19 foundation [2] - 149:5, 149:20 four [6] - 60:21, 60:22, 95:11, 104:11, 116:16, 127:24 four-bedroom [1] - 95:11 friend [1] - 54:19 friends [1] - 104:1 front [47] - 24:21, 34:7, 50:10, 54:19, 54:21, 58:4, 62:15, 64:6, 67:14, 78:18, 80:10, 80:21, 88:11, 91:21, 91:25, 92:18, 92:25, 93:6, 93:16, 94:7, 94:9, 94:13, 94:14, 94:16, 95:7, 95:14, 96:1, 96:23, 97:3, 110:4, 114:15, 117:7, 121:22, 122:1, 122:4, 122:5, 122:6, 123:2, 126:23, 126:24, 130:12, 133:10, 142:7, 142:9, 146:9, 149:4 frontage [2] - 57:21, 87:2 fronting [1] - 35:14 full [6] - 5:22, 96:22, 108:10, 110:3, 130:23, 132:19 full-story [1] - 110:3 full-time [1] - 5:22 fully [1] - 123:19 Fund [4] - 65:16, 73:19, 89:11, 152:5	64:7, 64:9, 83:21, 94:16, 99:12, 122:24, 122:25, 124:18, 125:18, 126:1, 146:5, 146:6, 146:10, 146:16, 146:22, 154:11 garages [2] - 60:4, 82:23 general [3] - 37:3, 47:2, 50:17 generalization [1] - 50:9 generally [1] - 128:21 Giacobbe [1] - 27:9 GIACOBBE [1] - 2:8 given [2] - 95:24, 100:5 glass [1] - 95:6 glasses [1] - 5:11 Google [1] - 65:1 GoogleEarth [2] - 40:14, 50:7 governs [1] - 48:19 grade [23] - 94:8, 110:7, 116:6, 117:7, 122:21, 126:25, 128:9, 133:2, 138:16, 138:23, 138:24, 139:9, 139:14, 139:15, 140:19, 140:23, 141:1, 141:7, 141:10, 145:11, 146:8 grades [1] - 142:8 grading [2] - 58:17, 114:15 graduated [1] - 55:25 Grand [1] - 71:2 grandparents' [1] - 68:15 grant [2] - 48:25 granting [1] - 25:4 grass [3] - 67:21, 86:7, 87:23 Grasso [2] - 33:18, 98:15 gravel [3] - 142:18, 143:25, 144:1 greater [1] - 85:7 ground [11] - 43:12, 93:17, 94:10, 95:3, 96:24, 99:16, 123:19, 128:4, 132:23, 143:15, 143:19 guess [18] - 28:3, 39:25, 40:2, 40:22, 40:24, 41:1, 65:4,
			G	
				gap [2] - 87:20, 101:12 garage [17] - 64:5,

79:15, 80:21, 84:2, 84:11, 84:23, 85:12, 121:18, 122:11, 134:19, 139:6, 149:3 guy [2] - 46:8, 145:15	98:20, 102:4, 102:14, 105:10, 105:11, 105:15, 106:11, 106:23, 107:3, 109:24, 110:6, 110:13, 110:23, 111:4, 115:20, 116:2, 116:6, 116:17, 118:16, 118:20, 122:17, 123:3, 123:23, 124:3, 126:11, 137:23, 137:25, 138:14, 138:18, 138:19, 139:3, 139:13, 139:16, 144:4	hits [2] - 135:18, 142:6 hold [4] - 53:15, 111:1, 132:16, 132:17 holes [1] - 71:13 home [8] - 32:12, 34:21, 45:8, 60:5, 69:20, 69:23, 95:7, 97:7 homes [1] - 97:8 honest [2] - 123:8, 123:16 hope [1] - 104:9 hopefully [3] - 29:17, 42:14, 42:18 house [94] - 35:1, 35:8, 35:10, 42:3, 42:4, 42:6, 43:2, 43:7, 43:11, 43:13, 43:18, 44:5, 44:9, 44:13, 44:17, 44:19, 44:25, 45:1, 45:4, 45:24, 50:1, 57:14, 67:12, 67:17, 67:25, 68:11, 72:10, 73:8, 79:6, 81:9, 82:9, 82:10, 83:21, 83:22, 84:2, 84:7, 85:2, 100:22, 104:1, 104:2, 104:5, 104:9, 105:1, 105:6, 105:23, 106:10, 106:11, 108:9, 113:15, 113:22, 113:24, 114:3, 114:6, 114:9, 114:11, 114:13, 122:12, 122:14, 124:22, 126:11, 130:16, 130:17, 131:22, 132:6, 132:10, 132:18, 132:24, 133:5, 134:8, 136:6, 136:10, 136:14, 136:16, 136:18, 136:19, 137:9, 137:14, 137:21, 137:22, 139:22, 139:24, 140:7, 145:18, 145:19, 148:5, 151:21, 151:22 houses [12] - 32:4, 44:24, 46:25, 47:6, 48:5, 49:4, 68:8, 109:6, 112:18, 113:18, 122:10, 130:18	huge [2] - 49:21, 114:8 hurt [1] - 147:8 husband [2] - 104:19, 105:1	indicating [4] - 34:23, 44:5, 94:19, 95:17 individual [1] - 47:13 infiltration [1] - 88:8 inlet [1] - 129:12 inside [2] - 128:25, 146:11 install [1] - 123:11 installation [2] - 71:13, 71:16 instead [6] - 72:13, 88:13, 105:24, 123:9, 124:20, 146:17 intention [1] - 45:7 interest [2] - 156:8, 156:9 intersection [1] - 87:1 investment [1] - 113:15 involved [2] - 71:9, 156:8 isolated [1] - 83:9 issuance [1] - 65:23 issue [4] - 28:1, 98:14, 118:21, 126:19 issues [1] - 33:24 item [3] - 65:19, 127:24, 128:8 items [1] - 83:9 itself [19] - 34:5, 34:14, 86:13, 92:22, 93:4, 93:15, 93:18, 94:1, 110:23, 111:12, 122:9, 122:13, 122:18, 122:19, 123:17, 133:7, 142:17, 146:6
H			I	
half [10] - 32:25, 58:13, 79:14, 80:13, 80:14, 92:15, 93:12, 106:21, 106:22, 143:19 hall [1] - 94:17 Hall [1] - 7:20 hallway [1] - 95:16 hand [25] - 28:23, 28:24, 30:2, 39:6, 54:16, 55:8, 77:2, 94:5, 94:6, 95:2, 96:4, 96:5, 111:12, 111:17, 117:10, 117:12, 121:3, 121:23, 122:2, 122:5, 123:14, 124:6, 124:9, 124:17, 128:10 handed [1] - 29:18 hands [1] - 70:5 happy [1] - 38:1 hardship [1] - 110:2 Harvard [1] - 55:25 hate [2] - 115:7, 124:21 head [1] - 82:24 hear [5] - 25:6, 104:19, 146:14, 148:11 heard [7] - 28:20, 28:21, 70:10, 72:6, 77:16, 103:20, 105:19 heating [1] - 105:21 height [82] - 32:23, 32:24, 33:4, 33:22, 33:25, 35:25, 36:1, 36:7, 36:9, 36:22, 37:1, 37:13, 37:14, 39:24, 40:5, 40:6, 40:13, 40:18, 40:25, 42:3, 42:12, 42:24, 46:24, 48:3, 48:4, 48:20, 49:14, 58:13, 58:18, 60:20, 60:21, 60:24, 60:25, 61:1, 61:4, 63:4, 63:5, 63:6, 72:17, 78:20, 79:1, 91:20, 95:23, 96:7, 98:11, 98:14,	height's [1] - 106:14 heights [1] - 98:21 held [1] - 39:9 hell [1] - 114:10 hello [1] - 148:15 help [4] - 100:10, 101:5, 122:21, 123:3 helps [1] - 106:19 Henry [7] - 3:10, 3:11, 3:16, 3:23, 3:24, 4:15, 4:16 hereby [2] - 22:6, 156:5 high [31] - 42:3, 42:4, 43:16, 43:19, 44:9, 44:21, 46:20, 49:5, 95:13, 114:12, 122:20, 132:9, 132:23, 133:11, 133:15, 133:19, 134:9, 134:21, 135:2, 135:3, 136:8, 136:11, 136:12, 136:21, 145:19, 145:22, 146:10, 147:7, 149:23 higher [15] - 63:17, 117:12, 126:12, 131:23, 131:25, 132:4, 132:6, 132:22, 133:5, 135:13, 136:5, 136:6, 137:13, 138:2, 138:5 Highway [1] - 2:9 hill [2] - 70:25, 126:10 HILLSIDE [3] - 1:5, 3:4, 4:19 Hillside [6] - 2:6, 28:5, 28:7, 29:6, 120:10, 120:15 hired [1] - 51:10 history [1] - 24:22		ID.#50094914 [1] - 156:4 ideas [1] - 99:11 Ident/Evid [1] - 4:17 identification [2] - 29:23, 59:20 identified [1] - 96:11 Il [2] - 6:2, 76:16 imaginary [1] - 143:4 impact [5] - 36:22, 36:25, 37:2 impairment [2] - 37:6, 37:10 improve [1] - 135:19 IN [1] - 1:3 Inc [1] - 22:5 inch [3] - 125:13, 148:19, 152:24 inches [31] - 68:24, 78:24, 93:5, 93:6, 93:9, 94:5, 95:22, 96:17, 96:18, 100:15, 106:19, 106:24, 107:4, 107:5, 112:2, 115:8, 122:18, 124:7, 124:13, 124:15, 124:16, 124:18, 127:4, 142:1, 142:2, 142:19, 142:20, 143:23 include [6] - 149:16, 150:9, 150:13, 152:21, 153:14 included [1] - 116:5 including [2] - 32:19, 87:10 incorporated [1] - 88:17 increase [2] - 98:19, 100:6 increased [1] - 96:14 increasing [2] - 78:20, 141:23 indicate [1] - 130:13 indicated [2] - 39:24, 96:6 indicating [8] - 34:9, 35:1, 35:3, 35:7, 45:12, 78:18, 86:21, 143:4	Jack [3] - 2:6, 54:9, 54:13 JACK [3] - 1:7, 3:17, 4:22 Jacobs [1] - 27:10 JACOBS [1] - 2:8 JANUARY [1] - 1:2 January [1] - 50:23 Jersey [17] - 1:23, 2:5, 2:9, 30:8, 30:15, 55:4, 55:15, 56:6, 56:10, 57:1, 103:17, 131:20, 156:4, 156:5, 156:7, 156:10, 156:15 Joe [5] - 8:3, 51:12, 73:3, 115:1, 138:2 joining [1] - 58:10
			J	

