

BOROUGH OF PALISADES PARK  
BOARD OF ADJUSTMENT  
OCTOBER 19, 2020  
7:00 P.M.

IN THE MATTER OF: ) TRANSCRIPT OF  
 ) PROCEEDINGS  
Case No. 20-02 )  
Garden Meadow Developers )  
265 Fourth Street )  
Block 318 Lot 12 )  
Case No. 20-03 )  
El Albana )  
Bergen Boulevard )  
Block 717 Lot 25 )  
Case No. 20-04 )  
Alliotts Construction LLC )  
83 Brinkerhoff Terrace )  
Block 202 Lot 18 )  
Case No. 20-05 )  
Rock Solid Construction, LLC )  
456 Grand Avenue )  
Block 205 Lot 19 )

B E F O R E :  
CHAIRMAN JOSEPH FERGUSON  
VICE CHAIR PAUL ALBANESE  
ELEFTERIOS ELEFTERIOU, MEMBER  
DAVID TERRANOVA, MEMBER  
SUK JIN MIN, MEMBER  
SEUNG YOON, MEMBER (ABSENT)  
VINCENT CARNOVALE, MEMBER (ABSENT)  
STEPHEN BROGNA, MEMBER  
MIRJANA TARABOCCHIA, ALTERNATE MEMBER  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
LauraACarucciLLC@gmail.com  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
201-641-1812

I N D E X  
WITNESS SWORN TESTIMONY  
**Case No. 20-03**  
**El Albana**  
**Bergen Boulevard**  
**Block 717 Lot 25**  
MARIOS LACHANARIS, AIA 13  
Direct Examination by Mr. Cereste 13  
Board/Professional Questions  
Chairman Ferguson 19  
Mr. Collazuol 27  
Public Questions  
**Marsha Schor** 31  
50 Henry Avenue  
MICHAEL KAUKER, P.P. 37  
**Case No. 20-04**  
**Alliotts Construction LLC**  
**83 Brinkerhoff Terrace**  
**Block 202 Lot 18** 42  
JOSEPH DONATO, AIA 44  
Direct Examination By Mr. Macri 44  
Board/Professional Questions  
Chairman Ferguson 50  
Mr. Min 56  
Ms. Tarabocchia 56  
Mr. Collazuol 56  
DAVID SPATZ, P.P. 61  
Direct Examination By Mr. Macri 61  
Board/Professional Questions  
Mr. Kauker 66  
Public Questions  
**Susan Brauer** 69  
50 Henry Avenue  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
201-641-1812

A P P E A R A N C E S :  
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Counsel for the Board of Adjustment  
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MARC D. MACRI, P.C.  
BY: MARC D. MACRI, ESQUIRE  
2160 North Central Road  
Fort Lee, New Jersey 07024  
Attorney for Applicant, Alliots Construction, LLC and  
Rock Solid Construction, LLC  
A L S O P R E S E N T :  
ELENI LAMBRINIDES, LAND USE SECRETARY  
STEVE COLLAZUOL, P.E.  
JUDD ROCCIOLA, P.E.  
MICHAEL KAUKER, P.P.

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

I N D E X (continued)  
WITNESS SWORN TESTIMONY  
**Case No. 20-05**  
**Rock Solid Construction, LLC**  
**456 Grand Avenue**  
**Block 205 Lot 19** 75  
VASSILIOS COCOROS, AIA 76  
Direct Examination By Mr. Macri 76  
Board/Professional Questions  
Acting Chairman Albanese 80  
Mr. Terranova 84  
Ms. Tarabocchia 86, 92  
Mr. Collazuol 87  
Public Questions  
**Susan Brauer** 94  
50 Henry Avenue  
**Marsha Schor** 99  
50 Henry Avenue  
DAVID SPATZ, P.P. 104  
Direct Examination By Mr. Macri 104  
Board/Professional Questions  
Mr. Kauker 109

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

1 INDEX (Continued)

2 EXHIBITS

3 NO. DESCRIPTION PAGE

4 Case No. 20-03  
5 El Albana  
6 Bergen Boulevard  
7 Block 717 Lot 25

8 A-1 Architectural Drawings, 6/18/20 12

9 A-2 Photographs 12

10 Case No. 20-04  
11 Alliotts Construction LLC  
12 83 Brinkerhoff Terrace  
13 Block 202 Lot 18

14 A-1 Planner's Photoboard 62

15 Case No. 20-05  
16 Rock Solid Construction, LLC  
17 456 Grand Avenue  
18 Block 205 Lot 19

19 A-1 Planner's Photoboard 104

20  
21  
22  
23  
24  
25

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

1 CHAIRMAN FERGUSON: Okay. First, in  
2 accordance with the Open Public Meetings Act, notice  
3 of the Borough of Palisades Park Zoning Board of  
4 Adjustment meeting has been posted on the Borough  
5 bulletin board.

6 Notice has been provided through the  
7 official newspaper and filed with the Borough Clerk's  
8 office.

9 Due to current conditions involving the  
10 COVID-19 virus and directives set by the State and  
11 County government, the meeting shall be held remotely  
12 by way of the conference calling. Okay.

13 So the first thing is the minutes of  
14 the previous meeting, which was two months ago.

15 So everybody had an opportunity to  
16 review the minutes of the previous meeting. I'll  
17 make a motion to approve the minutes as submitted.  
18 Can I get a second?

19 VICE CHAIRMAN ALBANESE: Second.  
20 CHAIRMAN FERGUSON: Okay, roll call.

21 MS. LAMBRINIDES: Mr. Ferguson.

22 CHAIRMAN FERGUSON: Yes.

23 MS. LAMBRINIDES: Mr. Albanese.

24 VICE CHAIRMAN ALBANESE: Yes.

25 MS. LAMBRINIDES: Mr. Terranova.

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

1 CHAIRMAN FERGUSON: I'll call the  
2 meeting to order.  
3 Paul, do you want to lead the flag  
4 salute?  
5 (Whereupon, all rise for a Recitation  
6 of the Pledge of Allegiance.)

7 CHAIRMAN FERGUSON: Okay, roll call?

8 MS. LAMBRINIDES: Mr. Ferguson.

9 CHAIRMAN FERGUSON: Here.

10 MS. LAMBRINIDES: Mr. Albanese.

11 VICE CHAIRMAN ALBANESE: Here.

12 MS. LAMBRINIDES: Mr. Terranova.

13 MR. TERRANOVA: Here.

14 MS. LAMBRINIDES: Mr. Min.

15 MR. MIN: Here.

16 MS. LAMBRINIDES: Ms. Yoon.

17 (No response.)

18 MS. LAMBRINIDES: Mr. Elefteriou.

19 MR. ELEFTERIOU: Here.

20 MS. LAMBRINIDES: Ms. Tarabocchia.

21 MS. TARABOCCHIA: Here.

22 MS. LAMBRINIDES: Mr. Brogna.

23 MR. BROGNA: Here.

24 MS. LAMBRINIDES: Mr. Carnovale is not

25 present.

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

1 MR. TERRANOVA: Yes.

2 MS. LAMBRINIDES: Mr. Min.

3 MS. MIN: Here.

4 MS. LAMBRINIDES: Mr. Elefteriou.

5 MR. ELEFTERIOU: Yes.

6 MS. LAMBRINIDES: Ms. Tarabocchia.

7 MS. TARABOCCHIA: Yes.

8 MS. LAMBRINIDES: Mr. Brogna.

9 MR. BROGNA: Yes.

10 CHAIRMAN FERGUSON: Okay. So first is  
11 the first application of the day.

12 MS. TESTA: 265 Fourth Street.

13 CHAIRMAN FERGUSON: 265 Fourth Street  
14 has requested an adjournment tonight.

15 And I'm in favor of granting the  
16 adjournment. There will no need to re-advertise for  
17 next month.

18 And I'll make that motion.

19 Can I get a second?

20 VICE CHAIRMAN ALBANESE: Second.

21 CHAIRMAN FERGUSON: Roll call.

22 MS. LAMBRINIDES: Mr. Ferguson.

23 CHAIRMAN FERGUSON: Yes.

24 MS. LAMBRINIDES: Mr. Albanese.

25 MR. ALBANESE: Yes.

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

1 MS. LAMBRINIDES: Mr. Terranova.  
 2 MR. TERRANOVA: Yes.  
 3 MS. LAMBRINIDES: Mr. Min.  
 4 MS. MIN: Yes.  
 5 MS. LAMBRINIDES: Mr. Elefteriou.  
 6 MR. ELEFTERIOU: Yes.  
 7 MS. LAMBRINIDES: Ms. Tarabocchia.  
 8 MS. TARABOCCHIA: Yes.  
 9 MS. LAMBRINIDES: Mr. Brogna.  
 10 MR. BROGNA: Yes.  
 11 MS. TESTA: Case Number 20-02, Garden  
 12 Meadow Developers, 265 Fourth Street, Block 318, Lot  
 13 12, is being adjourned from tonight's meeting to the  
 14 November meeting, which is November 16th, 2020, at  
 15 7 p.m.  
 16 There will be no further notice  
 17 necessary by the applicant in regards to this  
 18 application.  
 19 Anybody who wants to participate in  
 20 this application, the next date is November 16th,  
 21 2020, at 7 p.m.  
 22 CHAIRMAN FERGUSON: Okay. So next on  
 23 the agenda is Bergen Boulevard. Let me get the  
 24 address.  
 25 MS. TESTA: Bergen Boulevard.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 I think it's a good fit given the  
 2 topography of the property and the challenges.  
 3 On the south side there is 118 Bergen  
 4 Boulevard, which is a multifamily dwelling.  
 5 And then on the north side is the start  
 6 of the commercial development going north on Bergen  
 7 Boulevard.  
 8 The property land area is about a 5,400  
 9 square feet.  
 10 The applicant has basically two  
 11 variances, or three maybe. One is a rear yard  
 12 setback because of the shallow depth of the property.  
 13 And also the rear yard setback is a variance.  
 14 They're the two basic variances involved here.  
 15 I think there's a third dealing with  
 16 the construction of retaining walls that are 3.5  
 17 feet.  
 18 As indicated, the lower level of this  
 19 building consists of a basement in which there is a  
 20 family room. And then on the first floor you have  
 21 three bedrooms, a kitchen, a dining room and a living  
 22 room, three bedrooms and two baths.  
 23 Then on the second floor you have three  
 24 bedrooms, a family room. You have the three  
 25 bedrooms, the dining room and the kitchen located on  
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**201-641-1812**

1 CHAIRMAN FERGUSON: Isn't it the next  
 2 one.  
 3 MS. TESTA: Yes. There's no address  
 4 for Bergen Boulevard. There's no number, right.  
 5 MR. CERESTE: There's no number. Only  
 6 a parking lot.  
 7 CHAIRMAN FERGUSON: So it's block and  
 8 lot -- Lot 25, Block 717.  
 9 Okay, Counsel, do you want to put your  
 10 appearance in?  
 11 MR. CERESTE: Thank you, Mr. Ferguson.  
 12 Saverio Cereste on behalf of the applicant, El  
 13 Albana.  
 14 If I may, on behalf of the board, just  
 15 introduce the application.  
 16 This property is located on the east  
 17 side of Bergen Boulevard. It's a highly irregular  
 18 piece of property. It has a length of about 150  
 19 linear feet.  
 20 On the north side, the depth is only  
 21 about 26 feet, and the south side about 46 feet.  
 22 The property is a vacant piece of land.  
 23 The applicant is proposing to build a 6-over-5 flats,  
 24 duplex. It's in AA Zone. There's no use variance  
 25 involved here.  
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**201-641-1812**

1 the second level.  
 2 Tonight we have two basic exhibits.  
 3 One is A-1, which is an architectural drawing of --  
 4 It consists of four sheets. It's dated June 18,  
 5 2020.  
 6 (Whereupon, Architectural Drawings,  
 7 dated June 18, 2020, consisting of four pages  
 8 are marked as Exhibit A-1 for identification.)  
 9 MR. CERESTE: Then I have a  
 10 distribution -- photographs of the site. There's not  
 11 much to see. You can pass them around.  
 12 MS. LAMBRINIDES: I don't know how much  
 13 of that is being heard.  
 14 MR. CERESTE: So basically we have two  
 15 exhibits.  
 16 (Whereupon, Photographs are marked as  
 17 Exhibit A-2 for identification.)  
 18 MR. CERESTE: At this time, what I  
 19 would do is call my first and only witness basically  
 20 Marios Lachanaris, the architect.  
 21 MR. LACHANARIS: Good evening.  
 22 MS. TESTA: Good evening. Please raise  
 23 your right hand.  
 24 Do you swear that the testimony you  
 25 will give in this application will be the truth, the  
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**201-641-1812**

1 whole truth, and nothing but the truth so help you  
 2 God?  
 3 MR. LACHANARIS: Yes, I do.  
 4 M A R I O S L A C H A N A R I S,  
 5 1610 Center Avenue, Fort Lee, New Jersey, having  
 6 been duly sworn, testifies as follows:  
 7 MS. TESTA: State your name for the  
 8 record and please spell it.  
 9 MR. LACHANARIS: Marios Lachanaris,  
 10 L-A-C-H-A-N-A-R-I-S. My office is at 1610 Center  
 11 Avenue, Fort Lee, New Jersey.  
 12 CHAIRMAN FERGUSON: Marios has been  
 13 here before so we accept him as an expert.  
 14 MR. CERESTE: Thank you.

15 DIRECT EXAMINATION  
 16 BY MR. CERESTE:

17 Q. Marios, could you review the existing  
 18 conditions of the site?

19 A. Yes.  
 20 The site -- the property is what's  
 21 known as Lot 25, Block 717. It's an irregular lot.  
 22 It has a frontage of about 151 feet in  
 23 length. And on the north side is 26 feet. And on  
 24 the south side is 46 feet.

25 The property is located on the east  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

1 Boulevard, which is a state highway cars.  
 2 Therefore, we created a turnaround  
 3 space on the north side. And we allocated two  
 4 parkings on the north side. And also we have two  
 5 additional parkings in the building.

6 The building is about 85 feet in  
 7 length. And the depth varies from 30 feet on the  
 8 south side to about 24 feet on the north side.

9 Q. Marios, do you want to review the  
 10 height of the building, or do you want go over the  
 11 measurements concerning the height?

12 A. Yes.  
 13 So I'll go to -- the height requirement  
 14 in this zone, AA, is 25 feet from the average grade  
 15 to the average roof line. And we are proposing a  
 16 building that would be 22-and-a-half feet,  
 17 22-and-a-half foot.

18 I have the schematics showing the  
 19 height. Because of the topography, the average grade  
 20 plane is at elevation 225. The elevation along the  
 21 street, so we have a reference point, on the south  
 22 side is 214. On the north side is 221. So there's a  
 23 difference of about 7 feet from north to south.

24 The average grade plane -- and I have  
 25 the calculations -- brings us to elevation 225.75.  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

1 side of Bergen Boulevard. There is a retaining wall  
 2 along the property which is about 3-and-a-half feet  
 3 high. And then the terrain slopes upwards.  
 4 And the difference between the high  
 5 point of the property to the lower is about 10 feet.  
 6 Presently there is no -- there is no  
 7 structure on the property. There are some remains of  
 8 an old stair right almost in the middle of the  
 9 property. There is a stair.

10 What we're proposing to do is to leave  
 11 the existing retaining wall and then build a  
 12 two-family dwelling unit with flats, 6-over-6.

13 Because of the configuration of the  
 14 property, the front of the property -- the front  
 15 allowed is 7 -- 7 feet front yard. And going back to  
 16 my schedule, that's one of the variances that we are  
 17 seeking.

18 And in the back, we're going to have a  
 19 6-foot rear yard. That's the second variance.

20 We are in compliance with the side  
 21 yard. On the south side we have a 6-foot side yard.  
 22 And on the north side we have a 57-and-a-half-foot  
 23 side yard.

24 The challenge on this project is how to  
 25 get in the cars allowed without backing into Bergen  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

1 We established the first floor elevation, 226.33.  
 2 And we have a 9-foot ceiling height on the first  
 3 floor, and also a 9-foot-ceiling height on the second  
 4 floor.

5 And the height of the roof construction  
 6 is 5-and-a-half feet.

7 Therefore, from average grade plane to  
 8 the midpoint of the roof construction, we have  
 9 22-and-a-half feet.

10 Q. Marios, do you want to review the  
 11 proposed floor plan?

12 A. Yes.  
 13 Going to page 3, at the top of the  
 14 page, I believe that's the basic floor plan.

15 We have on the north side, on the left  
 16 side, is the area where I have the garages.

17 But the garages are in between the  
 18 basement and the first floor. Therefore, the area on  
 19 this particular basement floor plan, the area is  
 20 excavated.

21 We depicted the stairway that leads to  
 22 the utility room and two storage areas dedicated.

23 One for the units on the first floor,  
 24 and one for the units on the second floor.

25 Going through the hallway, I dedicated  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

1 an area which will be used for the unit on the first  
2 floor, which is known as Unit A. And that will be  
3 used as a family room. And also we provided a  
4 bathroom.

5 There is an interior circular stairway  
6 that leads to Unit A. Unit A is the unit on the  
7 first floor.

8 Looking at the bottom of the page, I  
9 depicted the first floor plan, which shows the  
10 two-car garage on the left side. The stairway that  
11 leads to the unit on the second floor, and also a  
12 hallway that leads to the unit on the first floor.

13 Entering the unit, in the front we have  
14 a living room area of about, like,  
15 10-and-a-half-by-12.

16 We have a dining area and a kitchen  
17 area.

18 Further to the south, there is a  
19 hallway that leads to a common bathroom that would be  
20 shared by the two bedrooms. The bedrooms -- number 2  
21 is 11-foot-by-11. The second one is 13-by-13.

22 And then I have the master bedroom,  
23 which is 13-by-15. And that master bedroom has its  
24 own walk-in closet and its own bathroom.

25 Going to the next page. At the top of

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

**201-641-1812**

1 MR. CERESTE: That's basically the  
2 case. That's our only witness in this particular  
3 matter.

4 CHAIRMAN FERGUSON: Okay. So I've got  
5 just a few questions, okay.

6 You talked about the turnabout,  
7 turnaround for parking?

8 MR. LACHANARIS: Yes.

9 CHAIRMAN FERGUSON: That would be on  
10 the, you said, the north side of the building?

11 MR. MACRI: Yes.

12 It's one-third away from the north side  
13 corner of the building.

14 CHAIRMAN FERGUSON: Okay.

15 So even though you have a turnaround,  
16 the question is that you still have to come out on  
17 Bergen Boulevard, right?

18 MR. LACHANARIS: Yes.

19 CHAIRMAN FERGUSON: So there's going to  
20 be a driveway coming on to Bergen Boulevard?

21 MR. LACHANARIS: Right.

22 CHAIRMAN FERGUSON: So I don't know if  
23 the State of New Jersey is going to approve, you  
24 know, an exit into it.

25 So, obviously, you're going to need

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

**201-641-1812**

1 the page, Unit Number B, which has a similar layout  
2 as Unit A on the floor below with the exception that  
3 on the north side going up half a flight of stairs,  
4 over the garages I created a family room.

5 So Unit Number A has a family room in  
6 the basement. Unit Number B has a family on top of  
7 the garage. And the same way, we have a family room  
8 and a bathroom.

9 Furthermore, going up the stairs  
10 another half a flight from the second floor, I have  
11 an entrance to an area over the family room. That's  
12 a roof terrace. That concludes my presentation of  
13 the floor plans.

14 On page 2 of 4, the picture at the top  
15 shows the front elevation of this building. We  
16 created a few breaks so we don't have a continuous  
17 front. And also the building is going to be finished  
18 with brick veneer. And areas where I have an  
19 overhang, I finished the exterior walls with fiber  
20 cement and siding to give some character to the  
21 appearance of the building.

22 At the bottom I have the rear  
23 elevation, the left and right side elevations.

24 **Q.** Thank you, Marios.

25 **A.** You're welcome.

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

**201-641-1812**

1 approval for that.

2 If the board were to grant that, you're  
3 going to have to abide by the State of New Jersey.

4 MR. LACHANARIS: Yes, we understand  
5 that, yes.

6 CHAIRMAN FERGUSON: Now, what is the  
7 size of that driveway going to be?

8 MR. LACHANARIS: It's 19 feet in width.

9 CHAIRMAN FERGUSON: 19 feet in width.

10 MR. LACHANARIS: Yes.

11 CHAIRMAN FERGUSON: So there would be  
12 enough room to come in and out.

13 MR. LACHANARIS: Right.

14 CHAIRMAN FERGUSON: The next question  
15 -- and this is really one of my major concerns with  
16 this one -- is the lay of the land.

17 You testified that the one side is  
18 level and the other side is 10 feet elevation.

19 Aren't you concerned that if a  
20 rainstorm comes that the water is going to come down  
21 the hill into your property?

22 MR. LACHANARIS: In the back of the  
23 building we have a retaining wall.

24 CHAIRMAN FERGUSON: Right.

25 MR. LACHANARIS: And that is a distance

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

**201-641-1812**

1 of about 6 feet to the building wall. So there are  
 2 two walls.  
 3 CHAIRMAN FERGUSON: Okay.  
 4 MR. LACHANARIS: Any water coming from  
 5 the adjacent properties, what you should do is  
 6 provide yard drains to collect the water and guide it  
 7 to the storm drainage system that was provided.  
 8 For this particular property, I have  
 9 noted to provide three 1,000-gallon seepage tanks.  
 10 Usually on a 50-by-100 lot we don't design this to  
 11 look like this; we provide only two.  
 12 In this case, because we have the extra  
 13 water from the large size driveway, we provided an  
 14 extra seepage tank.  
 15 CHAIRMAN FERGUSON: Okay.  
 16 MR. LACHANARIS: For the drainage, if  
 17 that's a concern, what you should do is you should  
 18 have the engineer design the drainage system, and  
 19 that will be two years, five years, make sure that  
 20 everything.  
 21 CHAIRMAN FERGUSON: Later on we'll be  
 22 hearing from our engineer. These are just my  
 23 questions.  
 24 The next one is -- and you have it on  
 25 the plans -- you know, your front yard is 7 feet.

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

1 property line, and then the other building on the  
 2 other side of it is 25 feet?  
 3 MR. LACHANARIS: Correct.  
 4 CHAIRMAN FERGUSON: Now, the other one  
 5 is the wall in the front. When I went up there to  
 6 look at the -- I guess it's the retaining wall -- I  
 7 don't know -- that runs the whole length of Bergen --  
 8 not the whole length, but you know a good distance.  
 9 So what are we going to do? Are you going to take  
 10 that wall down?  
 11 MR. LACHANARIS: No.  
 12 CHAIRMAN FERGUSON: Is that going to  
 13 affect the rest of your...  
 14 MR. LACHANARIS: I'm keeping the wall.  
 15 The only part of the wall that I'm removing is where  
 16 I show my new entrance to the property.  
 17 CHAIRMAN FERGUSON: Right. Now, is  
 18 that going -- is that going to affect the integrity  
 19 of the wall.  
 20 MR. LACHANARIS: No. I'm creating --  
 21 I'm putting new what we call the chip walls on either  
 22 side to stabilize.  
 23 I need them, first of all, because of  
 24 the grading, because that driveway is going to have  
 25 some grading. And also that will stabilize each end

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

1 MR. LACHANARIS: Correct.  
 2 CHAIRMAN FERGUSON: And your backyard,  
 3 which is the rear yard, which is your usually 25  
 4 feet, you have 6 feet.  
 5 MR. LACHANARIS: Yes.  
 6 CHAIRMAN FERGUSON: So it's an  
 7 odd-shaped piece of property.  
 8 But, you know, my feeling is that, you  
 9 know, it should be more. On the one side -- on the  
 10 side with the 6 feet, you need 25. What's on that  
 11 side of the property? What buildings are over there?  
 12 MR. LACHANARIS: On the rear of this.  
 13 CHAIRMAN FERGUSON: Yeah, on the rear.  
 14 On the right. The one that you have 6 feet for.  
 15 MR. LACHANARIS: On the rear of the  
 16 property, it's the rear of the adjacent property.  
 17 CHAIRMAN FERGUSON: Okay, what is  
 18 there.  
 19 MR. LACHANARIS: And it's about 25  
 20 feet. There are three or four lots, 50-by-100. And  
 21 each one has a duplex. And from the property line to  
 22 the building of the neighboring building, there is a  
 23 distance of 25 feet.  
 24 CHAIRMAN FERGUSON: Okay. So you're  
 25 saying that your property line is 6 feet from the

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

1 of the existing wall.  
 2 CHAIRMAN FERGUSON: Okay. Now, how  
 3 about sidewalks?  
 4 Obviously, from what I see up there,  
 5 there are no sidewalks, right.  
 6 MR. LACHANARIS: Correct.  
 7 CHAIRMAN FERGUSON: So you're not going  
 8 to install sidewalks on Bergen Boulevard.  
 9 MR. LACHANARIS: Unless the board asks  
 10 me to install it.  
 11 CHAIRMAN FERGUSON: No, I understand.  
 12 MR. LACHANARIS: There is no sidewalk  
 13 on either side. So it doesn't for me -- even if --  
 14 CHAIRMAN FERGUSON: I don't know.  
 15 Now, as far as the one side length.  
 16 Plus it's -- you know, usually boards go -- when  
 17 we've seen applications, we usually go up and walk  
 18 the property to get a picture of what we're up  
 19 against.  
 20 And, obviously, Bergen Boulevard, you  
 21 can't -- you don't -- you can't walk it because you  
 22 can't get into it.  
 23 So how close are you from your property  
 24 to the backyards on one side of it?  
 25 MR. LACHANARIS: I'm sorry, what is the

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

1 question? How far away?  
 2 CHAIRMAN FERGUSON: Yeah.  
 3 In other words, on your drawing Exhibit  
 4 A-1, you have houses up on one side.  
 5 MR. LACHANARIS: Yes.  
 6 CHAIRMAN FERGUSON: And they have  
 7 backyards. It looks -- as I look at the thing, it  
 8 seems like it's right against their property lines.  
 9 MR. LACHANARIS: No. The house, my  
 10 property is right next to the property of the houses  
 11 on Morningside.  
 12 CHAIRMAN FERGUSON: Right.  
 13 MR. LACHANARIS: The building is 6 feet  
 14 away, the new proposed building. The existing  
 15 building -- and this is known as an irregular lot --  
 16 before I mentioned it's 25 feet. But by scaling  
 17 this, yes, it's 25 feet.  
 18 The rear of the building, the existing  
 19 building, is 25 feet from the property line.  
 20 CHAIRMAN FERGUSON: Your building or  
 21 the --  
 22 MR. LACHANARIS: No. The existing  
 23 building of the neighbor that's fronting Morningside.  
 24 CHAIRMAN FERGUSON: Right.  
 25 MR. LACHANARIS: That is a distance of

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

1 MR. LACHANARIS: Six feet, yes,  
 2 correct.  
 3 Now, I'd like to note, though, that  
 4 because of the terrain, their rear yard is elevated.  
 5 So we're going to have some grades over here that at  
 6 the bottom of the basement, the elevation is about 3  
 7 -- 3-and-a-half feet higher than my first floor.  
 8 So from them standing on their  
 9 backyard, because their first floor is much higher,  
 10 what they're going to see here, they're going to see  
 11 a two-story building.  
 12 They're not going to see any of the  
 13 basement that is out there.  
 14 CHAIRMAN FERGUSON: Right. But you're  
 15 still 6 feet from it.  
 16 MR. LACHANARIS: Yes.  
 17 CHAIRMAN FERGUSON: So does any other  
 18 board members have anything?  
 19 (No response.)  
 20 CHAIRMAN FERGUSON: Okay. Do you want  
 21 to open it up to our experts now?  
 22 Steve, are you on? Steve, are you on?  
 23 Steve Collazuol, are you on the line?  
 24 MR. COLLAZUOL: Hello. Can you hear me  
 25 now?

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

1 25 feet. This is shown on my site plan.  
 2 CHAIRMAN FERGUSON: Right.  
 3 MR. LACHANARIS: This line over here is  
 4 the existing duplex facing Morningside. And the  
 5 distance from the back of the building to the  
 6 property line is 25 feet.  
 7 CHAIRMAN FERGUSON: Okay. So the  
 8 building on Morningside Lane, I would assume if  
 9 they're going -- your backyard is 25 feet?  
 10 MR. LACHANARIS: Yes.  
 11 CHAIRMAN FERGUSON: Right.  
 12 So from their property line to your  
 13 building, what is the distance?  
 14 MR. LACHANARIS: Six feet.  
 15 CHAIRMAN FERGUSON: From the end of  
 16 their property line to your building along your  
 17 property line?  
 18 MR. LACHANARIS: Six feet.  
 19 CHAIRMAN FERGUSON: Six feet.  
 20 So, in other words, they're going to go  
 21 out in your backyard and they're going 6 feet from  
 22 their property line to your building?  
 23 MR. LACHANARIS: Yes, they will.  
 24 CHAIRMAN FERGUSON: Instead of having  
 25 to require 25 feet, you have 6 feet?

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

1 CHAIRMAN FERGUSON: Yes. Okay, Steve.  
 2 MR. COLLAZUOL: Steve Collazuol here.  
 3 CHAIRMAN FERGUSON: Good.  
 4 Steve, we just went through the Bergen  
 5 Boulevard. There's no address but the one on Bergen  
 6 Boulevard. We're looking for your comments.  
 7 MR. COLLAZUOL: Right.  
 8 I listened to the whole thing so far so  
 9 I've been on speaker listening.  
 10 CHAIRMAN FERGUSON: Okay, good.  
 11 MR. COLLAZUOL: So I'd like to bring up  
 12 something that I think that has been overlooked.  
 13 With respect to the zoning, it appears  
 14 that there are several walls that are designed that  
 15 are greater than 4 feet in height. Along the  
 16 northeast corner of the proposed driveway and parking  
 17 area, it looks like it's going to be about 8 feet in  
 18 height.  
 19 The detail shows that in the lower  
 20 right-hand corner, that would be an interlocking rock  
 21 wall.  
 22 But in the text it indicates it's going  
 23 to be concrete wall.  
 24 So I believe with respect to the zone,  
 25 any walls over 4 feet in height would require a

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

1 variance.  
 2 Being that's the intention, then he  
 3 would have to ask for a variance for height of the  
 4 wall as well.  
 5 Then the matter of this -- assuming  
 6 they have to go to the New Jersey DOT, and the  
 7 question of whether they get the driveway opening of  
 8 course is a major concern.  
 9 But they may require a 24-foot-wide  
 10 driveway opening in Bergen Boulevard.  
 11 In addition to that, the stormwater  
 12 connection that's shown, which looks like it's an  
 13 overflow connecting from pipes on the adjoining  
 14 property with the catch basin on Bergen Boulevard,  
 15 that would have to be approved by DOT as well.  
 16 And the location of the wall, being  
 17 that it's in the state highway, again that would have  
 18 to be approved, or allowed to remain or be removed,  
 19 by New Jersey DOT as well.  
 20 The sanitary sewer shown to be extended  
 21 to the adjacent property line, I think some further  
 22 information would be needed to see if that's an  
 23 extension that's required to go to DEP. I'm not  
 24 certain of the offsite connections and how far away  
 25 they are.

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

1 MR. COLLAZUOL: But I think, yes,  
 2 anything is doable.  
 3 They should be able to as long as they  
 4 have a destination for this water.  
 5 Mr. Lachanaris indicated that he  
 6 provided an extra seepage pit for the yard drains  
 7 that's amply sized certainly for what water is coming  
 8 in that yard drain. So they have to show that on the  
 9 drainage report.  
 10 CHAIRMAN FERGUSON: All right, Steve.  
 11 I guess we'll go to the public now.  
 12 Anybody in the public who would like to  
 13 comment about the report that we just heard.  
 14 IT TECHNICIAN: Yeah, we've got one.  
 15 CHAIRMAN FERGUSON: We've got one?  
 16 Okay. Can I get your name and address.  
 17 MS. SCHOR: Marsha Schor, 50 Henry  
 18 Avenue, Third Floor.  
 19 CHAIRMAN FERGUSON: Okay, Marsha. Good  
 20 to hear from you.  
 21 MS. SCHOR: Hope all is well with all  
 22 of you, too. (Audio Distortion) the front of the  
 23 building.  
 24 CHAIRMAN FERGUSON: Wait a minute,  
 25 Marsha. Hold on for a minute.

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

1 And of course, as we mentioned earlier,  
 2 Joe, sidewalks are typically required. So that I  
 3 think if the applicant was going to ask for that wall  
 4 to remain, he would have to ask for a waiver from  
 5 either the Borough to allow it to remain or  
 6 permission from DOT for it to remain.  
 7 I think that sums it up in addition to  
 8 our report that was dated September 16. If there are  
 9 any questions, I'd be happy to answer them.  
 10 CHAIRMAN FERGUSON: No, I don't think  
 11 so, Steve. I think you hit the high points. It  
 12 looks like a lot is going to depend on DOT if the  
 13 board wanted to approve it.  
 14 MR. COLLAZUOL: Yes.  
 15 CHAIRMAN FERGUSON: Do you think that  
 16 the runoff, the detention pit, do you think that's  
 17 adequate for this piece -- what's proposed.  
 18 MR. COLLAZUOL: Well, I think they have  
 19 to supply the drainage report. And they would have  
 20 to address what's coming off the property uphill  
 21 that's fronting on Morningside. Make sure these  
 22 pipes coming off the neighboring property and piping  
 23 that into Bergen Boulevard. So that would be part of  
 24 the report.

25 CHAIRMAN FERGUSON: Okay.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Our reporter is not getting you.  
 2 Okay, Marsha, go ahead, start from the  
 3 beginning.  
 4 MS. SCHOR: All right.  
 5 You're putting a roof terrace on the  
 6 building. Is the roof terrace going to be the place  
 7 the porch is.  
 8 CHAIRMAN FERGUSON: What is the  
 9 question?  
 10 MS. TESTA: The place the porch is. Is  
 11 the roof terrace in the place the porch is.  
 12 MR. CERESTE: Can you answer that,  
 13 Marios?  
 14 MR. LACHANARIS: The roof terrace is  
 15 over the area that is located about the garages. And  
 16 the reason we did that is because of the limited area  
 17 for parking, we provided the roof terrace so that the  
 18 occupants of the house have an area for the kids to  
 19 play and so forth.  
 20 MS. TESTA: So there is no deck or no  
 21 porch other than the roof terrace.  
 22 MR. LACHANARIS: Correct. The only  
 23 porch we have is by the entrance.  
 24 MS. TESTA: By the entranceway.  
 25 MR. LACHANARIS: Correct. There is no

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



1 other porch. Okay.  
 2 MS. SCHOR: Another question.  
 3 Will both apartments have access to  
 4 this roof terrace?  
 5 MR. CERESTE: Both apartments.  
 6 MR. LACHANARIS: Only one apartment,  
 7 the apartment on the second floor.  
 8 MS. SCHOR: Oh, alrighty.  
 9 Thank you.  
 10 MR. LACHANARIS: You're welcome.  
 11 CHAIRMAN FERGUSON: Okay.  
 12 MR. COLLAZUOL: Joe, can I just cut in?  
 13 Mr. Lachanaris indicated that the  
 14 building height in the zoning table was 22.42 feet.  
 15 And in his calculations on the left-hand side of the  
 16 plan, his calculations indicate that the building  
 17 height is 24.25 feet.  
 18 So I think the question is, which is  
 19 the true proposed building height, 22.42 or 24.25?  
 20 CHAIRMAN FERGUSON: Okay. He's looking  
 21 to give us the answer.  
 22 MR. LACHANARIS: I'm sorry, Steve.  
 23 Where do I show 24 feet?  
 24 My schedule 22.42 shows. And on the  
 25 front elevation where I noted the average grade plane

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

1 and the midpoint of the roof, I show the same number  
 2 22.45. And that's the only place where I show the  
 3 height of the building.  
 4 MR. COLLAZUOL: On Sheet 1 of 4, on the  
 5 left-hand side, you have average grade plane  
 6 calculations, and you show the average grade plane  
 7 calculation. And just to the right of that you say,  
 8 "Building Height Calculations, Average Grade Plane  
 9 Elevation, 225.75; Midpoint Roof 650.0; Building  
 10 Height, 24.25."  
 11 MR. LACHANARIS: Yeah, I see that,  
 12 Steve. That's a typo. That's a typo.  
 13 MR. COLLAZUOL: Well, then one of the  
 14 numbers has to change.  
 15 MR. LACHANARIS: Right. 36, 46.  
 16 MR. COLLAZUOL: Does the midpoint have  
 17 to change?  
 18 MR. LACHANARIS: 46 plus 3, 48. Yeah,  
 19 I noted on this -- on this schedule I noted that the  
 20 midpoint of the roof is elevation 250.  
 21 On my first floor elevation, it's noted  
 22 to be 248. That's the 2-foot difference.  
 23 MR. COLLAZUOL: Very good.  
 24 CHAIRMAN FERGUSON: Okay.  
 25 MR. LACHANARIS: Either way we comply.

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

1 If it's 24 or 22, we are in compliance with the code.  
 2 CHAIRMAN FERGUSON: Okay.  
 3 MR. COLLAZUOL: I understand. But the  
 4 board should know which it is. It is 22.42.  
 5 CHAIRMAN FERGUSON: Okay. Anything  
 6 else, Steve.  
 7 MR. COLLAZUOL: No. That's it. Thank  
 8 you.  
 9 CHAIRMAN FERGUSON: Okay. So I just  
 10 have one quick one.  
 11 MR. LACHANARIS: Yes.  
 12 CHAIRMAN FERGUSON: The basement, do I  
 13 see a bathtub in the basement.  
 14 MR. LACHANARIS: Sorry.  
 15 CHAIRMAN FERGUSON: In the basement, do  
 16 I see a bathtub in the basement.  
 17 MR. LACHANARIS: Yeah, I have a full  
 18 bathroom.  
 19 CHAIRMAN FERGUSON: Well, we don't  
 20 allow bathtubs in the basement.  
 21 MR. LACHANARIS: Okay. What about a  
 22 half bathroom?  
 23 What about a shower?  
 24 CHAIRMAN FERGUSON: We usually want a  
 25 sink and, you know, a toilet. That's not allowed.

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

1 But we don't allow bathtubs.  
 2 MR. LACHANARIS: Right. The only  
 3 reason I did that is because of the size of the room,  
 4 in case they want to use it as an exercise room,  
 5 instead of going upstairs to use the shower to use  
 6 that. But I don't think the client...  
 7 MR. CERESTE: That's not a problem.  
 8 MR. LACHANARIS: That's not an issue.  
 9 We'll take that out.  
 10 CHAIRMAN FERGUSON: And the board, at  
 11 least -- I shouldn't the board.  
 12 My concern is that when you have  
 13 bathtubs in the basement, you can move people into  
 14 the basement, which is as far as I'm concerned is a  
 15 no. All right.  
 16 MR. LACHANARIS: Yes.  
 17 CHAIRMAN FERGUSON: Okay. So, Counsel,  
 18 are you going to call your next witness.  
 19 MR. CERESTE: That's it.  
 20 CHAIRMAN FERGUSON: That's it.  
 21 MR. CERESTE: That's all we have.  
 22 CHAIRMAN FERGUSON: You're not putting  
 23 the planner on? You're not putting the...  
 24 MR. CERESTE: No.  
 25 CHAIRMAN FERGUSON: Okay. So that was

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

1 easy.

2 MS. TESTA: You should open to public.

3 CHAIRMAN FERGUSON: Michael Kauker.

4 Are you on the line, Mike?

5 MR. KAUKER: I am. I'm here. Can you

6 hear me?

7 CHAIRMAN FERGUSON: Yeah, I can hear

8 you.

9 Do you want to give us a report?

10 MR. KAUKER: Sure.

11 We had an opportunity to review the

12 materials that were submitted. As you mentioned

13 before, it's rather straightforward from a variance

14 standpoint.

15 There are two variances related to yard

16 setbacks, one for the minimum front yard and one for

17 the minimum rear yard, which were both identified by

18 the architect.

19 And then it appears that Mr. Collazuol

20 found an additional variance related to the height of

21 the retaining wall. So that would be a third

22 variance, where 8 feet is proposed and 4 feet is

23 permitted.

24 Then there's a design waiver that's

25 required because the porch and the steps encroach

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

1 CHAIRMAN FERGUSON: No board members

2 have any other questions.

3 So I guess I'll open it up to the

4 public now.

5 Anyone in the public have any questions

6 about this application at all?

7 (No response.)

8 CHAIRMAN FERGUSON: No.

9 Counsel, do you want to sum up, then?

10 MR. CERESTE: Yes, if I may.

11 Mr. Chairman, Members of the Board,

12 this property is very, very unique in terms of its

13 size.

14 Needless to say, it's extremely

15 challenging. If the board were to deny this, it

16 virtually will render this to a utility closet

17 because of the difficulty in developing this

18 particular property.

19 We chose not to do a duplex at this

20 site. We figure the flats would work. It's a lower

21 profile and a better fit for this particular

22 property.

23 It fits the classic definition in terms

24 of being very unique. It's a (c)(1) variance. The

25 property, as you can see, has a very shallow depth on

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

1 5 feet into the front yard, where they're only

2 permitted to encroach 4 foot.

3 So there are three bulk or (c)

4 variances required and then one design waiver.

5 And then, obviously, what the board is

6 going to have to find with respect to the variances

7 is whether they're -- you know, this is -- I don't

8 think a (c)(2) is applicable in this situation, but

9 you could apply the (c)(1) criteria.

10 Obviously you do have an oddly -- not

11 oddly-shaped, but extremely shallow property in the

12 area. So I think that's one consideration the board

13 can take -- you know, can take into their

14 deliberations.

15 I guess really, you know, it is true

16 that the property is shallow. I guess really from a

17 planning standpoint, the only consideration the board

18 would give is whether they feel that the size of the

19 structure is one that is appropriate for the lot.

20 But from a planning standpoint, that's

21 pretty much all I have. I'd be happy to answer any

22 questions if anybody has any.

23 CHAIRMAN FERGUSON: Okay. Any board

24 members have any questions?

25 (No response.)

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

1 the north side of 26 feet and on the south side 46

2 feet. So there's virtually nothing we can do to

3 alter that.

4 I think what we designed here is a

5 dwelling that I think fits with this particular

6 configuration. It is a linear property. It's 150

7 feet long. So we tried to take advantage of the

8 length of the property in terms of designing

9 something that would not be obtrusive. It doesn't

10 have the height. We're below the maximum height

11 under the zoning ordinance.

12 So I think it's a good fit. You know,

13 we know it's subject to getting DOT approval. Even

14 if this board were to approve this application, we

15 still need to get DOT approval in order to open up

16 the driveway on the north side of the property.

17 So I do feel that given the limitations

18 that this property presents, there's virtually

19 nothing more that I think can be done by the

20 applicant to make it attractive -- more attractive

21 than we have in this particular case. For that

22 reason, I would ask for your favorable approval.

23 CHAIRMAN FERGUSON: So I personally am

24 very concerned about the application.

25 I'm concerned about the runoff and

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

1 where it goes. And I'm also very concerned that the  
 2 front yard -- the rear yards are only 6 and 7 feet.  
 3 I don't think it's fair that a person living on  
 4 Morningside looking out will see a wall 6 feet from  
 5 their property line.  
 6 So I'm going to make a motion to deny  
 7 the application.  
 8 Can I get a second?  
 9 VICE CHAIRMAN ALBANESE: I'll second  
 10 it.  
 11 CHAIRMAN FERGUSON: Roll call.  
 12 MS. LAMBRINIDES: Mr. Ferguson.  
 13 CHAIRMAN FERGUSON: Yes.  
 14 MS. LAMBRINIDES: Mr. Albanese.  
 15 VICE CHAIRMAN ALBANESE: Yes.  
 16 MS. LAMBRINIDES: Mr. Terranova.  
 17 MR. TERRANOVA: Yes.  
 18 MS. LAMBRINIDES: Mr. Min.  
 19 MS. MIN: Yes.  
 20 MS. LAMBRINIDES: Mr. Elefteriou.  
 21 MR. ELEFTERIOU: Yes.  
 22 MS. LAMBRINIDES: Ms. Tarabocchia.  
 23 MS. TARABOCCHIA: Yes.  
 24 MS. LAMBRINIDES: Mr. Brogna.  
 25 MR. BROGNA: Yes.

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

1 MR. BROGNA: Here.  
 2 MS. LAMBRINIDES: Mr. Carnovale.  
 3 (No response.)  
 4 CHAIRMAN FERGUSON: Okay, we're all  
 5 back.  
 6 Counsel, do you want to put your  
 7 appearance in?  
 8 MR. MACRI: Yes. Good evening,  
 9 Mr. Chairman, Members of the Board, my name is Mark  
 10 Macri.  
 11 I represent Alliotts Construction Corp.  
 12 in connection with the property located at 83  
 13 Brinkerhoff Terrace.  
 14 We're seeking the board's approval to  
 15 construct a two-family duplex-style dwelling on the  
 16 property.  
 17 I have two witnesses this evening. I  
 18 have Mr. Donato, who is seated to my right. And on  
 19 standby, which will be on television, will be  
 20 Mr. David Spatz, our professional planner.  
 21 If we can begin by having Mr. Donato  
 22 sworn in.  
 23 MS. TESTA: Raise your hand.  
 24 Do you swear that the testimony will  
 25 you give in this application will be the truth, the

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

1 CHAIRMAN FERGUSON: Thank you.  
 2 MR. CERESTE: Thank you for your time.  
 3 CHAIRMAN FERGUSON: Okay, do you want  
 4 to take a five-minute break.  
 5 (Whereupon, a brief recess is taken.)  
 6 CHAIRMAN FERGUSON: Okay. So our next  
 7 case is 83 Brinkerhoff Terrace.  
 8 Are you going to represent 83?  
 9 MR. MACRI: Yes.  
 10 CHAIRMAN FERGUSON: Okay. Roll call.  
 11 MS. LAMBRINIDES: Mr. Ferguson.  
 12 CHAIRMAN FERGUSON: Here.  
 13 MS. LAMBRINIDES: Mr. Albanese.  
 14 VICE CHAIRMAN ALBANESE: Here.  
 15 MS. LAMBRINIDES: Mr. Terranova.  
 16 MR. TERRANOVA: Here.  
 17 MS. LAMBRINIDES: Mr. Min.  
 18 MS. MIN: Here.  
 19 MS. LAMBRINIDES: Ms. Yoon.  
 20 (No response.)  
 21 MS. LAMBRINIDES: Mr. Elefteriou.  
 22 MR. ELEFTERIOU: Here.  
 23 MS. LAMBRINIDES: Ms. Tarabocchia.  
 24 MS. TARABOCCHIA: Here.  
 25 MS. LAMBRINIDES: Mr. Brogna.

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

1 whole truth, and nothing but the truth so help you  
 2 God?  
 3 MR. DONATO: I do, yes.  
 4 J O S E P H D O N A T O,  
 5 14 Route 4 West, River Edge, New Jersey, having  
 6 been duly sworn, testifies as follows:  
 7 MS. TESTA: State your name for the  
 8 record and spell it.  
 9 MR. DONATO: Sure. Joseph Donato,  
 10 D-O-N-A-T-O. Located at 14 Route 4 West, River Edge,  
 11 New Jersey.  
 12 CHAIRMAN FERGUSON: Okay. So just to  
 13 save time, you're accepted as an expert.  
 14 Counsel, take it away.  
 15 MR. DONATO: Thank you.  
 16 DIRECT EXAMINATION  
 17 BY MR. MACRI:  
 18 Q. Mr. Donato, the plans on the right are  
 19 the same plans that were submitted to the board in  
 20 anticipation of tonight's application.  
 21 Is that correct?  
 22 A. Yes.  
 23 Q. Please explain to the board what  
 24 currently exists and what we're proposing to  
 25 construct upon the property.

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

1 **A. Okay.**  
 2 **So the existing property, which is 83**  
 3 **Brinkerhoff Terrace, is a corner lot.**  
 4 **It's on the north side of Brinkerhoff**  
 5 **and Hillside Avenue.**  
 6 **The current lot is nonconforming in a**  
 7 **couple ways. It's 45-foot wide where 50 foot is**  
 8 **required.**  
 9 **We do have 109 feet deep where 100 is**  
 10 **required, but the lot area is undersized.**  
 11 **So there's two items from the lot which**  
 12 **are nonconforming, lot width and lot area.**  
 13 What's unique about this property is,  
 14 Hillside is a one-way. So the sight triangle doesn't  
 15 come into effect with any designs of the structure.  
 16 And, actually, we designed the  
 17 structure without those -- usually you have the  
 18 stairs that project beyond the building.  
 19 We kind of kept the entrance at the  
 20 lower level so we don't have those obstructions  
 21 coming off of the building that would affect the  
 22 right-of-way or the front or side yards.  
 23 The property is 109-and-a-half feet.  
 24 What's unique about this property also is, to the  
 25 north of us, which is the rear yard, is a driveway  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 comparison to the duplexes that are being built in  
 2 town, we want to kind of compare ourselves to those.  
 3 What we did, was stretched the duplex  
 4 out along Hillside longer than typical just to make  
 5 up for the difference in the width of the lot.  
 6 Typically you have a 50-foot-by-100.  
 7 The corner duplexes have been approved for 35-foot  
 8 wide. We're keeping our duplex at 30-foot wide.  
 9 Just to go as far as layout, then I'll  
 10 hit the variances that we're asking for.  
 11 Sheet A-3 are the floor plans for the  
 12 building, what we're proposing is a 30-foot wide -- 29  
 13 feet 11 inches by 70 feet. It's a side-by-side  
 14 duplex.  
 15 So it's set 10 feet off the Hillside  
 16 Street side, which would allow us to have two-car  
 17 parking outside and two-car parking inside for each  
 18 unit.  
 19 So the ground floor, which is a typical  
 20 duplex, will have a garage, will have open space with  
 21 a stair, a half-bath and a boiler room.  
 22 Then we go up to the second floor.  
 23 Again, it's 29 feet 11 inches by 70. So split that  
 24 in half. Each duplex is about 35-foot wide. We have  
 25 a living room, a dining room, kitchen, and half bath,  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 that comes around our property to our neighbor's.  
 2 And they access -- it's a 12-foot-by-45 foot access  
 3 where it's not part of a 50-by-100 lot, so it's  
 4 another 12-by 45 directly behind us.  
 5 Also, the existing conditions of the  
 6 house, there are several nonconforming items. With  
 7 this proposal, we intend to remove the building, so  
 8 those will be removed.  
 9 The current side yard, which is the  
 10 north side of the property, is 3.9 feet, where 5 feet  
 11 is required.  
 12 That's what we're proposing on our  
 13 duplex, but we will be removing the 3.9 side yard.  
 14 There's also a two-car garage toward  
 15 the back of the building, which is 8.2 feet away from  
 16 the rear of the property.  
 17 So with our proposal, those two items  
 18 will be removed. And our rear yard will have more  
 19 open air and light in comparison to what's there.  
 20 And also our side yards will be larger than what's  
 21 there.  
 22 So what we're proposing is a two -- a  
 23 duplex, a side-by-side duplex, which enters on the  
 24 Hillside Avenue. And because of the narrowness, the  
 25 45 feet of lot, and our proposal is to -- in  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 and a deck coming off the side of the building.  
 2 Then on the top floor we have three  
 3 bedrooms, two bathrooms, and a laundry room, which is  
 4 a typical design of these duplexes.  
 5 In our proposal, we do have a set of  
 6 stairs that goes to a little roof balcony over each  
 7 unit, so they have a small little roof terrace.  
 8 I'll just touch on the variances that  
 9 we're asking for.  
 10 **Q.** I'll have you go over the variances.  
 11 That's fine. Just really one thing. Thank you.  
 12 This duplex is 5 feet narrower than  
 13 most duplexes, correct?  
 14 **A. Correct. We're at 29 feet 11 inches**  
 15 **wide. Yes, right.**  
 16 **Q.** So, again, 5 feet smaller than  
 17 typically, right?  
 18 **A. Correct, yes.**  
 19 **Q.** Okay.  
 20 **A. And that's where the difference -- the**  
 21 **difference of the building being longer is because of**  
 22 **the 45-foot wide; we stretch the square footage out**  
 23 **longer.**  
 24 So with this proposal -- and I'll just  
 25 go through the zoning schedule. Lot area, 5,000  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 square feet is required, 50-by-100. This existing  
 2 lot is 49.24, so we're undersized in lot area. Even  
 3 though it's existing, it triggers a variance.  
 4 The lot width, where 50 is required, we  
 5 have 45 feet. Again, it's existing nonconforming.  
 6 So those are the two first variances.  
 7 The depth of the lot, we do have 109  
 8 feet, so we're a little bit bigger. We're 9 feet  
 9 4 inches deeper. And that's where the depth -- the  
 10 rear yard, that 12 extra feet of just open air, which  
 11 is the driveway that's where the backyard would be.  
 12 The front yard, where 25 feet is  
 13 required, we're asking for the average of 20 feet.  
 14 The corner front which, would be  
 15 Hillside Avenue, where 15 feet is typically required,  
 16 we're asking for 10. That's where the difference of  
 17 the 45 feet to 100, that's where the 5 feet comes  
 18 into play, where we're asking for that in the front  
 19 variance.  
 20 The side yard, 5 feet is required.  
 21 We're asking 5 feet 1 inch. And that's the side  
 22 that we're removing the nonconforming structure.  
 23 The rear yard, where 25 feet is  
 24 required, we're asking for 19. And that's where we  
 25 felt that by elongating the building for the rear of

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

1 MR. DONATO: Correct.  
 2 CHAIRMAN FERGUSON: So, as I see the  
 3 plans, are you declaring the side that's north,  
 4 that's going to be your rear yard.  
 5 MR. DONATO: Correct, yes.  
 6 CHAIRMAN FERGUSON: That's the rear  
 7 yard.  
 8 MR. DONATO: That's the rear yard.  
 9 CHAIRMAN FERGUSON: So it's at 19 feet  
 10 now, right.  
 11 MR. DONATO: Correct.  
 12 CHAIRMAN FERGUSON: I believe the  
 13 ordinance reads that it's got to be -- one side's got  
 14 to be 25 feet, right.  
 15 MR. DONATO: Yes.  
 16 CHAIRMAN FERGUSON: So in the front you  
 17 have 20 feet; that's an average, you know, on that  
 18 side.  
 19 MR. DONATO: On that side, correct.  
 20 CHAIRMAN FERGUSON: But on the other  
 21 side you're supposed to have 25 feet, where you have  
 22 19, correct.  
 23 MR. DONATO: Correct.  
 24 CHAIRMAN FERGUSON: Okay. So what I  
 25 would like to see, I would like you to reduce the

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

1 the building, because of that driveway, which is not  
 2 part of a 50-by-100 lot where a house can be built  
 3 later on, it's open space that kind of creates that  
 4 open -- more air, more light.  
 5 And also that's where the existing  
 6 garage that is 8.2 feet is being removed. So we feel  
 7 like we elongated the building, but we have more air  
 8 and light than what's currently there.  
 9 The height, two stories, 28 feet.  
 10 We're trying to keep this building up so we don't  
 11 have any stairs projecting beyond the structure. We  
 12 are asking for a height variance of three stories,  
 13 32.89 feet.  
 14 Lot coverage, where 40 percent is  
 15 typically permitted, we are undersized. So by  
 16 building a duplex that compares to the other duplexes  
 17 in town, that lot coverage goes up to 42.54, and that  
 18 would be a variance.  
 19 We do have parking per zoning: Two  
 20 cars inside, two cars outside, four stalls per unit.  
 21 CHAIRMAN FERGUSON: Yeah, I have some  
 22 comments. My understanding is that a corner house --  
 23 a corner house, you know, when you have a corner  
 24 house, obviously you can't have a 25-foot backyard  
 25 because you only have 20 feet.

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

1 size of the building by 5 feet.  
 2 What that does, if you reduce the  
 3 building by 5 feet, that gives you 24 feet and a  
 4 couple inches on the back.  
 5 MR. DONATO: On the rear yard.  
 6 CHAIRMAN FERGUSON: On your rear yard.  
 7 So you're only, you know, less than a foot that's  
 8 required. Because I think, you know -- I mean, I  
 9 appreciate what you're up against.  
 10 But I think it would be better if we  
 11 reduced the size of that to...  
 12 MR. MACRI: Five feet 19. There's 10  
 13 feet between our property line and the neighbor's  
 14 property line.  
 15 It's really -- from our house to the  
 16 end of the driveway is 29 feet. That's why we went  
 17 to 19 on that side.  
 18 CHAIRMAN FERGUSON: But your house is  
 19 70 feet.  
 20 MR. MACRI: Because we're 5 feet  
 21 narrower.  
 22 CHAIRMAN FERGUSON: Yeah.  
 23 But the backyard, what you're  
 24 determining is the rear yard now, as the plans sit  
 25 now, is 19 feet, correct?

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

1 MR. DONATO: Correct. For that rear  
 2 yard.  
 3 CHAIRMAN FERGUSON: Right. So you're  
 4 supposed to have 25 feet.  
 5 MR. DONATO: Correct. I think the  
 6 thinking was, that driveway that's 12 feet, even  
 7 though it's not our property, that 12-feet plus the  
 8 side yard of the next neighbor, we actually 6 feet,  
 9 which is the typical duplex. From our rear yard it's  
 10 almost 28 feet from your rear yard, the next  
 11 structure.  
 12 So that's what our thinking was. But we  
 13 can definitely take the 5 feet off.  
 14 We understand.  
 15 CHAIRMAN FERGUSON: You'll take the 5  
 16 feet off.  
 17 MR. DONATO: Sure.  
 18 MR. MACRI: Done.  
 19 CHAIRMAN FERGUSON: You're only a foot  
 20 off the variance.  
 21 MR. DONATO: Not only that, but also  
 22 that reduces the building coverage. So we're in  
 23 conformance.  
 24 CHAIRMAN FERGUSON: So you're good with  
 25 that, correct.

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

1 MR. DONATO: No. Just a sink and a  
 2 toilet.  
 3 CHAIRMAN FERGUSON: Okay, fine.  
 4 MR. DONATO: On each side.  
 5 CHAIRMAN FERGUSON: Okay, that's fine.  
 6 You don't have it.  
 7 The other thing is, the thing that I  
 8 see up on top, if you can -- just where it says,  
 9 "Roof Deck Plan," will you just give me some...  
 10 MR. DONATO: So really the thinking was  
 11 because there's less property that people can walk  
 12 out on, there was going to be a second set of stairs  
 13 to the roof and they have a deck that's open.  
 14 But our thinking is, if we have to  
 15 reduce that building by 5 feet, we may eliminate the  
 16 roof deck so we have space inside the building.  
 17 CHAIRMAN FERGUSON: Yes.  
 18 MR. DONATO: Yes, that's what we would  
 19 do. We need the space.  
 20 CHAIRMAN FERGUSON: So the roof deck is  
 21 out.  
 22 MR. DONATO: Out, right. We'll pick up  
 23 that square footage.  
 24 CHAIRMAN FERGUSON: Somewhere else.  
 25 Yeah, that's fine. Okay.

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

1 MR. DONATO: Yes.  
 2 CHAIRMAN FERGUSON: The next thing is  
 3 the parking garages. Does your -- I understand that  
 4 you're inside.  
 5 MR. DONATO: Yes.  
 6 CHAIRMAN FERGUSON: But do your  
 7 driveways go over the sidewalk; in other words, are  
 8 you not, you know, on --  
 9 MR. DONATO: On Hillside, no.  
 10 CHAIRMAN FERGUSON: You're not.  
 11 MR. DONATO: We're recessing the  
 12 parking another 10 feet into the building. So we  
 13 have 20 feet from the garage doors to the property  
 14 line.  
 15 CHAIRMAN FERGUSON: Right. So you will  
 16 not be --  
 17 MR. DONATO: We won't be in  
 18 right-of-way.  
 19 CHAIRMAN FERGUSON: Okay, good.  
 20 Now, the other thing I have before I  
 21 turn it over to the experts.  
 22 In the basement, right?  
 23 MR. DONATO: Right.  
 24 CHAIRMAN FERGUSON: Are there any  
 25 bathtubs in the basement?

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

1 Any board members have any questions?  
 2 Yes.  
 3 MR. MIN: On the plan, third floor,  
 4 master bedroom, you have four doors: One access to  
 5 the bathroom, one access to the walk-in closet, and  
 6 the entrance, and you have another door on the right.  
 7 MR. DONATO: Right. So that's the  
 8 stairs that are going up to this roof deck. That was  
 9 going to be a closet underneath the stairs, but that  
 10 will be eliminated.  
 11 And also by eliminating the roof deck,  
 12 we'll come down in height. So it helps overall with  
 13 the narrowness of the lot.  
 14 CHAIRMAN FERGUSON: Okay.  
 15 Any other board members have anything?  
 16 (No response.)  
 17 CHAIRMAN FERGUSON: No.  
 18 MS. TARABOCCHIA: Is there a bathroom  
 19 on the first floor.  
 20 CHAIRMAN FERGUSON: We're going to go  
 21 to our -- Steve.  
 22 Steve, are you with us?  
 23 MR. COLLAZUOL: Can you hear me?  
 24 CHAIRMAN FERGUSON: Yeah, we can hear  
 25 you.