<p>joke [1] - 70:6 JOSEPH [1] - 1:17 Judd [2] - 12:24, 19:18 JUDD [1] - 2:15 judges [1] - 49:14 jump [1] - 126:1 JUN [1] - 1:19 JUNG [1] - 103:13 Jung [1] - 4:13 justification [2] - 36:13, 48:24 justifies [1] - 109:23 justify [2] - 49:7, 116:2</p>	<p>95:13, 100:10, 104:12, 107:21, 137:14 King [2] - 22:3, 22:5 kitchen [2] - 60:8, 95:5 knee [1] - 24:12 knock [3] - 45:5, 84:2, 112:9 knocked [1] - 114:2 know.. [3] - 79:13, 86:15, 107:9 knowing [1] - 47:3</p>	<p>23:16, 23:18, 23:20, 23:22, 23:24, 27:16, 28:22, 30:23, 37:17, 44:2, 50:2, 50:5, 51:3, 51:9, 51:25, 52:4, 52:6, 52:8, 52:10, 52:12, 52:14, 52:16, 53:8, 53:15, 53:18, 53:20, 53:22, 53:24, 54:1, 54:3, 54:5, 74:1, 74:3, 74:5, 74:7, 74:9, 74:11, 74:13, 75:2, 75:4, 75:6, 75:10, 75:12, 75:14, 75:16, 75:22, 76:3, 76:6, 76:12, 89:16, 89:18, 89:20, 89:22, 90:2, 90:4, 90:6, 91:4, 108:5, 119:2, 119:4, 119:14, 119:16, 119:18, 119:20, 119:22, 119:24, 120:1, 120:4, 145:12, 149:18, 152:18, 154:3, 154:25, 155:2, 155:4, 155:6, 155:8, 155:10, 155:12 Lambrinides [1] - 10:5 land [11] - 41:22, 43:6, 43:22, 43:23, 43:24, 45:11, 45:23, 131:23, 133:4, 134:19, 134:20 Land [3] - 33:10, 48:18, 49:12 landscape [1] - 64:14 large [3] - 62:7, 99:2, 130:1 last [20] - 13:16, 25:2, 25:22, 26:14, 26:19, 54:9, 55:20, 65:18, 76:22, 77:14, 78:1, 82:16, 82:19, 83:6, 89:25, 103:11, 103:13, 120:8, 128:9 laundry [1] - 95:17 LAURA [2] - 156:3, 156:14 Laura [1] - 1:22 LauraACarucciLLC@gmail.com [1] - 1:25 Law [4] - 7:19, 33:10, 48:18, 49:13 law [5] - 33:12, 48:19, 72:20, 112:19, 154:23 Lawn [4] - 30:8, 30:15</p>	<p>lawyers [2] - 51:10, 103:21 layman's [1] - 109:22 layout [1] - 100:5 lead [1] - 5:3 least [4] - 84:13, 86:19, 125:9, 148:2 leave [1] - 76:4 led [1] - 5:7 Lee [3] - 2:5, 55:14, 57:1 left [24] - 34:11, 34:18, 34:20, 35:4, 35:16, 68:3, 68:10, 69:2, 78:18, 85:18, 92:21, 94:5, 95:2, 96:5, 101:12, 104:1, 117:12, 121:22, 121:23, 122:2, 122:5, 126:14, 128:10 left-hand [7] - 94:5, 95:2, 96:5, 117:12, 122:2, 122:5, 128:10 LEFTERI [1] - 1:19 Lefteriou [26] - 5:21, 6:18, 7:6, 8:19, 9:17, 10:16, 11:15, 12:12, 13:6, 13:25, 14:23, 16:9, 17:9, 18:5, 19:6, 20:3, 21:13, 22:17, 23:16, 52:8, 53:22, 74:5, 75:8, 89:20, 119:18, 155:4 LEFTERIOU [25] - 1:19, 7:7, 8:20, 9:18, 10:17, 11:16, 12:13, 13:7, 14:1, 14:24, 16:10, 17:10, 18:6, 19:7, 20:4, 21:14, 22:18, 23:17, 52:9, 53:23, 74:6, 75:9, 89:21, 119:19, 155:5 length [4] - 61:21, 61:23, 79:6, 79:18 less [6] - 81:12, 81:15, 96:5, 110:10, 110:20, 130:19 letter [3] - 22:5, 24:3, 24:6 level [16] - 83:22, 84:13, 94:10, 95:4, 95:9, 95:11, 112:7, 122:21, 122:23, 123:18, 136:5, 145:21, 145:22, 146:23, 146:24, 146:25 levels [3] - 93:2, 93:17, 132:24</p>	<p>license [1] - 56:5 License [1] - 156:15 licensed [1] - 56:2 light [4] - 95:19, 134:15, 148:2, 148:4 likewise [1] - 86:20 Lim [1] - 75:16 limited [2] - 66:14, 118:20 line [26] - 69:11, 80:19, 83:25, 86:11, 86:19, 86:23, 87:10, 87:11, 87:13, 93:23, 100:16, 101:13, 101:16, 127:4, 128:2, 129:8, 140:23, 141:10, 142:20, 143:4, 143:24, 151:11, 151:20, 151:22, 151:23, 152:24 linen [1] - 95:17 lines [3] - 80:10, 87:21, 118:13 lip [1] - 125:9 listen [4] - 108:11, 117:20, 147:10, 147:11 listening [1] - 72:19 literally [1] - 110:13 liters [2] - 135:18, 136:22 live [3] - 41:9, 41:22, 154:23 living [9] - 60:8, 95:1, 95:4, 103:24, 104:25, 105:1, 112:6, 112:12, 123:20 LLC [13] - 1:5, 1:10, 2:6, 2:6, 2:8, 3:4, 4:4, 4:19, 25:15, 29:6, 76:16, 120:10, 120:15 locate [1] - 40:10 located [10] - 29:8, 31:5, 31:21, 54:14, 76:17, 93:23, 93:25, 120:16, 121:17, 122:10 location [5] - 60:22, 68:16, 88:3, 102:12, 128:17 lock [1] - 42:4 logs [1] - 71:15 look [18] - 40:24, 49:7, 49:9, 65:1, 79:20, 95:1, 95:3, 109:8, 110:10, 132:1, 132:3, 140:22,</p>
K	L			
<p>KAUKER [38] - 2:14, 3:7, 39:15, 39:21, 40:7, 40:11, 40:15, 40:21, 41:4, 66:5, 66:7, 66:11, 66:16, 66:19, 66:24, 88:22, 98:11, 103:2, 130:11, 130:21, 131:2, 138:11, 138:13, 138:19, 138:22, 138:25, 139:10, 139:17, 149:1, 149:14, 149:23, 150:2, 150:7, 150:15, 150:18, 153:1, 153:6, 153:9 Kauker [14] - 3:13, 3:21, 4:12, 13:17, 13:18, 27:13, 27:15, 38:25, 39:19, 66:4, 88:21, 98:10, 130:9, 152:25 keep [16] - 58:4, 67:21, 68:3, 78:19, 81:18, 84:12, 99:11, 99:15, 99:16, 100:4, 100:25, 103:21, 122:23, 124:15, 124:16, 126:7 keeping [1] - 62:12 keeps [1] - 139:12 Ken [3] - 28:11, 29:14, 30:13 KENNETH [1] - 3:5 kept [3] - 93:15, 100:9, 101:10 Keystone [5] - 144:5, 144:6, 144:10, 145:7, 145:8 kill [2] - 37:15, 115:25 kind [7] - 47:2, 68:9,</p>	<p>L.L.C [1] - 1:22 lady [2] - 103:6, 104:18 Lake [2] - 33:19, 98:16 LAMBRINIDES [199] - 2:14, 6:24, 7:2, 7:4, 7:6, 7:8, 7:10, 7:12, 7:14, 7:16, 8:13, 8:15, 8:17, 8:21, 8:23, 8:25, 9:2, 9:13, 9:15, 9:17, 9:19, 9:21, 9:23, 9:25, 10:6, 10:10, 10:12, 10:14, 10:16, 10:18, 10:20, 10:22, 10:24, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 12:8, 12:10, 12:12, 12:14, 12:16, 12:18, 12:20, 13:2, 13:4, 13:6, 13:8, 13:10, 13:12, 13:14, 13:21, 13:23, 13:25, 14:2, 14:4, 14:6, 14:8, 14:19, 14:21, 14:23, 14:25, 15:2, 15:4, 15:6, 16:5, 16:7, 16:9, 16:11, 16:13, 16:15, 16:17, 17:1, 17:5, 17:7, 17:9, 17:11, 17:13, 17:15, 17:17, 17:22, 18:1, 18:3, 18:7, 18:9, 18:12, 18:14, 19:2, 19:4, 19:6, 19:8, 19:10, 19:12, 19:14, 19:24, 20:1, 20:3, 20:5, 20:7, 20:9, 20:11, 21:9, 21:11, 21:13, 21:15, 21:17, 21:19, 21:21, 22:13, 22:15, 22:17, 22:19, 22:21, 22:23, 22:25, 23:12, 23:14,</p>			

<p>142:8, 144:23, 144:25, 149:14, 150:3, 152:16</p> <p>looked [3] - 40:9, 49:3, 109:6</p> <p>looking [11] - 23:6, 32:9, 34:12, 37:15, 58:13, 58:18, 62:24, 63:3, 122:11, 124:5, 141:11</p> <p>looks [11] - 60:14, 84:11, 86:22, 128:3, 128:9, 128:23, 142:10, 144:11, 149:4, 149:5, 150:5</p> <p>losing [1] - 105:12</p> <p>love [1] - 114:2</p> <p>lower [18] - 34:18, 34:24, 35:12, 40:25, 42:23, 83:22, 94:14, 102:12, 112:8, 117:15, 124:18, 126:9, 139:22, 139:23, 141:17, 141:20, 145:21, 147:8</p> <p>lowering [1] - 42:12</p> <p>lowest [1] - 110:19</p> <p>Lucy [1] - 104:18</p> <p style="text-align: center;">M</p> <p>Ma'am [1] - 151:16</p> <p>ma'am [1] - 133:25</p> <p>machine [1] - 106:1</p> <p>MACRI [101] - 2:4, 2:4, 25:18, 25:25, 26:6, 26:8, 26:11, 26:14, 26:16, 26:21, 26:25, 27:2, 28:8, 28:15, 29:2, 29:4, 30:17, 31:1, 31:3, 31:13, 38:16, 44:22, 45:7, 45:17, 47:24, 48:10, 50:22, 50:25, 51:6, 52:19, 53:1, 53:3, 54:11, 55:2, 55:7, 55:22, 56:16, 56:22, 57:4, 59:2, 59:5, 59:9, 59:11, 59:16, 59:21, 61:19, 63:15, 66:10, 66:14, 68:5, 68:21, 68:24, 70:9, 70:12, 70:15, 73:20, 74:17, 74:20, 75:24, 76:2, 76:8, 76:14, 76:20, 81:24, 82:10, 82:15, 82:18, 89:5, 90:10, 120:12, 120:23, 123:25,</p>	<p>127:12, 129:24, 131:8, 133:25, 134:11, 134:24, 135:8, 135:11, 135:14, 135:17, 137:11, 137:16, 144:9, 144:14, 144:18, 144:23, 144:25, 145:6, 148:4, 151:7, 151:10, 151:13, 151:16, 151:19, 152:20, 152:23, 153:15, 153:22, 155:14</p> <p>Macri [7] - 3:6, 3:20, 25:19, 29:5, 54:12, 76:15, 120:14</p> <p>main [3] - 93:1, 95:1, 112:6</p> <p>maintenance [1] - 71:12</p> <p>major [1] - 32:6</p> <p>manhole [1] - 88:17</p> <p>map [1] - 65:1</p> <p>Marc [5] - 25:19, 29:5, 54:12, 76:15, 120:14</p> <p>MARC [2] - 2:4, 2:4</p> <p>MARCI [1] - 141:18</p> <p>mark [6] - 29:19, 59:14, 59:15, 59:16, 64:17, 64:18</p> <p>marked [2] - 29:22, 59:19</p> <p>Marsha [8] - 3:10, 3:15, 3:22, 4:14, 50:16, 67:3, 107:16, 147:15</p> <p>Massachusetts [1] - 56:1</p> <p>master [3] - 33:16, 95:12, 95:13</p> <p>Matawan [1] - 2:9</p> <p>matter [3] - 72:21, 114:1, 118:12</p> <p>MATTER [1] - 1:3</p> <p>max [1] - 133:19</p> <p>maximum [5] - 58:1, 93:12, 97:2, 133:15, 140:24</p> <p>mean [34] - 17:1, 24:2, 42:4, 47:7, 48:5, 62:9, 63:7, 67:14, 72:20, 80:12, 86:13, 99:9, 100:2, 101:4, 106:8, 106:11, 106:12, 106:19, 107:6, 107:9, 114:6, 114:11, 124:4, 124:14, 129:13,</p>	<p>134:14, 134:23, 137:23, 139:4, 140:9, 140:11, 145:23</p> <p>means [6] - 36:21, 40:24, 58:14, 68:14, 108:25, 111:2</p> <p>measure [2] - 40:17, 49:25</p> <p>measured [3] - 40:13, 106:15, 110:7</p> <p>measurement [2] - 106:24, 151:21</p> <p>mechanicals [1] - 107:2</p> <p>median [1] - 61:1</p> <p>meet [6] - 88:1, 93:13, 96:11, 104:22, 133:1, 146:7</p> <p>meeting [21] - 5:2, 6:4, 15:12, 15:15, 15:20, 16:20, 17:20, 18:18, 18:24, 25:22, 51:5, 51:24, 76:22, 77:14, 78:1, 82:16, 82:19, 89:25, 103:1, 114:19, 155:20</p> <p>meets [2] - 126:24, 145:10</p> <p>Member [1] - 6:18</p> <p>member [4] - 5:18, 5:22, 20:25, 116:4</p> <p>MEMBER [12] - 1:18, 1:18, 1:19, 24:2, 24:11, 24:16, 24:19, 25:7, 25:12, 28:16, 38:2, 134:14</p> <p>Members [5] - 25:19, 29:5, 54:12, 90:14, 120:13</p> <p>members [5] - 5:14, 6:7, 63:21, 83:1, 127:16</p> <p>memorialization [2] - 20:14, 20:19</p> <p>mention [2] - 94:3, 138:7</p> <p>mentioned [5] - 92:19, 