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

1 Steve, do you have any questions?  
 2 MR. COLLAZUOL: Okay. Yeah. I have a  
 3 zoning comment.  
 4 I know that Joe mentioned that the  
 5 front yard requires 20 feet, and that's a matter for  
 6 (Audio Distortion) from the average of the front yard  
 7 setback of the adjoining buildings in the block.  
 8 But I don't think that -- we may not be  
 9 correct. If you look at the report by Michael Kauker  
 10 and you look at the aerial map, it doesn't look like  
 11 the adjoining houses are 20 foot. It looks like  
 12 their aligning with the existing building, which  
 13 looks like it's about 25 feet.  
 14 If you look at a street map from the  
 15 Bergen County PIF, it also looks like that.  
 16 So I would suggest to the board that if  
 17 they're going to be indicating that it is 20 feet  
 18 that they show that somehow.  
 19 If not, then they should ask for the  
 20 variance now for the front yard setback of 20 feet.  
 21 MR. DONATO: I can answer.  
 22 So if we don't meet the average, then  
 23 we would ask for a variance.  
 24 But also, compared to a typical duplex,  
 25 we don't have the porch or the steps that project

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

1 stormwater management. And that was in that side  
 2 yard area, it looks like there may be some runoff to  
 3 neighboring properties.  
 4 I'd ask the engineer to revisit that  
 5 and perhaps put in a yard drain to catch some of the  
 6 water in the middle of that side yard.  
 7 Other than that, we have no objections  
 8 to the plan.  
 9 CHAIRMAN FERGUSON: So are you opposed  
 10 to putting a drain in there?  
 11 MR. DONATO: So we do have a drain. We  
 12 could drain the property so it doesn't affect the  
 13 neighbor, into a drain.  
 14 That's not a problem.  
 15 CHAIRMAN FERGUSON: What do you think,  
 16 Steve, is that acceptable?  
 17 MR. COLLAZUOL: I think there is a  
 18 drain shown. I think that there should be an  
 19 additional drain shown.  
 20 The building is 70 feet long, or 65  
 21 feet long. The drain looks like, the way the grading  
 22 is shown, that it doesn't affect that runoff there.  
 23 MR. DONATO: I can talk to the  
 24 engineer.  
 25 We can put drainage to make sure also

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

1 beyond that, so that would be the difference.  
 2 CHAIRMAN FERGUSON: Okay. All right.  
 3 MR. COLLAZUOL: But you have those  
 4 decks on Brinkerhoff, though?  
 5 MR. DONATO: Correct.  
 6 MR. MACRI: We'll amend the application  
 7 to include the additional variance.  
 8 We'll amend the application to include  
 9 an additional variance if we're not within the  
 10 average of the setback of the front yard.  
 11 CHAIRMAN FERGUSON: Okay. Steve,  
 12 anything else?  
 13 MR. COLLAZUOL: Just two other points,  
 14 other items in the report.  
 15 The wall had stone on Brinkerhoff  
 16 Terrace. It requires a fall protection like a  
 17 railing because it 3-and-a-half foot in height.  
 18 And the last item is where the grading  
 19 plan is showing two sewers going out to Hillside  
 20 Avenue, and the ordinance indicates that there should  
 21 only be one sewer allowed out to the borough's  
 22 right-of-way.  
 23 Aside from that, the other items are  
 24 typical as shown in our report.  
 25 There was one other comment on

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

1 the wall -- we're replacing the wall that's there.  
 2 We can put a railing in.  
 3 CHAIRMAN FERGUSON: Okay.  
 4 MR. DONATO: It's not a walkway.  
 5 CHAIRMAN FERGUSON: Okay, Steve, thank  
 6 you.  
 7 Anybody on the phone who would like to  
 8 make a comment?  
 9 MR. COLLAZUOL: You're welcome, Joe.  
 10 CHAIRMAN FERGUSON: Anybody on the  
 11 phone that would like to address the board?  
 12 IT TECHNICIAN: No.  
 13 CHAIRMAN FERGUSON: Nobody is on?  
 14 Okay.  
 15 Do you want to call your next witness,  
 16 then?  
 17 MR. MACRI: Yes. Is Mr. Spatz on the  
 18 line.  
 19 MR. SPATZ: Yep, I'm here.  
 20 MS. TESTA: Raise your right hand.  
 21 Do you swear that the testimony you  
 22 will give in this application will be the truth, the  
 23 whole truth, and nothing but the truth, so help you  
 24 God?  
 25 MR. SPATZ: Yes, I do.

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

1 DAVID SPATZ,  
 2 60 Friend Terrace, Harrington Park, New jersey,  
 3 having been duly sworn, testifies as follows:  
 4 MS. TESTA: State your name and spell  
 5 it for the record, please.  
 6 MR. SPATZ: Certainly. David Spatz,  
 7 S-P-A-T-Z.  
 8 CHAIRMAN FERGUSON: Okay. Dave, you've  
 9 been here many times. We consider you as an expert.  
 10 We take you as an expert.  
 11 MR. SPATZ: Thank you very much.  
 12 DIRECT EXAMINATION  
 13 BY MR. MACRI:  
 14 Q. Mr. Spatz, can you please describe the  
 15 existing conditions and the variances which we seek  
 16 and how this board can grant them?  
 17 A. Certainly.  
 18 I had submitted to the board a photo  
 19 exhibit. Were copies made?  
 20 If not, I'll just describe the area  
 21 myself.  
 22 CHAIRMAN FERGUSON: Okay. I did  
 23 receive that today. I'm going to pass it around to  
 24 the board.  
 25 (Whereupon, Planner's Photoboard is

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

1 other dwellings on our property.  
 2 So looking at the (d) variance, the  
 3 height variance, that variance can be granted two  
 4 ways. First, the topographic conditions of the  
 5 property, we do slope from front to back. And the  
 6 frontage from west to east along Brinkerhoff is at a  
 7 higher elevation than the adjacent properties as well  
 8 as the property to the rear, so that affects the  
 9 building height, itself, slightly.  
 10 The other newer homes in the area are  
 11 all three stories in height and similar height in  
 12 terms of foot.  
 13 So we are consistent with the  
 14 neighborhood. We are, I'll note, only a half story  
 15 and less than 5 feet over what is permitted within  
 16 the zone.  
 17 So I think that we are consistent with  
 18 the neighborhood development in terms of building  
 19 height.  
 20 Looking at our bulk variances, I think  
 21 it can be granted under the (c)(1) standard. Our lot  
 22 is undersized, primarily because of the lot width.  
 23 We're at 45 feet versus 50 feet. And that affects  
 24 primarily the side yard and the corner lot variance  
 25 where we are off by 5 feet. If the lot was a

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

1 marked as Exhibit A-1 for identification.)  
 2 MR. SPATZ: Okay. I can just describe  
 3 the area quite well.  
 4 As Joe had indicated, we are a corner  
 5 lot. The dwelling faces Brinkerhoff. And the garage  
 6 and driveway are on Hillside.  
 7 There are a mixture of ones and twos  
 8 along Hillside and Brinkerhoff.  
 9 But I'll note on the opposite side of  
 10 Hillside from our property there is a new  
 11 three-story, three-family dwelling that was there.  
 12 So we are proposing a two-family, which  
 13 is permitted within the zone.  
 14 As Joe described, we are undersized in  
 15 terms of lot width and then lot area. Those are  
 16 preexisting conditions.  
 17 We do need one (d) variance for  
 18 building height, and then some (c) variances. Those  
 19 have been modified, based on conversations this  
 20 evening.  
 21 By reducing the building by 5 feet, our  
 22 rear yard is now short by only 1 foot. We've  
 23 eliminated the building coverage variance.  
 24 But we've added the variance for front  
 25 yard because it does not meet the average of the

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

1 conforming 50-foot size we would be conforming.  
 2 In terms of rear yard, the rear yard  
 3 setback is modified so we're only 1 foot off. But,  
 4 in any event, the setback between our new building  
 5 and the adjacent building on Hillside is  
 6 significantly increased by elimination of the garage,  
 7 which now provides a lot more open space, and then  
 8 the driveway for that adjacent property.  
 9 So the setbacks between the two  
 10 buildings are probably close to 30 feet now.  
 11 In terms of coverage, that variance has  
 12 been eliminated.  
 13 The other (d) variance -- (c) variance  
 14 -- excuse me is lot area per unit. Again, because  
 15 the property is slightly undersized, the lot area per  
 16 unit is off by a few square feet.  
 17 Mr. Donato described what was being  
 18 proposed. We do have a conforming amount of parking.  
 19 In order to get it within the building  
 20 to make the building a little bit wider and longer  
 21 than what is permitted, that has been modified. That  
 22 again affects some of the setbacks.  
 23 The coverage limitation, we do meet in  
 24 terms of square foot, but the percentage of  
 25 limitation is exceeded by 2.54 percent.

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



1 Drainage facilities are being provided  
 2 where none currently exists, so that is an improved  
 3 condition.  
 4 Lastly, looking at the negative  
 5 criteria. I don't believe there is anything  
 6 substantially negative. We are a conforming use. We  
 7 are in character and compatible with the surrounding  
 8 properties. We provide setbacks that I believe are  
 9 similar to what is on the property as well as within  
 10 the neighborhood. They're being improved where  
 11 feasible.

12 There's an existing driveway on  
 13 Hillside for the two-car garage that currently exists  
 14 that's being removed. There is no parking permitted  
 15 on Hillside along the frontage of our property.  
 16 There is painted yellow striping and then you have  
 17 the corner, so there will be no loss of on-street  
 18 parking by our slightly wider driveways.

19 And on balance I believe that the  
 20 positive criteria are met, and they far exceed  
 21 anything that could be considered negative. And I  
 22 believe that the variances could be granted.

23 If there are any questions, I'll be  
 24 happy to answer them.

25 CHAIRMAN FERGUSON: Okay.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 three-family townhouse building on the opposite side  
 2 of Hillside is also three stories and a similar  
 3 height to ours.

4 So I do believe that our height is  
 5 consistent with the neighborhood.

6 MR. KAUKER: Okay. And then just a  
 7 second question. You talked about lot coverage. I  
 8 don't know if I heard any testimony from either the  
 9 architect or yourself for the maximum foundation  
 10 footprint, unless you were identifying it as  
 11 something other than that.

12 But there is a requirement for a duplex  
 13 on a corner lot, that the maximum foundation  
 14 footprint not exceed 2,500 square feet. Although I  
 15 could find no such calculation on the plan, do you  
 16 know if you meet that requirement?

17 MR. SPATZ: I think Mr. Donato would  
 18 have to provide the exact calculation.

19 I believe we probably do. And that  
 20 we've now just reduced the building by 5-feet plus  
 21 the width of it, so the lot coverage variances have  
 22 been eliminated.

23 But I'll let Joe speak to the actual  
 24 calculation for that because I don't have that  
 25 information.

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

1 Does any board members have any  
 2 questions?

3 (No response.)

4 CHAIRMAN FERGUSON: Seeing none, okay,  
 5 I'd like to turn it over to Mr. Kauker.

6 Did you get on?

7 MR. KAUKER: I'm here, Mr. Chairman.

8 Can you hear me?

9 CHAIRMAN FERGUSON: Yes.

10 So you heard Mr. Spatz's comments. Do  
 11 you have anything to add?

12 MR. KAUKER: Yes, I listened -- I  
 13 listened to his testimony. I think he covered all  
 14 the variances. I just had two quick questions.

15 First of all, Mr. Spatz, if I  
 16 understood your testimony correctly with respect to  
 17 the building height, that you did provide some  
 18 photographic exhibits.

19 But was it your testimony that the  
 20 height of the proposed building is consistent with  
 21 other existing buildings in the area, and, therefore,  
 22 is consistent with the surrounding neighborhood?

23 MR. SPATZ: Yes, it definitely is.

24 There are some newer two-family homes on Brinkerhoff  
 25 that are three stories in height. And then the

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

1 MR. DONATO: Joseph Donato here.

2 So by reducing the building 5 feet,  
 3 we're 1,945 square feet, and that brings us below the  
 4 40 percent coverage.

5 It comes out to 39.49 percent.

6 MR. KAUKER: Okay.

7 So then you meet the maximum foundation  
 8 footprint so no variance would be required.

9 So other than that, I think Mr. Spatz  
 10 addressed all the variances, and I have no further  
 11 questions.

12 CHAIRMAN FERGUSON: Okay, thank you.

13 Do you have any other witnesses?

14 MR. MACRI: No, no further witnesses.

15 CHAIRMAN FERGUSON: I just want to know  
 16 -- I don't know, Judd -- Judd, are you on the phone  
 17 on the Judd?

18 Judd Rocciola, are you with us?

19 (No response.)

20 CHAIRMAN FERGUSON: Okay.

21 At any rate, I did receive a note from  
 22 Judd saying that the application does apply, so we're  
 23 good with bulk.

24 Do you want to sum up? Oh, I'm sorry.  
 25 We're going to open it up to the public.

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

1 Anyone in the public who would like to  
 2 make a comment about this application?  
 3 IT TECHNICIAN: Yeah, one question.  
 4 CHAIRMAN FERGUSON: Okay. What's the  
 5 question?  
 6 MS. BRAUER: Hi.  
 7 CHAIRMAN FERGUSON: Marsha, is that  
 8 you.  
 9 MS. BRAUER: Can you hear me?  
 10 CHAIRMAN FERGUSON: Yes.  
 11 MS. BRAUER: No. It's Susan.  
 12 CHAIRMAN FERGUSON: Okay.  
 13 MS. BRAUER: Hi. Susan Brauer, 50  
 14 Henry Avenue.  
 15 Hi, Joe, how are you?  
 16 CHAIRMAN FERGUSON: Hanging in, Susan.  
 17 Yourself?  
 18 MS. BRAUER: Very good, thank you.  
 19 I hope he got this property at the fire  
 20 sale, but we'll see.  
 21 My question, I have two parts. Are  
 22 there going to be any decks on this house?  
 23 MR. DONATO: Yes. There will be one on  
 24 each side of the duplex on the sides. And we've  
 25 eliminated the roof deck on top.

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

1 MR. DONATO: Each duplex -- right now  
 2 what we're proposing, each duplex has a deck.  
 3 She's saying to eliminate one and put  
 4 another one on that side. We're only one duplex.  
 5 MS. BRAUER: And you have no room  
 6 anyplace other than -- because Brinkerhoff is a wide  
 7 street and it's well-traveled, and there's no way you  
 8 can tell someone what to put out there.  
 9 But I can tell you living in this town  
 10 what I see, it's not at all attractive having  
 11 anything on a main road. So if there's anything you  
 12 can do, it would be greatly appreciated.  
 13 My other question is, what's the  
 14 proposed finish on the outside of this house?  
 15 MR. DONATO: So we're going to have a  
 16 brick veneer with more of a contemporary feel with  
 17 the windows and some siding.  
 18 MS. BRAUER: Great. So you're not  
 19 going to put that stuff that looks like you're going  
 20 into a movie theater with that fake wood stuff?  
 21 MR. DONATO: No, that's not what we're  
 22 proposing.  
 23 MS. BRAUER: Okay, thank you.  
 24 CHAIRMAN FERGUSON: Okay, thank you,  
 25 Susan. Okay.

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

1 MS. BRAUER: All right. So there will  
 2 be -- when you say on the side, it's essentially  
 3 going north on Hillside.  
 4 MR. DONATO: That will be on  
 5 Brinkerhoff. And then the other one would be in the  
 6 rear facing --  
 7 MR. MACRI: North on Hillside.  
 8 MR. DONATO: North, on the driveway.  
 9 MS. BRAUER: On Brinkerhoff.  
 10 MR. DONATO: Correct.  
 11 MS. BRAUER: All right.  
 12 See, I have a problem with that,  
 13 because I've got a duplex across from me where they  
 14 put in something similar where the house is turned  
 15 down the street and they put a deck on a main road on  
 16 Henry, and the people do nothing but hang out laundry  
 17 and mops.  
 18 Can you put two decks on the side that  
 19 can't be seen from a main street? Because it's not  
 20 at all attractive see everybody's laundry hanging out  
 21 there.  
 22 MR. DONATO: The only thing with that  
 23 -- then you're only treating one duplex with decks,  
 24 not two.  
 25 MS. BRAUER: Well, that's your problem.

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

1 So is there anybody else on the line?  
 2 (No response.)  
 3 CHAIRMAN FERGUSON: No?  
 4 So, Counsel, do you want to sum up,  
 5 then?  
 6 MR. MACRI: I just want to make sure we  
 7 have the same additional variances on this. All  
 8 right.  
 9 So the house is going to be 65 feet in  
 10 length, not 70. We're going to eliminate the rooftop  
 11 deck. We're seeking a front yard variance in the  
 12 event that we don't meet the average, based on the  
 13 location of the deck and the front of the house. And  
 14 drainage has to be approved by Mr. Collazuol.  
 15 MS. TARABOCCHIA: And the removal of  
 16 the bathroom on the bottom floor.  
 17 CHAIRMAN FERGUSON: Say again?  
 18 MS. TARABOCCHIA: Or it's just a powder  
 19 room.  
 20 MR. MACRI: It's a powder room in the  
 21 basement.  
 22 MR. DONATO: And the lot coverage is  
 23 eliminating a variance.  
 24 CHAIRMAN FERGUSON: Okay.  
 25 MR. MACRI: That's it.

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

1 CHAIRMAN FERGUSON: Are you done  
 2 summing?  
 3 That's it?  
 4 MS. TESTA: And the rear yard you have  
 5 one foot, right?  
 6 You need a variance for that.  
 7 CHAIRMAN FERGUSON: You need a variance  
 8 one foot. All right.  
 9 MR. MACRI: Yes. You heard the  
 10 testimony of Mr. Spatz. This application meets both  
 11 the positive and negative criteria tests. For the  
 12 reasons stated Mr. Spatz's testimony, these variances  
 13 can be granted without substantial detriment to the  
 14 public good, nor will it impair the zone plan or the  
 15 Master Plan of the Borough of Palisades Park.  
 16 CHAIRMAN FERGUSON: Okay. All right.  
 17 So I'm going to make a motion to  
 18 approve this application.  
 19 In addition to the ones that we just  
 20 went over, I would like to add \$2,000.00 to the Tree  
 21 Preservation Fund. So you'll be willing to donate  
 22 the \$2,000.00.  
 23 And that's my motion. Can I get a  
 24 second?  
 25 VICE CHAIRMAN ALBANESE: I'll second  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 (Whereupon, Chairman Ferguson recuses  
 2 himself and Vice Chairman Albanese becomes the  
 3 Acting Chairman.)  
 4 ACTING CHAIRMAN ALBANESE: Okay. The  
 5 next case is Number 20-05.  
 6 Are you ready there, Mark?  
 7 MR. MACRI: Yes, I am, sir.  
 8 MS. LAMBRINIDES: Are we on?  
 9 MS. TESTA: Right.  
 10 We should be 456 Grand Avenue. Okay.  
 11 And I have the proof of mailing and  
 12 publication, and the board has jurisdiction.  
 13 MR. MACRI: Thank you.  
 14 Good evening, Mr. Chairman, Members of  
 15 the Board, once again, my name is Mark Macri. I  
 16 represent the applicant Rock Solid Construction, LLC  
 17 in connection with the property located at 456 Grand  
 18 Avenue here in the borough.  
 19 It's our intention to demolish the  
 20 existing two-story frame dwelling and construct a new  
 21 three-unit townhouse development.  
 22 This evening I have Mr. Vassilios  
 23 Cocoros, as well as Mr. David Spatz is our  
 24 Professional planner.  
 25 I'd like to begin by having Billy  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 it.  
 2 CHAIRMAN FERGUSON: Roll call?  
 3 MS. LAMBRINIDES: Mr. Ferguson?  
 4 CHAIRMAN FERGUSON: Yes.  
 5 MS. LAMBRINIDES: Mr. Albanese?  
 6 VICE CHAIRMAN ALBANESE: Yes.  
 7 MS. LAMBRINIDES: Mr. Terranova?  
 8 MR. TERRANOVA: Yes.  
 9 MS. LAMBRINIDES: Mr. Min?  
 10 MS. MIN: Yes.  
 11 MS. LAMBRINIDES: Mr. Elefteriou?  
 12 MR. ELEFTERIOU: Yes.  
 13 MS. LAMBRINIDES: Ms. Tarabocchia?  
 14 MS. TARABOCCHIA: Yes.  
 15 MS. LAMBRINIDES: Mr. Brogna?  
 16 MR. BROGNA: Yes.  
 17 MR. MACRI: Thank you very much.  
 18 CHAIRMAN FERGUSON: Thank you.  
 19 So let me -- there is one more  
 20 application on the agenda for tonight.  
 21 I'm located within 200 feet so I'm  
 22 going to have to recuse myself. So I'm going to turn  
 23 the meeting over to Mr. Albanese, who can conduct  
 24 this meeting.  
 25 Do you want to come here, Paul?  
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**201-641-1812**

1 Cocoros sworn in as our architect.  
 2 MS. TESTA: Do swear that the testimony  
 3 you will give this application will be the truth, the  
 4 whole truth, and nothing but the truth so help you  
 5 God?  
 6 MR. COCOROS: I do.  
 7 V A S S I L I O S C O C O R O S,  
 8 467 Sylvan Avenue, Englewood Cliffs, New Jersey  
 9 07632, having been duly sworn, testifies as  
 10 follows:  
 11 MS. TESTA: State your name for the  
 12 record, please.  
 13 MR. COCOROS: Vassilios,  
 14 V-A-S-S-I-L-I-O-S; Cocoros, C-O-C-O-R-O-S. 467  
 15 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.  
 16 MS. TESTA: Bill has testified before  
 17 so we can accept him as an expert?  
 18 Okay, you'll be accepted.  
 19 DIRECT EXAMINATION  
 20 BY MR. MACRI:  
 21 **Q.** Mr. Cocoros, will you please describe  
 22 the existing conditions and what we've proposed to  
 23 construct upon the property?  
 24 **A. Sure.**  
 25 **The existing property, there is a**  
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**201-641-1812**

1 dwelling with a detached garage located approximately  
2 2 feet off the property. There's also an  
3 aboveground pool at the back, an aluminum shed, and  
4 a deck.

5 There's one driveway that's, kind of,  
6 adjacent to a four-unit townhouse development that's  
7 to the north of us. They do share a dropped curb cut  
8 on Grand Avenue.

9 The building, itself, is -- the  
10 property, itself, is pretty much run down. And we're  
11 proposing to demolish the existing improvements on  
12 the property and construct a new three-unit townhouse  
13 dwelling.

14 What we're doing is we're turning the  
15 development 90 degrees to match the developments on  
16 either side of us.

17 To the south of us, which is the right  
18 of the property as you're looking at it from the  
19 Grand Avenue to the east, you have a three-unit  
20 townhouse. And then to the left of us, which is  
21 north of here, is a four-unit townhouse.

22 Our existing property is oversized with  
23 the zone. It's 5,928.42 square feet. However, due a  
24 quirk in the tax map which has to do with the  
25 adjacent property on the other side of us, we have --

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**201-641-1812**

1 garden style apartment.

2 You can see here we have the  
3 elevations. We're going for a modern look with brick  
4 in a panelized system. I forgot to bring the  
5 renderings but I have it on my phone. I can show you  
6 guys from a distance.

7 The ground floor is basically the  
8 garage level and entry level. There's no finished  
9 basement here. There's no powder room. There's no  
10 bathrooms, nothing on the first floor.

11 So it's strictly parking and an entry  
12 foyer with a staircase up to the first floor, which  
13 is the main living space. And there's also a utility  
14 room that's accessed off of the -- off the garage  
15 area. There's enough room for a water room, heater  
16 and a boiler.

17 Sheet A-3, we have the first floor,  
18 second floor, and the roof plan. The first floor is  
19 the main living space. It basically consists of a  
20 staircase up to the entry level. We have a living  
21 room, a kitchen with a big eating area. We have a  
22 powder room. We also have a stackable laundry, a  
23 coat closet, a little hallway turn-around area, and  
24 the staircase up to the second floor, which is the  
25 bedroom level.

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

1 at the front we have a width of 45.14 feet. At the  
2 rear we have a width of 50.01 feet. Lot depth is  
3 122.8 feet on the south side, which is the right-hand  
4 side. And it's 130.14 feet on the north side.

5 So the lot, itself, is oversized  
6 compared with the typical 50-by-100 AA lot  
7 requirement.

8 The development, itself, we've decided  
9 to rotate it, face the front doors of the units on  
10 the north side of the building, which is opposite the  
11 four-unit townhouse that's directly to the left of  
12 us.

13 It's a three-level configuration plus a  
14 roof deck and a small finished attic area.

15 If we go through the floor plans. I  
16 don't know if you can see the tax map, which the  
17 property, itself, is located approximately 197 feet  
18 from the intersection of West Edsall Boulevard going  
19 towards the south.

20 We also have an aerial photo of the  
21 existing property. You can see next to it there is  
22 the three-unit townhouse. And just in front of it  
23 there is the four-unit. Behind us to the right is a  
24 three-unit townhouse.

25 Also, next to that is a multifamily  
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**201-641-1812**

1 The second floor, each unit is a  
2 three-bedroom configuration, one being the master  
3 towards the front, with its own en suite master  
4 bathroom. We also have two secondary bedrooms, one  
5 being a little bit smaller. We have a full bathroom,  
6 a shared linen closet. Each bedroom, itself, has a  
7 closet.

8 There's also a staircase up to the roof  
9 deck. We have a small finished attic area with a  
10 bar, a wet bar area, and a roof deck in the front.  
11 The roof decks themselves are limited to 13 feet 8  
12 inches wide by 14 feet 7 inches deep at the deepest  
13 point. And at the staircases they are 10 feet 4  
14 inches.

15 So it's basically a three-level  
16 configuration plus a small finished attic and roof  
17 deck.

18 The building, so we've broken it up so  
19 it's not all brick. It's a panelized system. Let me  
20 show them the pictures.

21 MR. MACRI: On the phone.

22 ACTING CHAIRMAN ALBANESE: One concern  
23 I have is this driveway at the end here backing onto  
24 Grand Avenue.

25 Can you turn them around like you've  
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**201-641-1812**

1 got the rest of them?

2 MR. COCOROS: What we could do is, I  
3 could look at 90 degrees, I would have to go with a  
4 19-foot deep garage on that unit so we have enough  
5 turnaround area and then open up that space between  
6 those two driveways.

7 ACTING CHAIRMAN ALBANESE: Whatever you  
8 have to do.

9 It's not good to back out onto Grand  
10 Avenue. Do it the other way. Whatever you have to  
11 do, you do it.

12 MR. COCOROS: Yeah.

13 What we could do is, I could basically  
14 take the garage, turn it 90 degrees, put it closer to  
15 the middle dividing wall. Then I'll put a staircase  
16 in the front or an entry in the front so it looks  
17 like it's a front door. Then we can put some more  
18 green area in the front also.

19 ACTING CHAIRMAN ALBANESE: Anybody else  
20 on the board have any questions?

21 MS. TARABOCCHIA: I didn't hear.

22 MS. TESTA: If you could just repeat  
23 that.

24 Bill, if you could explain what you're  
25 going to do for the board. Not everybody could hear

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

1 the in and out as easy as possible.

2 We'll do the same thing on Unit C.

3 We're going to reconfigure the entry hall to be on  
4 the other portion of the building so we can set up  
5 the driveway access from the same position as the  
6 other two units, A and B.

7 ACTING CHAIRMAN ALBANESE: There's only  
8 one thing I want to say here.

9 MS. TESTA: I think it's Unit A.

10 ACTING CHAIRMAN ALBANESE: Okay. You  
11 have Unit C. You've got two Unit Bs. Look to the  
12 right. Isn't that Unit B.

13 MR. MACRI: You're referring to the  
14 unit closest to the --

15 ACTING CHAIRMAN ALBANESE: The first  
16 Unit B should be A.

17 MR. COCOROS: I'm sorry. The Unit A is  
18 the one closest to --

19 ACTING CHAIRMAN ALBANESE: That should  
20 be A.

21 MR. COCOROS: Right, right.

22 ACTING CHAIRMAN ALBANESE: Do you see  
23 it?

24 MR. COCOROS: Yeah, I see.

25 ACTING CHAIRMAN ALBANESE: That should  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 that.

2 MR. COCOROS: Oh, what we would do is  
3 we'd --

4 MS. TESTA: Is this a unit? What unit  
5 is this.

6 MR. COCOROS: This is unit -- I'm  
7 calling it Unit C.

8 ACTING CHAIRMAN ALBANESE: B.

9 MS. TESTA: C.

10 ACTING CHAIRMAN ALBANESE: It's B like  
11 in boy.

12 MS. TESTA: No. C like cat.

13 MR. MACRI: The one closest to Grand  
14 Avenue.

15 MR. COCOROS: Yeah. The one closest to  
16 Grand Avenue, what we'll do is, we'll basically  
17 orient the garage the same orientation as the other  
18 units, which would be accessed off the driveway.

19 In addition, to make the K-turn easier  
20 out of the driveway, the garage itself that was going  
21 to be 21 and a half feet will be 19 feet, which is  
22 still enough for a typical car -- two typical cars to  
23 park inside.

24 So we're doing -- on the other units we  
25 have a set-up with an 18-foot-8 garage door to make

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**201-641-1812**

1 be -- all right.

2 MS. TESTA: We'll call that Unit A on  
3 the plan.

4 MR. COCOROS: We can do that.

5 The only thing we'd like to do is,  
6 since we're moving the staircase, we'd like to have  
7 bay windows that match the other bay window in the  
8 front so when you look at it, it looks like the front  
9 of the building.

10 So we have 2-foot cantilevers.

11 MS. TESTA: You're moving the staircase  
12 to the...

13 MR. MACRI: Where the driveway is now.

14 MR. COCOROS: If you're looking at it

15 from the front, it's going to be the front right  
16 corner of the building facing Grand Avenue.

17 MS. TESTA: Okay.

18 ACTING CHAIRMAN ALBANESE: Paul, does  
19 anybody on the board have any questions?

20 MR. TERRANOVA: You're almost 11 feet  
21 over the height. Is there anything we can do to  
22 lower the height? You've got a 9-foot area. You're  
23 almost 12 feet.

24 MR. COCOROS: But what's going to be  
25 happen is, by moving the driveway I'll probably get

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

1 another foot and we'll probably bring the height down  
2 by a foot because I'll be able to landscape at that  
3 corner.

4 So, I mean, just by doing the  
5 reconfiguration we probably can save a foot on the  
6 height.

7 MR. TERRANOVA: Can you do a little bit  
8 better? You've got a 9-foot area on one of the  
9 levels. Maybe you can lower that just a little to  
10 get the height down.

11 MR. COCOROS: What we can do is kind of  
12 follow the configuration of the existing grade. I  
13 can probably bring the pitch down a little bit at the  
14 -- where the roof. The bulkhead can stay where it  
15 is. We have a bulkhead right now of 8 feet, which is  
16 typical. We can bring the actual roof height down of  
17 the main roof maybe -- let's say, if I bring it down  
18 by a foot-and-a-half, it's a decrease of 9 inches  
19 right to the midtown. So we could probably do 9  
20 inches, and maybe to be on the safe side, another 6  
21 inches by moving the garage to where the Chairman had  
22 recommended.

23 MR. TERRANOVA: And you're bringing it  
24 down about 2-and-a-half feet.

25 MR. COCOROS: Well, it's actually --  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 MR. COCOROS: Yeah. One access for  
2 each apartment. But each one is separate. But it's  
3 like typical Edgewater homes that we do. The roof  
4 deck is basically the three main floors and a small  
5 roof deck up on top. That also has one staircase.

6 ACTING CHAIRMAN ALBANESE: Anybody  
7 else?

8 (No response.)

9 CHAIRMAN FERGUSON: All right. Steve,  
10 do you want to get on?

11 Anything here?

12 MR. COLLAZUOL: Yes.

13 Can you hear me?

14 ACTING CHAIRMAN ALBANESE: Yes.

15 MS. TESTA: Yes.

16 MR. COLLAZUOL: Okay.

17 Bill, what I understand is the entrance  
18 will be decreased along the curb line where you had  
19 this 28-foot section and 15-foot section of drop  
20 curb, so Unit C will exit the same as Unit A and B.

21 Now, Bill, do you estimate that the new  
22 drop curb opening is going to be approximately 24  
23 feet, which would then probably get approved by New  
24 Jersey DOT?