96:3, 98:13, 118:1, 130:22</p> <p>merits [1] - 47:20</p> <p>met [4] - 7:19, 32:19, 32:20, 96:20</p> <p>MICHAEL [2] - 2:14, 3:7</p> <p>Michael [3] - 3:13, 3:21, 4:12</p> <p>middle [8] - 94:23, 105:23, 105:24, 106:2, 117:10,</p>	<p>136:8, 145:10, 146:21</p> <p>midpoint [2] - 106:15, 106:24</p> <p>might [8] - 84:5, 84:8, 84:15, 84:18, 118:1, 124:18, 146:20, 149:15</p> <p>million [1] - 113:16</p> <p>Min [29] - 5:24, 6:18, 7:16, 9:2, 9:25, 10:24, 11:23, 12:20, 13:14, 14:8, 15:6, 15:8, 16:17, 17:17, 18:14, 19:14, 20:11, 20:25, 21:21, 22:25, 23:24, 52:16, 54:5, 74:13, 75:17, 89:24, 90:6, 120:1, 155:12</p> <p>MIN [28] - 1:19, 5:25, 7:17, 9:3, 10:1, 10:25, 11:24, 12:21, 13:15, 14:9, 15:7, 15:10, 16:18, 17:18, 18:15, 20:12, 21:22, 21:24, 23:1, 23:25, 52:17, 54:6, 74:14, 75:18, 90:1, 90:7, 120:2, 155:13</p> <p>mind [1] - 136:10</p> <p>minimize [2] - 85:15, 100:11</p> <p>minimum [1] - 69:11</p> <p>minute [3] - 17:23, 51:11, 131:7</p> <p>minutes [6] - 18:17, 18:20, 18:22, 18:24, 29:17, 51:15</p> <p>MIRJANA [1] - 1:20</p> <p>miss [1] - 138:14</p> <p>Miss [1] - 146:13</p> <p>modern [2] - 34:21, 93:19</p> <p>modify [1] - 149:16</p> <p>moment [1] - 136:3</p> <p>Monday [2] - 15:13, 15:20</p> <p>MONDAY [1] - 1:2</p> <p>monolithic [3] - 87:5, 87:14, 87:20</p> <p>month [3] - 15:13, 83:6, 107:25</p> <p>month's [1] - 25:22</p> <p>most [3] - 106:18, 112:17, 124:8</p> <p>mostly [2] - 60:12, 60:18</p> <p>motion [27] - 8:2, 15:25, 16:21, 16:23, 18:22, 18:23, 20:18,</p>	<p>21:6, 22:8, 22:10, 23:8, 51:18, 51:19, 53:7, 73:16, 89:9, 89:12, 117:21, 118:2, 118:23, 119:3, 151:25, 152:1, 153:12, 153:13, 155:17, 155:19</p> <p>moving [1] - 28:4</p> <p>MR [399] - 5:25, 7:7, 7:9, 7:13, 7:17, 8:5, 8:20, 8:22, 8:24, 9:3, 9:7, 9:18, 9:20, 9:22, 10:1, 10:17, 10:19, 10:21, 10:25, 11:7, 11:9, 11:16, 11:18, 11:20, 11:24, 12:6, 12:13, 12:15, 12:17, 12:21, 12:25, 13:7, 13:9, 13:11, 13:15, 13:19, 14:1, 14:3, 14:5, 14:9, 14:24, 15:1, 15:3, 15:7, 15:10, 16:10, 16:12, 16:14, 16:18, 17:10, 17:12, 17:14, 17:18, 18:6, 18:8, 18:11, 18:15, 19:7, 19:9, 19:11, 20:4, 20:6, 20:8, 20:12, 20:21, 21:7, 21:14, 21:16, 21:18, 21:22, 21:24, 22:18, 22:20, 22:22, 23:1, 23:17, 23:19, 23:21, 23:25, 25:18, 25:25, 26:6, 26:8, 26:14, 26:16, 26:21, 26:25, 27:2, 27:6, 27:8, 27:12, 27:19, 27:23, 27:25, 28:8, 28:15, 28:20, 29:2, 29:4, 30:6, 30:13, 30:17, 30:22, 31:1, 31:3, 31:13, 38:16, 39:11, 39:15, 39:21, 40:7, 40:11, 40:15, 40:21, 41:4, 44:22, 45:7, 45:17, 47:24, 48:10, 50:22, 50:25, 51:6, 51:11, 51:15, 51:17, 51:19, 52:9, 52:11, 52:13, 52:17, 52:19, 53:1, 53:3, 53:23, 53:25, 54:2, 54:6, 54:11, 54:21, 54:24, 55:2, 55:7, 55:12, 55:19, 55:22, 56:16, 56:22, 57:4, 59:2, 59:5, 59:9, 59:11, 59:16, 59:21,</p>
--	---	--	---	--

<p>61:19, 63:15, 63:25, 64:4, 64:13, 64:19, 65:5, 65:9, 65:11, 65:17, 66:1, 66:5, 66:7, 66:10, 66:11, 66:14, 66:16, 66:19, 66:24, 68:5, 68:21, 68:24, 69:6, 69:10, 70:9, 70:12, 70:15, 71:11, 71:19, 73:3, 73:20, 73:24, 74:6, 74:8, 74:10, 74:14, 74:17, 74:20, 75:9, 75:11, 75:13, 75:18, 75:24, 76:2, 76:8, 76:14, 76:20, 77:6, 77:11, 77:15, 77:20, 77:24, 78:5, 78:10, 78:15, 78:22, 79:3, 79:7, 79:10, 79:14, 79:19, 79:24, 80:2, 80:9, 80:16, 80:20, 80:24, 81:3, 81:11, 81:18, 81:22, 81:24, 81:25, 82:6, 82:10, 82:15, 82:18, 82:24, 83:5, 83:8, 83:14, 83:18, 83:24, 84:4, 84:10, 84:15, 84:17, 84:18, 84:22, 84:25, 85:4, 85:5, 85:19, 86:3, 86:9, 86:16, 86:25, 87:13, 87:17, 87:23, 88:7, 88:19, 88:22, 89:5, 89:14, 89:21, 89:23, 90:1, 90:3, 90:7, 90:10, 90:13, 91:12, 91:17, 91:24, 92:3, 92:9, 97:22, 98:4, 98:11, 98:23, 101:25, 102:9, 102:17, 102:24, 103:2, 107:13, 109:14, 112:21, 112:25, 113:4, 113:8, 115:1, 115:3, 115:7, 115:15, 115:22, 116:9, 116:14, 116:24, 117:6, 117:15, 118:11, 118:18, 118:25, 119:5, 119:8, 119:12, 119:19, 119:21, 119:23, 120:2, 120:12, 120:23, 121:7, 121:12, 121:16, 123:25, 124:24, 125:5, 125:12, 125:21, 125:24,</p>	<p>127:12, 127:20, 127:23, 128:19, 129:2, 129:5, 129:14, 129:17, 129:24, 130:2, 130:11, 130:21, 131:2, 131:8, 133:25, 134:11, 134:24, 135:8, 135:11, 135:14, 135:17, 135:24, 136:22, 136:25, 137:5, 137:11, 137:16, 138:1, 138:4, 138:7, 138:11, 138:13, 138:19, 138:22, 138:25, 139:10, 139:17, 140:1, 141:18, 144:9, 144:14, 144:18, 144:23, 144:25, 145:6, 147:20, 148:4, 149:1, 149:14, 149:23, 150:2, 150:7, 150:15, 150:18, 151:7, 151:10, 151:13, 151:16, 151:19, 152:1, 152:6, 152:10, 152:13, 152:17, 152:20, 152:23, 153:1, 153:6, 153:9, 153:13, 153:15, 153:18, 153:22, 154:9, 155:5, 155:7, 155:9, 155:13, 155:14, 155:19 MS^[488] - 5:13, 5:16, 5:19, 5:21, 5:24, 6:1, 6:6, 6:8, 6:10, 6:12, 6:13, 6:15, 6:20, 6:24, 7:2, 7:4, 7:6, 7:8, 7:10, 7:12, 7:14, 7:15, 7:16, 7:24, 8:11, 8:13, 8:15, 8:17, 8:21, 8:23, 8:25, 9:1, 9:2, 9:13, 9:15, 9:17, 9:19, 9:21, 9:23, 9:24, 9:25, 10:6, 10:10, 10:12, 10:14, 10:16, 10:18, 10:20, 10:22, 10:23, 10:24, 11:6, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:22, 11:23, 11:25, 12:8, 12:10, 12:12, 12:14, 12:16, 12:18, 12:19, 12:20, 13:2,</p>	<p>13:4, 13:6, 13:8, 13:10, 13:12, 13:13, 13:14, 13:21, 13:23, 13:25, 14:2, 14:4, 14:6, 14:7, 14:8, 14:13, 14:19, 14:21, 14:23, 14:25, 15:2, 15:4, 15:5, 15:6, 15:8, 15:16, 15:18, 16:5, 16:7, 16:9, 16:11, 16:13, 16:15, 16:16, 16:17, 17:1, 17:3, 17:5, 17:7, 17:9, 17:11, 17:13, 17:15, 17:16, 17:17, 17:22, 18:1, 18:3, 18:7, 18:9, 18:12, 18:13, 18:14, 19:2, 19:4, 19:6, 19:8, 19:10, 19:12, 19:13, 19:14, 19:16, 19:24, 20:1, 20:3, 20:5, 20:7, 20:9, 20:10, 20:11, 20:22, 21:9, 21:11, 21:13, 21:15, 21:17, 21:19, 21:20, 21:21, 21:23, 21:25, 22:4, 22:13, 22:15, 22:17, 22:19, 22:21, 22:23, 22:24, 22:25, 23:6, 23:12, 23:14, 23:16, 23:18, 23:20, 23:22, 23:23, 23:24, 24:7, 25:1, 25:9, 26:15, 27:16, 28:4, 28:22, 30:1, 30:11, 30:23, 31:8, 31:11, 37:17, 39:2, 39:5, 41:9, 41:12, 41:15, 41:17, 41:19, 41:22, 41:25, 42:2, 42:10, 42:15, 42:18, 42:22, 42:25, 43:2, 43:10, 43:15, 43:18, 43:21, 43:24, 44:1, 44:2, 44:3, 44:8, 44:12, 44:16, 44:20, 44:25, 45:3, 45:10, 45:23, 46:14, 46:16, 46:17, 46:19, 46:22, 47:2, 47:6, 47:12, 47:15, 47:19, 48:1, 48:13, 49:16, 49:19, 49:20, 49:25, 50:2, 50:4, 50:5, 50:7, 50:11, 50:16, 50:23, 50:24, 51:1, 51:3, 51:9, 51:25, 52:4, 52:6, 52:8, 52:10, 52:12, 52:14, 52:15, 52:16, 53:8, 53:9, 53:15,</p>	<p>53:17, 53:18, 53:20, 53:22, 53:24, 54:1, 54:3, 54:4, 54:5, 55:5, 55:8, 55:17, 59:14, 59:17, 67:3, 67:7, 67:11, 67:16, 67:20, 67:25, 68:6, 68:17, 68:22, 68:25, 69:16, 69:19, 70:4, 70:20, 70:23, 71:2, 71:8, 72:3, 72:6, 72:10, 72:14, 72:19, 72:24, 73:4, 73:7, 73:11, 74:1, 74:3, 74:5, 74:7, 74:9, 74:11, 74:12, 74:13, 75:2, 75:4, 75:6, 75:10, 75:12, 75:14, 75:15, 75:16, 75:22, 75:25, 76:3, 76:6, 76:12, 77:1, 77:9, 78:8, 89:16, 89:18, 89:20, 89:22, 89:24, 90:2, 90:4, 90:5, 90:6, 91:4, 91:7, 91:14, 103:8, 103:12, 103:16, 105:10, 105:25, 106:4, 107:16, 107:21, 108:5, 108:9, 108:13, 108:17, 108:23, 109:3, 109:18, 109:20, 110:5, 111:1, 111:9, 111:13, 111:16, 111:20, 111:22, 112:1, 112:4, 112:8, 112:13, 112:15, 112:19, 113:2, 113:7, 113:10, 113:19, 114:1, 117:22, 118:3, 119:2, 119:4, 119:6, 119:11, 119:14, 119:16, 119:18, 119:20, 119:22, 119:24, 119:25, 120:1, 120:4, 120:18, 121:2, 121:10, 131:6, 131:14, 131:16, 131:18, 131:22, 132:3, 132:9, 132:17, 133:3, 133:11, 133:17, 133:24, 134:7, 134:18, 135:2, 135:13, 136:2, 136:15, 136:20, 137:9, 137:13,</p>	<p>137:20, 137:23, 138:17, 138:21, 138:23, 138:24, 139:2, 139:4, 139:15, 139:20, 139:25, 140:4, 140:15, 140:18, 141:12, 141:15, 141:20, 141:21, 142:1, 142:10, 142:13, 142:19, 142:24, 143:6, 143:9, 143:11, 143:14, 143:17, 143:21, 144:1, 144:3, 144:7, 144:12, 144:16, 144:21, 144:24, 145:2, 145:4, 145:12, 145:17, 145:20, 146:1, 146:24, 147:3, 147:6, 147:7, 147:12, 147:15, 147:23, 148:1, 148:8, 148:9, 148:10, 148:14, 148:17, 148:18, 148:21, 148:22, 149:12, 149:18, 150:23, 151:2, 151:5, 151:8, 151:12, 151:15, 151:18, 152:18, 153:19, 153:23, 153:24, 154:2, 154:3, 154:6, 154:13, 154:18, 154:20, 154:23, 154:25, 155:2, 155:4, 155:6, 155:8, 155:10, 155:11, 155:12 Municipal^[3] - 33:10, 48:18, 49:12</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>NAM^[25] - 1:18, 7:9, 8:22, 9:20, 10:19, 11:18, 12:15, 13:9, 14:3, 15:1, 16:12, 17:12, 18:8, 19:9, 20:6, 21:16, 22:20, 23:19, 52:11, 53:25, 74:8, 75:11, 89:23, 119:21, 155:7 Nam^[25] - 7:8, 8:21, 9:19, 10:18, 11:17, 12:14, 13:8, 14:2,</p>