25 MR. COCOROS: Yes. The only thing --  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 the peak, itself, would be about 2-and-a-half feet.  
2 But in reality, the way they counted  
3 it, it comes 15 inches, one foot 25 because of the  
4 way they measured the height to the midpoint of the  
5 roof.

6 MS. TARABOCCHIA: I have a question on  
7 the roof deck. And you have three units. And then  
8 there's no -- since there are three families, you  
9 know, side-by-side next to each other. How are they  
10 going to get from the roof to come down from the  
11 third level for fire safety?

12 MR. COCOROS: The building, itself,  
13 will comply with fire codes as far as fire  
14 separations.

15 MS. TARABOCCHIA: I meant to get out on  
16 the third level, though.

17 MR. COCOROS: There's a staircase that  
18 brings you up to it.

19 MS. TARABOCCHIA: Well, internally.  
20 What about the outside.

21 MR. COCOROS: The outside? I mean,  
22 there's no -- it like the houses we do in Edgewater.  
23 The fire separation is set up where each one has one  
24 interior staircase.

25 MS. TARABOCCHIA: Just one access.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Steve.

2 Steve, the only thing with that is that  
3 right now the curb cut itself is connected to an  
4 existing drop curb, and we're continuing that.

5 Would that be from our property line,  
6 the 24 feet? How would that be done?

7 MR. COLLAZUOL: Right. I mean, I think  
8 it depends on what your new drawing looks like.

9 But I would think that at the curb  
10 line, or at the sidewalk, you would need  
11 approximately 24 feet for two-way traffic up to close  
12 to the front of the building.

13 MR. COCOROS: Yes.

14 MR. COLLAZUOL: Right?

15 So then I would suggest, like the other  
16 application you had several months ago, that you put  
17 the signage on the building that people leaving would  
18 have to yield to incoming traffic.

19 MR. COCOROS: Like we did on 48 Grand.

20 MR. COLLAZUOL: Yes, 48 Grand. That's  
21 acceptable.

22 The other item was the rear yard  
23 drainage. There's that small area in the back.

24 It looks like it would be a good idea  
25 to have a yard inlet back there.

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

1 MR. COCOROS: That's the rear -- I  
 2 guess it would be the southeast corner.  
 3 MR. COLLAZUOL: Yeah, the inside of  
 4 Unit A.  
 5 And then the report shows the sanitary  
 6 sewer in a relatively narrow area. It's 4-foot wide.  
 7 MR. COCOROS: Yes.  
 8 MR. COLLAZUOL: You know, that may  
 9 become difficult, A to construct it, B for future  
 10 maintenance.  
 11 Perhaps now that the driveway is  
 12 eliminated in front, perhaps you can allocate some  
 13 more room for that sanitary sewer perhaps through the  
 14 building coming out of Unit C. Something to be  
 15 thought about, because it does look like if  
 16 maintenance has to get in there with a backhoe and  
 17 replace that pipe in the future, 4 feet might be a  
 18 bit narrow.  
 19 MR. COCOROS: So you'd be okay if we  
 20 put the pipe inside the building and come out.  
 21 MR. COLLAZUOL: I think if it's going  
 22 to be a condominium, that would be acceptable, to  
 23 clean out the floors or outside can easily inside  
 24 Unit A, something like that. It's up to you.  
 25 MR. COCOROS: Yeah, we can do it

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

1 they're going to remain, and if they're in good  
 2 shape, they should remain, and if they're not, they  
 3 should be replaced?  
 4 MR. COCOROS: This is the one -- this  
 5 is the one on the north side of the building or the  
 6 south? I mean, I'm sorry, the north or the rear?  
 7 MR. COLLAZUOL: Yeah, I would say all  
 8 around. I think you need to indicate if they're  
 9 going to remain.  
 10 MR. COCOROS: Yeah. The one in the  
 11 rear is going to have to remain. That's somebody  
 12 else's.  
 13 Basically at the rear -- as you're  
 14 looking at it from the Grand Avenue, if you're  
 15 oriented on the plan, the S-1 sheet, at the rear, it  
 16 would be upper -- I'm sorry -- it would be the  
 17 left-hand side at the 50.01 property line.  
 18 That vinyl fence is basically on the  
 19 neighbor's property, so that one we can't touch.  
 20 The chain-link fence, I'm not sure that  
 21 we have -- if you're looking at the top of the site  
 22 plan, that's adjacent. I'm not sure what condition  
 23 that's in. It looks like it might be our fence. We  
 24 could replace that with a new vinyl fence. Yeah,  
 25 we'll replace the one that's to the -- I guess that

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

1 inside. I guess we had to -- when I locate the --  
 2 when I locate the entry platform, we'd probably have  
 3 to put it on the other side of the entry platform so  
 4 we're not interfering with that staircase -- the new  
 5 staircase location.  
 6 MR. COLLAZUOL: Okay. Then.  
 7 miscellaneous.  
 8 In the back you have the rear fence  
 9 along the line on the left side.  
 10 Can you determine what's going to  
 11 happen with those fences?  
 12 MR. COCOROS: Right now they're  
 13 basically -- let me see.  
 14 There's a vinyl fence that's along the  
 15 property line that's adjacent to the left of us,  
 16 which is the four-unit townhouse. The chain-link  
 17 fence on the right-hand side that's adjacent to the  
 18 three-unit.  
 19 In the back there's also a vinyl fence  
 20 on the neighbor's property so we can't touch those.  
 21 MR. COLLAZUOL: The fence on your  
 22 drawing S-1 shows that it's 0.2 feet north.  
 23 So it looks like it's on the property  
 24 in question. And I guess if you're saying those  
 25 fences are going to remain, can you illustrate that

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

1 would be the south property line.  
 2 MR. COLLAZUOL: Okay. All right. And  
 3 then the one on the north side.  
 4 MR. COCOROS: The north side, it looks  
 5 like it's basically on our property. I'm not sure.  
 6 I think it was previously. That's going to stay.  
 7 MR. COLLAZUOL: Okay. Then on your  
 8 revised plans can you show those the way we discussed  
 9 them to remain and to be replaced.  
 10 MR. COCOROS: Yes.  
 11 MR. COLLAZUOL: And of course this  
 12 applicant has to go to DOT for their approval. And I  
 13 guess anything major, it really possibly would have  
 14 to come back to the board.  
 15 But I think that the board should be  
 16 aware of the application to the DOT, and certainly no  
 17 building permits be issued until DOT approval is  
 18 obtained.  
 19 Other than that, the other items in the  
 20 report, I don't have anything further.  
 21 Thank you, Bill.  
 22 MR. COCOROS: Thank you.  
 23 MS. TARABOCCHIA: I just have a quick  
 24 question.  
 25 Where are the AC units going to be?

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

1 Are they on the roof line, or are they going to be in  
 2 the rear?  
 3 MR. COCOROS: We're going to have --  
 4 well, the one, since we're relocating the unit, for  
 5 the back unit we'll have them in the backyard against  
 6 the building. We can screen them.  
 7 The one in the front we'll have it in  
 8 the front yard since we're taking the driveway out.  
 9 We'll screen that off also next to the entry  
 10 platform.  
 11 The one for the middle unit, I'm going  
 12 to see if I -- I might do a recess in the building  
 13 where the utility room is so we have enough clearance  
 14 to get through it and then have it underneath that  
 15 part of the building.  
 16 So it would be basically back here.  
 17 It's here now next to the -- next to the entry  
 18 platform with screening. The same thing in the back  
 19 here.  
 20 And then the middle unit, since we're  
 21 basically creating a small alcove here, so we'll have  
 22 a low profile condenser that will have at least  
 23 3-and-a-half feet clear from the property line.  
 24 That's so the fire or something like that, if people  
 25 have to maintain it, they can walk right by it.

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

1 name, please?  
 2 MR. MACRI: The last name is  
 3 K-O-N-T-S-E-V-O-Y.  
 4 MS. BRAUER: K-O-N --  
 5 MR. MACRI: T-S-E-V-O-Y.  
 6 MS. BRAUER: V-O-Y. And the other  
 7 name?  
 8 MR. MACRI: Vitali Feldman,  
 9 F-E-L-D-M-A-N.  
 10 MS. BRAUER: Thank you.  
 11 MR. MACRI: You're welcome.  
 12 MS. BRAUER: Okay. On the roof deck.  
 13 Each of the three units will have a roof deck?  
 14 MR. COCOROS: Yes.  
 15 MS. BRAUER: How is -- what is the  
 16 access from the house to the roof deck?  
 17 MR. COCOROS: There's a staircase from  
 18 the hallway on the second floor up to the roof deck.  
 19 MS. BRAUER: I'm sorry, I can't hear  
 20 you.  
 21 MR. COCOROS: I said there's a  
 22 staircase up from the second floor to a small  
 23 finished attic area, and then there's a sliding glass  
 24 door that takes you out to the roof deck.  
 25 MS. BRAUER: Okay. So it's on the

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

1 MS. TARABOCCHIA: Okay.  
 2 MR. MACRI: Those are all the questions  
 3 I have for Mr. Cocoros.  
 4 I have no further questions for our  
 5 architect.  
 6 ACTING CHAIRMAN ALBANESE: Okay.  
 7 MS. LAMBRINIDES: Open it to the  
 8 public.  
 9 ACTING CHAIRMAN ALBANESE: Anybody from  
 10 the public have any questions for the architect?  
 11 Go ahead.  
 12 MS. BRAUER: This is Susan Brauer.  
 13 I've got a few questions.  
 14 ACTING CHAIRMAN ALBANESE: Go ahead.  
 15 MS. BRAUER: First is, who owns Rock  
 16 Solid Construction? Hello.  
 17 MR. MACRI: Who are the two owners?  
 18 MS. BRAUER: Yeah, who are the owners?  
 19 MR. MACRI: Yura Kontsevov and Vitali  
 20 Feldman.  
 21 MS. BRAUER: I'm sorry, what was the  
 22 first name? Can you speak up a bit?  
 23 MR. MACRI: Yura Kontsevov is the first  
 24 one.  
 25 MS. BRAUER: Can you spell the last

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

1 second floor. Is it in one of the bedrooms, or is  
 2 it...  
 3 Where is the glass door that takes you  
 4 -- that's in the attic, okay. So you have to go --  
 5 MR. COCOROS: There's a staircase  
 6 inside one of the bedrooms that brings you up there.  
 7 MS. BRAUER: So first you have to go up  
 8 to the attic.  
 9 MR. COCOROS: Yes. Then there's a  
 10 sliding glass door.  
 11 MS. BRAUER: Okay. So the only egress  
 12 to the roof deck is through the glass door.  
 13 MR. COCOROS: Yes.  
 14 MS. BRAUER: So God forbid in case of a  
 15 fire up there, they've got to come back into the  
 16 attic; is that it?  
 17 MR. COCOROS: Yes.  
 18 The building, itself, will comply with  
 19 all the fire and building codes.  
 20 Like I said, we've built these before  
 21 in Edgewater and Cliffside Park. We've also been --  
 22 MS. BRAUER: Yeah, this is Palisades  
 23 Park.  
 24 MR. COCOROS: We've got a rooftop also  
 25 in -- we've done a couple areas in town. And we've

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



1 done them in a similar configuration.  
 2 MS. BRAUER: All right.  
 3 Now, the finished attic. Can you  
 4 please outline what will be in that attic and how you  
 5 -- all right. There's a staircase from the bedroom  
 6 up to the attic. All right.  
 7 So can you outline what is in that  
 8 finished attic?  
 9 MR. COCOROS: The attic, itself, is  
 10 12-feet-by-10-feet. There's a closet. There's also  
 11 a small wet bar.  
 12 It's only about 8 feet of counter  
 13 with the bar sink and under-counter and refrigerator.  
 14 MS. BRAUER: Under-counter  
 15 refrigerator. Is there a powder room?  
 16 MR. COCOROS: No.  
 17 MS. BRAUER: All right. I don't know  
 18 why you'd need that.  
 19 Now, in addition to the roof deck and  
 20 the attic, are you going to have any decks on the  
 21 outside of that building?  
 22 MR. COCOROS: No.  
 23 MS. BRAUER: So the only deck each unit  
 24 will have is the roof deck.  
 25 MR. COCOROS: Correct.

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

1 down if you eliminated the finished attic.  
 2 MR. COCOROS: It's 8 feet from the  
 3 finished floor of the attic to the ceiling.  
 4 MS. BRAUER: Well, it's still 8 feet.  
 5 I don't care how you look it.  
 6 What's the finish on the house going to  
 7 be on the outside?  
 8 MR. COCOROS: We have brick. We also  
 9 have a Nichiha-type panel and stucco.  
 10 MS. BRAUER: Oh, God.  
 11 MR. COCOROS: Well, it's not all brick.  
 12 It's broken up.  
 13 MS. BRAUER: Yeah, it's going to be one  
 14 of those strange looking modern things that really...  
 15 Okay, thanks a lot. That's really great.  
 16 MR. COCOROS: Thank you.  
 17 MS. SCHOR: I have a question.  
 18 MS. BRAUER: Go ahead, Marsha.  
 19 MS. SCHOR: Paul, can I go now.  
 20 ACTING CHAIRMAN ALBANESE: Yeah, go  
 21 ahead.  
 22 MS. TESTA: Just state your name.  
 23 MS. SCHOR: Marsha Schor.  
 24 Where are you going to keep the furnace  
 25 and the boiler?

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

1 MS. BRAUER: Okay. And you know those  
 2 can't be covered, according to code.  
 3 MR. COCOROS: Correct. They're open.  
 4 MS. BRAUER: Okay, let's see. All  
 5 right. And what is the height of the building.  
 6 MR. COCOROS: The height of the  
 7 building as presented is three stories, 35 feet 10  
 8 inches.  
 9 MS. BRAUER: 35 feet 10 inches. And if  
 10 you took off the finished attic, how high would that  
 11 building be.  
 12 MR. COCOROS: I mean, it's not that  
 13 much more because we're measuring to the midpoint of  
 14 the roof. I don't have the calculation.  
 15 MS. BRAUER: Well, that's the height of  
 16 your attic room? Because it is a room. If you're  
 17 going to use it as a wet bar, it's got to meet  
 18 certain regulations.  
 19 MR. COCOROS: Yeah. The typical  
 20 minimum 8-foot-high ceiling.  
 21 MS. BRAUER: That's typical minimum.  
 22 What is the attic that you are putting in?  
 23 MR. COCOROS: Eight feet.  
 24 MS. BRAUER: Eight feet.  
 25 So you can literally bring that house

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

1 MR. COCOROS: We have a utility room.  
 2 There's going to be a utility room off of each  
 3 garage.  
 4 MS. SCHOR: Is it going to be like a  
 5 closet.  
 6 MR. COCOROS: Yeah. A typical 3-foot  
 7 or 2-foot-8 door. Right now the room is about  
 8 5-foot-10-by-7-and-a-half feet. The one unit -- the  
 9 one will be a little bit smaller because we're  
 10 creating a little alcove for the air conditioning  
 11 condenser for the middle unit.  
 12 MS. SCHOR: For what.  
 13 MR. COCOROS: The AC condenser for the  
 14 air conditioning. You need something to dissipate  
 15 the heat. That's going to be -- we're going to  
 16 recess part of the wall where the utility room is to  
 17 provide clearance for the AC condenser for the middle  
 18 unit.  
 19 MS. SCHOR: I have another question.  
 20 Why are you putting in an attic with a wet bar? Can  
 21 you have an attic without a wet bar? (Audio  
 22 Distortion). Why do you need a wet bar? What if the  
 23 plumbing goes?  
 24 MR. COCOROS: Yeah. It's like instead  
 25 of going all the way down to the first floor, it's a

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**201-641-1812**

1 convenient thing.  
 2 MS. SCHOR: I know what a wet bar is.  
 3 But if you go -- I don't think you're going to have  
 4 (Audio Distortion) from the attic up to the roof. I  
 5 mean, that's what it sounds like.  
 6 MR. COCOROS: I'm sorry.  
 7 MS. SCHOR: You're making the attic  
 8 going out on the rooftop terrace. That doesn't make  
 9 sense, especially if you're going have children  
 10 around.  
 11 MR. COCOROS: It could be soda. It  
 12 doesn't have to be alcohol.  
 13 MS. SCHOR: From a wet bar?  
 14 Definitely.  
 15 MS. LAMBRINIDES: Any other questions?  
 16 Let's move along.  
 17 MS. SCHOR: Why does it have to be in  
 18 the attic? Is this a rooftop (Audio Distortion) or  
 19 do you need another?  
 20 MS. LAMBRINIDES: Is there any other  
 21 question.  
 22 MS. SCHOR: I want an answer to mine.  
 23 Who needs a wet bar there?  
 24 MS. LAMBRINIDES: It's a preference.  
 25 What do you need a wet bar for?

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

1 MR. COCOROS: Yeah.  
 2 The finished portion of the attic will  
 3 have a 7-foot-6 ceiling. And will have --  
 4 construction. So it will be reduced by 6 inches.  
 5 And then in addition to the other  
 6 items, I'll bring the height down of the building.  
 7 We'll be closer to bringing the building height down  
 8 by 2 feet.  
 9 MS. LAMBRINIDES: Is there anybody else  
 10 on.  
 11 IT TECHNICIAN: I don't know.  
 12 ACTING CHAIRMAN ALBANESE: Anybody else  
 13 that's on.  
 14 MS. TESTA: Is somebody else on the  
 15 line?  
 16 MS. LAMBRINIDES: Hello? Do you have a  
 17 question.  
 18 ACTING CHAIRMAN ALBANESE: Hello.  
 19 State your name, please, and where you live.  
 20 VOICE: Hello.  
 21 MS. TESTA: State your name.  
 22 ACTING CHAIRMAN ALBANESE: Is there  
 23 anybody else?  
 24 (No response.)  
 25 ACTING CHAIRMAN ALBANESE: No.

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

1 MR. MACRI: To wash your hands.  
 2 MR. COCOROS: It's a nice amenity.  
 3 MS. LAMBRINIDES: It's a nice amenity  
 4 is the answer.  
 5 MS. SCHOR: Okay. Thanks, Eleni.  
 6 MS. LAMBRINIDES: You're welcome.  
 7 MS. BRAUER: I would speak to David.  
 8 MS. SCHOR: This is ridiculous.  
 9 MR. MACRI: Can you lower the height of  
 10 this.  
 11 MR. COCOROS: In addition to the roof,  
 12 bring this down another 6 inches to a  
 13 7-and-a-half-foot height -- finished height, then 12  
 14 inches to the roof actual.  
 15 And the actual -- the penthouse part  
 16 itself, you know, the bulkhead, itself, is basically  
 17 12-foot-9 by about 13, almost about 12-foot-9 by  
 18 about 14 feet. Yeah, 12-foot-9 by 14 inches. That's  
 19 the actual.  
 20 We can bring it down to a  
 21 7-and-a-half-foot ceiling to get enough room for the  
 22 typical sliding glass door and enough room for a  
 23 header on top of that.  
 24 MS. TESTA: So the attic will be  
 25 reduced to.

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

1 MS. TESTA: Okay, your next expert.  
 2 MR. MACRI: Yeah, I do. My next expert  
 3 is Mr. David Spatz, who is online.  
 4 MR. Spatz, can you hear me?  
 5 MR. SPATZ: I am here, yes.  
 6 MS. TESTA: You're under oath from the  
 7 previous application.  
 8 D A V I D S P A T Z,  
 9 60 Friend Terrace, Harrington Park, New jersey,  
 10 having been previously sworn, continues to  
 11 testify as follows:  
 12 MS. TESTA: That's correct.  
 13 MR. SPATZ: Very good.  
 14 MS. TESTA: Okay.  
 15 DIRECT EXAMINATION  
 16 BY MR. MACRI:  
 17 **Q.** Mr. Spatz, if you could explain the  
 18 existing conditions and the reasons why this board  
 19 could grant the variances which we seek?  
 20 **A. Certainly.**  
 21 **Again, I submitted a photo exhibit.**  
 22 (Whereupon, Planner's Photoboard is  
 23 marked as Exhibit A-1 for identification.)  
 24 MR. SPATZ: I'm not sure it got  
 25 distributed so I'll just describe the project.

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

1 We have an existing dwelling that is  
2 being removed. To the south of us, to the right,  
3 there is a three-family townhouse development and  
4 then a garden apartment development just past that.

5 To the north of us is a -- to the left  
6 of us is a four-unit townhouse development.

7 Directly across the street is -- the  
8 property has a restaurant and a tire outlet, an  
9 industrial use.

10 So there are townhouses on either side  
11 of our building, but in a AA Zone townhouses are not  
12 permitted.

13 While our site exceeds the lot area  
14 requirement of the zone, it is oddly-shaped and we do  
15 need a lot width variance. So one (d) variance that  
16 we need is for maximum building height.

17 Then there are (c) variances for  
18 coverage, lot area per unit, rear side and side yard.

19 So I'll look at the (d) variances first  
20 as to the use. The site is particularly well-suited  
21 for what we're proposing. It is nearly 1,000 square  
22 feet larger than what is required for a two-family.  
23 And I believe it easily can accommodate the one  
24 additional unit.

25 It's located on a portion of Grand  
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**201-641-1812**

1 little development right there.

2 As to the building height, although we  
3 do exceed the ordinance, as was discussed this  
4 evening, it's being reduced by approximately 2 feet.

5 We are consistent with the neighborhood development,  
6 both the three-unit building to our south and the  
7 four-unit building to our north. Both of them are  
8 three stories with peaked roofs. And our building  
9 heights, both in terms of story and feet, are  
10 consistent with that -- those developments.

11 Looking at the bulk variances, what  
12 we're proposing is similar in setback to what  
13 currently exists on the property.

14 The rear yard and northerly side  
15 setbacks are going to be improved over what currently  
16 exists by removing the existing detached garage.

17 The setbacks are also consistent with  
18 the properties on either side of us.

19 In terms of lot coverage, we're only 73  
20 square feet over what is permitted. It's a  
21 relatively small amount.

22 Additional landscaping, walls and  
23 fencing are provided to buffer the adjacent  
24 properties.

25 Drainage improvements are being  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Avenue that is developed primarily with multiple unit  
2 structures.

3 And as I noted, although townhouses are  
4 not permitted, mid-rises of four units are allowed.

5 So I believe we are consistent with  
6 that. And as I noted, there are townhouses on either  
7 side of us.

8 We do meet the purposes of zoning.  
9 Purpose G states the provision of sufficient space in  
10 appropriate locations for a variety of uses. I  
11 believe this is an appropriate use. It is consistent  
12 with the existing neighborhood as well as adjacent  
13 uses and provides needed housing in Palisades Park.

14 Purpose I is the promotion of a  
15 desirable visual environment. What we're proposing  
16 is removing a building that is in poor condition,  
17 replacing it with a townhouse development that is  
18 designed as three attached single-family dwellings.

19 The driveway and garage to one of the  
20 units has been amended this evening so as to  
21 eliminate the need for cars to back out onto Grand  
22 Avenue.

23 And we are, as Mr. Cocoros described,  
24 putting up a building that is similar to the four  
25 units just to the north of us, and it will be a nice

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

1 proposed, which will reduce any impacts on the  
2 adjacent properties.

3 The lot, as I've indicated, is nearly  
4 1,000 square feet larger than what is required for a  
5 two-family dwelling. And although there's one  
6 additional unit, we can provide a conforming amount  
7 of parking. The four units to the north of us,  
8 actually that lot is a similar size to our property,  
9 and, therefore, is actually a slightly higher density  
10 than what we are proposing.

11 Lastly, looking at the negative  
12 criteria. I don't believe that there's anything that  
13 is substantially negative. We are in character with  
14 the surrounding residential land uses, which are also  
15 townhouse developments. The setbacks are similar to  
16 what is currently provided. They're actually  
17 improved by removing the detached garage. The  
18 building height is similar to the properties on  
19 either side of us, and that is consistent.

20 Lastly, we are providing a sufficient  
21 amount of parking on the site to serve three units.  
22 There are no additional curb cuts onto Grand Avenue.

23 So there are no additional conflicts  
24 that could be created for that. And I believe that  
25 the positive impact of what we're proposing, the

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

1 positive criteria have been met, and that far  
 2 outweighs anything that might be considered negative.  
 3 And I believe that the variances could be granted.  
 4 So that concludes my testimony. If  
 5 there's any questions, I will be glad to answer them.  
 6 MR. MACRI: Thank you, David.  
 7 ACTING CHAIRMAN ALBANESE: Does the  
 8 board have any questions?  
 9 (No response.)  
 10 ACTING CHAIRMAN ALBANESE: Steve, I  
 11 want to thank you.  
 12 Mike, are you there?  
 13 MR. KAUKER: Yes, I'm here.  
 14 ACTING CHAIRMAN ALBANESE: Okay, you're  
 15 next.  
 16 MR. KAUKER: Can you hear me?  
 17 ACTING CHAIRMAN ALBANESE: Yes.  
 18 MR. KAUKER: Great. Yeah, I think that  
 19 David pretty much covered all the bases with respect  
 20 to the (d)(1) and the (d)(6) variance.  
 21 I did have one specific question,  
 22 David. You indicated in your testimony that the  
 23 properties to the south and the rear development are  
 24 multi-family dwellings.  
 25 I think you said the dwelling to the

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

1 ACTING CHAIRMAN ALBANESE: All right.  
 2 Does the board have any questions?  
 3 (No response.)  
 4 ACTING CHAIRMAN ALBANESE: Now we go to  
 5 -- is there anybody on the phone that wants to speak?  
 6 (No response.)  
 7 ACTING CHAIRMAN ALBANESE: Nobody.  
 8 Mark, do you want to sum up here?  
 9 MR. MACRI: What I'd like to do again  
 10 is I'll go over the changes we made on the plans.  
 11 MS. TESTA: Yes.  
 12 MR. MACRI: The first one is the unit  
 13 closest to Grand Avenue, we're going to rotate the  
 14 garages 90 degrees. The front off that unit will be  
 15 located where the proposed garage door was located on  
 16 the right side.  
 17 The paneling that goes across the front  
 18 of the property is going to extend all the way to the  
 19 proposed garages so it stays consistent with the  
 20 building.  
 21 We're reducing our peak height to a  
 22 maximum of 34 feet.  
 23 As recommended by Mr. Collazuol, we're  
 24 going to have signage on the driveway, outgoing  
 25 vehicles have to yield to incoming vehicles.

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

1 south is a four-unit. I don't recall, what is the  
 2 dwelling unit to the north?  
 3 MR. SPATZ: The dwelling unit to the  
 4 south of us is a three-unit. The one to the north of  
 5 us is four units. Both of them have a townhouse  
 6 configuration.  
 7 MR. KAUKER: Yeah, I had it reversed.  
 8 Sorry about that.  
 9 Now, just with respect to the variances  
 10 that you're requesting, the one variance for bulk  
 11 variance of note that's identified as a rear yard  
 12 setback variance, 25 feet is required, where 6.42  
 13 feet is proposed.  
 14 Just simply, how does the proposed rear  
 15 yard setback for this building compare to those  
 16 existing multiple family dwellings to the north and  
 17 the south, if you know?  
 18 MR. SPATZ: It's in fact a better  
 19 setback than what's there. The one on the north is  
 20 actually four units so it's a longer building on a  
 21 site that is similar in size. So the setback to the  
 22 rear yard being provided is consistent with the  
 23 developments on either side of us.  
 24 MR. KAUKER: Okay, thank you.  
 25 I have no other questions.

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

1 We're going to install a rear yard  
 2 inlet. The common main will be inside the dwelling  
 3 across all three units.  
 4 We will install a vinyl fence on the  
 5 south side of the building going from east to west.  
 6 And the attic height will be a maximum  
 7 7-and-a-half feet.  
 8 Is that it, Billy?  
 9 MR. COCOROS: Yes.  
 10 So the height went down a net 1-foot-10  
 11 inches when I measured it up at midpoint. So we  
 12 reduced it almost -- so we brought it down from  
 13 35-foot-10 to 34 feet.  
 14 MR. MACRI: That's it.  
 15 MS. TESTA: Okay. Bill, will you  
 16 revise your plans and submit them so that our  
 17 engineer can review them the revised plan.  
 18 MR. COCOROS: Yes.  
 19 ACTING CHAIRMAN ALBANESE: All right.  
 20 I would like to make a motion with these changes that  
 21 we approve this plan with a \$2,000.00 for the trees.  
 22 Mark, okay?  
 23 MR. MACRI: Yes.  
 24 ACTING CHAIRMAN ALBANESE: Can I have a  
 25 second to that?

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

1 MR. ELEFTERIOU: I second it.  
 2 ACTING CHAIRMAN ALBANESE: Can I have a  
 3 roll call, please?  
 4 MS. LAMBRINIDES: Mr. Ferguson,  
 5 recused.  
 6 Mr. Albanese?  
 7 ACTING CHAIRMAN ALBANESE: Yes.  
 8 MS. LAMBRINIDES: Mr. Terranova?  
 9 MR. TERRANOVA: Yes.  
 10 MS. LAMBRINIDES: Mr. Min?  
 11 MS. MIN: Yes.  
 12 MS. LAMBRINIDES: Mr. Elefteriou?  
 13 MR. ELEFTERIOU: Yes.  
 14 MS. LAMBRINIDES: Ms. Tarabocchia?  
 15 MS. TARABOCCHIA: Yes.  
 16 MS. LAMBRINIDES: Mr. Brogna?  
 17 MR. BROGNA: Yes.  
 18 MR. MACRI: Thank you very much.  
 19 Have a great evening.  
 20 ACTING CHAIRMAN ALBANESE: Well, I  
 21 guess we'll adjourn now, right.  
 22 MS. TESTA: Yes.  
 23 ACTING CHAIRMAN ALBANESE: I make a  
 24 motion we adjourn.  
 25 MS. LAMBRINIDES: All ayes.