---	--	---	--	--

<p>14:25, 16:11, 17:11, 18:7, 19:8, 20:5, 21:3, 21:15, 22:19, 23:18, 52:10, 53:24, 74:7, 75:10, 89:22, 119:20, 155:6</p> <p>name [23] - 10:7, 25:19, 29:5, 30:11, 30:13, 41:11, 41:14, 41:16, 46:21, 54:12, 55:17, 55:20, 76:15, 77:9, 103:11, 103:13, 107:15, 115:24, 121:10, 131:12, 131:15, 134:17</p> <p>narrow [3] - 57:22, 58:8, 62:11</p> <p>nature [2] - 36:3, 37:11</p> <p>necessary [2] - 99:6, 129:22</p> <p>need [21] - 17:19, 52:2, 58:22, 85:13, 91:19, 98:9, 109:14, 113:4, 113:8, 120:4, 120:6, 134:17, 146:5, 150:8, 150:16, 151:9, 153:1, 153:5, 153:6, 153:9</p> <p>needed [1] - 25:3</p> <p>needs [2] - 72:18, 102:13</p> <p>negate [1] - 115:10</p> <p>negative [5] - 36:16, 36:18, 37:4, 58:17, 117:8</p> <p>neighbor [6] - 79:11, 104:18, 105:3, 123:14, 126:8, 126:14</p> <p>neighbor's [2] - 123:13, 127:2</p> <p>neighborhood [7] - 34:2, 36:12, 37:3, 48:23, 49:4, 49:9, 50:12</p> <p>neighboring [2] - 37:2, 141:5</p> <p>neighbors [4] - 94:2, 114:10, 115:23, 115:25</p> <p>net [1] - 106:23</p> <p>never [2] - 127:9, 140:6</p> <p>New [17] - 1:23, 2:5, 2:9, 30:8, 30:15, 55:4, 55:14, 56:6, 56:10, 57:1, 103:17,</p>	<p>131:19, 156:4, 156:5, 156:7, 156:10, 156:15</p> <p>new [14] - 5:13, 5:18, 24:3, 24:6, 29:12, 32:14, 46:25, 102:5, 112:18, 113:13, 128:1</p> <p>newer [4] - 35:24, 40:1, 49:10</p> <p>newspaper [1] - 7:21</p> <p>newspapers [1] - 50:20</p> <p>next [41] - 6:3, 9:5, 10:3, 11:2, 12:2, 12:22, 14:10, 15:12, 19:17, 20:13, 23:3, 24:20, 26:11, 27:3, 29:17, 41:24, 41:25, 43:5, 44:2, 54:8, 68:7, 86:17, 88:1, 90:11, 103:1, 105:3, 106:1, 107:14, 114:3, 114:9, 117:20, 121:18, 122:14, 126:11, 130:17, 131:23, 132:18, 136:3, 139:8, 140:14, 154:7</p> <p>nice [7] - 100:5, 104:18, 105:13, 113:14, 113:15, 145:6, 154:5</p> <p>nine [3] - 112:5, 116:23, 116:25</p> <p>NO [10] - 1:4, 1:7, 1:9, 1:12, 3:3, 3:17, 4:3, 4:8, 4:18, 4:22</p> <p>nobody [1] - 73:13</p> <p>nobody's [1] - 81:13</p> <p>nominate [5] - 8:3, 9:7, 10:5, 11:4, 12:4</p> <p>nominations [3] - 8:7, 8:10, 9:10</p> <p>north [8] - 34:19, 34:22, 35:8, 36:4, 85:23, 92:21, 124:25, 125:2</p> <p>North [3] - 2:5, 55:14, 56:25</p> <p>northwest [1] - 128:11</p> <p>Notary [4] - 156:3, 156:4, 156:15, 156:15</p> <p>note [4] - 24:12, 128:24, 129:6, 129:9</p> <p>noted [1] - 155:21</p> <p>notes [1] - 79:12</p> <p>nothing [14] - 30:5, 39:10, 45:4, 55:11,</p>	<p>61:9, 66:1, 77:5, 88:20, 103:2, 109:3, 121:6, 127:6, 128:19, 133:20</p> <p>notice [5] - 7:19, 7:20, 102:19, 103:25, 119:9</p> <p>notices [1] - 28:23</p> <p>notified [2] - 24:8, 24:10</p> <p>November [1] - 90:22</p> <p>number [10] - 20:14, 40:2, 51:4, 53:16, 65:20, 76:8, 76:11, 81:14, 85:1, 127:24</p> <p>numbers [1] - 138:9</p>	<p>125:23, 126:17, 128:8, 128:20, 130:11, 131:23, 134:5, 135:17, 136:7, 136:8, 136:14, 148:13, 149:1, 149:9, 149:25, 150:2, 150:24, 152:16</p> <p>one-family [1] - 136:14</p> <p>ones [2] - 36:4</p> <p>open [2] - 38:7, 114:18</p> <p>opinion [2] - 37:9, 105:8</p> <p>opportunity [2] - 20:16, 61:5</p> <p>orange [1] - 48:6</p> <p>order [5] - 5:2, 8:1, 26:24, 58:8, 68:2</p> <p>ordinance [5] - 32:20, 32:25, 37:7, 48:6, 134:3</p> <p>ordinances [1] - 100:19</p> <p>oriented [1] - 79:24</p> <p>original [1] - 64:16</p> <p>originally [1] - 90:22</p> <p>otherwise [2] - 84:6, 96:19</p> <p>ourselves [1] - 49:15</p> <p>outcome [1] - 156:9</p> <p>outlined [1] - 73:18</p> <p>outrageous [1] - 63:7</p> <p>outs [1] - 67:11</p> <p>outside [1] - 34:22</p> <p>overall [5] - 62:19, 106:22, 110:14</p> <p>overflow [2] - 88:12, 130:5</p> <p>overnight [1] - 114:14</p> <p>oversized [6] - 91:19, 92:5, 96:13, 108:3, 108:18, 113:24</p> <p>own [3] - 47:20, 48:9, 95:15</p> <p>owner [2] - 54:13, 86:17</p> <p>owners [2] - 29:7, 76:17</p>	<p>P.O [1] - 1:23</p> <p>package [1] - 64:4</p> <p>page [11] - 29:19, 59:13, 59:22, 60:16, 64:14, 65:19, 84:25, 127:13, 127:24, 128:6</p> <p>PAGE [2] - 3:2, 4:2</p> <p>pages [3] - 4:21, 29:2, 29:21</p> <p>painted [1] - 48:5</p> <p>Pal [1] - 100:19</p> <p>Palisades [15] - 41:20, 54:21, 56:8, 57:19, 57:25, 58:3, 58:5, 58:15, 61:12, 62:20, 97:7, 103:16, 103:22, 113:23, 131:19</p> <p>PALISADES [2] - 1:1, 1:15</p> <p>paneled [1] - 93:20</p> <p>parcel [1] - 32:7</p> <p>park [3] - 59:12, 63:16, 64:1</p> <p>Park [20] - 29:16, 41:20, 52:21, 54:21, 55:3, 55:19, 55:23, 56:9, 57:5, 57:19, 57:25, 58:3, 58:5, 58:15, 97:7, 100:19, 103:17, 103:22, 113:23, 131:19</p> <p>PARK [7] - 1:1, 1:15, 3:19, 54:21, 54:24, 55:12, 55:19</p> <p>Park's [2] - 61:12, 62:20</p> <p>Parking [1] - 22:5</p> <p>parking [2] - 58:17, 60:4</p> <p>part [13] - 36:14, 83:6, 83:21, 85:13, 85:17, 87:10, 101:7, 133:9, 133:22, 142:15, 149:4, 149:15, 150:5</p> <p>particular [4] - 33:15, 33:24, 37:21, 50:20</p> <p>parties [1] - 156:7</p> <p>parts [1] - 94:12</p> <p>pass [2] - 36:19, 37:7</p> <p>past [1] - 145:10</p> <p>patience [1] - 155:16</p> <p>patient [1] - 103:7</p> <p>pattern [4] - 35:22, 36:11, 48:24, 49:10</p> <p>PAUL [1] - 1:17</p> <p>Paul [1] - 5:3</p> <p>Pauly [2] - 9:7, 16:3</p> <p>pavement [1] - 68:4</p>
O				
<p>oath [2] - 6:18, 156:6</p> <p>observation [1] - 108:24</p> <p>obvious [1] - 38:18</p> <p>obviously [1] - 124:1</p> <p>OCHAB [5] - 3:5, 30:6, 30:13, 30:14, 30:22</p> <p>Ochab [7] - 28:12, 29:15, 30:13, 31:4, 39:22, 48:10</p> <p>Ochab's [1] - 46:23</p> <p>October [1] - 90:18</p> <p>OF [6] - 1:1, 1:1, 1:3, 1:4, 1:15</p> <p>office [6] - 6:19, 60:5, 64:2, 69:20, 69:23, 95:8</p> <p>official [1] - 7:21</p> <p>offset [2] - 85:8, 86:8</p> <p>once [2] - 84:2, 148:12</p> <p>one [73] - 10:7, 17:23, 22:2, 26:14, 26:17, 27:4, 28:25, 33:18, 34:12, 35:4, 35:9, 36:3, 36:4, 36:18, 38:17, 38:18, 38:22, 39:21, 42:19, 44:4, 47:6, 50:13, 51:9, 54:9, 55:3, 56:17, 61:9, 65:1, 65:4, 66:5, 67:6, 68:5, 68:6, 68:25, 69:2, 72:20, 76:5, 76:6, 76:9, 76:11, 85:16, 97:13, 98:1, 99:1, 99:10, 101:25, 103:25, 104:13, 105:12, 116:4, 120:8, 122:20, 123:9, 124:16,</p>				
P				
<p>P-A-R-K [1] - 55:20</p> <p>P-I-N-A [1] - 41:17</p> <p>P.C [1] - 2:4</p> <p>p.m [1] - 155:21</p> <p>P.M [1] - 1:2</p>				