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

1 C E R T I F I C A T E  
 2  
 3 I, RONDA L. REINSTEIN, a Certified Court  
 4 Reporter of the State of New Jersey, authorized to  
 5 administer oaths pursuant to R.S.41:2-2, do hereby  
 6 certify that the foregoing is a true and accurate  
 7 transcript of the testimony as taken stenographically  
 8 by and before me at the time, place and on the date  
 9 herein before set forth, to the best of my ability.  
 10 I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee nor attorney nor counsel of any  
 12 of the parties to this action, and that I am neither  
 13 a relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.  
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 RONDA L. REINSTEIN, CCR No. 30X100217800  
 25

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

1 All in favor? Everybody. Thank you.  
 2 (Whereupon, this meeting is concluded.  
 3 Time noted: 9:16 p.m.)  
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**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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|-----------|---|--|--|--|---|
| <b>\$</b> | <p><b>15-foot</b> [1] - 87:19<br/> <b>150</b> [2] - 10:18, 40:6<br/> <b>151</b> [1] - 13:22<br/> <b>16</b> [1] - 30:8<br/> <b>1610</b> [2] - 13:5, 13:10<br/> <b>1624</b> [1] - 2:4<br/> <b>16th</b> [2] - 9:14, 9:20<br/> <b>18</b> [5] - 1:11, 3:12, 5:10, 12:4, 12:7<br/> <b>18-foot-8</b> [1] - 82:25<br/> <b>19</b> [14] - 1:2, 1:14, 3:7, 4:4, 5:14, 20:8, 20:9, 49:24, 51:9, 51:22, 52:12, 52:17, 52:25, 82:21<br/> <b>19-foot</b> [1] - 81:4<br/> <b>197</b> [1] - 78:17</p>  | <p><b>24</b> [7] - 15:8, 33:23, 35:1, 52:3, 87:22, 88:6, 88:11<br/> <b>24-foot-wide</b> [1] - 29:9<br/> <b>24.25</b> [3] - 33:17, 33:19, 34:10<br/> <b>248</b> [1] - 34:22<br/> <b>25</b> [26] - 1:9, 3:4, 5:5, 10:8, 13:21, 15:14, 22:3, 22:10, 22:19, 22:23, 23:2, 25:16, 25:17, 25:19, 26:1, 26:6, 26:9, 26:25, 49:12, 49:23, 51:14, 51:21, 53:4, 57:13, 86:3, 110:12<br/> <b>25-foot</b> [1] - 50:24<br/> <b>250</b> [1] - 34:20<br/> <b>26</b> [3] - 10:21, 13:23, 40:1<br/> <b>265</b> [4] - 1:6, 8:12, 8:13, 9:12<br/> <b>27</b> [1] - 3:7<br/> <b>28</b> [2] - 50:9, 53:10<br/> <b>28-foot</b> [1] - 87:19<br/> <b>29</b> [4] - 47:12, 47:23, 48:14, 52:16</p> | <p>38:2, 44:5, 44:10, 49:9, 80:13, 89:17<br/> <b>4-foot</b> [1] - 89:6<br/> <b>40</b> [2] - 50:14, 68:4<br/> <b>42</b> [1] - 3:12<br/> <b>42.54</b> [1] - 50:17<br/> <b>44</b> [2] - 3:13, 3:14<br/> <b>45</b> [5] - 46:4, 46:25, 49:5, 49:17, 63:23<br/> <b>45-foot</b> [2] - 45:7, 48:22<br/> <b>45.14</b> [1] - 78:1<br/> <b>456</b> [5] - 1:13, 4:3, 5:13, 75:10, 75:17<br/> <b>46</b> [5] - 10:21, 13:24, 34:15, 34:18, 40:1<br/> <b>467</b> [2] - 76:8, 76:14<br/> <b>48</b> [3] - 34:18, 88:19, 88:20<br/> <b>49.24</b> [1] - 49:2</p>  | <p>53:8, 85:20, 102:12, 103:4<br/> <b>6-foot</b> [2] - 14:19, 14:21<br/> <b>6-over-5</b> [1] - 10:23<br/> <b>6-over-6</b> [1] - 14:12<br/> <b>6.42</b> [1] - 110:12<br/> <b>6/18/20</b> [1] - 5:6<br/> <b>60</b> [2] - 61:2, 104:9<br/> <b>61</b> [2] - 3:17, 3:18<br/> <b>62</b> [1] - 5:11<br/> <b>65</b> [2] - 59:20, 72:9<br/> <b>650.0</b> [1] - 34:9<br/> <b>66</b> [1] - 3:19<br/> <b>69</b> [1] - 3:20</p> |   |
| <b>0</b>  | <p><b>0.2</b> [1] - 90:22<br/> <b>07024</b> [2] - 2:5, 2:8<br/> <b>07632</b> [2] - 76:9, 76:15</p>  |  |  |  |   |
| <b>1</b>  | <p><b>1</b> [4] - 34:4, 49:21, 62:22, 64:3<br/> <b>1,000</b> [2] - 105:21, 108:4<br/> <b>1,000-gallon</b> [1] - 21:9<br/> <b>1,945</b> [1] - 68:3<br/> <b>1-foot-10</b> [1] - 112:10<br/> <b>10</b> [9] - 14:5, 20:18, 47:15, 49:16, 52:12, 54:12, 80:13, 98:7, 98:9<br/> <b>10-and-a-half-by-12</b> [1] - 17:15<br/> <b>100</b> [2] - 45:9, 49:17<br/> <b>104</b> [3] - 4:11, 4:12, 5:15<br/> <b>109</b> [3] - 4:13, 45:9, 49:7<br/> <b>109-and-a-half</b> [1] - 45:23<br/> <b>11</b> [4] - 47:13, 47:23, 48:14, 84:20<br/> <b>11-foot-by-11</b> [1] - 17:21<br/> <b>118</b> [1] - 11:3<br/> <b>12</b> [8] - 1:6, 5:6, 5:7, 9:13, 49:10, 53:6, 84:23, 102:13<br/> <b>12-by</b> [1] - 46:4<br/> <b>12-feet</b> [1] - 53:7<br/> <b>12-feet-by-10-feet</b> [1] - 97:10<br/> <b>12-foot-9</b> [3] - 102:17, 102:18<br/> <b>12-foot-by-45</b> [1] - 46:2<br/> <b>122.8</b> [1] - 78:3<br/> <b>13</b> [4] - 3:5, 3:6, 80:11, 102:17<br/> <b>13-by-13</b> [1] - 17:21<br/> <b>13-by-15</b> [1] - 17:23<br/> <b>130.14</b> [1] - 78:4<br/> <b>14</b> [5] - 44:5, 44:10, 80:12, 102:18<br/> <b>15</b> [2] - 49:15, 86:3</p> | <b>2</b>   | <b>3</b>   | <b>5</b>   | <b>7</b>  |
|           | <p><b>2</b> [5] - 17:20, 18:14, 77:2, 103:8, 107:4<br/> <b>2,500</b> [1] - 67:14<br/> <b>2-and-a-half</b> [2] - 85:24, 86:1<br/> <b>2-feet</b> [1] - 34:22<br/> <b>2-foot</b> [1] - 84:10<br/> <b>2-foot-8</b> [1] - 100:7<br/> <b>2.54</b> [1] - 64:25<br/> <b>20</b> [8] - 49:13, 50:25, 51:17, 54:13, 57:5, 57:11, 57:17, 57:20<br/> <b>20-02</b> [2] - 1:5, 9:11<br/> <b>20-03</b> [3] - 1:7, 3:3, 5:4<br/> <b>20-04</b> [3] - 1:10, 3:11, 5:8<br/> <b>20-05</b> [4] - 1:12, 4:2, 5:12, 75:5<br/> <b>200</b> [1] - 74:21<br/> <b>202</b> [3] - 1:11, 3:12, 5:10<br/> <b>2020</b> [5] - 1:2, 9:14, 9:21, 12:5, 12:7<br/> <b>205</b> [3] - 1:14, 4:4, 5:14<br/> <b>21</b> [1] - 82:21<br/> <b>214</b> [1] - 15:22<br/> <b>2160</b> [1] - 2:7<br/> <b>22</b> [1] - 35:1<br/> <b>22-and-a-half</b> [3] - 15:16, 15:17, 16:9<br/> <b>22.42</b> [4] - 33:14, 33:19, 33:24, 35:4<br/> <b>22.45</b> [1] - 34:2<br/> <b>221</b> [1] - 15:22<br/> <b>225</b> [1] - 15:20<br/> <b>225.75</b> [2] - 15:25, 34:9<br/> <b>226.33</b> [1] - 16:1</p>   | <p><b>3</b> [3] - 16:13, 27:6, 34:18<br/> <b>3-and-a-half</b> [4] - 14:2, 27:7, 58:17, 93:23<br/> <b>3-foot</b> [1] - 100:6<br/> <b>3.5</b> [1] - 11:16<br/> <b>3.9</b> [2] - 46:10, 46:13<br/> <b>30</b> [2] - 15:7, 64:10<br/> <b>30-feet</b> [1] - 47:8<br/> <b>30-foot</b> [1] - 47:12<br/> <b>30X100217800</b> [1] - 115:24<br/> <b>31</b> [1] - 3:8<br/> <b>318</b> [2] - 1:6, 9:12<br/> <b>32.89</b> [1] - 50:13<br/> <b>34</b> [2] - 111:22, 112:13<br/> <b>35</b> [2] - 98:7, 98:9<br/> <b>35-foot</b> [2] - 47:7, 47:24<br/> <b>35-foot-10</b> [1] - 112:13<br/> <b>36</b> [1] - 34:15<br/> <b>37</b> [1] - 3:10<br/> <b>39.49</b> [1] - 68:5</p>            | <b>4</b>   | <b>6</b>   | <b>8</b>  |
|           |   | <p><b>4</b> [11] - 18:14, 28:15, 28:25, 34:4, 37:22,</p>   | <p><b>5</b> [17] - 38:1, 46:10, 48:12, 48:16, 49:17, 49:20, 49:21, 52:1, 52:3, 52:20, 53:13, 53:15, 55:15, 62:21, 63:15, 63:25, 68:2<br/> <b>5,000</b> [1] - 48:25<br/> <b>5,400</b> [1] - 11:8<br/> <b>5,928.42</b> [1] - 77:23<br/> <b>5-and-a-half</b> [1] - 16:6<br/> <b>5-feet</b> [1] - 67:20<br/> <b>5-foot-10-by-7-and-a-half</b> [1] - 100:8<br/> <b>50</b> [10] - 3:9, 3:15, 3:20, 4:9, 4:10, 31:17, 45:7, 49:4, 63:23, 69:13<br/> <b>50-by-100</b> [6] - 21:10, 22:20, 46:3, 49:1, 50:2, 78:6<br/> <b>50-foot</b> [1] - 64:1<br/> <b>50-foot-by-100</b> [1] - 47:6<br/> <b>50.01</b> [2] - 78:2, 91:17<br/> <b>56</b> [3] - 3:15, 3:16, 3:16<br/> <b>57-and-a-half-foot</b> [1] - 14:22</p> | <b>6</b>   | <b>9</b>  |
|           |   | <p><b>6</b> [15] - 21:1, 22:4, 22:10, 22:14, 22:25, 25:13, 26:21, 26:25, 27:15, 41:2, 41:4,</p>  | <p><b>7</b> [8] - 9:15, 9:21, 14:15, 15:23, 21:25, 41:2, 80:12<br/> <b>7-and-a-half</b> [1] - 112:7<br/> <b>7-and-a-half-foot</b> [2] - 102:13, 102:21<br/> <b>7-foot-6</b> [1] - 103:3<br/> <b>70</b> [5] - 47:13, 47:23, 52:19, 59:20, 72:10<br/> <b>717</b> [5] - 1:9, 3:4, 5:5, 10:8, 13:21<br/> <b>73</b> [1] - 107:19<br/> <b>75</b> [1] - 4:4<br/> <b>76</b> [2] - 4:5, 4:5<br/> <b>7:00</b> [1] - 1:2</p>  | <b>8</b>   | <p><b>8</b> [7] - 28:17, 37:22, 80:11, 85:15, 97:12, 99:2, 99:4<br/> <b>8-feet-high</b> [1] - 98:20<br/> <b>8.2</b> [2] - 46:15, 50:6<br/> <b>80</b> [1] - 4:6<br/> <b>83</b> [7] - 1:11, 3:12, 5:9, 42:7, 42:8, 43:12, 45:2<br/> <b>84</b> [1] - 4:7<br/> <b>85</b> [1] - 15:6<br/> <b>86</b> [1] - 4:7<br/> <b>87</b> [1] - 4:8</p> |

|   |  |  |  |   |   |
|---|--|--|--|---|---|
| 16:3<br><b>90</b> [4] - 77:15, 81:3, 81:14, 111:14<br><b>92</b> [1] - 4:7<br><b>94</b> [1] - 4:9<br><b>99</b> [1] - 4:10<br><b>9:16</b> [1] - 114:3   | <b>Acting</b> [2] - 4:6, 75:3<br><b>action</b> [2] - 115:12, 115:15<br><b>actual</b> [5] - 67:23, 85:16, 102:14, 102:15, 102:19<br><b>add</b> [2] - 66:11, 73:20<br><b>added</b> [1] - 62:24<br><b>addition</b> [7] - 29:11, 30:7, 73:19, 82:19, 97:19, 102:11, 103:5<br><b>additional</b> [10] - 15:5, 37:20, 58:7, 58:9, 59:19, 72:7, 105:24, 108:6, 108:22, 108:23<br><b>Additional</b> [1] - 107:22<br><b>address</b> [6] - 9:24, 10:3, 28:5, 30:20, 31:16, 60:11<br><b>addressed</b> [1] - 68:10<br><b>adequate</b> [1] - 30:17<br><b>adjacent</b> [14] - 21:5, 22:16, 29:21, 63:7, 64:5, 64:8, 77:6, 77:25, 90:15, 90:17, 91:22, 106:12, 107:23, 108:2<br><b>adjoining</b> [3] - 29:13, 57:7, 57:11<br><b>adjourn</b> [2] - 113:21, 113:24<br><b>adjourned</b> [1] - 9:13<br><b>adjournment</b> [2] - 8:14, 8:16<br><b>Adjustment</b> [2] - 2:2, 7:4<br><b>ADJUSTMENT</b> [1] - 1:1<br><b>administer</b> [1] - 115:5<br><b>advantage</b> [1] - 40:7<br><b>advertise</b> [1] - 8:16<br><b>aerial</b> [2] - 57:10, 78:20<br><b>affect</b> [5] - 23:13, 23:18, 45:21, 59:12, 59:22<br><b>affects</b> [3] - 63:8, 63:23, 64:22<br><b>agenda</b> [2] - 9:23, 74:20<br><b>ago</b> [2] - 7:14, 88:16<br><b>ahead</b> [5] - 32:2, 94:11, 94:14, 99:18, 99:21<br><b>AIA</b> [3] - 3:5, 3:13, 4:5<br><b>air</b> [6] - 46:19, 49:10, 50:4, 50:7, 100:10, 100:14 | <b>Albana</b> [5] - 1:8, 2:5, 3:3, 5:4, 10:13<br><b>Albanese</b> [10] - 4:6, 6:10, 7:23, 8:24, 41:14, 42:13, 74:5, 74:23, 75:2, 113:6<br><b>ALBANESE</b> [47] - 1:17, 6:11, 7:19, 7:24, 8:20, 8:25, 41:9, 41:15, 42:14, 73:25, 74:6, 75:4, 80:22, 81:7, 81:19, 82:8, 82:10, 83:7, 83:10, 83:15, 83:19, 83:22, 83:25, 84:18, 87:6, 87:14, 94:6, 94:9, 94:14, 99:20, 103:12, 103:18, 103:22, 103:25, 109:7, 109:10, 109:14, 109:17, 111:1, 111:4, 111:7, 112:19, 112:24, 113:2, 113:7, 113:20, 113:23<br><b>alcohol</b> [1] - 101:12<br><b>alcove</b> [2] - 93:21, 100:10<br><b>aligning</b> [1] - 57:12<br><b>Allegiance</b> [1] - 6:6<br><b>Alliots</b> [1] - 2:8<br><b>Alliotts</b> [4] - 1:10, 3:11, 5:9, 43:11<br><b>allocate</b> [1] - 89:12<br><b>allocated</b> [1] - 15:3<br><b>allow</b> [4] - 30:5, 35:20, 36:1, 47:16<br><b>allowed</b> [6] - 14:15, 14:25, 29:18, 35:25, 58:21, 106:4<br><b>almost</b> [6] - 14:8, 53:10, 84:20, 84:23, 102:17, 112:12<br><b>alrighty</b> [1] - 33:8<br><b>alter</b> [1] - 40:3<br><b>ALTERNATE</b> [1] - 1:24<br><b>aluminum</b> [1] - 77:3<br><b>amend</b> [2] - 58:6, 58:8<br><b>amended</b> [1] - 106:20<br><b>amenity</b> [2] - 102:2, 102:3<br><b>amount</b> [4] - 64:18, 107:21, 108:6, 108:21<br><b>amply</b> [1] - 31:7<br><b>answer</b> [9] - 30:9, 32:12, 33:21, 38:21, 57:21, 65:24, 101:22, 102:4, 109:5<br><b>anticipation</b> [1] - | 44:20<br><b>anyplace</b> [1] - 71:6<br><b>apartment</b> [5] - 33:6, 33:7, 79:1, 87:2, 105:4<br><b>apartments</b> [2] - 33:3, 33:5<br><b>appearance</b> [3] - 10:10, 18:21, 43:7<br><b>applicable</b> [1] - 38:8<br><b>Applicant</b> [2] - 2:5, 2:8<br><b>applicant</b> [8] - 9:17, 10:12, 10:23, 11:10, 30:3, 40:20, 75:16, 92:12<br><b>application</b> [23] - 8:11, 9:18, 9:20, 10:15, 12:25, 39:6, 40:14, 40:24, 41:7, 43:25, 44:20, 58:6, 58:8, 60:22, 68:22, 69:2, 73:10, 73:18, 74:20, 76:3, 88:16, 92:16, 104:7<br><b>applications</b> [1] - 24:17<br><b>apply</b> [2] - 38:9, 68:22<br><b>appreciate</b> [1] - 52:9<br><b>appreciated</b> [1] - 71:12<br><b>appropriate</b> [3] - 38:19, 106:10, 106:11<br><b>approval</b> [7] - 20:1, 40:13, 40:15, 40:22, 43:14, 92:12, 92:17<br><b>approve</b> [6] - 7:17, 19:23, 30:13, 40:14, 73:18, 112:21<br><b>approved</b> [5] - 29:15, 29:18, 47:7, 72:14, 87:23<br><b>architect</b> [6] - 12:20, 37:18, 67:9, 76:1, 94:5, 94:10<br><b>Architectural</b> [2] - 5:6, 12:6<br><b>architectural</b> [1] - 12:3<br><b>area</b> [41] - 11:8, 16:16, 16:18, 16:19, 17:1, 17:14, 17:16, 17:17, 18:11, 28:17, 32:15, 32:16, 32:18, 38:12, 45:10, 45:12, 48:25, 49:2, 59:2, 61:20, 62:3, 62:15, 63:10, 64:14, 64:15, 66:21, 78:14, 79:15, 79:21, 79:23, 80:9, 80:10, 81:5, 81:18, 84:22, | 85:8, 88:23, 89:6, 95:23, 105:13, 105:18<br><b>areas</b> [3] - 16:22, 18:18, 96:25<br><b>Aside</b> [1] - 58:23<br><b>assume</b> [1] - 26:8<br><b>assuming</b> [1] - 29:5<br><b>attached</b> [1] - 106:18<br><b>attic</b> [26] - 78:14, 80:9, 80:16, 95:23, 96:4, 96:8, 96:16, 97:3, 97:4, 97:6, 97:8, 97:9, 97:20, 98:10, 98:16, 98:22, 99:1, 99:3, 100:20, 100:21, 101:4, 101:7, 101:18, 102:24, 103:2, 112:6<br><b>Attorney</b> [2] - 2:5, 2:8<br><b>attorney</b> [2] - 115:11, 115:13<br><b>attractive</b> [4] - 40:20, 70:20, 71:10<br><b>Audio</b> [5] - 31:22, 57:6, 100:21, 101:4, 101:18<br><b>authorized</b> [1] - 115:4<br><b>Avenue</b> [32] - 1:13, 2:4, 3:9, 3:20, 4:3, 4:9, 4:10, 5:13, 13:5, 13:11, 31:18, 45:5, 46:24, 49:15, 58:20, 69:14, 75:10, 75:18, 76:8, 76:15, 77:8, 77:19, 80:24, 81:10, 82:14, 82:16, 84:16, 91:14, 106:1, 106:22, 108:22, 111:13<br><b>Average</b> [1] - 34:8<br><b>average</b> [15] - 15:14, 15:15, 15:19, 15:24, 16:7, 33:25, 34:5, 34:6, 49:13, 51:17, 57:6, 57:22, 58:10, 62:25, 72:12<br><b>aware</b> [1] - 92:16<br><b>ayes</b> [1] - 113:25 |   |
| <b>A</b>  |  | <b>B</b>   |  |   |   |
| <b>A-1</b> [8] - 5:6, 5:11, 5:15, 12:3, 12:8, 25:4, 62:1, 104:23<br><b>A-2</b> [2] - 5:7, 12:17<br><b>A-3</b> [2] - 47:11, 79:17<br><b>AA</b> [4] - 10:24, 15:14, 78:6, 105:11<br><b>abide</b> [1] - 20:3<br><b>ability</b> [1] - 115:9<br><b>able</b> [2] - 31:3, 85:2<br><b>aboveground</b> [1] - 77:3<br><b>ABSENT</b> [2] - 1:21, 1:22<br><b>AC</b> [3] - 92:25, 100:13, 100:17<br><b>accept</b> [2] - 13:13, 76:17<br><b>acceptable</b> [3] - 59:16, 88:21, 89:22<br><b>accepted</b> [2] - 44:13, 76:18<br><b>access</b> [9] - 33:3, 46:2, 56:4, 56:5, 83:5, 86:25, 87:1, 95:16<br><b>accessed</b> [2] - 79:14, 82:18<br><b>accommodate</b> [1] - 105:23<br><b>accordance</b> [1] - 7:2<br><b>according</b> [1] - 98:2<br><b>accurate</b> [1] - 115:6<br><b>Act</b> [1] - 7:2<br><b>ACTING</b> [36] - 75:4, 80:22, 81:7, 81:19, 82:8, 82:10, 83:7, 83:10, 83:15, 83:19, 83:22, 83:25, 84:18, 87:6, 87:14, 94:6, 94:9, 94:14, 99:20, 103:12, 103:18, 103:22, 103:25, 109:7, 109:10, 109:14, 109:17, 111:1, 111:4, 111:7, 112:19, 112:24, 113:2, 113:7, 113:20, 113:23 |  |  |  |   |   |
|   |  |  |  |   | <b>backhoe</b> [1] - 89:16<br><b>backing</b> [2] - 14:25, 80:23<br><b>backyard</b> [8] - 22:2, 26:9, 26:21, 27:9, 49:11, 50:24, 52:23, 93:5 |

|   |  |  |  |   |
|---|--|--|--|---|
| <p><b>backyards</b> [2] - 24:24, 25:7</p> <p><b>balance</b> [1] - 65:19</p> <p><b>balcony</b> [1] - 48:6</p> <p><b>bar</b> [12] - 80:10, 97:11, 97:13, 98:17, 100:20, 100:21, 100:22, 101:2, 101:13, 101:23, 101:25</p> <p><b>based</b> [2] - 62:19, 72:12</p> <p><b>basement</b> [17] - 11:19, 16:18, 16:19, 18:6, 27:6, 27:13, 35:12, 35:13, 35:15, 35:16, 35:20, 36:13, 36:14, 54:22, 54:25, 72:21, 79:9</p> <p><b>bases</b> [1] - 109:19</p> <p><b>basic</b> [3] - 11:14, 12:2, 16:14</p> <p><b>basin</b> [1] - 29:14</p> <p><b>bath</b> [2] - 47:21, 47:25</p> <p><b>bathroom</b> [11] - 17:4, 17:19, 17:24, 18:8, 35:18, 35:22, 56:5, 56:18, 72:16, 80:4, 80:5</p> <p><b>bathrooms</b> [2] - 48:3, 79:10</p> <p><b>baths</b> [1] - 11:22</p> <p><b>bathub</b> [2] - 35:13, 35:16</p> <p><b>bathtubs</b> [4] - 35:20, 36:1, 36:13, 54:25</p> <p><b>bay</b> [2] - 84:7</p> <p><b>become</b> [1] - 89:9</p> <p><b>becomes</b> [1] - 75:2</p> <p><b>bedroom</b> [7] - 17:22, 17:23, 56:4, 79:25, 80:2, 80:6, 97:5</p> <p><b>bedrooms</b> [10] - 11:21, 11:22, 11:24, 11:25, 17:20, 48:3, 80:4, 96:1, 96:6</p> <p><b>begin</b> [2] - 43:21, 75:25</p> <p><b>beginning</b> [1] - 32:3</p> <p><b>behalf</b> [2] - 10:12, 10:14</p> <p><b>behind</b> [1] - 46:4</p> <p><b>Behind</b> [1] - 78:23</p> <p><b>below</b> [3] - 18:2, 40:10, 68:3</p> <p><b>Bergen</b> [22] - 1:8, 3:4, 5:5, 9:23, 9:25, 10:4, 10:17, 11:3, 11:6, 14:1, 14:25, 19:17, 19:20, 23:7, 24:8,</p> | <p>24:20, 28:4, 28:5, 29:10, 29:14, 30:23, 57:15</p> <p><b>best</b> [1] - 115:9</p> <p><b>better</b> [4] - 39:21, 52:10, 85:8, 110:18</p> <p><b>between</b> [6] - 14:4, 16:17, 52:13, 64:4, 64:9, 81:5</p> <p><b>beyond</b> [3] - 45:18, 50:11, 58:1</p> <p><b>big</b> [1] - 79:21</p> <p><b>bigger</b> [1] - 49:8</p> <p><b>Bill</b> [6] - 76:16, 81:24, 87:17, 87:21, 92:21, 112:15</p> <p><b>Billy</b> [2] - 75:25, 112:8</p> <p><b>bit</b> [8] - 49:8, 64:20, 80:5, 85:7, 85:13, 89:18, 94:22, 100:9</p> <p><b>block</b> [2] - 10:7, 57:7</p> <p><b>Block</b> [13] - 1:6, 1:9, 1:11, 1:14, 3:4, 3:12, 4:4, 5:5, 5:10, 5:14, 9:12, 10:8, 13:21</p> <p><b>board</b> [35] - 7:5, 10:14, 20:2, 24:9, 27:18, 30:13, 35:4, 36:10, 36:11, 38:5, 38:12, 38:17, 38:23, 39:1, 39:15, 40:14, 44:19, 44:23, 56:1, 56:15, 57:16, 60:11, 61:16, 61:18, 61:24, 66:1, 75:12, 81:20, 81:25, 84:19, 92:14, 92:15, 104:18, 109:8, 111:2</p> <p><b>BOARD</b> [1] - 1:1</p> <p><b>Board</b> [5] - 2:2, 7:3, 39:11, 43:9, 75:15</p> <p><b>board's</b> [1] - 43:14</p> <p><b>Board/Professional</b> [5] - 3:6, 3:14, 3:18, 4:6, 4:12</p> <p><b>boards</b> [1] - 24:16</p> <p><b>boiler</b> [3] - 47:21, 79:16, 99:25</p> <p><b>Borough</b> [5] - 7:3, 7:4, 7:7, 30:5, 73:15</p> <p><b>BOROUGH</b> [1] - 1:1</p> <p><b>borough</b> [1] - 75:18</p> <p><b>borough's</b> [1] - 58:21</p> <p><b>bottom</b> [4] - 17:8, 18:22, 27:6, 72:16</p> <p><b>Boulevard</b> [21] - 1:8, 3:4, 5:5, 9:23, 9:25, 10:4, 10:17, 11:4, 11:7, 14:1, 15:1, 19:17, 19:20, 24:8, 24:20, 28:5, 28:6,</p> | <p>29:10, 29:14, 30:23, 78:18</p> <p><b>boy</b> [1] - 82:11</p> <p><b>BRAUER</b> [43] - 69:6, 69:9, 69:11, 69:13, 69:18, 70:1, 70:9, 70:11, 70:25, 71:5, 71:18, 71:23, 94:12, 94:15, 94:18, 94:21, 94:25, 95:4, 95:6, 95:10, 95:12, 95:15, 95:19, 95:25, 96:7, 96:11, 96:14, 96:22, 97:2, 97:14, 97:17, 97:23, 98:1, 98:4, 98:9, 98:15, 98:21, 98:24, 99:4, 99:10, 99:13, 99:18, 102:7</p> <p><b>Brauer</b> [4] - 3:20, 4:9, 69:13, 94:12</p> <p><b>break</b> [1] - 42:4</p> <p><b>breaks</b> [1] - 18:16</p> <p><b>brick</b> [6] - 18:18, 71:16, 79:3, 80:19, 99:8, 99:11</p> <p><b>brief</b> [1] - 42:5</p> <p><b>bring</b> [10] - 28:11, 79:4, 85:1, 85:13, 85:16, 85:17, 98:25, 102:12, 102:20, 103:6</p> <p><b>bringing</b> [2] - 85:23, 103:7</p> <p><b>brings</b> [4] - 15:25, 68:3, 86:18, 96:6</p> <p><b>Brinkerhoff</b> [16] - 1:11, 3:12, 5:9, 42:7, 43:13, 45:3, 45:4, 58:4, 58:15, 62:5, 62:8, 63:6, 66:24, 70:5, 70:9, 71:6</p> <p><b>BROGNA</b> [8] - 1:23, 6:23, 8:9, 9:10, 41:25, 43:1, 74:16, 113:17</p> <p><b>Brogna</b> [7] - 6:22, 8:8, 9:9, 41:24, 42:25, 74:15, 113:16</p> <p><b>broken</b> [2] - 80:18, 99:12</p> <p><b>brought</b> [1] - 112:12</p> <p><b>Bs</b> [1] - 83:11</p> <p><b>buffer</b> [1] - 107:23</p> <p><b>build</b> [2] - 10:23, 14:11</p> <p><b>Building</b> [2] - 34:8, 34:9</p> <p><b>building</b> [105] - 11:19, 15:5, 15:6, 15:10, 15:16, 18:15, 18:17,</p> | <p>18:21, 19:10, 19:13, 20:23, 21:1, 22:22, 23:1, 25:13, 25:14, 25:15, 25:18, 25:19, 25:20, 25:23, 26:5, 26:8, 26:13, 26:16, 26:22, 27:11, 31:23, 32:6, 33:14, 33:16, 33:19, 34:3, 45:18, 45:21, 46:7, 46:15, 47:12, 48:1, 48:21, 49:25, 50:1, 50:7, 50:10, 50:16, 52:1, 52:3, 53:22, 54:12, 55:15, 55:16, 57:12, 59:20, 62:18, 62:21, 62:23, 63:9, 63:18, 64:4, 64:5, 64:19, 64:20, 66:17, 66:20, 67:1, 67:20, 68:2, 77:9, 78:10, 80:18, 83:4, 84:9, 84:16, 86:12, 88:12, 88:17, 89:14, 89:20, 91:5, 92:17, 93:6, 93:12, 93:15, 96:18, 96:19, 97:21, 98:5, 98:7, 98:11, 103:6, 103:7, 105:11, 105:16, 106:16, 106:24, 107:2, 107:6, 107:7, 107:8, 108:18, 110:15, 110:20, 111:20, 112:5</p> <p><b>buildings</b> [4] - 22:11, 57:7, 64:10, 66:21</p> <p><b>built</b> [3] - 47:1, 50:2, 96:20</p> <p><b>bulk</b> [5] - 38:3, 63:20, 68:23, 107:11, 110:10</p> <p><b>bulkhead</b> [3] - 85:14, 85:15, 102:16</p> <p><b>bulletin</b> [1] - 7:5</p> <p><b>BY</b> [7] - 2:4, 2:7, 13:16, 44:17, 61:13, 76:20, 104:16</p> <p style="text-align: center;"><b>C</b></p> <p><b>c(1)</b> [3] - 38:9, 39:24, 63:21</p> <p><b>c(2)</b> [1] - 38:8</p> <p><b>C-O-C-O-R-O-S</b> [1] - 76:14</p> <p><b>C.S.R</b> [1] - 1:25</p> <p><b>calculation</b> [5] - 34:7, 67:15, 67:18, 67:24, 98:14</p> <p><b>calculations</b> [4] -</p> | <p>15:25, 33:15, 33:16, 34:6</p> <p><b>Calculations</b> [1] - 34:8</p> <p><b>cantilevers</b> [1] - 84:10</p> <p><b>car</b> [6] - 17:10, 46:14, 47:16, 47:17, 65:13, 82:22</p> <p><b>care</b> [1] - 99:5</p> <p><b>Carnovale</b> [2] - 6:24, 43:2</p> <p><b>CARNOVALE</b> [1] - 1:22</p> <p><b>cars</b> [6] - 14:25, 15:1, 50:20, 82:22, 106:21</p> <p><b>CARUCCI</b> [1] - 1:25</p> <p><b>case</b> [7] - 19:2, 21:12, 36:4, 40:21, 42:7, 75:5, 96:14</p> <p><b>Case</b> [11] - 1:5, 1:7, 1:10, 1:12, 3:3, 3:11, 4:2, 5:4, 5:8, 5:12, 9:11</p> <p><b>cat</b> [1] - 82:12</p> <p><b>catch</b> [2] - 29:14, 59:5</p> <p><b>CCR</b> [1] - 115:24</p> <p><b>ceiling</b> [5] - 16:2, 98:20, 99:3, 102:21, 103:3</p> <p><b>cement</b> [1] - 18:20</p> <p><b>Center</b> [3] - 2:4, 13:5, 13:10</p> <p><b>Central</b> [1] - 2:7</p> <p><b>Cereste</b> [2] - 3:6, 10:12</p> <p><b>CERESTE</b> [18] - 2:3, 2:4, 10:5, 10:11, 12:9, 12:14, 12:18, 13:14, 13:16, 19:1, 32:12, 33:5, 36:7, 36:19, 36:21, 36:24, 39:10, 42:2</p> <p><b>certain</b> [2] - 29:24, 98:18</p> <p><b>Certainly</b> [3] - 61:6, 61:17, 104:20</p> <p><b>certainly</b> [2] - 31:7, 92:16</p> <p><b>Certified</b> [1] - 115:3</p> <p><b>certify</b> [1] - 115:6</p> <p><b>CERTIFY</b> [1] - 115:10</p> <p><b>chain</b> [2] - 90:16, 91:20</p> <p><b>chain-link</b> [2] - 90:16, 91:20</p> <p><b>CHAIR</b> [1] - 1:17</p> <p><b>Chairman</b> [11] - 3:7, 3:15, 4:6, 39:11, 43:9, 66:7, 75:1, 75:2, 75:3, 75:14, 85:21</p> |
|---|--|--|--|---|