<p>pay [2] - 19:18, 152:4</p> <p>people [6] - 24:24, 76:4, 104:10, 113:17, 115:13, 135:6</p> <p>per [2] - 57:24, 94:23</p> <p>perc [4] - 71:18, 71:20, 129:23, 152:16</p> <p>percent [5] - 33:4, 58:2, 58:14, 93:14</p> <p>permit [1] - 65:23</p> <p>permitted [1] - 32:16</p> <p>person [4] - 41:7, 46:5, 68:7, 114:12</p> <p>personally [3] - 115:9, 116:1, 116:4</p> <p>pertaining [1] - 38:10</p> <p>Peter [2] - 55:3, 55:19</p> <p>PETER [2] - 3:19, 55:20</p> <p>phone [2] - 51:4, 52:22</p> <p>Photo [2] - 4:21, 29:21</p> <p>photo [4] - 29:19, 34:12, 35:4, 35:7</p> <p>photograph [5] - 34:13, 34:14, 34:25, 35:5, 35:17</p> <p>photographs [3] - 34:5, 35:12, 35:13</p> <p>phrase [1] - 102:18</p> <p>physical [1] - 40:18</p> <p>pick [1] - 45:11</p> <p>pile [1] - 142:21</p> <p>PINA [1] - 131:18</p> <p>Pina [6] - 3:8, 3:14, 3:24, 41:12, 41:17, 131:18</p> <p>pit [2] - 132:15, 135:19</p> <p>pitch [14] - 60:14, 78:13, 93:18, 106:18, 107:1, 110:16, 110:24, 111:2, 117:8, 122:24, 123:4, 124:8, 125:20, 147:2</p> <p>pitches [2] - 124:25, 125:2</p> <p>pits [5] - 123:12, 130:1, 137:6, 137:8</p> <p>place [3] - 84:1, 84:12, 128:5</p> <p>placed [1] - 87:2</p> <p>Plan [2] - 59:18, 59:19</p> <p>plan [26] - 4:24, 32:13, 33:16, 37:6, 37:11, 60:1, 60:2, 60:3, 60:12, 60:13, 60:14, 60:15, 65:21, 66:17,</p>	<p>68:3, 71:12, 71:22, 85:1, 91:13, 94:15, 117:3, 123:16, 127:13, 128:13</p> <p>planner [13] - 13:17, 29:15, 38:10, 40:24, 41:5, 41:8, 77:17, 98:3, 98:6, 98:9, 103:1, 110:2</p> <p>PLANNER [1] - 2:14</p> <p>Planner [1] - 39:18</p> <p>planning [9] - 37:20, 46:15, 56:9, 60:7, 97:10, 98:5, 105:20, 118:20</p> <p>plans [3] - 24:6, 31:18, 57:5</p> <p>plant [1] - 73:22</p> <p>planting [1] - 99:15</p> <p>plate [2] - 61:1, 93:16</p> <p>platform [6] - 93:2, 94:13, 149:9, 149:11, 150:4, 150:6</p> <p>Plaza [2] - 55:14, 56:25</p> <p>Pledge [1] - 5:7</p> <p>plus [2] - 49:11, 145:13</p> <p>point [14] - 35:20, 83:19, 85:23, 101:25, 102:2, 109:16, 110:20, 115:15, 133:15, 134:8, 137:15, 139:5, 140:12, 143:13</p> <p>pointed [1] - 82:13</p> <p>pointing [1] - 84:21</p> <p>pole [2] - 86:1, 86:10</p> <p>pool [2] - 133:12, 134:21</p> <p>porch [2] - 67:6, 149:15</p> <p>porches [1] - 67:4</p> <p>portion [5] - 94:11, 149:9, 150:13, 152:23, 153:3</p> <p>positive [4] - 71:20, 78:13, 122:24, 124:8</p> <p>possible [3] - 123:8, 147:23, 148:1</p> <p>preexisting [2] - 57:20, 57:23</p> <p>prefer [2] - 80:3, 115:9</p> <p>prejudice [2] - 22:6, 23:7</p> <p>prepared [1] - 61:6</p> <p>prerogative [1] - 100:3</p> <p>present [5] - 21:2, 28:12, 32:13, 47:19,</p>	<p>49:15</p> <p>PRESENT [1] - 1:16</p> <p>Preservation [4] - 65:16, 73:19, 89:11, 152:4</p> <p>preserving [1] - 65:5</p> <p>Presidents' [1] - 15:14</p> <p>pressure [5] - 82:3, 82:4, 82:6, 125:21, 146:18</p> <p>pretty [2] - 38:18, 64:7</p> <p>previous [4] - 18:17, 91:15, 123:6</p> <p>previously [1] - 91:9</p> <p>problem [10] - 27:9, 46:20, 48:8, 71:4, 98:24, 102:17, 104:6, 114:14, 117:5, 132:21</p> <p>problems [1] - 128:22</p> <p>proceed [2] - 26:17, 26:19</p> <p>proceeding [1] - 6:17</p> <p>PROCEEDINGS [1] - 1:4</p> <p>Professional [1] - 156:5</p> <p>professional [2] - 29:15, 120:25</p> <p>Professionals [1] - 3:12</p> <p>project [1] - 121:1</p> <p>projected [1] - 86:22</p> <p>prong [1] - 37:4</p> <p>prongs [1] - 36:17</p> <p>proof [1] - 54:17</p> <p>proofs [1] - 28:23</p> <p>proper [2] - 58:9, 84:14</p> <p>properly [1] - 87:3</p> <p>properties [4] - 34:6, 40:10, 134:2, 146:19</p> <p>property [89] - 29:7, 29:8, 29:13, 31:5, 31:21, 32:1, 32:6, 32:8, 32:10, 32:14, 32:15, 34:16, 35:2, 35:6, 35:14, 35:19, 37:2, 45:5, 54:14, 57:11, 57:12, 58:21, 64:23, 69:11, 76:17, 83:23, 86:17, 87:4, 91:21, 92:13, 92:17, 93:23, 94:2, 95:21, 95:24, 97:5, 97:12, 98:19, 100:16, 101:13, 101:15, 110:9, 114:13, 120:16, 121:17, 121:21, 122:3,</p>	<p>122:8, 122:9, 122:19, 122:22, 123:13, 123:15, 123:24, 127:2, 127:4, 127:5, 127:9, 127:14, 128:11, 132:14, 133:7, 133:8, 133:19, 133:22, 134:9, 134:13, 134:25, 135:15, 136:9, 137:3, 137:8, 138:8, 138:16, 141:5, 142:3, 142:16, 142:20, 143:4, 143:8, 143:10, 143:23, 145:10, 148:7, 151:9, 151:22</p> <p>proposal [3] - 78:1, 105:16, 123:4</p> <p>proposed [12] - 32:13, 39:25, 81:6, 84:7, 85:22, 90:17, 92:11, 94:3, 94:22, 105:12, 105:17, 128:6</p> <p>proposing [8] - 32:23, 36:10, 36:11, 92:22, 96:8, 122:7, 122:19, 122:20</p> <p>protection [1] - 129:12</p> <p>prove [1] - 71:20</p> <p>provide [3] - 65:20, 71:14, 118:20</p> <p>provided [5] - 25:25, 71:11, 89:6, 90:24, 156:6</p> <p>provides [1] - 123:12</p> <p>providing [1] - 130:23</p> <p>proviso [1] - 73:17</p> <p>proximity [1] - 84:6</p> <p>public [3] - 38:7, 50:21, 114:18</p> <p>Public [6] - 3:8, 3:14, 3:22, 4:13, 156:4, 156:15</p> <p>publication [3] - 54:17, 90:25, 91:5</p> <p>push [1] - 135:5</p> <p>put [22] - 25:3, 25:16, 26:5, 45:10, 45:24, 67:22, 105:23, 110:7, 110:8, 115:12, 125:8, 127:9, 128:12, 132:5, 132:23, 133:4, 135:1, 135:17, 136:4,</p>	<p>139:5, 151:2</p> <p>puts [1] - 146:18</p> <p>putting [3] - 98:2, 132:25, 133:3</p>
Q				
<p>qualified [1] - 92:8</p> <p>questions [23] - 38:1, 38:2, 38:8, 38:12, 41:1, 41:5, 41:8, 42:2, 42:5, 42:20, 46:12, 61:20, 71:24, 72:2, 73:13, 76:23, 88:22, 88:23, 89:1, 98:1, 98:25, 112:24, 148:25</p> <p>Questions [9] - 3:6, 3:8, 3:12, 3:14, 3:20, 3:22, 4:6, 4:11, 4:13</p> <p>quick [2] - 38:18, 98:1</p> <p>quickie [2] - 50:17, 107:17</p> <p>quickly [1] - 109:22</p> <p>quiet [1] - 75:7</p> <p>quite [2] - 100:24, 122:22</p>				
R				
<p>R.P.R [3] - 1:22, 156:3, 156:14</p> <p>railing [1] - 95:3</p> <p>rain [1] - 136:4</p> <p>raining [2] - 132:11, 133:13</p> <p>rains [1] - 125:6</p> <p>raise [6] - 30:2, 39:5, 55:8, 77:1, 115:18, 121:2</p> <p>rather [5] - 40:23, 75:21, 78:19, 80:4, 125:12</p> <p>rationale [1] - 49:11</p> <p>read [1] - 83:6</p> <p>ready [3] - 26:17, 77:23, 149:17</p> <p>real [2] - 24:16, 94:16</p> <p>realistic [1] - 99:11</p> <p>reality [1] - 110:11</p> <p>really [17] - 33:16, 33:20, 36:17, 41:4, 42:7, 58:8, 58:16, 61:9, 62:8, 68:12, 78:22, 104:18, 104:24, 115:25, 123:15, 124:14, 141:24</p> <p>REALTY [2] - 1:12, 4:8</p>				

<p>Realty [4] - 2:10, 27:4, 27:6, 90:15</p> <p>rear [13] - 78:16, 78:20, 80:24, 81:3, 82:11, 85:3, 85:8, 85:18, 91:21, 93:8, 100:10, 142:11, 142:14</p> <p>reason [11] - 47:10, 48:13, 58:16, 63:16, 73:1, 73:5, 132:5, 134:18, 137:15, 146:12, 146:15</p> <p>reasoning [2] - 46:23, 48:3</p> <p>reasons [3] - 33:11, 33:14, 33:16</p> <p>receive [1] - 97:16</p> <p>received [7] - 23:4, 29:22, 59:19, 61:8, 64:2, 64:13</p> <p>recess [5] - 51:11, 51:14, 51:21, 51:22, 74:24</p> <p>Recitation [1] - 5:6</p> <p>recite [1] - 6:18</p> <p>recognize [2] - 85:2, 87:4</p> <p>recognizing [1] - 85:21</p> <p>record [8] - 30:12, 55:18, 56:24, 77:10, 120:14, 121:11, 152:9, 156:6</p> <p>Record [1] - 7:22</p> <p>recreation [3] - 60:4, 69:20, 94:20</p> <p>reduce [3] - 78:1, 85:16, 101:3</p> <p>reducing [2] - 79:1, 79:5</p> <p>reduction [1] - 79:16</p> <p>referee [1] - 156:6</p> <p>regarding [2] - 39:8, 118:15</p> <p>registered [1] - 55:4</p> <p>Registered [1] - 156:5</p> <p>regular [4] - 17:20, 138:1, 138:4, 146:11</p> <p>regulation [1] - 156:10</p> <p>related [2] - 156:7, 156:8</p> <p>relationship [1] - 105:2</p> <p>relying [1] - 88:13</p> <p>remain [1] - 102:7</p> <p>remaining [1] - 144:4</p> <p>remember [2] - 24:20, 24:22</p> <p>remove [5] - 65:10,</p>	<p>82:15, 82:18, 88:10, 108:15</p> <p>removed [3] - 82:20, 131:9, 131:10</p> <p>removing [2] - 153:19, 153:20</p> <p>rent [2] - 104:10, 140:7</p> <p>renting [1] - 154:8</p> <p>reorganization [3] - 5:10, 16:20, 17:2</p> <p>replacement [1] - 65:14</p> <p>replicated [1] - 34:9</p> <p>reply [1] - 61:10</p> <p>report [13] - 14:14, 61:6, 64:14, 65:19, 83:9, 85:1, 88:2, 97:16, 97:18, 102:1, 102:12, 104:7, 127:21</p> <p>REPORTER [10] - 41:13, 41:16, 41:18, 56:23, 103:10, 103:15, 120:7, 134:16, 146:13, 148:11</p> <p>Reporter [2] - 156:4, 156:5</p> <p>reporter [1] - 120:5</p> <p>Reporters [1] - 1:22</p> <p>reporters [2] - 54:13, 76:16</p> <p>representing [1] - 120:15</p> <p>reprimand [2] - 27:21, 27:22</p> <p>request [4] - 65:12, 102:20, 105:16, 118:11</p> <p>requested [1] - 66:21</p> <p>requesting [4] - 46:23, 48:4, 91:24, 95:23</p> <p>requests [2] - 22:2, 61:14</p> <p>require [5] - 59:5, 65:13, 65:21, 85:10, 98:5</p> <p>required [14] - 68:12, 92:16, 93:9, 96:7, 98:12, 98:18, 102:6, 102:10, 102:13, 102:21, 104:17, 104:22, 119:9, 130:13</p> <p>requirement [9] - 36:2, 36:9, 37:13, 37:14, 58:3, 58:5, 58:15, 92:14, 93:13</p> <p>requirements [7] -</p>	<p>61:12, 61:15, 62:21, 65:19, 71:12, 97:21, 119:9</p> <p>requires [6] - 33:11, 57:20, 57:21, 57:25, 69:11, 98:8</p> <p>rescheduled [1] - 118:12</p> <p>residence [1] - 36:10</p> <p>residences [2] - 34:19, 35:13</p> <p>residential [1] - 57:19</p> <p>residents [1] - 126:17</p> <p>respect [7] - 37:3, 37:21, 69:6, 96:10, 98:15, 127:23, 130:12</p> <p>response [12] - 7:5, 7:11, 8:8, 9:11, 63:22, 71:25, 73:14, 83:2, 89:2, 118:8, 120:21, 127:17</p> <p>retaining [25] - 43:3, 45:11, 45:15, 78:23, 94:4, 110:8, 110:9, 115:18, 116:2, 116:6, 116:16, 122:20, 123:9, 123:10, 126:18, 126:22, 127:2, 127:4, 127:13, 130:1, 134:5, 134:6, 140:22, 141:4</p> <p>retention [4] - 88:14, 127:24, 134:25, 135:15</p> <p>returning [1] - 98:24</p> <p>review [6] - 20:16, 31:17, 34:4, 61:6, 64:14, 78:7</p> <p>revised [2] - 90:20, 118:13</p> <p>rid [2] - 82:22, 131:5</p> <p>ridge [2] - 106:23, 110:14</p> <p>ridiculous [1] - 24:20</p> <p>ridiculously [1] - 114:11</p> <p>right-hand [10] - 94:6, 96:4, 111:12, 111:17, 117:10, 121:23, 123:14, 124:6, 124:9, 124:17</p> <p>right-of-way [2] - 64:23, 85:25</p> <p>rises [1] - 148:5</p> <p>Road [1] - 2:5</p> <p>road [1] - 129:8</p> <p>roadway [1] - 128:25</p> <p>Rocciola [2] - 12:24,</p>	<p>19:19</p> <p>ROCCIOLA [1] - 2:15</p> <p>Roff [28] - 1:5, 3:4, 3:9, 3:15, 3:25, 4:19, 29:8, 31:5, 31:14, 32:1, 32:3, 32:9, 35:2, 35:6, 35:9, 41:19, 50:5, 76:7, 120:9, 120:10, 120:16, 121:18, 121:25, 122:13, 122:25, 125:25, 129:10, 131:19</p> <p>roll [28] - 5:12, 6:23, 8:11, 8:12, 9:12, 10:11, 11:10, 12:7, 13:1, 13:20, 14:18, 16:4, 16:25, 17:19, 17:21, 19:1, 19:23, 21:8, 22:12, 23:11, 53:14, 73:25, 74:25, 89:15, 119:1, 154:3, 154:21, 154:24</p> <p>roof [9] - 60:13, 60:15, 93:16, 94:12, 111:7, 132:14, 135:18, 150:3, 150:4</p> <p>rooftop [1] - 61:2</p> <p>room [9] - 60:5, 60:8, 78:12, 94:20, 95:4, 95:5, 107:1, 107:18</p> <p>rooms [3] - 58:9, 60:5, 149:12</p> <p>route [3] - 70:13, 70:16, 70:17</p> <p>ruin [3] - 46:19, 135:4, 136:9</p> <p>rule [1] - 47:10</p> <p>running [3] - 25:22, 106:1, 126:5</p> <p>runoff [4] - 71:3, 142:3, 142:13</p> <p>runs [1] - 129:5</p>	<p>schmutz [1] - 70:5</p> <p>school [9] - 32:7, 34:16, 55:24, 121:19, 123:14, 125:4, 126:14, 129:4, 129:6</p> <p>SCHOR [30] - 49:19, 50:16, 50:24, 67:3, 67:7, 67:11, 67:16, 67:20, 67:25, 68:6, 68:17, 68:22, 68:25, 107:16, 107:21, 108:17, 108:23, 109:3, 109:18, 114:1, 118:3, 147:15, 147:20, 147:23, 148:1, 148:8, 148:10, 148:14, 148:18, 148:21</p> <p>Schor [11] - 3:10, 3:15, 3:22, 4:14, 50:16, 67:3, 107:16, 115:23, 116:20, 118:4, 147:15</p> <p>score [1] - 87:21</p> <p>second [54] - 8:5, 9:9, 10:8, 11:7, 11:8, 11:9, 12:6, 12:25, 13:19, 14:15, 14:17, 15:22, 16:1, 16:24, 18:25, 19:21, 19:22, 20:20, 20:21, 21:7, 22:11, 23:10, 33:20, 34:9, 35:3, 35:8, 36:14, 37:4, 51:19, 53:12, 53:13, 53:15, 60:12, 67:7, 67:10, 73:23, 73:24, 89:13, 89:14, 95:8, 102:11, 104:16, 118:24, 118:25, 119:2, 119:4, 119:5, 123:7, 152:18, 152:19, 153:17, 153:18, 155:19</p> <p>secondary [1] - 95:15</p> <p>seconds [1] - 16:3</p> <p>SECRETARY [1] - 2:14</p> <p>secretary [1] - 10:4</p> <p>section [3] - 32:20, 85:6, 150:19</p> <p>see [28] - 32:16, 34:20, 35:10, 37:18, 42:22, 62:22, 65:11, 66:17, 72:15, 82:13, 84:3, 84:23, 87:8, 87:21, 99:3, 113:17, 114:2, 115:19, 116:1,</p>
S				
<p>S-1 [1] - 64:2</p> <p>S1 [1] - 128:9</p> <p>Saddle [2] - 1:23, 113:22</p> <p>salute [1] - 5:4</p> <p>satisfied [1] - 102:2</p> <p>saw [2] - 64:20, 134:20</p> <p>scene [1] - 53:11</p> <p>scenery [1] - 68:15</p> <p>scheduled [1] - 90:22</p> <p>schematic [1] - 128:13</p> <p>scheme [1] - 24:3</p>				

124:21, 125:12, 135:22, 140:21, 141:10, 144:6, 144:8, 145:8, 146:4 seeking [3] - 29:10, 58:6, 58:10 seepage [6] - 123:12, 132:15, 135:19, 137:5, 137:7, 152:14 sending [1] - 64:20 sense [1] - 86:13 sent [3] - 7:21, 22:4, 65:22 separate [1] - 88:11 September [1] - 90:20 service [3] - 54:17, 90:24, 91:5 session [1] - 75:1 set [7] - 15:12, 33:12, 80:5, 87:3, 96:12, 122:24, 127:3 setback [18] - 58:7, 62:12, 68:13, 80:11, 80:22, 80:24, 85:3, 87:17, 92:24, 93:6, 93:8, 96:17, 99:19, 100:9, 100:21, 101:9, 101:11, 130:12 setbacks [3] - 32:19, 97:1, 100:6 sets [1] - 148:6 seven [1] - 62:5 severe [1] - 27:21 sewer [1] - 129:18 shade [1] - 65:12 shadow [1] - 148:6 shakes [1] - 82:24 shape [2] - 126:21, 126:22 shared [2] - 66:12, 95:15 sheet [2] - 35:3, 142:7 Sheet [2] - 94:14, 128:9 sheets [2] - 34:8 short [1] - 37:20 show [7] - 33:14, 33:22, 35:21, 35:23, 64:6, 98:12, 98:19 shower [8] - 107:23, 108:10, 108:15, 118:19, 153:24, 153:25, 154:1, 154:11 shower's [1] - 108:8 showers [2] - 70:2, 107:24 showing [7] - 34:18, 35:23, 59:13, 60:14, 60:17, 60:19, 85:21 shown [6] - 64:15, 85:6, 87:7, 128:6, 128:23, 129:7 shows [1] - 35:3 sic [6] - 27:13, 29:9, 31:5, 33:19, 41:23, 75:16 side [88] - 29:12, 32:3, 34:15, 35:9, 57:22, 58:6, 58:20, 58:22, 59:6, 60:18, 62:25, 67:14, 68:3, 68:5, 68:6, 68:10, 68:23, 68:25, 69:2, 69:3, 70:6, 72:10, 72:18, 79:16, 80:4, 81:7, 85:23, 86:3, 88:4, 91:25, 92:23, 92:24, 94:5, 94:6, 95:2, 95:16, 96:4, 96:5, 96:17, 96:18, 97:1, 99:3, 99:6, 99:10, 99:13, 99:19, 99:25, 100:24, 101:22, 104:17, 105:13, 105:24, 111:12, 117:10, 117:12, 118:18, 121:20, 121:23, 122:2, 122:5, 122:7, 123:14, 124:6, 124:10, 124:17, 126:9, 133:4, 140:23, 144:15, 144:16, 144:17, 145:3, 145:6, 147:24, 149:6, 149:16, 150:8, 150:20, 151:3, 153:1, 153:2, 153:14 side-by-side [4] - 29:12, 92:23, 95:16, 122:7 sides [7] - 67:16, 67:25, 94:8, 99:20, 144:13, 147:17, 147:21 sidewalk [20] - 64:24, 65:3, 85:22, 85:23, 86:6, 86:11, 86:19, 86:21, 86:25, 87:2, 87:4, 87:6, 87:11, 87:12, 87:22, 87:24, 88:15, 88:18, 124:17 sideways [1] - 68:19 similar [1] - 60:13 simply [1] - 109:22 single [3] - 36:3, 57:14, 104:1 single-family [2] - 57:14, 104:1 sink [1] - 107:22 site [15] - 33:15, 33:24, 34:4, 34:5, 34:13, 34:19, 35:8, 58:8, 62:19, 65:2, 85:1, 92:11, 123:16, 128:13 situation [1] - 135:19 six [2] - 58:9 size [6] - 58:21, 62:8, 97:12, 97:13, 130:2, 148:18 sizes [1] - 47:3 skylight [1] - 95:18 sliding [1] - 95:5 slightly [1] - 96:5 slope [6] - 92:19, 95:25, 96:6, 121:21, 121:25 sloped [1] - 63:18 slopes [1] - 91:21 small [4] - 85:17, 94:21, 95:7, 110:7 smaller [1] - 105:16 snow [1] - 115:8 so... [3] - 27:1, 27:13, 125:18 soil [7] - 65:20, 84:9, 114:13, 130:3, 138:23, 138:24, 146:18 Sokolich [1] - 28:9 someone [1] - 127:9 sometimes [2] - 65:13, 68:17 somewhat [2] - 96:13, 122:23 somewhere [1] - 73:22 soon [1] - 46:15 sorry [27] - 6:24, 28:16, 31:14, 33:19, 59:1, 70:20, 92:21, 108:13, 109:21, 111:2, 111:9, 111:13, 114:18, 114:23, 115:23, 118:5, 121:22, 125:13, 125:24, 130:9, 134:23, 135:3, 140:11, 140:16, 146:13, 147:8, 152:20 south [8] - 32:2, 32:7, 34:17, 86:22, 92:21, 124:25, 125:2, 128:10 southwest [1] - 128:11 Spa [1] - 22:3 space [17] - 44:4, 60:7, 77:19, 81:22, 81:24, 82:1, 82:11, 83:16, 83:17, 83:20, 95:1, 104:25, 107:2, 112:6, 112:12, 123:21 Spatz [1] - 89:6 speaking [2] - 128:21, 134:17 special [4] - 33:11, 33:14, 33:16, 61:9 specific [4] - 47:25, 48:14, 98:14, 98:24 spell [4] - 30:12, 41:13, 55:17, 121:11 split [1] - 80:13 spot [1] - 128:16 Spring [3] - 33:18, 33:19, 98:16 square [5] - 32:11, 57:18, 93:11, 93:12, 99:22 stability [1] - 102:12 stacks [1] - 110:8 stair [2] - 66:18, 94:17 staircase [9] - 94:18, 94:25, 95:2, 95:8, 95:19, 99:17, 146:22, 150:12, 152:24 staircases [3] - 78:17, 94:9, 96:23 stairs [2] - 150:10, 150:11 stand [3] - 5:6, 6:7, 48:9 standard [14] - 87:24, 104:22, 112:11, 112:13, 112:14, 112:15, 112:17, 113:12, 140:1, 140:3, 140:5, 140:6, 145:24, 146:10 standards [7] - 32:18, 88:1, 92:4, 92:6, 96:12, 96:13, 96:19 standing [2] - 127:11, 141:6 start [10] - 17:20, 25:7, 25:10, 27:18, 28:14, 91:18, 143:12, 143:13, 143:15, 145:13 starts [1] - 125:17 State [7] - 2:9, 55:4, 56:5, 56:10, 156:4, 156:4, 156:7 state [6] - 30:11, 55:17, 56:24, 77:9, 103:10, 121:10 statement [2] - 47:3, 48:2 statute [1] - 156:7 stay [4] - 81:5, 135:6, 141:18, 141:21 stays [2] - 137:3, 141:19 step [3] - 51:6, 93:16, 146:20 stepped [1] - 146:17 steps [3] - 117:4, 146:6, 146:23 STEVE [2] - 2:15, 3:7 Steve [15] - 3:13, 3:21, 4:7, 4:12, 12:4, 63:23, 69:4, 71:10, 82:25, 83:4, 127:18, 129:25, 149:1, 152:13, 152:15 Steve's [1] - 152:12 sticking [1] - 116:15 sticks [1] - 94:11 still [17] - 57:23, 58:2, 62:18, 62:20, 78:12, 80:20, 85:8, 99:14, 105:3, 107:1, 108:23, 110:11, 110:17, 124:8, 136:17, 142:7 stone [1] - 143:19 stop [1] - 52:23 storage [2] - 60:5, 69:21 stories [6] - 32:24, 32:25, 36:2, 37:14, 40:2, 58:14 storm [4] - 88:12, 128:25, 129:10, 130:6 stormwater [2] - 71:12, 127:24 story [6] - 36:6, 95:22, 110:3, 122:17, 150:1, 150:2 stranger [1] - 104:2 Street [26] - 1:13, 3:10, 3:11, 3:16, 3:23, 3:24, 4:9, 4:14, 4:15, 4:16, 27:5, 28:17, 32:3, 35:15, 79:20, 79:25, 85:22, 86:3, 88:13, 90:12, 93:18, 100:7, 103:16, 104:8, 124:25, 128:22 street [13] - 32:5, 35:1, 35:6, 40:17, 70:25,