|  |   |  |  |  |
|--|---|--|--|--|
| <p><b>CHAIRMAN</b> [202] -<br/>1:16, 6:1, 6:7, 6:9,<br/>6:11, 7:1, 7:19, 7:20,<br/>7:22, 7:24, 8:10,<br/>8:13, 8:20, 8:21,<br/>8:23, 9:22, 10:1,<br/>10:7, 13:12, 19:4,<br/>19:9, 19:14, 19:19,<br/>19:22, 20:6, 20:9,<br/>20:11, 20:14, 20:24,<br/>21:3, 21:15, 21:21,<br/>22:2, 22:6, 22:13,<br/>22:17, 22:24, 23:4,<br/>23:12, 23:17, 24:2,<br/>24:7, 24:11, 24:14,<br/>25:2, 25:6, 25:12,<br/>25:20, 25:24, 26:2,<br/>26:7, 26:11, 26:15,<br/>26:19, 26:24, 27:14,<br/>27:17, 27:20, 28:1,<br/>28:3, 28:10, 30:10,<br/>30:15, 30:25, 31:10,<br/>31:15, 31:19, 31:24,<br/>32:8, 33:11, 33:20,<br/>34:24, 35:2, 35:5,<br/>35:9, 35:12, 35:15,<br/>35:19, 35:24, 36:10,<br/>36:17, 36:20, 36:22,<br/>36:25, 37:3, 37:7,<br/>38:23, 39:1, 39:8,<br/>40:23, 41:9, 41:11,<br/>41:13, 41:15, 42:1,<br/>42:3, 42:6, 42:10,<br/>42:12, 42:14, 43:4,<br/>44:12, 50:21, 51:2,<br/>51:6, 51:9, 51:12,<br/>51:16, 51:20, 51:24,<br/>52:6, 52:18, 52:22,<br/>53:3, 53:15, 53:19,<br/>53:24, 54:2, 54:6,<br/>54:10, 54:15, 54:19,<br/>54:24, 55:3, 55:5,<br/>55:17, 55:20, 55:24,<br/>56:14, 56:17, 56:20,<br/>56:24, 58:2, 58:11,<br/>59:9, 59:15, 60:3,<br/>60:5, 60:10, 60:13,<br/>61:8, 61:22, 65:25,<br/>66:4, 66:9, 68:12,<br/>68:15, 68:20, 69:4,<br/>69:7, 69:10, 69:12,<br/>69:16, 71:24, 72:3,<br/>72:17, 72:24, 73:1,<br/>73:7, 73:16, 73:25,<br/>74:2, 74:4, 74:6,<br/>74:18, 75:4, 80:22,<br/>81:7, 81:19, 82:8,<br/>82:10, 83:7, 83:10,<br/>83:15, 83:19, 83:22,<br/>83:25, 84:18, 87:6,<br/>87:9, 87:14, 94:6,</p> | <p>94:9, 94:14, 99:20,<br/>103:12, 103:18,<br/>103:22, 103:25,<br/>109:7, 109:10,<br/>109:14, 109:17,<br/>111:1, 111:4, 111:7,<br/>112:19, 112:24,<br/>113:2, 113:7,<br/>113:20, 113:23<br/><b>challenge</b> [1] - 14:24<br/><b>challenges</b> [1] - 11:2<br/><b>challenging</b> [1] -<br/>39:15<br/><b>change</b> [2] - 34:14,<br/>34:17<br/><b>changes</b> [2] - 111:10,<br/>112:20<br/><b>character</b> [3] - 18:20,<br/>65:7, 108:13<br/><b>children</b> [1] - 101:9<br/><b>chip</b> [1] - 23:21<br/><b>chose</b> [1] - 39:19<br/><b>circular</b> [1] - 17:5<br/><b>classic</b> [1] - 39:23<br/><b>clean</b> [1] - 89:23<br/><b>clear</b> [1] - 93:23<br/><b>clearance</b> [2] - 93:13,<br/>100:17<br/><b>Clerk's</b> [1] - 7:7<br/><b>client..</b> [1] - 36:6<br/><b>Cliffs</b> [2] - 76:8, 76:15<br/><b>Cliffside</b> [1] - 96:21<br/><b>close</b> [3] - 24:23,<br/>64:10, 88:11<br/><b>closer</b> [2] - 81:14,<br/>103:7<br/><b>closest</b> [5] - 82:13,<br/>82:15, 83:14, 83:18,<br/>111:13<br/><b>closet</b> [9] - 17:24,<br/>39:16, 56:5, 56:9,<br/>79:23, 80:6, 80:7,<br/>97:10, 100:5<br/><b>coat</b> [1] - 79:23<br/><b>COCOROS</b> [66] - 4:5,<br/>76:6, 76:13, 81:2,<br/>81:12, 82:2, 82:6,<br/>82:15, 83:17, 83:21,<br/>83:24, 84:4, 84:14,<br/>84:24, 85:11, 85:25,<br/>86:12, 86:17, 86:21,<br/>87:1, 87:25, 88:13,<br/>88:19, 89:1, 89:7,<br/>89:19, 89:25, 90:12,<br/>91:4, 91:10, 92:4,<br/>92:10, 92:22, 93:3,<br/>95:14, 95:17, 95:21,<br/>96:5, 96:9, 96:13,<br/>96:17, 96:24, 97:9,<br/>97:16, 97:22, 97:25,</p> | <p>98:3, 98:6, 98:12,<br/>98:19, 98:23, 99:2,<br/>99:8, 99:11, 99:16,<br/>100:1, 100:6,<br/>100:13, 100:24,<br/>101:6, 101:11,<br/>102:2, 102:11,<br/>103:1, 112:9, 112:18<br/><b>Cocoros</b> [6] - 75:23,<br/>76:1, 76:14, 76:21,<br/>94:3, 106:23<br/><b>code</b> [2] - 35:1, 98:2<br/><b>codes</b> [2] - 86:13,<br/>96:19<br/><b>COLLAZUOL</b> [35] -<br/>2:14, 27:24, 28:2,<br/>28:7, 28:11, 30:14,<br/>30:18, 31:1, 33:12,<br/>34:4, 34:13, 34:16,<br/>34:23, 35:3, 35:7,<br/>56:23, 57:2, 58:3,<br/>58:13, 59:17, 60:9,<br/>87:12, 87:16, 88:7,<br/>88:14, 88:20, 89:3,<br/>89:8, 89:21, 90:6,<br/>90:21, 91:7, 92:2,<br/>92:7, 92:11<br/><b>Collazuol</b> [8] - 3:7,<br/>3:16, 4:8, 27:23,<br/>28:2, 37:19, 72:14,<br/>111:23<br/><b>collect</b> [1] - 21:6<br/><b>coming</b> [8] - 19:20,<br/>21:4, 30:20, 30:22,<br/>31:7, 45:21, 48:1,<br/>89:14<br/><b>comment</b> [5] - 31:13,<br/>57:3, 58:25, 60:8,<br/>69:2<br/><b>comments</b> [3] - 28:6,<br/>50:22, 66:10<br/><b>commercial</b> [1] - 11:6<br/><b>common</b> [2] - 17:19,<br/>112:2<br/><b>compare</b> [2] - 47:2,<br/>110:15<br/><b>compared</b> [2] - 57:24,<br/>78:6<br/><b>compares</b> [1] - 50:16<br/><b>comparison</b> [2] -<br/>46:19, 47:1<br/><b>compatible</b> [1] - 65:7<br/><b>compliance</b> [2] -<br/>14:20, 35:1<br/><b>comply</b> [3] - 34:25,<br/>86:13, 96:18<br/><b>concern</b> [4] - 21:17,<br/>29:8, 36:12, 80:22<br/><b>concerned</b> [5] - 20:19,<br/>36:14, 40:24, 40:25,</p> | <p>41:1<br/><b>concerning</b> [1] - 15:11<br/><b>concerns</b> [1] - 20:15<br/><b>concluded</b> [1] - 114:2<br/><b>concludes</b> [2] - 18:12,<br/>109:4<br/><b>concrete</b> [1] - 28:23<br/><b>condenser</b> [4] - 93:22,<br/>100:11, 100:13,<br/>100:17<br/><b>condition</b> [3] - 65:3,<br/>91:22, 106:16<br/><b>conditioning</b> [2] -<br/>100:10, 100:14<br/><b>conditions</b> [8] - 7:9,<br/>13:18, 46:5, 61:15,<br/>62:16, 63:4, 76:22,<br/>104:18<br/><b>condominium</b> [1] -<br/>89:22<br/><b>conduct</b> [1] - 74:23<br/><b>conference</b> [1] - 7:12<br/><b>configuration</b> [8] -<br/>14:13, 40:6, 78:13,<br/>80:2, 80:16, 85:12,<br/>97:1, 110:6<br/><b>conflicts</b> [1] - 108:23<br/><b>conformance</b> [1] -<br/>53:23<br/><b>conforming</b> [5] - 64:1,<br/>64:18, 65:6, 108:6<br/><b>connected</b> [1] - 88:3<br/><b>connecting</b> [1] - 29:13<br/><b>connection</b> [3] -<br/>29:12, 43:12, 75:17<br/><b>connections</b> [1] -<br/>29:24<br/><b>consider</b> [1] - 61:9<br/><b>consideration</b> [2] -<br/>38:12, 38:17<br/><b>considered</b> [2] -<br/>65:21, 109:2<br/><b>consistent</b> [13] -<br/>63:13, 63:17, 66:20,<br/>66:22, 67:5, 106:5,<br/>106:11, 107:5,<br/>107:10, 107:17,<br/>108:19, 110:22,<br/>111:19<br/><b>consisting</b> [1] - 12:7<br/><b>consists</b> [3] - 11:19,<br/>12:4, 79:19<br/><b>construct</b> [6] - 43:15,<br/>44:25, 75:20, 76:23,<br/>77:12, 89:9<br/><b>Construction</b> [11] -<br/>1:10, 1:13, 2:8, 2:9,<br/>3:11, 4:3, 5:9, 5:13,<br/>43:11, 75:16, 94:16<br/><b>construction</b> [4] -</p> | <p>11:16, 16:5, 16:8,<br/>103:4<br/><b>contemporary</b> [1] -<br/>71:16<br/><b>continued</b> [1] - 4:1<br/><b>Continued</b> [1] - 5:1<br/><b>continues</b> [1] - 104:10<br/><b>continuing</b> [1] - 88:4<br/><b>continuous</b> [1] - 18:16<br/><b>convenient</b> [1] - 101:1<br/><b>conversations</b> [1] -<br/>62:19<br/><b>copies</b> [1] - 61:19<br/><b>corner</b> [16] - 19:13,<br/>28:16, 28:20, 45:3,<br/>47:7, 49:14, 50:22,<br/>50:23, 62:4, 63:24,<br/>65:17, 67:13, 84:16,<br/>85:3, 89:2<br/><b>Corp</b> [1] - 43:11<br/><b>correct</b> [9] - 27:2,<br/>44:21, 48:13, 51:19,<br/>51:22, 52:25, 53:25,<br/>57:9, 104:12<br/><b>Correct</b> [17] - 22:1,<br/>23:3, 24:6, 32:22,<br/>32:25, 48:14, 48:18,<br/>51:1, 51:5, 51:11,<br/>51:23, 53:1, 53:5,<br/>58:5, 70:10, 97:25,<br/>98:3<br/><b>correctly</b> [1] - 66:16<br/><b>counsel</b> [2] - 115:11,<br/>115:13<br/><b>Counsel</b> [7] - 2:2,<br/>10:9, 36:17, 39:9,<br/>43:6, 44:14, 72:4<br/><b>counted</b> [1] - 86:2<br/><b>counter</b> [3] - 97:12,<br/>97:13, 97:14<br/><b>County</b> [2] - 7:11,<br/>57:15<br/><b>couple</b> [3] - 45:7,<br/>52:4, 96:25<br/><b>course</b> [3] - 29:8,<br/>30:1, 92:11<br/><b>Court</b> [1] - 115:3<br/><b>coverage</b> [12] - 50:14,<br/>50:17, 53:22, 62:23,<br/>64:11, 64:23, 67:7,<br/>67:21, 68:4, 72:22,<br/>105:18, 107:19<br/><b>covered</b> [3] - 66:13,<br/>98:2, 109:19<br/><b>COVID-19</b> [1] - 7:10<br/><b>created</b> [4] - 15:2,<br/>18:4, 18:16, 108:24<br/><b>creates</b> [1] - 50:3<br/><b>creating</b> [3] - 23:20,<br/>93:21, 100:10</p> |
|--|---|--|--|--|

|   |   |  |  |  |
|---|---|--|--|--|
| <p><b>criteria</b> [6] - 38:9, 65:5, 65:20, 73:11, 108:12, 109:1</p> <p><b>curb</b> [8] - 77:7, 87:18, 87:20, 87:22, 88:3, 88:4, 88:9, 108:22</p> <p><b>current</b> [3] - 7:9, 45:6, 46:9</p> <p><b>cut</b> [3] - 33:12, 77:7, 88:3</p> <p><b>cuts</b> [1] - 108:22</p>   | <p>81:3, 81:14, 111:14</p> <p><b>deliberations</b> [1] - 38:14</p> <p><b>demolish</b> [2] - 75:19, 77:11</p> <p><b>density</b> [1] - 108:9</p> <p><b>deny</b> [2] - 39:15, 41:6</p> <p><b>DEP</b> [1] - 29:23</p> <p><b>depicted</b> [2] - 16:21, 17:9</p> <p><b>depth</b> [7] - 10:20, 11:12, 15:7, 39:25, 49:7, 49:9, 78:2</p> <p><b>describe</b> [5] - 61:14, 61:20, 62:2, 76:21, 104:25</p> <p><b>described</b> [3] - 62:14, 64:17, 106:23</p> <p><b>DESCRIPTION</b> [1] - 5:3</p> <p><b>design</b> [5] - 21:10, 21:18, 37:24, 38:4, 48:4</p> <p><b>designed</b> [4] - 28:14, 40:4, 45:16, 106:18</p> <p><b>designing</b> [1] - 40:8</p> <p><b>designs</b> [1] - 45:15</p> <p><b>desirable</b> [1] - 106:15</p> <p><b>destination</b> [1] - 31:4</p> <p><b>detached</b> [3] - 77:1, 107:16, 108:17</p> <p><b>detail</b> [1] - 28:19</p> <p><b>detention</b> [1] - 30:16</p> <p><b>determine</b> [1] - 90:10</p> <p><b>determining</b> [1] - 52:24</p> <p><b>detriment</b> [1] - 73:13</p> <p><b>developed</b> [1] - 106:1</p> <p><b>Developers</b> [2] - 1:5, 9:12</p> <p><b>developing</b> [1] - 39:17</p> <p><b>development</b> [13] - 11:6, 63:18, 75:21, 77:6, 77:15, 78:8, 105:3, 105:4, 105:6, 106:17, 107:1, 107:5, 109:23</p> <p><b>developments</b> [4] - 77:15, 107:10, 108:15, 110:23</p> <p><b>DIANE</b> [1] - 2:2</p> <p><b>difference</b> [8] - 14:4, 15:23, 34:22, 47:5, 48:20, 48:21, 49:16, 58:1</p> <p><b>difficult</b> [1] - 89:9</p> <p><b>difficulty</b> [1] - 39:17</p> <p><b>dining</b> [4] - 11:21, 11:25, 17:16, 47:25</p> <p><b>Direct</b> [5] - 3:6, 3:14,</p> | <p>3:18, 4:5, 4:12</p> <p><b>DIRECT</b> [5] - 13:15, 44:16, 61:12, 76:19, 104:15</p> <p><b>directives</b> [1] - 7:10</p> <p><b>directly</b> [2] - 46:4, 78:11</p> <p><b>Directly</b> [1] - 105:7</p> <p><b>discussed</b> [2] - 92:8, 107:3</p> <p><b>dissipate</b> [1] - 100:14</p> <p><b>distance</b> [7] - 20:25, 22:23, 23:8, 25:25, 26:5, 26:13, 79:6</p> <p><b>Distortion</b> [4] - 31:22, 57:6, 101:4, 101:18</p> <p><b>Distortion</b> [1] - 100:22</p> <p><b>distributed</b> [1] - 104:25</p> <p><b>distribution</b> [1] - 12:10</p> <p><b>dividing</b> [1] - 81:15</p> <p><b>DO</b> [1] - 115:10</p> <p><b>doable</b> [1] - 31:2</p> <p><b>donate</b> [1] - 73:21</p> <p><b>Donato</b> [7] - 43:18, 43:21, 44:9, 44:18, 64:17, 67:17, 68:1</p> <p><b>DONATO</b> [43] - 3:13, 44:3, 44:9, 44:15, 51:1, 51:5, 51:8, 51:11, 51:15, 51:19, 51:23, 52:5, 53:1, 53:5, 53:17, 53:21, 54:1, 54:5, 54:9, 54:11, 54:17, 54:23, 55:1, 55:4, 55:10, 55:18, 55:22, 56:7, 57:21, 58:5, 59:11, 59:23, 60:4, 68:1, 69:23, 70:4, 70:8, 70:10, 70:22, 71:1, 71:15, 71:21, 72:22</p> <p><b>Done</b> [1] - 53:18</p> <p><b>done</b> [5] - 40:19, 73:1, 88:6, 96:25, 97:1</p> <p><b>door</b> [10] - 56:6, 81:17, 82:25, 95:24, 96:3, 96:10, 96:12, 100:7, 102:22, 111:15</p> <p><b>doors</b> [3] - 54:13, 56:4, 78:9</p> <p><b>DOT</b> [11] - 29:6, 29:15, 29:19, 30:6, 30:12, 40:13, 40:15, 87:24, 92:12, 92:16, 92:17</p> <p><b>down</b> [20] - 20:20, 23:10, 56:12, 70:15, 77:10, 85:1, 85:10,</p> | <p>85:13, 85:16, 85:17, 85:24, 86:10, 99:1, 100:25, 102:12, 102:20, 103:6, 103:7, 112:10, 112:12</p> <p><b>drain</b> [9] - 31:8, 59:5, 59:10, 59:11, 59:12, 59:13, 59:18, 59:19, 59:21</p> <p><b>Drainage</b> [2] - 65:1, 107:25</p> <p><b>drainage</b> [8] - 21:7, 21:16, 21:18, 30:19, 31:9, 59:25, 72:14, 88:23</p> <p><b>drains</b> [2] - 21:6, 31:6</p> <p><b>drawing</b> [4] - 12:3, 25:3, 88:8, 90:22</p> <p><b>Drawings</b> [2] - 5:6, 12:6</p> <p><b>driveway</b> [28] - 19:20, 20:7, 21:13, 23:24, 28:16, 29:7, 29:10, 40:16, 45:25, 49:11, 50:1, 52:16, 53:6, 62:6, 64:8, 65:12, 70:8, 77:5, 80:23, 82:18, 82:20, 83:5, 84:13, 84:25, 89:11, 93:8, 106:19, 111:24</p> <p><b>driveways</b> [3] - 54:7, 65:18, 81:6</p> <p><b>drop</b> [3] - 87:19, 87:22, 88:4</p> <p><b>dropped</b> [1] - 77:7</p> <p><b>Due</b> [1] - 7:9</p> <p><b>due</b> [1] - 77:23</p> <p><b>duly</b> [4] - 13:6, 44:6, 61:3, 76:9</p> <p><b>duplex</b> [24] - 10:24, 22:21, 26:4, 39:19, 43:15, 46:13, 46:23, 47:3, 47:8, 47:14, 47:20, 47:24, 48:12, 50:16, 53:9, 57:24, 67:12, 69:24, 70:13, 70:23, 71:1, 71:2, 71:4</p> <p><b>duplex-style</b> [1] - 43:15</p> <p><b>duplexes</b> [5] - 47:1, 47:7, 48:4, 48:13, 50:16</p> <p><b>dwelling</b> [15] - 11:4, 14:12, 40:5, 43:15, 62:5, 62:11, 75:20, 77:1, 77:13, 105:1, 108:5, 109:25, 110:2, 110:3, 112:2</p> | <p><b>dwelling</b> [4] - 63:1, 106:18, 109:24, 110:16</p>  |
| <b>D</b>  |   |  |  |  |
| <p><b>d)(1)</b> [1] - 109:20</p> <p><b>d)(6)</b> [1] - 109:20</p> <p><b>D-O-N-A-T-O</b> [1] - 44:10</p> <p><b>date</b> [2] - 9:20, 115:8</p> <p><b>dated</b> [3] - 12:4, 12:7, 30:8</p> <p><b>Dave</b> [1] - 61:8</p> <p><b>David</b> [8] - 43:20, 61:6, 75:23, 102:7, 104:3, 109:6, 109:19, 109:22</p> <p><b>DAVID</b> [3] - 1:19, 3:17, 4:11</p> <p><b>dealing</b> [1] - 11:15</p> <p><b>decided</b> [1] - 78:8</p> <p><b>deck</b> [29] - 32:20, 48:1, 55:13, 55:16, 55:20, 56:8, 56:11, 69:25, 70:15, 71:2, 72:11, 72:13, 77:4, 78:14, 80:9, 80:10, 80:17, 86:7, 87:4, 87:5, 95:12, 95:13, 95:16, 95:18, 95:24, 96:12, 97:19, 97:23, 97:24</p> <p><b>Deck</b> [1] - 55:9</p> <p><b>decks</b> [6] - 58:4, 69:22, 70:18, 70:23, 80:11, 97:20</p> <p><b>declaring</b> [1] - 51:3</p> <p><b>decrease</b> [1] - 85:18</p> <p><b>decreased</b> [1] - 87:18</p> <p><b>dedicated</b> [2] - 16:22, 16:25</p> <p><b>deep</b> [3] - 45:9, 80:12, 81:4</p> <p><b>deeper</b> [1] - 49:9</p> <p><b>deepest</b> [1] - 80:12</p> <p><b>definitely</b> [2] - 53:13, 66:23</p> <p><b>Definitely</b> [1] - 101:14</p> <p><b>definition</b> [1] - 39:23</p> <p><b>degrees</b> [4] - 77:15,</p> | <p>81:3, 81:14, 111:14</p> <p><b>deliberations</b> [1] - 38:14</p> <p><b>demolish</b> [2] - 75:19, 77:11</p> <p><b>density</b> [1] - 108:9</p> <p><b>deny</b> [2] - 39:15, 41:6</p> <p><b>DEP</b> [1] - 29:23</p> <p><b>depicted</b> [2] - 16:21, 17:9</p> <p><b>depth</b> [7] - 10:20, 11:12, 15:7, 39:25, 49:7, 49:9, 78:2</p> <p><b>describe</b> [5] - 61:14, 61:20, 62:2, 76:21, 104:25</p> <p><b>described</b> [3] - 62:14, 64:17, 106:23</p> <p><b>DESCRIPTION</b> [1] - 5:3</p> <p><b>design</b> [5] - 21:10, 21:18, 37:24, 38:4, 48:4</p> <p><b>designed</b> [4] - 28:14, 40:4, 45:16, 106:18</p> <p><b>designing</b> [1] - 40:8</p> <p><b>designs</b> [1] - 45:15</p> <p><b>desirable</b> [1] - 106:15</p> <p><b>destination</b> [1] - 31:4</p> <p><b>detached</b> [3] - 77:1, 107:16, 108:17</p> <p><b>detail</b> [1] - 28:19</p> <p><b>detention</b> [1] - 30:16</p> <p><b>determine</b> [1] - 90:10</p> <p><b>determining</b> [1] - 52:24</p> <p><b>detriment</b> [1] - 73:13</p> <p><b>developed</b> [1] - 106:1</p> <p><b>Developers</b> [2] - 1:5, 9:12</p> <p><b>developing</b> [1] - 39:17</p> <p><b>development</b> [13] - 11:6, 63:18, 75:21, 77:6, 77:15, 78:8, 105:3, 105:4, 105:6, 106:17, 107:1, 107:5, 109:23</p> <p><b>developments</b> [4] - 77:15, 107:10, 108:15, 110:23</p> <p><b>DIANE</b> [1] - 2:2</p> <p><b>difference</b> [8] - 14:4, 15:23, 34:22, 47:5, 48:20, 48:21, 49:16, 58:1</p> <p><b>difficult</b> [1] - 89:9</p> <p><b>difficulty</b> [1] - 39:17</p> <p><b>dining</b> [4] - 11:21, 11:25, 17:16, 47:25</p> <p><b>Direct</b> [5] - 3:6, 3:14,</p> | <p>3:18, 4:5, 4:12</p> <p><b>DIRECT</b> [5] - 13:15, 44:16, 61:12, 76:19, 104:15</p> <p><b>directives</b> [1] - 7:10</p> <p><b>directly</b> [2] - 46:4, 78:11</p> <p><b>Directly</b> [1] - 105:7</p> <p><b>discussed</b> [2] - 92:8, 107:3</p> <p><b>dissipate</b> [1] - 100:14</p> <p><b>distance</b> [7] - 20:25, 22:23, 23:8, 25:25, 26:5, 26:13, 79:6</p> <p><b>Distortion</b> [4] - 31:22, 57:6, 101:4, 101:18</p> <p><b>Distortion</b> [1] - 100:22</p> <p><b>distributed</b> [1] - 104:25</p> <p><b>distribution</b> [1] - 12:10</p> <p><b>dividing</b> [1] - 81:15</p> <p><b>DO</b> [1] - 115:10</p> <p><b>doable</b> [1] - 31:2</p> <p><b>donate</b> [1] - 73:21</p> <p><b>Donato</b> [7] - 43:18, 43:21, 44:9, 44:18, 64:17, 67:17, 68:1</p> <p><b>DONATO</b> [43] - 3:13, 44:3, 44:9, 44:15, 51:1, 51:5, 51:8, 51:11, 51:15, 51:19, 51:23, 52:5, 53:1, 53:5, 53:17, 53:21, 54:1, 54:5, 54:9, 54:11, 54:17, 54:23, 55:1, 55:4, 55:10, 55:18, 55:22, 56:7, 57:21, 58:5, 59:11, 59:23, 60:4, 68:1, 69:23, 70:4, 70:8, 70:10, 70:22, 71:1, 71:15, 71:21, 72:22</p> <p><b>Done</b> [1] - 53:18</p> <p><b>done</b> [5] - 40:19, 73:1, 88:6, 96:25, 97:1</p> <p><b>door</b> [10] - 56:6, 81:17, 82:25, 95:24, 96:3, 96:10, 96:12, 100:7, 102:22, 111:15</p> <p><b>doors</b> [3] - 54:13, 56:4, 78:9</p> <p><b>DOT</b> [11] - 29:6, 29:15, 29:19, 30:6, 30:12, 40:13, 40:15, 87:24, 92:12, 92:16, 92:17</p> <p><b>down</b> [20] - 20:20, 23:10, 56:12, 70:15, 77:10, 85:1, 85:10,</p> | <p>85:13, 85:16, 85:17, 85:24, 86:10, 99:1, 100:25, 102:12, 102:20, 103:6, 103:7, 112:10, 112:12</p> <p><b>drain</b> [9] - 31:8, 59:5, 59:10, 59:11, 59:12, 59:13, 59:18, 59:19, 59:21</p> <p><b>Drainage</b> [2] - 65:1, 107:25</p> <p><b>drainage</b> [8] - 21:7, 21:16, 21:18, 30:19, 31:9, 59:25, 72:14, 88:23</p> <p><b>drains</b> [2] - 21:6, 31:6</p> <p><b>drawing</b> [4] - 12:3, 25:3, 88:8, 90:22</p> <p><b>Drawings</b> [2] - 5:6, 12:6</p> <p><b>driveway</b> [28] - 19:20, 20:7, 21:13, 23:24, 28:16, 29:7, 29:10, 40:16, 45:25, 49:11, 50:1, 52:16, 53:6, 62:6, 64:8, 65:12, 70:8, 77:5, 80:23, 82:18, 82:20, 83:5, 84:13, 84:25, 89:11, 93:8, 106:19, 111:24</p> <p><b>driveways</b> [3] - 54:7, 65:18, 81:6</p> <p><b>drop</b> [3] - 87:19, 87:22, 88:4</p> <p><b>dropped</b> [1] - 77:7</p> <p><b>Due</b> [1] - 7:9</p> <p><b>due</b> [1] - 77:23</p> <p><b>duly</b> [4] - 13:6, 44:6, 61:3, 76:9</p> <p><b>duplex</b> [24] - 10:24, 22:21, 26:4, 39:19, 43:15, 46:13, 46:23, 47:3, 47:8, 47:14, 47:20, 47:24, 48:12, 50:16, 53:9, 57:24, 67:12, 69:24, 70:13, 70:23, 71:1, 71:2, 71:4</p> <p><b>duplex-style</b> [1] - 43:15</p> <p><b>duplexes</b> [5] - 47:1, 47:7, 48:4, 48:13, 50:16</p> <p><b>dwelling</b> [15] - 11:4, 14:12, 40:5, 43:15, 62:5, 62:11, 75:20, 77:1, 77:13, 105:1, 108:5, 109:25, 110:2, 110:3, 112:2</p> | <p><b>dwelling</b> [4] - 63:1, 106:18, 109:24, 110:16</p> <p style="text-align: center;"><b>E</b></p> <p><b>easier</b> [1] - 82:19</p> <p><b>easily</b> [2] - 89:23, 105:23</p> <p><b>east</b> [5] - 10:16, 13:25, 63:6, 77:19, 112:5</p> <p><b>easy</b> [2] - 37:1, 83:1</p> <p><b>eating</b> [1] - 79:21</p> <p><b>Edge</b> [2] - 44:5, 44:10</p> <p><b>Edgewater</b> [3] - 86:22, 87:3, 96:21</p> <p><b>Edsall</b> [1] - 78:18</p> <p><b>effect</b> [1] - 45:15</p> <p><b>egress</b> [1] - 96:11</p> <p><b>Eight</b> [2] - 98:23, 98:24</p> <p><b>either</b> [10] - 23:21, 24:13, 30:5, 67:8, 77:16, 105:10, 106:6, 107:18, 108:19, 110:23</p> <p><b>Either</b> [1] - 34:25</p> <p><b>El</b> [5] - 1:8, 2:5, 3:3, 5:4, 10:12</p> <p><b>ELEFTERIOS</b> [1] - 1:18</p> <p><b>Elefteriou</b> [7] - 6:18, 8:4, 9:5, 41:20, 42:21, 74:11, 113:12</p> <p><b>ELEFTERIOU</b> [9] - 1:18, 6:19, 8:5, 9:6, 41:21, 42:22, 74:12, 113:1, 113:13</p> <p><b>Eleni</b> [1] - 102:5</p> <p><b>ELENI</b> [1] - 2:13</p> <p><b>elevated</b> [1] - 27:4</p> <p><b>Elevation</b> [1] - 34:9</p> <p><b>elevation</b> [12] - 15:20, 15:25, 16:1, 18:15, 18:23, 20:18, 27:6, 33:25, 34:20, 34:21, 63:7</p> <p><b>elevations</b> [2] - 18:23, 79:3</p> <p><b>eliminate</b> [4] - 55:15, 71:3, 72:10, 106:21</p> <p><b>eliminated</b> [7] - 56:10, 62:23, 64:12, 67:22, 69:25, 89:12, 99:1</p> <p><b>eliminating</b> [2] - 56:11, 72:23</p> <p><b>elimination</b> [1] - 64:6</p> <p><b>elongated</b> [1] - 50:7</p> <p><b>elongating</b> [1] - 49:25</p> |