--

<p>80:5, 104:11, 121:20, 125:1, 126:12, 132:2, 132:3, 132:12</p> <p>street's [1] - 117:12</p> <p>strip [2] - 86:7, 87:24</p> <p>structurally [1] - 116:3</p> <p>structure [5] - 39:25, 40:25, 49:18, 138:15, 149:4</p> <p>structures [3] - 40:5, 40:13, 49:10</p> <p>stunning [1] - 113:21</p> <p>style [1] - 93:19</p> <p>subbasement [1] - 81:21</p> <p>subject [4] - 35:2, 35:6, 150:25, 151:1</p> <p>submit [3] - 24:6, 71:15, 118:13</p> <p>submitted [4] - 31:17, 32:17, 57:6, 90:17</p> <p>substantial [5] - 36:19, 36:23, 36:25, 37:5, 37:10</p> <p>substantially [1] - 92:3</p> <p>substantiating [1] - 87:25</p> <p>suffer [2] - 114:4, 132:22</p> <p>sufficient [1] - 89:7</p> <p>suggest [4] - 83:20, 85:24, 86:16, 88:10</p> <p>suggested [1] - 115:5</p> <p>suggesting [1] - 84:4</p> <p>suitability [1] - 33:15</p> <p>suitable [1] - 130:4</p> <p>suite [2] - 95:13, 95:14</p> <p>Suite [2] - 55:14, 57:1</p> <p>SUK [1] - 1:19</p> <p>sum [1] - 89:4</p> <p>sun [1] - 148:5</p> <p>Sung [3] - 2:6, 54:9, 54:13</p> <p>SUNG [3] - 1:7, 3:17, 4:22</p> <p>sunken [4] - 43:6, 133:12, 134:23, 145:15</p> <p>sunlight [1] - 105:13</p> <p>Sunshine [1] - 7:19</p> <p>supposed [4] - 42:6, 72:22, 73:1, 136:11</p> <p>surgery [1] - 24:12</p> <p>surrounding [5] - 32:6, 34:6, 37:12, 48:2, 146:19</p> <p>survey [4] - 64:17, 128:8, 128:23, 129:7</p>	<p>surveyor [2] - 64:17, 128:15</p> <p>Susan [5] - 3:9, 3:23, 4:15, 46:22, 109:20</p> <p>suspend [2] - 53:8, 53:10</p> <p>suspended [1] - 76:7</p> <p>swear [10] - 5:13, 5:18, 29:25, 30:3, 39:1, 39:7, 55:5, 55:9, 77:3, 121:4</p> <p>sworn [11] - 30:9, 39:13, 39:17, 55:15, 76:24, 77:8, 91:9, 91:14, 92:7, 121:1, 121:9</p> <p>SWORN [2] - 3:2, 4:2</p> <p>system [7] - 71:16, 88:12, 93:20, 105:21, 127:25, 134:25, 135:15</p> <p style="text-align: center;">T</p> <p>taller [4] - 100:11, 146:7, 146:12, 146:16</p> <p>Tarabocchia [25] - 7:14, 8:25, 9:23, 10:22, 11:21, 12:18, 13:12, 14:6, 15:4, 16:15, 17:15, 18:12, 19:12, 20:9, 20:24, 21:19, 22:23, 23:22, 52:14, 54:3, 74:11, 75:14, 90:4, 119:24, 155:10</p> <p>TARABOCCHIA [58] - 1:20, 6:8, 6:12, 6:15, 7:15, 9:1, 9:24, 10:23, 11:22, 12:19, 13:13, 14:7, 15:5, 16:16, 17:16, 18:13, 19:13, 20:10, 21:20, 22:24, 23:23, 52:15, 54:4, 74:12, 75:15, 78:8, 90:5, 119:25, 140:18, 141:3, 141:12, 141:15, 141:21, 142:1, 142:10, 142:13, 142:19, 142:24, 143:6, 143:9, 143:11, 143:14, 143:17, 143:21, 144:1, 144:3, 144:7, 144:12, 144:16, 144:21, 144:24, 145:4, 145:20, 146:1, 146:24,</p>	<p>147:3, 147:6, 155:11</p> <p>technically [2] - 115:19, 116:17</p> <p>telephone [2] - 86:1, 86:10</p> <p>ten [1] - 51:15</p> <p>terminate [1] - 85:22</p> <p>terminated [1] - 86:21</p> <p>terms [3] - 40:2, 48:17, 109:22</p> <p>Terrace [6] - 1:8, 3:18, 4:23, 54:10, 54:14, 57:17</p> <p>Terranova [3] - 7:4, 8:17, 18:3</p> <p>terrific [1] - 114:4</p> <p>test [9] - 71:13, 71:15, 71:18, 71:20, 130:3, 130:6, 135:22, 136:1, 152:16</p> <p>Testa [1] - 11:4</p> <p>TESTA [60] - 2:2, 5:13, 5:16, 5:19, 5:21, 5:24, 6:1, 6:6, 6:10, 6:13, 6:20, 7:24, 8:11, 11:6, 11:25, 14:13, 15:8, 15:16, 15:18, 17:3, 19:16, 20:22, 21:23, 21:25, 22:4, 23:6, 24:7, 25:1, 25:9, 26:15, 28:4, 30:1, 30:11, 31:8, 31:11, 39:2, 39:5, 46:14, 46:17, 50:23, 51:1, 53:9, 53:17, 55:5, 55:8, 55:17, 59:14, 59:17, 75:25, 77:1, 77:9, 89:24, 91:7, 91:14, 119:6, 119:11, 121:2, 121:10, 131:16, 153:19</p> <p>testified [4] - 54:19, 63:16, 76:21, 135:9</p> <p>testifies [7] - 30:9, 38:6, 39:14, 39:18, 55:15, 77:8, 121:9</p> <p>testify [1] - 91:10</p> <p>testimony [14] - 26:1, 30:3, 37:21, 39:23, 47:24, 55:9, 56:12, 61:13, 77:3, 89:5, 98:5, 118:20, 121:4, 156:6</p> <p>tests [3] - 129:23, 135:22, 152:14</p> <p>texted [2] - 70:12, 70:15</p> <p>that.. [1] - 84:3</p> <p>THE [175] - 1:3, 1:15,</p>	<p>31:10, 31:12, 37:18, 37:24, 38:20, 38:23, 40:6, 40:8, 40:12, 40:16, 41:13, 41:16, 41:18, 41:24, 42:1, 42:7, 42:11, 48:16, 49:22, 56:19, 56:23, 56:25, 59:10, 61:23, 62:1, 62:3, 62:5, 62:8, 62:11, 62:15, 62:18, 63:1, 63:4, 63:8, 63:11, 63:13, 64:3, 64:9, 64:16, 64:25, 65:7, 65:10, 65:25, 66:17, 67:6, 67:9, 67:13, 67:18, 67:24, 68:2, 68:10, 69:2, 69:23, 70:1, 70:3, 85:12, 86:2, 86:5, 86:12, 86:24, 87:9, 87:15, 87:18, 88:5, 88:15, 91:16, 99:9, 100:2, 100:9, 100:15, 100:20, 101:6, 101:17, 101:23, 103:10, 103:15, 105:22, 106:2, 106:12, 106:17, 107:5, 107:10, 107:20, 107:22, 108:2, 108:14, 108:16, 110:1, 110:6, 111:6, 111:11, 111:15, 111:19, 111:21, 111:24, 112:2, 112:5, 112:11, 112:14, 112:17, 113:12, 115:6, 115:11, 115:21, 116:8, 116:23, 117:9, 117:16, 120:7, 124:4, 124:13, 125:3, 125:8, 125:15, 126:6, 126:20, 127:3, 127:8, 127:22, 128:18, 129:1, 129:4, 129:12, 129:16, 130:15, 132:1, 132:7, 132:13, 132:25, 133:6, 133:14, 133:18, 134:2, 134:16, 137:18, 140:21, 141:9, 141:14, 141:19, 141:24, 142:5, 142:12, 142:15, 142:22, 143:3, 143:7,</p>	<p>143:10, 143:12, 143:16, 143:18, 143:25, 144:2, 144:5, 144:10, 144:19, 145:7, 145:23, 146:3, 146:13, 146:15, 147:1, 147:18, 147:22, 148:11, 148:16, 148:19, 149:7, 149:20, 149:25, 150:3, 150:10, 151:4, 155:15</p> <p>themselves [1] - 79:22</p> <p>THERE [1] - 1:16</p> <p>thereabouts [1] - 85:9</p> <p>therefore [2] - 102:6, 150:20</p> <p>they've [2] - 71:11, 109:6</p> <p>thinking [3] - 68:7, 84:18, 102:5</p> <p>third [6] - 15:13, 15:20, 24:13, 103:9, 126:24, 146:25</p> <p>thousand [1] - 93:12</p> <p>three [17] - 21:3, 26:21, 32:24, 36:2, 36:6, 37:14, 60:8, 68:23, 95:22, 97:14, 122:17, 123:18, 124:18, 132:24, 136:19</p> <p>three-bedroom [1] - 123:18</p> <p>three-family [1] - 136:19</p> <p>three-level [1] - 123:18</p> <p>three-story [3] - 36:6, 95:22, 122:17</p> <p>throughout [2] - 39:9, 95:19</p> <p>thumb [1] - 47:10</p> <p>tie [1] - 94:7</p> <p>tiered [4] - 102:11, 116:16, 123:7, 123:9</p> <p>ties [1] - 140:25</p> <p>time-and-a-half [1] - 92:15</p> <p>to.. [1] - 55:1</p> <p>today [5] - 28:18, 76:22, 97:15, 103:18, 105:19</p> <p>toilet [1] - 107:22</p> <p>tonight [8] - 5:9, 19:18, 25:3, 25:14, 26:9, 98:3, 122:16, 123:22</p>
---	--	--	---	---