|  |  |  |   |   |
|--|--|--|---|---|
| <p><b>employee</b> [2] - 115:11, 115:13</p> <p><b>en</b> [1] - 80:3</p> <p><b>encroach</b> [2] - 37:25, 38:2</p> <p><b>end</b> [4] - 23:25, 26:15, 52:16, 80:23</p> <p><b>engineer</b> [5] - 21:18, 21:22, 59:4, 59:24, 112:17</p> <p><b>Englewood</b> [2] - 76:8, 76:15</p> <p><b>entering</b> [1] - 17:13</p> <p><b>enters</b> [1] - 46:23</p> <p><b>entrance</b> [6] - 18:11, 23:16, 32:23, 45:19, 56:6, 87:17</p> <p><b>entranceway</b> [1] - 32:24</p> <p><b>entry</b> [9] - 79:8, 79:11, 79:20, 81:16, 83:3, 90:2, 90:3, 93:9, 93:17</p> <p><b>environment</b> [1] - 106:15</p> <p><b>especially</b> [1] - 101:9</p> <p><b>ESQUIRE</b> [3] - 2:2, 2:4, 2:7</p> <p><b>essentially</b> [1] - 70:2</p> <p><b>established</b> [1] - 16:1</p> <p><b>estimate</b> [1] - 87:21</p> <p><b>evening</b> [10] - 12:21, 12:22, 43:8, 43:17, 62:20, 75:14, 75:22, 106:20, 107:4, 113:19</p> <p><b>event</b> [2] - 64:4, 72:12</p> <p><b>exact</b> [1] - 67:18</p> <p><b>Examination</b> [5] - 3:6, 3:14, 3:18, 4:5, 4:12</p> <p><b>EXAMINATION</b> [5] - 13:15, 44:16, 61:12, 76:19, 104:15</p> <p><b>excavated</b> [1] - 16:20</p> <p><b>exceed</b> [3] - 65:20, 67:14, 107:3</p> <p><b>exceeded</b> [1] - 64:25</p> <p><b>exceeds</b> [1] - 105:13</p> <p><b>exception</b> [1] - 18:2</p> <p><b>excuse</b> [1] - 64:14</p> <p><b>exercise</b> [1] - 36:4</p> <p><b>Exhibit</b> [5] - 12:8, 12:17, 25:3, 62:1, 104:23</p> <p><b>exhibit</b> [2] - 61:19, 104:21</p> <p><b>exhibits</b> [3] - 12:2, 12:15, 66:18</p> <p><b>existing</b> [30] - 13:17, 14:11, 24:1, 25:14,</p> | <p>25:18, 25:22, 26:4, 45:2, 46:5, 49:1, 49:3, 49:5, 50:5, 57:12, 61:15, 65:12, 66:21, 75:20, 76:22, 76:25, 77:11, 77:22, 78:21, 85:12, 88:4, 104:18, 105:1, 106:12, 107:16, 110:16</p> <p><b>exists</b> [5] - 44:24, 65:2, 65:13, 107:13, 107:16</p> <p><b>exit</b> [2] - 19:24, 87:20</p> <p><b>expert</b> [7] - 13:13, 44:13, 61:9, 61:10, 76:17, 104:1, 104:2</p> <p><b>experts</b> [2] - 27:21, 54:21</p> <p><b>explain</b> [3] - 44:23, 81:24, 104:17</p> <p><b>extend</b> [1] - 111:18</p> <p><b>extended</b> [1] - 29:20</p> <p><b>extension</b> [1] - 29:23</p> <p><b>exterior</b> [1] - 18:19</p> <p><b>extra</b> [4] - 21:12, 21:14, 31:6, 49:10</p> <p><b>extremely</b> [2] - 38:11, 39:14</p> <p style="text-align: center;"><b>F</b></p> <p><b>F-E-L-D-M-A-N</b> [1] - 95:9</p> <p><b>face</b> [1] - 78:9</p> <p><b>faces</b> [1] - 62:5</p> <p><b>facilities</b> [1] - 65:1</p> <p><b>facing</b> [3] - 26:4, 70:6, 84:16</p> <p><b>fact</b> [1] - 110:18</p> <p><b>fair</b> [1] - 41:3</p> <p><b>fake</b> [1] - 71:20</p> <p><b>fall</b> [1] - 58:16</p> <p><b>families</b> [1] - 86:8</p> <p><b>family</b> [20] - 11:20, 11:24, 14:12, 17:3, 18:4, 18:5, 18:6, 18:7, 18:11, 43:15, 62:11, 62:12, 66:24, 67:1, 105:3, 105:22, 106:18, 108:5, 109:24, 110:16</p> <p><b>far</b> [9] - 24:15, 25:1, 28:8, 29:24, 36:14, 47:9, 65:20, 86:13, 109:1</p> <p><b>favor</b> [2] - 8:15, 114:1</p> <p><b>favorable</b> [1] - 40:22</p> <p><b>feasible</b> [1] - 65:11</p> | <p><b>feet</b> [175] - 10:19, 10:21, 11:9, 11:17, 13:22, 13:23, 13:24, 14:2, 14:5, 14:15, 15:6, 15:7, 15:8, 15:14, 15:16, 15:23, 16:6, 16:9, 20:8, 20:9, 20:18, 21:1, 21:25, 22:4, 22:10, 22:14, 22:20, 22:23, 22:25, 23:2, 25:13, 25:16, 25:17, 25:19, 26:1, 26:6, 26:9, 26:14, 26:18, 26:19, 26:21, 26:25, 27:1, 27:7, 27:15, 28:15, 28:17, 28:25, 33:14, 33:17, 33:23, 37:22, 38:1, 40:1, 40:2, 40:7, 41:2, 41:4, 45:9, 45:23, 46:10, 46:15, 46:25, 47:13, 47:15, 47:23, 48:12, 48:14, 48:16, 49:1, 49:5, 49:8, 49:10, 49:12, 49:13, 49:15, 49:17, 49:20, 49:21, 49:23, 50:6, 50:9, 50:13, 50:25, 51:9, 51:14, 51:17, 51:21, 52:1, 52:3, 52:12, 52:13, 52:16, 52:19, 52:20, 52:25, 53:4, 53:6, 53:8, 53:10, 53:13, 53:16, 54:12, 54:13, 55:15, 57:5, 57:13, 57:17, 57:20, 59:20, 59:21, 62:21, 63:15, 63:23, 63:25, 64:10, 64:16, 67:14, 68:2, 68:3, 72:9, 74:21, 77:2, 77:23, 78:1, 78:2, 78:3, 78:4, 78:17, 80:11, 80:12, 80:13, 82:21, 84:20, 84:23, 85:15, 85:24, 86:1, 87:23, 88:6, 88:11, 89:17, 90:22, 93:23, 97:12, 98:7, 98:9, 98:23, 98:24, 99:2, 99:4, 100:8, 102:18, 103:8, 105:22, 107:4, 107:9, 107:20, 108:4, 110:12, 110:13, 111:22, 112:7, 112:13</p> <p><b>Feldman</b> [2] - 94:20, 95:8</p> <p><b>felt</b> [1] - 49:25</p> | <p><b>fence</b> [10] - 90:8, 90:14, 90:17, 90:19, 90:21, 91:18, 91:20, 91:23, 91:24, 112:4</p> <p><b>fences</b> [2] - 90:11, 90:25</p> <p><b>fencing</b> [1] - 107:23</p> <p><b>Ferguson</b> [11] - 3:7, 3:15, 6:8, 7:21, 8:22, 10:11, 41:12, 42:11, 74:3, 75:1, 113:4</p> <p><b>FERGUSON</b> [157] - 1:16, 6:1, 6:7, 6:9, 7:1, 7:20, 7:22, 8:10, 8:13, 8:21, 8:23, 9:22, 10:1, 10:7, 13:12, 19:4, 19:9, 19:14, 19:19, 19:22, 20:6, 20:9, 20:11, 20:14, 20:24, 21:3, 21:15, 21:21, 22:2, 22:6, 22:13, 22:17, 22:24, 23:4, 23:12, 23:17, 24:2, 24:7, 24:11, 24:14, 25:2, 25:6, 25:12, 25:20, 25:24, 26:2, 26:7, 26:11, 26:15, 26:19, 26:24, 27:14, 27:17, 27:20, 28:1, 28:3, 28:10, 30:10, 30:15, 30:25, 31:10, 31:15, 31:19, 31:24, 32:8, 33:11, 33:20, 34:24, 35:2, 35:5, 35:9, 35:12, 35:15, 35:19, 35:24, 36:10, 36:17, 36:20, 36:22, 36:25, 37:3, 37:7, 38:23, 39:1, 39:8, 40:23, 41:11, 41:13, 42:1, 42:3, 42:6, 42:10, 42:12, 43:4, 44:12, 50:21, 51:2, 51:6, 51:9, 51:12, 51:16, 51:20, 51:24, 52:6, 52:18, 52:22, 53:3, 53:15, 53:19, 53:24, 54:2, 54:6, 54:10, 54:15, 54:19, 54:24, 55:3, 55:5, 55:17, 55:20, 55:24, 56:14, 56:17, 56:20, 56:24, 58:2, 58:11, 59:9, 59:15, 60:3, 60:5, 60:10, 60:13, 61:8, 61:22, 65:25, 66:4, 66:9, 68:12, 68:15, 68:20, 69:4, 69:7, 69:10, 69:12, 69:16,</p> | <p>71:24, 72:3, 72:17, 72:24, 73:1, 73:7, 73:16, 74:2, 74:4, 74:18, 87:9</p> <p><b>few</b> [4] - 18:16, 19:5, 64:16, 94:13</p> <p><b>fiber</b> [1] - 18:19</p> <p><b>figure</b> [1] - 39:20</p> <p><b>filed</b> [1] - 7:7</p> <p><b>financially</b> [1] - 115:14</p> <p><b>fine</b> [4] - 48:11, 55:3, 55:5, 55:25</p> <p><b>finish</b> [2] - 71:14, 99:6</p> <p><b>finished</b> [14] - 18:17, 18:19, 78:14, 79:8, 80:9, 80:16, 95:23, 97:3, 97:8, 98:10, 99:1, 99:3, 102:13, 103:2</p> <p><b>fire</b> [8] - 69:19, 86:11, 86:13, 86:23, 93:24, 96:15, 96:19</p> <p><b>First</b> [4] - 7:1, 63:4, 66:15, 94:15</p> <p><b>first</b> [30] - 7:13, 8:10, 8:11, 11:20, 12:19, 16:1, 16:2, 16:18, 16:23, 17:1, 17:7, 17:9, 17:12, 23:23, 27:7, 27:9, 34:21, 49:6, 56:19, 79:10, 79:12, 79:17, 79:18, 83:15, 94:22, 94:23, 96:7, 100:25, 105:19, 111:12</p> <p><b>fit</b> [3] - 11:1, 39:21, 40:12</p> <p><b>fits</b> [2] - 39:23, 40:5</p> <p><b>five</b> [3] - 21:19, 42:4, 52:12</p> <p><b>five-minute</b> [1] - 42:4</p> <p><b>flag</b> [1] - 6:3</p> <p><b>flats</b> [3] - 10:23, 14:12, 39:20</p> <p><b>flight</b> [2] - 18:3, 18:10</p> <p><b>Floor</b> [1] - 31:18</p> <p><b>floor</b> [44] - 11:20, 11:23, 16:1, 16:3, 16:4, 16:11, 16:14, 16:18, 16:19, 16:23, 16:24, 17:2, 17:7, 17:9, 17:11, 17:12, 18:2, 18:10, 18:13, 27:7, 27:9, 33:7, 34:21, 47:11, 47:19, 47:22, 48:2, 56:3, 56:19, 72:16, 78:15, 79:7, 79:10, 79:12, 79:17, 79:18, 79:24, 80:1, 95:18, 95:22,</p> |
|--|--|--|---|---|

|   |   |  |  |   |
|---|---|--|--|---|
| <p>96:1, 99:3, 100:25<br/> <b>floors</b> [2] - 87:4, 89:23<br/> <b>follow</b> [1] - 85:12<br/> <b>follows</b> [5] - 13:6, 44:6, 61:3, 76:10, 104:11<br/> <b>foot</b> [19] - 15:17, 38:2, 45:7, 46:2, 52:7, 53:19, 57:11, 58:17, 62:22, 63:12, 64:3, 64:24, 73:5, 73:8, 85:1, 85:2, 85:5, 85:18, 86:3<br/> <b>foot-and-a-half</b> [1] - 85:18<br/> <b>footage</b> [2] - 48:22, 55:23<br/> <b>footprint</b> [3] - 67:10, 67:14, 68:8<br/> <b>forbid</b> [1] - 96:14<br/> <b>foregoing</b> [1] - 115:6<br/> <b>forgot</b> [1] - 79:4<br/> <b>Fort</b> [4] - 2:5, 2:8, 13:5, 13:11<br/> <b>forth</b> [2] - 32:19, 115:9<br/> <b>foundation</b> [3] - 67:9, 67:13, 68:7<br/> <b>four</b> [18] - 12:4, 12:7, 22:20, 50:20, 56:4, 77:6, 77:21, 78:11, 78:23, 90:16, 105:6, 105:6, 106:4, 106:24, 107:7, 108:7, 110:1, 110:5, 110:20<br/> <b>four-unit</b> [8] - 77:6, 77:21, 78:11, 78:23, 90:16, 105:6, 107:7, 110:1<br/> <b>Fourth</b> [4] - 1:6, 8:12, 8:13, 9:12<br/> <b>foyer</b> [1] - 79:12<br/> <b>frame</b> [1] - 75:20<br/> <b>Friend</b> [2] - 61:2, 104:9<br/> <b>front</b> [45] - 14:14, 14:15, 17:13, 18:15, 18:17, 21:25, 23:5, 31:22, 33:25, 37:16, 38:1, 41:2, 45:22, 49:12, 49:14, 49:18, 51:16, 57:5, 57:6, 57:20, 58:10, 62:24, 63:5, 72:11, 72:13, 78:1, 78:9, 78:22, 80:3, 80:10, 81:16, 81:17, 81:18, 84:8, 84:15, 88:12, 89:12, 93:7, 93:8, 111:14, 111:17<br/> <b>frontage</b> [3] - 13:22,</p> | <p>63:6, 65:15<br/> <b>fronting</b> [2] - 25:23, 30:21<br/> <b>full</b> [2] - 35:17, 80:5<br/> <b>Fund</b> [1] - 73:21<br/> <b>furnace</b> [1] - 99:24<br/> <b>FURTHER</b> [1] - 115:10<br/> <b>Furthermore</b> [1] - 18:9<br/> <b>future</b> [2] - 89:9, 89:17</p> <p style="text-align: center;"><b>G</b></p> <p><b>garage</b> [23] - 17:10, 18:7, 46:14, 47:20, 50:6, 54:13, 62:5, 64:6, 65:13, 77:1, 79:8, 79:14, 81:4, 81:14, 82:17, 82:20, 82:25, 85:21, 100:3, 106:19, 107:16, 108:17, 111:15<br/> <b>garages</b> [7] - 16:16, 16:17, 18:4, 32:15, 54:3, 111:14, 111:19<br/> <b>Garden</b> [2] - 1:5, 9:11<br/> <b>garden</b> [2] - 79:1, 105:4<br/> <b>given</b> [2] - 11:1, 40:17<br/> <b>glad</b> [1] - 109:5<br/> <b>glass</b> [5] - 95:23, 96:3, 96:10, 96:12, 102:22<br/> <b>God</b> [6] - 13:2, 44:2, 60:24, 76:5, 96:14, 99:10<br/> <b>government</b> [1] - 7:11<br/> <b>Grade</b> [1] - 34:8<br/> <b>grade</b> [8] - 15:14, 15:19, 15:24, 16:7, 33:25, 34:5, 34:6, 85:12<br/> <b>grades</b> [1] - 27:5<br/> <b>grading</b> [4] - 23:24, 23:25, 58:18, 59:21<br/> <b>Grand</b> [19] - 1:13, 4:3, 5:13, 75:10, 75:17, 77:8, 77:19, 80:24, 81:9, 82:13, 82:16, 84:16, 88:19, 88:20, 91:14, 105:25, 106:21, 108:22, 111:13<br/> <b>grant</b> [3] - 20:2, 61:16, 104:19<br/> <b>granted</b> [5] - 63:3, 63:21, 65:22, 73:13, 109:3<br/> <b>granting</b> [1] - 8:15<br/> <b>great</b> [2] - 99:15, 113:19</p> | <p><b>Great</b> [2] - 71:18, 109:18<br/> <b>greater</b> [1] - 28:15<br/> <b>greatly</b> [1] - 71:12<br/> <b>green</b> [1] - 81:18<br/> <b>ground</b> [2] - 47:19, 79:7<br/> <b>guess</b> [11] - 23:6, 31:11, 38:15, 38:16, 39:3, 89:2, 90:1, 90:24, 91:25, 92:13, 113:21<br/> <b>guide</b> [1] - 21:6<br/> <b>guys</b> [1] - 79:6</p> <p style="text-align: center;"><b>H</b></p> <p><b>half</b> [9] - 18:3, 18:10, 35:22, 47:21, 47:24, 47:25, 63:14, 82:21, 85:18<br/> <b>half-bath</b> [1] - 47:21<br/> <b>hall</b> [1] - 83:3<br/> <b>hallway</b> [5] - 16:25, 17:12, 17:19, 79:23, 95:18<br/> <b>hand</b> [9] - 12:23, 28:20, 33:15, 34:5, 43:23, 60:20, 78:3, 90:17, 91:17<br/> <b>hands</b> [1] - 102:1<br/> <b>hang</b> [1] - 70:16<br/> <b>Hanging</b> [1] - 69:16<br/> <b>hanging</b> [1] - 70:20<br/> <b>happy</b> [3] - 30:9, 38:21, 65:24<br/> <b>Harrington</b> [2] - 61:2, 104:9<br/> <b>header</b> [1] - 102:23<br/> <b>hear</b> [14] - 27:24, 31:20, 37:6, 37:7, 56:23, 56:24, 66:8, 69:9, 81:21, 81:25, 87:13, 95:19, 104:4, 109:16<br/> <b>heard</b> [5] - 12:13, 31:13, 66:10, 67:8, 73:9<br/> <b>hearing</b> [1] - 21:22<br/> <b>heat</b> [1] - 100:15<br/> <b>heater</b> [1] - 79:15<br/> <b>Height</b> [2] - 34:8, 34:10<br/> <b>height</b> [54] - 15:10, 15:11, 15:13, 15:19, 16:2, 16:3, 16:5, 28:15, 28:18, 28:25, 29:3, 33:14, 33:17, 33:19, 34:3, 37:20,</p> | <p>40:10, 50:9, 50:12, 56:12, 58:17, 62:18, 63:3, 63:9, 63:11, 63:19, 66:17, 66:20, 66:25, 67:3, 67:4, 84:21, 84:22, 85:1, 85:6, 85:10, 85:16, 86:4, 98:5, 98:6, 98:15, 102:9, 102:13, 103:6, 103:7, 105:16, 107:2, 108:18, 111:21, 112:6, 112:10<br/> <b>heights</b> [1] - 107:9<br/> <b>held</b> [1] - 7:11<br/> <b>Hello</b> [5] - 27:24, 94:16, 103:16, 103:18, 103:20<br/> <b>help</b> [4] - 13:1, 44:1, 60:23, 76:4<br/> <b>helps</b> [1] - 56:12<br/> <b>Henry</b> [7] - 3:9, 3:20, 4:9, 4:10, 31:17, 69:14, 70:16<br/> <b>hereby</b> [1] - 115:5<br/> <b>herein</b> [1] - 115:9<br/> <b>Hi</b> [3] - 69:6, 69:13, 69:15<br/> <b>high</b> [4] - 14:3, 14:4, 30:11, 98:10<br/> <b>higher</b> [4] - 27:7, 27:9, 63:7, 108:9<br/> <b>highly</b> [1] - 10:17<br/> <b>highway</b> [2] - 15:1, 29:17<br/> <b>hill</b> [1] - 20:21<br/> <b>Hillside</b> [17] - 45:5, 45:14, 46:24, 47:4, 47:15, 49:15, 54:9, 58:19, 62:6, 62:8, 62:10, 64:5, 65:13, 65:15, 67:2, 70:3, 70:7<br/> <b>himself</b> [1] - 75:2<br/> <b>hit</b> [2] - 30:11, 47:10<br/> <b>Hold</b> [1] - 31:25<br/> <b>homes</b> [3] - 63:10, 66:24, 87:3<br/> <b>hope</b> [1] - 69:19<br/> <b>Hope</b> [1] - 31:21<br/> <b>house</b> [17] - 25:9, 32:18, 46:6, 50:2, 50:22, 50:23, 50:24, 52:15, 52:18, 69:22, 70:14, 71:14, 72:9, 72:13, 95:16, 98:25, 99:6<br/> <b>houses</b> [4] - 25:4, 25:10, 57:11, 86:22</p> | <p><b>housing</b> [1] - 106:13</p> <p style="text-align: center;"><b>I</b></p> <p><b>idea</b> [1] - 88:24<br/> <b>identification</b> [4] - 12:8, 12:17, 62:1, 104:23<br/> <b>identified</b> [2] - 37:17, 110:11<br/> <b>identifying</b> [1] - 67:10<br/> <b>illustrate</b> [1] - 90:25<br/> <b>impact</b> [1] - 108:25<br/> <b>impacts</b> [1] - 108:1<br/> <b>impair</b> [1] - 73:14<br/> <b>improved</b> [4] - 65:2, 65:10, 107:15, 108:17<br/> <b>improvements</b> [2] - 77:11, 107:25<br/> <b>IN</b> [1] - 1:4<br/> <b>inch</b> [1] - 49:21<br/> <b>inches</b> [19] - 47:13, 47:23, 48:14, 49:9, 52:4, 80:12, 80:14, 85:18, 85:20, 85:21, 86:3, 98:8, 98:9, 102:12, 102:14, 102:18, 103:4, 112:11<br/> <b>include</b> [2] - 58:7, 58:8<br/> <b>incoming</b> [2] - 88:18, 111:25<br/> <b>increased</b> [1] - 64:6<br/> <b>indicate</b> [2] - 33:16, 91:8<br/> <b>indicated</b> [6] - 11:18, 31:5, 33:13, 62:4, 108:3, 109:22<br/> <b>indicates</b> [2] - 28:22, 58:20<br/> <b>indicating</b> [1] - 57:17<br/> <b>industrial</b> [1] - 105:9<br/> <b>information</b> [2] - 29:22, 67:25<br/> <b>inlet</b> [2] - 88:25, 112:2<br/> <b>inside</b> [11] - 47:17, 50:20, 54:4, 55:16, 82:23, 89:3, 89:20, 89:23, 90:1, 96:6, 112:2<br/> <b>install</b> [4] - 24:8, 24:10, 112:1, 112:4<br/> <b>Instead</b> [1] - 26:24<br/> <b>instead</b> [2] - 36:5, 100:24<br/> <b>integrity</b> [1] - 23:18<br/> <b>intend</b> [1] - 46:7</p> |
|---|---|--|--|---|