<p>tonight's [1] - 31:16</p> <p>too.. [1] - 43:22</p> <p>took [1] - 99:5</p> <p>top [7] - 61:1, 61:2, 86:4, 95:10, 132:24, 144:20, 146:24</p> <p>topographical [1] - 110:2</p> <p>topography [2] - 95:24, 123:23</p> <p>totally [2] - 88:13, 118:6</p> <p>touch [1] - 133:7</p> <p>tough [2] - 81:11, 81:16</p> <p>towards [7] - 94:7, 110:21, 122:25, 124:22, 125:3, 126:13, 129:4</p> <p>town [11] - 48:6, 56:18, 103:19, 103:24, 104:14, 104:22, 108:18, 114:17, 114:21, 140:5, 140:10</p> <p>traffic [3] - 12:23, 104:6, 104:13</p> <p>TRAFFIC [1] - 2:15</p> <p>TRANSCRIPT [1] - 1:3</p> <p>transcript [1] - 156:10</p> <p>transcripts [1] - 83:6</p> <p>transition [3] - 85:24, 86:10, 87:6</p> <p>tree [4] - 65:1, 65:4, 65:6, 65:12</p> <p>Tree [4] - 65:16, 73:19, 89:11, 152:4</p> <p>trees [5] - 64:15, 64:18, 64:22, 65:14, 73:22</p> <p>trench [3] - 64:7, 88:8, 110:18</p> <p>triangle [1] - 145:11</p> <p>triangular [1] - 141:2</p> <p>trouble [2] - 49:6, 115:8</p> <p>true [2] - 72:23, 116:7</p> <p>truth [15] - 30:4, 30:5, 39:9, 39:10, 55:10, 55:11, 77:4, 77:5, 121:5, 121:6</p> <p>try [3] - 40:25, 100:5, 100:25</p> <p>trying [10] - 58:10, 99:11, 101:6, 108:5, 115:10, 115:13, 115:24, 122:23, 123:8, 142:24</p> <p>tub [2] - 153:22, 153:23</p>	<p>tubs [3] - 69:25, 82:14, 82:23</p> <p>turn [2] - 60:9, 78:8</p> <p>two [59] - 4:21, 6:11, 19:18, 22:2, 26:8, 26:12, 28:10, 28:25, 29:2, 29:12, 29:19, 29:21, 32:12, 32:25, 33:18, 34:8, 35:7, 35:9, 35:12, 35:13, 36:17, 38:22, 45:1, 57:15, 58:6, 58:13, 60:4, 60:7, 61:16, 79:14, 80:13, 80:14, 85:1, 90:17, 92:23, 93:2, 93:12, 93:22, 94:16, 94:23, 95:15, 97:13, 98:13, 99:11, 104:2, 104:5, 104:9, 104:10, 110:15, 122:8, 122:10, 123:20, 124:18, 125:13, 130:18, 134:4, 136:15, 136:18, 136:19</p> <p>two-and-a-half [5] - 32:25, 58:13, 79:14, 80:13, 80:14</p> <p>two-and-a-half-thousand [1] - 93:12</p> <p>two-car [2] - 94:16, 99:11</p> <p>two-family [17] - 29:12, 32:12, 38:22, 45:1, 57:15, 60:7, 61:16, 90:17, 92:23, 104:2, 104:5, 104:9, 104:10, 122:8, 136:15, 136:18, 136:19</p> <p>two-page [1] - 29:19</p> <p>type [2] - 34:1</p> <p>typical [8] - 60:7, 100:20, 100:22, 101:11, 101:19, 108:3, 147:18, 148:16</p> <p>typically [2] - 33:11, 34:4</p> <p>typo [1] - 110:1</p>	<p>115:12, 123:5</p> <p>underneath [2] - 142:18, 143:20</p> <p>understood [1] - 27:2</p> <p>Unit [1] - 2:9</p> <p>unit [6] - 57:24, 66:8, 66:16, 79:21, 94:24, 111:17</p> <p>units [3] - 79:22, 93:25, 94:22</p> <p>University [1] - 55:25</p> <p>up [50] - 15:12, 25:14, 35:13, 35:18, 37:19, 38:7, 43:4, 43:21, 44:21, 45:11, 60:21, 60:23, 64:18, 71:21, 77:18, 78:16, 80:10, 87:10, 87:11, 87:14, 88:11, 89:4, 94:18, 94:25, 95:2, 95:8, 95:12, 104:10, 116:2, 116:6, 116:15, 123:7, 125:13, 126:12, 126:22, 127:11, 133:8, 133:16, 133:20, 133:21, 133:22, 133:23, 134:4, 136:6, 136:11, 145:18, 149:24, 149:25, 150:2, 152:24</p> <p>upper [4] - 34:11, 34:14, 35:4, 128:10</p> <p>upset [1] - 109:12</p> <p>upside [2] - 126:21, 140:20</p> <p>useless [1] - 103:19</p> <p>usual [2] - 97:3, 97:4</p>	<p>122:16, 123:23, 126:11, 149:16, 150:9, 150:17, 153:2, 153:5, 153:7, 153:10</p> <p>variances [10] - 48:20, 49:14, 58:11, 58:19, 66:21, 66:22, 66:25, 91:25, 96:11, 99:4</p> <p>VASSILIOS [5] - 3:12, 4:6, 4:10, 77:12, 121:13</p> <p>Vassilios [5] - 29:16, 76:21, 77:11, 120:25, 121:12</p> <p>verbatim [1] - 156:6</p> <p>verify [2] - 128:15, 130:20</p> <p>versus [4] - 33:18, 33:20, 98:15, 98:16</p> <p>Vice [1] - 5:7</p> <p>VICE [54] - 1:17, 5:5, 7:3, 8:3, 8:9, 8:16, 9:16, 10:8, 10:15, 11:14, 12:11, 13:5, 13:24, 14:17, 14:22, 15:22, 16:1, 16:8, 16:22, 17:8, 18:2, 18:21, 19:5, 19:22, 20:2, 21:12, 22:11, 22:16, 23:10, 23:15, 46:2, 46:6, 46:9, 52:7, 53:13, 53:21, 73:9, 74:4, 75:5, 89:19, 117:1, 117:4, 119:17, 124:11, 124:20, 125:10, 125:14, 125:19, 139:21, 152:19, 154:16, 154:19, 155:3, 155:17</p> <p>vice [1] - 9:6</p> <p>view [1] - 40:17</p> <p>views [1] - 95:12</p> <p>VINCENT [1] - 1:18</p> <p>Vinny [1] - 152:5</p> <p>virgin [2] - 83:25, 84:8</p> <p>virtue [1] - 91:20</p> <p>vote [13] - 5:12, 12:7, 13:1, 13:20, 14:18, 16:4, 19:1, 21:4, 21:8, 22:8, 73:25, 154:22, 154:24</p>	<p>waiting [2] - 51:5, 103:8</p> <p>waive [1] - 119:8</p> <p>waives [1] - 119:7</p> <p>walk [2] - 68:18, 121:15</p> <p>walkway [1] - 99:15</p> <p>wall [59] - 43:3, 43:11, 45:11, 82:5, 82:7, 83:23, 84:7, 84:11, 85:1, 85:6, 85:15, 85:16, 85:17, 85:25, 86:13, 86:14, 88:3, 88:8, 94:4, 94:6, 102:3, 102:7, 102:11, 102:13, 110:8, 122:20, 123:7, 123:9, 126:18, 126:22, 127:2, 127:4, 127:13, 128:1, 128:6, 128:13, 128:17, 133:1, 133:7, 133:9, 133:21, 133:25, 134:6, 134:19, 140:22, 140:24, 141:4, 142:6, 142:17, 143:13, 143:22, 144:6, 144:10, 145:3, 145:8</p> <p>walls [11] - 45:15, 78:23, 94:6, 110:9, 115:18, 116:2, 116:6, 116:16, 123:10, 134:5, 141:4</p> <p>wants [3] - 24:4, 57:15, 72:12</p> <p>waste [1] - 92:10</p> <p>watch [2] - 115:12, 123:5</p> <p>water [28] - 110:17, 110:21, 124:22, 125:1, 125:6, 125:21, 125:22, 125:24, 126:5, 129:18, 132:8, 132:11, 132:14, 132:16, 132:18, 132:19, 134:22, 134:25, 135:7, 135:9, 135:18, 135:22, 136:23, 136:25, 137:3, 142:6, 142:7</p> <p>weather [2] - 115:12, 123:5</p> <p>wedge [1] - 141:1</p> <p>welcome [1] - 51:1</p> <p>wells [1] - 88:3</p>
	U		V	
	<p>U-shape [2] - 126:21, 126:22</p> <p>under [9] - 33:6, 33:10, 47:19, 58:2, 62:20, 65:19, 94:22, 156:6</p> <p>underlayment [2] -</p>	<p>VALE [1] - 129:17</p> <p>Valley [1] - 33:19</p> <p>variance [56] - 32:22, 33:1, 33:2, 33:3, 33:6, 33:8, 33:9, 33:10, 33:11, 33:13, 33:17, 36:13, 36:14, 36:20, 37:7, 46:24, 48:4, 48:7, 48:25, 49:1, 49:21, 58:22, 72:18, 85:10, 85:11, 85:14, 85:16, 85:17, 91:20, 93:11, 95:23, 97:1, 98:9, 98:12, 98:14, 98:15, 99:7, 101:8, 102:6, 102:10, 102:14, 102:20, 110:10,</p>		W
				<p>wait [6] - 74:22, 103:1, 108:11, 117:22, 117:24, 131:7</p>

<p>west ^[4] - 32:3, 82:7, 121:20, 148:6</p> <p>Westwood ^[2] - 33:20, 98:17</p> <p>whimsical ^[1] - 24:21</p> <p>whole ^[10] - 30:4, 39:10, 51:4, 55:11, 77:5, 95:19, 108:10, 121:6, 138:17, 140:9</p> <p>wide ^[4] - 93:24, 100:17, 100:22, 148:20</p> <p>width ^[5] - 32:19, 58:21, 59:3, 79:21, 81:9</p> <p>window ^[3] - 67:15, 148:9</p> <p>windows ^[9] - 67:12, 69:12, 93:20, 93:21, 147:16, 147:19, 147:20, 147:24, 148:2</p> <p>withdraw ^[2] - 23:7, 23:9</p> <p>withdrawals ^[1] - 22:2</p> <p>withdraws ^[1] - 22:6</p> <p>witness ^[11] - 27:12, 28:1, 38:6, 38:9, 46:3, 46:7, 53:5, 55:3, 70:8, 97:24</p> <p>WITNESS ^[163] - 31:10, 31:12, 37:18, 37:24, 38:20, 38:23, 40:6, 40:8, 40:12, 40:16, 41:24, 42:1, 42:7, 42:11, 48:16, 49:22, 56:19, 56:25, 59:10, 61:23, 62:1, 62:3, 62:5, 62:8, 62:11, 62:15, 62:18, 63:1, 63:4, 63:8, 63:11, 63:13, 64:3, 64:9, 64:16, 64:25, 65:7, 65:10, 65:25, 66:17, 67:6, 67:9, 67:13, 67:18, 67:24, 68:2, 68:10, 69:2, 69:23, 70:1, 70:3, 85:12, 86:2, 86:5, 86:12, 86:24, 87:9, 87:15, 87:18, 88:5, 88:15, 91:16, 99:9, 100:2, 100:9, 100:15, 100:20, 101:6, 101:17, 101:23, 105:22, 106:2, 106:12, 106:17, 107:5, 107:10, 107:20, 107:22, 108:2,</p>	<p>108:14, 108:16, 110:1, 110:6, 111:6, 111:11, 111:15, 111:19, 111:21, 111:24, 112:2, 112:5, 112:11, 112:14, 112:17, 113:12, 115:6, 115:11, 115:21, 116:8, 116:23, 117:9, 117:16, 124:4, 124:13, 125:3, 125:8, 125:15, 126:6, 126:20, 127:3, 127:8, 127:22, 128:18, 129:1, 129:4, 129:12, 129:16, 130:15, 132:1, 132:7, 132:13, 132:25, 133:6, 133:14, 133:18, 134:2, 137:18, 140:21, 141:9, 141:14, 141:19, 141:24, 142:5, 142:12, 142:15, 142:22, 143:3, 143:7, 143:10, 143:12, 143:16, 143:18, 143:25, 144:2, 144:5, 144:10, 144:19, 145:7, 145:23, 146:3, 146:15, 147:1, 147:18, 147:22, 148:16, 148:19, 149:7, 149:20, 149:25, 150:3, 150:10, 151:4, 155:15</p> <p>witnesses ^[1] - 28:10</p> <p>wonderful ^[1] - 105:2</p> <p>wood ^[1] - 95:6</p> <p>wrote ^[2] - 102:2, 127:21</p>	<p>149:16, 150:8, 150:20, 153:2, 153:14</p> <p>yards ^[3] - 62:25, 72:18, 118:19</p> <p>year ^[6] - 6:13, 39:3, 39:4, 39:13, 39:17, 56:2</p> <p>years ^[5] - 6:11, 103:25, 105:1, 105:2, 132:21</p> <p>Yoo ^[1] - 20:14</p> <p>Yoon ^[3] - 6:3, 7:10, 18:9</p>
Z		
<p>zero ^[3] - 62:5, 126:20, 133:23</p> <p>zone ^[10] - 32:15, 36:2, 37:6, 37:11, 38:19, 38:20, 57:19, 92:14, 122:9</p> <p>zoning ^[4] - 32:17, 37:6, 56:10, 97:10</p>		
Y		
<p>yard ^[33] - 58:5, 58:6, 58:20, 58:22, 59:6, 62:12, 62:15, 80:4, 80:10, 80:14, 81:3, 85:3, 91:25, 92:24, 93:8, 96:17, 97:1, 97:4, 99:3, 100:25, 104:17, 130:12, 133:12, 141:13, 141:15, 149:6,</p>		