|   |   |  |   |   |
|---|---|--|---|---|
| <p><b>intention</b> [2] - 29:2, 75:19</p> <p><b>interested</b> [1] - 115:14</p> <p><b>interfering</b> [1] - 90:4</p> <p><b>interior</b> [2] - 17:5, 86:24</p> <p><b>interlocking</b> [1] - 28:20</p> <p><b>internally</b> [1] - 86:19</p> <p><b>intersection</b> [1] - 78:18</p> <p><b>introduce</b> [1] - 10:15</p> <p><b>involved</b> [2] - 10:25, 11:14</p> <p><b>involving</b> [1] - 7:9</p> <p><b>irregular</b> [3] - 10:17, 13:21, 25:15</p> <p><b>issue</b> [1] - 36:8</p> <p><b>issued</b> [1] - 92:17</p> <p><b>IT</b> [4] - 31:14, 60:12, 69:3, 103:11</p> <p><b>it..</b> [1] - 96:2</p> <p><b>item</b> [2] - 58:18, 88:22</p> <p><b>items</b> [7] - 45:11, 46:6, 46:17, 58:14, 58:23, 92:19, 103:6</p> <p><b>itself</b> [15] - 63:9, 77:9, 77:10, 78:5, 78:8, 78:17, 80:6, 82:20, 86:1, 86:12, 88:3, 96:18, 97:9, 102:16</p> | <p><b>K-turn</b> [1] - 82:19</p> <p><b>Kauker</b> [5] - 3:19, 4:13, 37:3, 57:9, 66:5</p> <p><b>KAUKER</b> [13] - 2:16, 3:10, 37:5, 37:10, 66:7, 66:12, 67:6, 68:6, 109:13, 109:16, 109:18, 110:7, 110:24</p> <p><b>keep</b> [2] - 50:10, 99:24</p> <p><b>keeping</b> [2] - 23:14, 47:8</p> <p><b>kept</b> [1] - 45:19</p> <p><b>kids</b> [1] - 32:18</p> <p><b>kind</b> [5] - 45:19, 47:2, 50:3, 77:5, 85:11</p> <p><b>kitchen</b> [5] - 11:21, 11:25, 17:16, 47:25, 79:21</p> <p><b>known</b> [3] - 13:21, 17:2, 25:15</p> <p><b>KON</b> [1] - 95:4</p> <p><b>Kontsevov</b> [2] - 94:19, 94:23</p>   | <p>8:4, 8:6, 8:8, 8:22, 8:24, 9:1, 9:3, 9:5, 9:7, 9:9, 12:12, 41:12, 41:14, 41:16, 41:18, 41:20, 41:22, 41:24, 42:11, 42:13, 42:15, 42:17, 42:19, 42:21, 42:23, 42:25, 43:2, 74:3, 74:5, 74:7, 74:9, 74:11, 74:13, 74:15, 75:8, 94:7, 101:15, 101:20, 101:24, 102:3, 102:6, 103:9, 103:16, 113:4, 113:8, 113:10, 113:12, 113:14, 113:16, 113:25</p> <p><b>land</b> [4] - 10:22, 11:8, 20:16, 108:14</p> <p><b>LAND</b> [1] - 2:13</p> <p><b>landscape</b> [1] - 85:2</p> <p><b>landscaping</b> [1] - 107:22</p> <p><b>Lane</b> [1] - 26:8</p> <p><b>large</b> [1] - 21:13</p> <p><b>larger</b> [3] - 46:20, 105:22, 108:4</p> <p><b>last</b> [3] - 58:18, 94:25, 95:2</p> <p><b>Lastly</b> [3] - 65:4, 108:11, 108:20</p> <p><b>laundry</b> [4] - 48:3, 70:16, 70:20, 79:22</p> <p><b>LAURA</b> [1] - 1:25</p> <p><b>LauraACarucciLLC@gmail.com</b> [1] - 1:25</p> <p><b>LAW</b> [1] - 2:3</p> <p><b>lay</b> [1] - 20:16</p> <p><b>layout</b> [2] - 18:1, 47:9</p> <p><b>lead</b> [1] - 6:3</p> <p><b>leads</b> [5] - 16:21, 17:6, 17:11, 17:12, 17:19</p> <p><b>least</b> [2] - 36:11, 93:22</p> <p><b>leave</b> [1] - 14:10</p> <p><b>leaving</b> [1] - 88:17</p> <p><b>Lee</b> [4] - 2:5, 2:8, 13:5, 13:11</p> <p><b>left</b> [11] - 16:15, 17:10, 18:23, 33:15, 34:5, 77:20, 78:11, 90:9, 90:15, 91:17, 105:5</p> <p><b>left-hand</b> [3] - 33:15, 34:5, 91:17</p> <p><b>length</b> [8] - 10:18, 13:23, 15:7, 23:7, 23:8, 24:15, 40:8, 72:10</p> <p><b>less</b> [3] - 52:7, 55:11,</p> | <p>63:15</p> <p><b>level</b> [12] - 11:18, 12:1, 20:18, 45:20, 78:13, 79:8, 79:20, 79:25, 80:15, 86:11, 86:16</p> <p><b>levels</b> [1] - 85:9</p> <p><b>light</b> [3] - 46:19, 50:4, 50:8</p> <p><b>limitation</b> [2] - 64:23, 64:25</p> <p><b>limitations</b> [1] - 40:17</p> <p><b>limited</b> [2] - 32:16, 80:11</p> <p><b>line</b> [30] - 15:15, 22:21, 22:25, 23:1, 25:19, 26:3, 26:6, 26:12, 26:16, 26:17, 26:22, 27:23, 29:21, 37:4, 41:5, 52:13, 52:14, 54:14, 60:18, 72:1, 87:18, 88:5, 88:10, 90:9, 90:15, 91:17, 92:1, 93:1, 93:23, 103:15</p> <p><b>linear</b> [2] - 10:19, 40:6</p> <p><b>linen</b> [1] - 80:6</p> <p><b>lines</b> [1] - 25:8</p> <p><b>link</b> [2] - 90:16, 91:20</p> <p><b>listened</b> [3] - 28:8, 66:12, 66:13</p> <p><b>listening</b> [1] - 28:9</p> <p><b>literally</b> [1] - 98:25</p> <p><b>live</b> [1] - 103:19</p> <p><b>living</b> [8] - 11:21, 17:14, 41:3, 47:25, 71:9, 79:13, 79:19, 79:20</p> <p><b>LLC</b> [9] - 1:10, 1:13, 2:8, 2:9, 3:11, 4:3, 5:9, 5:13, 75:16</p> <p><b>locate</b> [2] - 90:1, 90:2</p> <p><b>Located</b> [1] - 44:10</p> <p><b>located</b> [12] - 10:16, 11:25, 13:25, 32:15, 43:12, 74:21, 75:17, 77:1, 78:17, 105:25, 111:15</p> <p><b>location</b> [3] - 29:16, 72:13, 90:5</p> <p><b>locations</b> [1] - 106:10</p> <p><b>look</b> [13] - 21:11, 23:6, 25:7, 57:9, 57:10, 57:14, 79:3, 81:3, 84:8, 89:15, 99:5, 105:19</p> <p><b>Look</b> [1] - 83:11</p> <p><b>Looking</b> [3] - 17:8, 63:20, 107:11</p> <p><b>looking</b> [11] - 28:6, 33:20, 41:4, 63:2,</p> | <p>65:4, 77:18, 84:14, 91:14, 91:21, 99:14, 108:11</p> <p><b>looks</b> [17] - 25:7, 28:17, 29:12, 30:12, 57:11, 57:13, 57:15, 59:2, 59:21, 71:19, 81:16, 84:8, 88:8, 88:24, 90:23, 91:23, 92:4</p> <p><b>loss</b> [1] - 65:17</p> <p><b>low</b> [1] - 93:22</p> <p><b>lower</b> [8] - 11:18, 14:5, 28:19, 39:20, 45:20, 84:22, 85:9, 102:9</p> <p style="text-align: center;"><b>M</b></p> <p><b>MACRI</b> [44] - 2:6, 2:7, 19:11, 42:9, 43:8, 44:17, 52:12, 52:20, 53:18, 58:6, 60:17, 61:13, 68:14, 70:7, 72:6, 72:20, 72:25, 73:9, 74:17, 75:7, 75:13, 76:20, 80:21, 82:13, 83:13, 84:13, 94:2, 94:17, 94:19, 94:23, 95:2, 95:5, 95:8, 95:11, 102:1, 102:9, 104:2, 104:16, 109:6, 111:9, 111:12, 112:14, 112:23, 113:18</p> <p><b>Macri</b> [6] - 3:14, 3:18, 4:5, 4:12, 43:10, 75:15</p> <p><b>mailing</b> [1] - 75:11</p> <p><b>main</b> [8] - 70:15, 70:19, 71:11, 79:13, 79:19, 85:17, 87:4, 112:2</p> <p><b>maintain</b> [1] - 93:25</p> <p><b>maintenance</b> [2] - 89:10, 89:16</p> <p><b>major</b> [3] - 20:15, 29:8, 92:13</p> <p><b>management</b> [1] - 59:1</p> <p><b>map</b> [4] - 57:10, 57:14, 77:24, 78:16</p> <p><b>MARC</b> [2] - 2:6, 2:7</p> <p><b>Marios</b> [8] - 12:20, 13:9, 13:12, 13:17, 15:9, 16:10, 18:24, 32:13</p> <p><b>MARIOS</b> [1] - 3:5</p> <p><b>Mark</b> [5] - 43:9, 75:6,</p> |
| <b>J</b>  | <p style="text-align: center;"><b>L</b></p> <p><b>L-A-C-H-A-N-A-R-I-S</b> [1] - 13:10</p> <p><b>L.L.C</b> [1] - 1:25</p> <p><b>Lachanaris</b> [4] - 12:20, 13:9, 31:5, 33:13</p> <p><b>LACHANARIS</b> [57] - 3:5, 12:21, 13:3, 13:9, 19:8, 19:18, 19:21, 20:4, 20:8, 20:10, 20:13, 20:22, 20:25, 21:4, 21:16, 22:1, 22:5, 22:12, 22:15, 22:19, 23:3, 23:11, 23:14, 23:20, 24:6, 24:9, 24:12, 24:25, 25:5, 25:9, 25:13, 25:22, 25:25, 26:3, 26:10, 26:14, 26:18, 26:23, 27:1, 27:16, 32:14, 32:22, 32:25, 33:6, 33:10, 33:22, 34:11, 34:15, 34:18, 34:25, 35:11, 35:14, 35:17, 35:21, 36:2, 36:8, 36:16</p> <p><b>LAMBRINIDES</b> [64] - 2:13, 6:8, 6:10, 6:12, 6:14, 6:16, 6:18, 6:20, 6:22, 6:24, 7:21, 7:23, 7:25, 8:2,</p> |  |   |   |
| <p style="text-align: center;"><b>J</b></p> <p><b>Jersey</b> [14] - 2:5, 2:8, 13:5, 13:11, 19:23, 20:3, 29:6, 29:19, 44:5, 44:11, 76:8, 76:15, 87:24, 115:4</p> <p><b>jersey</b> [2] - 61:2, 104:9</p> <p><b>JIN</b> [1] - 1:20</p> <p><b>Joe</b> [8] - 30:2, 33:12, 57:4, 60:9, 62:4, 62:14, 67:23, 69:15</p> <p><b>Joseph</b> [2] - 44:9, 68:1</p> <p><b>JOSEPH</b> [2] - 1:16, 3:13</p> <p><b>JUDD</b> [1] - 2:15</p> <p><b>Judd</b> [5] - 68:16, 68:17, 68:18, 68:22</p> <p><b>June</b> [2] - 12:4, 12:7</p> <p><b>jurisdiction</b> [1] - 75:12</p>   | <p style="text-align: center;"><b>K</b></p> <p><b>K-O-N-T-S-E-V-O-Y</b> [1] - 95:3</p>  |  |   |   |
| <p style="text-align: center;"><b>K</b></p> <p><b>K-O-N-T-S-E-V-O-Y</b> [1] - 95:3</p>  |   |  |   |   |

|  |  |  |  |   |
|--|--|--|--|---|
| <p>75:15, 111:8, 112:22<br/> <b>marked</b> [4] - 12:8,<br/> 12:16, 62:1, 104:23<br/> <b>Marsha</b> [9] - 3:8, 4:10,<br/> 31:17, 31:19, 31:25,<br/> 32:2, 69:7, 99:18,<br/> 99:23<br/> <b>master</b> [5] - 17:22,<br/> 17:23, 56:4, 80:2,<br/> 80:3<br/> <b>Master</b> [1] - 73:15<br/> <b>match</b> [2] - 77:15,<br/> 84:7<br/> <b>materials</b> [1] - 37:12<br/> <b>matter</b> [3] - 19:3, 29:5,<br/> 57:5<br/> <b>MATTER</b> [1] - 1:4<br/> <b>maximum</b> [7] - 40:10,<br/> 67:9, 67:13, 68:7,<br/> 105:16, 111:22,<br/> 112:6<br/> <b>Meadow</b> [2] - 1:5, 9:12<br/> <b>mean</b> [7] - 52:8, 85:4,<br/> 86:21, 88:7, 91:6,<br/> 98:12, 101:5<br/> <b>meant</b> [1] - 86:15<br/> <b>measured</b> [2] - 86:4,<br/> 112:11<br/> <b>measurements</b> [1] -<br/> 15:11<br/> <b>measuring</b> [1] - 98:13<br/> <b>meet</b> [8] - 57:22,<br/> 62:25, 64:23, 67:16,<br/> 68:7, 72:12, 98:17,<br/> 106:8<br/> <b>meeting</b> [10] - 6:2, 7:4,<br/> 7:11, 7:14, 7:16,<br/> 9:13, 9:14, 74:23,<br/> 74:24, 114:2<br/> <b>Meetings</b> [1] - 7:2<br/> <b>meets</b> [1] - 73:10<br/> <b>MEMBER</b> [7] - 1:18,<br/> 1:19, 1:20, 1:21,<br/> 1:22, 1:23, 1:24<br/> <b>members</b> [6] - 27:18,<br/> 38:24, 39:1, 56:1,<br/> 56:15, 66:1<br/> <b>Members</b> [3] - 39:11,<br/> 43:9, 75:14<br/> <b>mentioned</b> [4] - 25:16,<br/> 30:1, 37:12, 57:4<br/> <b>met</b> [2] - 65:20, 109:1<br/> <b>Michael</b> [2] - 37:3,<br/> 57:9<br/> <b>MICHAEL</b> [2] - 2:16,<br/> 3:10<br/> <b>mid</b> [1] - 106:4<br/> <b>mid-rises</b> [1] - 106:4<br/> <b>middle</b> [7] - 14:8,<br/> 59:6, 81:15, 93:11,</p> | <p>93:20, 100:11,<br/> 100:17<br/> <b>midpoint</b> [7] - 16:8,<br/> 34:1, 34:16, 34:20,<br/> 86:4, 98:13, 112:11<br/> <b>Midpoint</b> [1] - 34:9<br/> <b>midtown</b> [1] - 85:19<br/> <b>might</b> [4] - 89:17,<br/> 91:23, 93:12, 109:2<br/> <b>Mike</b> [2] - 37:4, 109:12<br/> <b>Min</b> [8] - 3:15, 6:14,<br/> 8:2, 9:3, 41:18,<br/> 42:17, 74:9, 113:10<br/> <b>MIN</b> [9] - 1:20, 6:15,<br/> 8:3, 9:4, 41:19,<br/> 42:18, 56:3, 74:10,<br/> 113:11<br/> <b>mine</b> [1] - 101:22<br/> <b>minimum</b> [4] - 37:16,<br/> 37:17, 98:20, 98:21<br/> <b>minute</b> [3] - 31:24,<br/> 31:25, 42:4<br/> <b>minutes</b> [3] - 7:13,<br/> 7:16, 7:17<br/> <b>MIRJANA</b> [1] - 1:24<br/> <b>miscellaneous</b> [1] -<br/> 90:7<br/> <b>mixture</b> [1] - 62:7<br/> <b>modern</b> [2] - 79:3,<br/> 99:14<br/> <b>modified</b> [3] - 62:19,<br/> 64:3, 64:21<br/> <b>month</b> [1] - 8:17<br/> <b>months</b> [2] - 7:14,<br/> 88:16<br/> <b>mops</b> [1] - 70:17<br/> <b>Morningside</b> [6] -<br/> 25:11, 25:23, 26:4,<br/> 26:8, 30:21, 41:4<br/> <b>most</b> [1] - 48:13<br/> <b>motion</b> [7] - 7:17,<br/> 8:18, 41:6, 73:17,<br/> 73:23, 112:20,<br/> 113:24<br/> <b>move</b> [2] - 36:13,<br/> 101:16<br/> <b>movie</b> [1] - 71:20<br/> <b>moving</b> [4] - 84:6,<br/> 84:11, 84:25, 85:21<br/> <b>MR</b> [307] - 6:13, 6:15,<br/> 6:19, 6:23, 8:1, 8:5,<br/> 8:9, 8:25, 9:2, 9:6,<br/> 9:10, 10:5, 10:11,<br/> 12:9, 12:14, 12:18,<br/> 12:21, 13:3, 13:9,<br/> 13:14, 13:16, 19:1,<br/> 19:8, 19:11, 19:18,<br/> 19:21, 20:4, 20:8,<br/> 20:10, 20:13, 20:22,<br/> 20:25, 21:4, 21:16,</p> | <p>22:1, 22:5, 22:12,<br/> 22:15, 22:19, 23:3,<br/> 23:11, 23:14, 23:20,<br/> 24:6, 24:9, 24:12,<br/> 24:25, 25:5, 25:9,<br/> 25:13, 25:22, 25:25,<br/> 26:3, 26:10, 26:14,<br/> 26:18, 26:23, 27:1,<br/> 27:16, 27:24, 28:2,<br/> 28:7, 28:11, 30:14,<br/> 30:18, 31:1, 32:12,<br/> 32:14, 32:22, 32:25,<br/> 33:5, 33:6, 33:10,<br/> 33:12, 33:22, 34:4,<br/> 34:11, 34:13, 34:15,<br/> 34:16, 34:18, 34:23,<br/> 34:25, 35:3, 35:7,<br/> 35:11, 35:14, 35:17,<br/> 35:21, 36:2, 36:7,<br/> 36:8, 36:16, 36:19,<br/> 36:21, 36:24, 37:5,<br/> 37:10, 39:10, 41:17,<br/> 41:21, 41:25, 42:2,<br/> 42:9, 42:16, 42:22,<br/> 43:1, 43:8, 44:3,<br/> 44:9, 44:15, 44:17,<br/> 51:1, 51:5, 51:8,<br/> 51:11, 51:15, 51:19,<br/> 51:23, 52:5, 52:12,<br/> 52:20, 53:1, 53:5,<br/> 53:17, 53:18, 53:21,<br/> 54:1, 54:5, 54:9,<br/> 54:11, 54:17, 54:23,<br/> 55:1, 55:4, 55:10,<br/> 55:18, 55:22, 56:3,<br/> 56:7, 56:23, 57:2,<br/> 57:21, 58:3, 58:5,<br/> 58:6, 58:13, 59:11,<br/> 59:17, 59:23, 60:4,<br/> 60:9, 60:17, 60:19,<br/> 60:25, 61:6, 61:11,<br/> 61:13, 62:2, 66:7,<br/> 66:12, 66:23, 67:6,<br/> 67:17, 68:1, 68:6,<br/> 68:14, 69:23, 70:4,<br/> 70:7, 70:8, 70:10,<br/> 70:22, 71:1, 71:15,<br/> 71:21, 72:6, 72:20,<br/> 72:22, 72:25, 73:9,<br/> 74:8, 74:12, 74:16,<br/> 74:17, 75:7, 75:13,<br/> 76:6, 76:13, 76:20,<br/> 80:21, 81:2, 81:12,<br/> 82:2, 82:6, 82:13,<br/> 82:15, 83:13, 83:17,<br/> 83:21, 83:24, 84:4,<br/> 84:13, 84:14, 84:20,<br/> 84:24, 85:7, 85:11,<br/> 85:23, 85:25, 86:12,<br/> 86:17, 86:21, 87:1,<br/> 87:12, 87:16, 87:25,</p> | <p>88:7, 88:13, 88:14,<br/> 88:19, 88:20, 89:1,<br/> 89:3, 89:7, 89:8,<br/> 89:19, 89:21, 89:25,<br/> 90:6, 90:12, 90:21,<br/> 91:4, 91:7, 91:10,<br/> 92:2, 92:4, 92:7,<br/> 92:10, 92:11, 92:22,<br/> 93:3, 94:2, 94:17,<br/> 94:19, 94:23, 95:2,<br/> 95:5, 95:8, 95:11,<br/> 95:14, 95:17, 95:21,<br/> 96:5, 96:9, 96:13,<br/> 96:17, 96:24, 97:9,<br/> 97:16, 97:22, 97:25,<br/> 98:3, 98:6, 98:12,<br/> 98:19, 98:23, 99:2,<br/> 99:8, 99:11, 99:16,<br/> 100:1, 100:6,<br/> 100:13, 100:24,<br/> 101:6, 101:11,<br/> 102:1, 102:2, 102:9,<br/> 102:11, 103:1,<br/> 104:2, 104:4, 104:5,<br/> 104:13, 104:16,<br/> 104:24, 109:6,<br/> 109:13, 109:16,<br/> 109:18, 110:3,<br/> 110:7, 110:18,<br/> 110:24, 111:9,<br/> 111:12, 112:9,<br/> 112:14, 112:18,<br/> 112:23, 113:1,<br/> 113:9, 113:13,<br/> 113:17, 113:18<br/> <b>MS</b> [186] - 6:8, 6:10,<br/> 6:12, 6:14, 6:16,<br/> 6:18, 6:20, 6:21,<br/> 6:22, 6:24, 7:21,<br/> 7:23, 7:25, 8:2, 8:3,<br/> 8:4, 8:6, 8:7, 8:8,<br/> 8:12, 8:22, 8:24, 9:1,<br/> 9:3, 9:4, 9:5, 9:7,<br/> 9:8, 9:9, 9:11, 9:25,<br/> 10:3, 12:12, 12:22,<br/> 13:7, 31:17, 31:21,<br/> 32:4, 32:10, 32:20,<br/> 32:24, 33:2, 33:8,<br/> 37:2, 41:12, 41:14,<br/> 41:16, 41:18, 41:19,<br/> 41:20, 41:22, 41:23,<br/> 41:24, 42:11, 42:13,<br/> 42:15, 42:17, 42:18,<br/> 42:19, 42:21, 42:23,<br/> 42:24, 42:25, 43:2,<br/> 43:23, 44:7, 56:18,<br/> 60:20, 61:4, 69:6,<br/> 69:9, 69:11, 69:13,<br/> 69:18, 70:1, 70:9,<br/> 70:11, 70:25, 71:5,<br/> 71:18, 71:23, 72:15,</p> | <p>72:18, 73:4, 74:3,<br/> 74:5, 74:7, 74:9,<br/> 74:10, 74:11, 74:13,<br/> 74:14, 74:15, 75:8,<br/> 75:9, 76:2, 76:11,<br/> 76:16, 81:21, 81:22,<br/> 82:4, 82:9, 82:12,<br/> 83:9, 84:2, 84:11,<br/> 84:17, 86:6, 86:15,<br/> 86:19, 86:25, 87:15,<br/> 92:23, 94:1, 94:7,<br/> 94:12, 94:15, 94:18,<br/> 94:21, 94:25, 95:4,<br/> 95:6, 95:10, 95:12,<br/> 95:15, 95:19, 95:25,<br/> 96:7, 96:11, 96:14,<br/> 96:22, 97:2, 97:14,<br/> 97:17, 97:23, 98:1,<br/> 98:4, 98:9, 98:15,<br/> 98:21, 98:24, 99:4,<br/> 99:10, 99:13, 99:17,<br/> 99:18, 99:19, 99:22,<br/> 99:23, 100:4,<br/> 100:12, 100:19,<br/> 101:2, 101:7,<br/> 101:13, 101:15,<br/> 101:17, 101:20,<br/> 101:22, 101:24,<br/> 102:3, 102:5, 102:6,<br/> 102:7, 102:8,<br/> 102:24, 103:9,<br/> 103:14, 103:16,<br/> 103:21, 104:1,<br/> 104:6, 104:12,<br/> 104:14, 111:11,<br/> 112:15, 113:4,<br/> 113:8, 113:10,<br/> 113:11, 113:12,<br/> 113:14, 113:15,<br/> 113:16, 113:22,<br/> 113:25<br/> <b>multi</b> [1] - 109:24<br/> <b>multi-family</b> [1] -<br/> 109:24<br/> <b>multifamily</b> [2] - 11:4,<br/> 78:25<br/> <b>multiple</b> [2] - 106:1,<br/> 110:16</p> |
| <b>N</b>   |  |  |  |   |
| <p><b>name</b> [14] - 13:7,<br/> 31:16, 43:9, 44:7,<br/> 61:4, 75:15, 76:11,<br/> 94:22, 95:1, 95:2,<br/> 95:7, 99:22, 103:19,<br/> 103:21<br/> <b>narrow</b> [2] - 89:6,<br/> 89:18<br/> <b>narrower</b> [2] - 48:12,</p>   |  |  |  |   |

|   |   |   |  |   |
|---|---|---|--|---|
| <p>52:21<br/> <b>narrowness</b> [2] - 46:24, 56:13<br/> <b>nearly</b> [2] - 105:21, 108:3<br/> <b>necessary</b> [1] - 9:17<br/> <b>need</b> [19] - 8:16, 19:25, 22:10, 23:23, 40:15, 55:19, 62:17, 73:6, 73:7, 88:10, 91:8, 97:18, 100:14, 100:22, 101:19, 101:25, 105:15, 105:16, 106:21<br/> <b>needed</b> [2] - 29:22, 106:13<br/> <b>Needless</b> [1] - 39:14<br/> <b>needs</b> [1] - 101:23<br/> <b>negative</b> [7] - 65:4, 65:6, 65:21, 73:11, 108:11, 108:13, 109:2<br/> <b>neighbor</b> [3] - 25:23, 53:8, 59:13<br/> <b>neighbor's</b> [4] - 46:1, 52:13, 90:20, 91:19<br/> <b>neighborhood</b> [7] - 63:14, 63:18, 65:10, 66:22, 67:5, 106:12, 107:5<br/> <b>neighboring</b> [3] - 22:22, 30:22, 59:3<br/> <b>net</b> [1] - 112:10<br/> <b>New</b> [16] - 2:5, 2:8, 13:5, 13:11, 19:23, 20:3, 29:6, 29:19, 44:5, 44:11, 61:2, 76:8, 76:15, 87:23, 104:9, 115:4<br/> <b>new</b> [11] - 23:16, 23:21, 25:14, 62:10, 64:4, 75:20, 77:12, 87:21, 88:8, 90:4, 91:24<br/> <b>newer</b> [2] - 63:10, 66:24<br/> <b>newspaper</b> [1] - 7:7<br/> <b>next</b> [24] - 8:17, 9:20, 9:22, 10:1, 17:25, 20:14, 21:24, 25:10, 36:18, 42:6, 53:8, 53:10, 54:2, 60:15, 75:5, 78:21, 78:25, 86:9, 93:9, 93:17, 104:1, 104:2, 109:15<br/> <b>nice</b> [3] - 102:2, 102:3, 106:25<br/> <b>Nichiha</b> [1] - 99:9<br/> <b>Nichiha-type</b> [1] - 99:9<br/> <b>NO</b> [1] - 5:3</p> | <p><b>Nobody</b> [2] - 60:13, 111:7<br/> <b>nonconforming</b> [5] - 45:6, 45:12, 46:6, 49:5, 49:22<br/> <b>none</b> [2] - 65:2, 66:4<br/> <b>North</b> [3] - 2:7, 70:7, 70:8<br/> <b>north</b> [38] - 10:20, 11:5, 11:6, 13:23, 14:22, 15:3, 15:4, 15:8, 15:22, 15:23, 16:15, 18:3, 19:10, 19:12, 40:1, 40:16, 45:4, 45:25, 46:10, 51:3, 70:3, 77:7, 77:21, 78:4, 78:10, 90:22, 91:5, 91:6, 92:3, 92:4, 105:5, 106:25, 107:7, 108:7, 110:2, 110:4, 110:16, 110:19<br/> <b>northeast</b> [1] - 28:16<br/> <b>northerly</b> [1] - 107:14<br/> <b>note</b> [5] - 27:3, 62:9, 63:14, 68:21, 110:11<br/> <b>noted</b> [8] - 21:9, 33:25, 34:19, 34:21, 106:3, 106:6, 114:3<br/> <b>nothing</b> [8] - 13:1, 40:2, 40:19, 44:1, 60:23, 70:16, 76:4, 79:10<br/> <b>notice</b> [2] - 7:2, 9:16<br/> <b>Notice</b> [1] - 7:6<br/> <b>November</b> [3] - 9:14, 9:20<br/> <b>Number</b> [5] - 9:11, 18:1, 18:5, 18:6, 75:5<br/> <b>number</b> [4] - 10:4, 10:5, 17:20, 34:1<br/> <b>numbers</b> [1] - 34:14</p> | <p><b>odd</b> [1] - 22:7<br/> <b>odd-shaped</b> [1] - 22:7<br/> <b>oddly</b> [3] - 38:10, 38:11, 105:14<br/> <b>oddly-shaped</b> [2] - 38:11, 105:14<br/> <b>OF</b> [5] - 1:1, 1:1, 1:4, 2:3<br/> <b>OFFICE</b> [1] - 2:3<br/> <b>office</b> [2] - 7:8, 13:10<br/> <b>official</b> [1] - 7:7<br/> <b>offsite</b> [1] - 29:24<br/> <b>old</b> [1] - 14:8<br/> <b>on-street</b> [1] - 65:17<br/> <b>once</b> [1] - 75:15<br/> <b>One</b> [5] - 11:11, 12:3, 16:23, 80:22, 87:1<br/> <b>one</b> [84] - 10:2, 14:16, 16:24, 17:21, 19:12, 20:15, 20:16, 20:17, 21:24, 22:9, 22:14, 22:21, 23:4, 24:15, 24:24, 25:4, 28:5, 31:14, 31:15, 33:6, 34:13, 35:10, 37:16, 38:4, 38:12, 38:19, 45:14, 48:11, 51:13, 56:4, 56:5, 58:21, 58:25, 62:17, 69:3, 69:23, 70:5, 70:23, 71:3, 71:4, 73:5, 73:8, 74:19, 77:5, 80:2, 80:4, 82:13, 82:15, 83:8, 83:18, 85:8, 86:3, 86:23, 86:25, 87:2, 87:5, 91:4, 91:5, 91:10, 91:19, 91:25, 92:3, 93:4, 93:7, 93:11, 94:24, 96:1, 96:6, 99:13, 100:8, 100:9, 105:15, 105:23, 106:19, 108:5, 109:21, 110:4, 110:10, 110:19, 111:12<br/> <b>one-third</b> [1] - 19:12<br/> <b>one-way</b> [1] - 45:14<br/> <b>ones</b> [2] - 62:7, 73:19<br/> <b>online</b> [1] - 104:3<br/> <b>open</b> [14] - 27:21, 37:2, 39:3, 40:15, 46:19, 47:20, 49:10, 50:3, 50:4, 55:13, 64:7, 68:25, 81:5, 98:3<br/> <b>Open</b> [2] - 7:2, 94:7<br/> <b>opening</b> [3] - 29:7, 29:10, 87:22<br/> <b>opportunity</b> [2] - 7:15,</p> | <p>37:11<br/> <b>opposed</b> [1] - 59:9<br/> <b>opposite</b> [3] - 62:9, 67:1, 78:10<br/> <b>order</b> [3] - 6:2, 40:15, 64:19<br/> <b>ordinance</b> [4] - 40:11, 51:13, 58:20, 107:3<br/> <b>orient</b> [1] - 82:17<br/> <b>orientation</b> [1] - 82:17<br/> <b>oriented</b> [1] - 91:15<br/> <b>ourselves</b> [1] - 47:2<br/> <b>outgoing</b> [1] - 111:24<br/> <b>outlet</b> [1] - 105:8<br/> <b>outline</b> [2] - 97:4, 97:7<br/> <b>outside</b> [8] - 47:17, 50:20, 71:14, 86:20, 86:21, 89:23, 97:21, 99:7<br/> <b>outweighs</b> [1] - 109:2<br/> <b>overall</b> [1] - 56:12<br/> <b>overflow</b> [1] - 29:13<br/> <b>overhang</b> [1] - 18:19<br/> <b>overlooked</b> [1] - 28:12<br/> <b>oversized</b> [2] - 77:22, 78:5<br/> <b>own</b> [3] - 17:24, 80:3<br/> <b>owners</b> [2] - 94:17, 94:18<br/> <b>owns</b> [1] - 94:15</p> | <p>19:7, 28:16, 32:17, 47:17, 50:19, 54:3, 54:12, 64:18, 65:14, 65:18, 79:11, 108:7, 108:21<br/> <b>parkings</b> [2] - 15:4, 15:5<br/> <b>part</b> [7] - 23:15, 30:23, 46:3, 50:2, 93:15, 100:16, 102:15<br/> <b>participate</b> [1] - 9:19<br/> <b>particular</b> [7] - 16:19, 19:2, 21:8, 39:18, 39:21, 40:5, 40:21<br/> <b>particularly</b> [1] - 105:20<br/> <b>parties</b> [1] - 115:12<br/> <b>parts</b> [1] - 69:21<br/> <b>past</b> [2] - 12:11, 61:23<br/> <b>pass</b> [1] - 105:4<br/> <b>Paul</b> [4] - 6:3, 74:25, 84:18, 99:19<br/> <b>PAUL</b> [1] - 1:17<br/> <b>peak</b> [2] - 86:1, 111:21<br/> <b>peaked</b> [1] - 107:8<br/> <b>penthouse</b> [1] - 102:15<br/> <b>people</b> [5] - 36:13, 55:11, 70:16, 88:17, 93:24<br/> <b>per</b> [5] - 50:19, 50:20, 64:14, 64:15, 105:18<br/> <b>percent</b> [4] - 50:14, 64:25, 68:4, 68:5<br/> <b>percentage</b> [1] - 64:24<br/> <b>Perhaps</b> [1] - 89:11<br/> <b>perhaps</b> [3] - 59:5, 89:12, 89:13<br/> <b>permission</b> [1] - 30:6<br/> <b>permits</b> [1] - 92:17<br/> <b>permitted</b> [10] - 37:23, 38:2, 50:15, 62:13, 63:15, 64:21, 65:14, 105:12, 106:4, 107:20<br/> <b>person</b> [1] - 41:3<br/> <b>personally</b> [1] - 40:23<br/> <b>phone</b> [6] - 60:7, 60:11, 68:16, 79:5, 80:21, 111:5<br/> <b>photo</b> [3] - 61:18, 78:20, 104:21<br/> <b>Photoboard</b> [4] - 5:11, 5:15, 61:25, 104:22<br/> <b>photographic</b> [1] - 66:18<br/> <b>photographs</b> [1] - 12:10<br/> <b>Photographs</b> [2] - 5:7, 12:16</p> |
|   | <b>O</b>  |   | <b>P</b>   |   |
|   | <p><b>oath</b> [1] - 104:6<br/> <b>oaths</b> [1] - 115:5<br/> <b>objections</b> [1] - 59:7<br/> <b>obstructions</b> [1] - 45:20<br/> <b>obtained</b> [1] - 92:18<br/> <b>obtrusive</b> [1] - 40:9<br/> <b>obviously</b> [4] - 19:25, 24:20, 38:5, 50:24<br/> <b>Obviously</b> [2] - 24:4, 38:10<br/> <b>occupants</b> [1] - 32:18<br/> <b>OCTOBER</b> [1] - 1:2</p>   |   | <p><b>P.C</b> [1] - 2:6<br/> <b>P.E</b> [2] - 2:14, 2:15<br/> <b>P.M</b> [1] - 1:2<br/> <b>p.m</b> [3] - 9:15, 9:21, 114:3<br/> <b>P.P</b> [4] - 2:16, 3:10, 3:17, 4:11<br/> <b>page</b> [6] - 16:13, 16:14, 17:8, 17:25, 18:1, 18:14<br/> <b>PAGE</b> [1] - 5:3<br/> <b>pages</b> [1] - 12:7<br/> <b>painted</b> [1] - 65:16<br/> <b>Palisades</b> [4] - 7:3, 73:15, 96:22, 106:13<br/> <b>PALISADES</b> [1] - 1:1<br/> <b>panel</b> [1] - 99:9<br/> <b>paneling</b> [1] - 111:17<br/> <b>panelized</b> [2] - 79:4, 80:19<br/> <b>PARK</b> [1] - 1:1<br/> <b>park</b> [1] - 82:23<br/> <b>Park</b> [7] - 7:3, 61:2, 73:15, 96:21, 96:23, 104:9, 106:13<br/> <b>parking</b> [15] - 10:6,</p>   |   |

|  |   |  |   |  |
|--|---|--|---|--|
| <p><b>pick</b> [1] - 55:22<br/> <b>picture</b> [2] - 18:14, 24:18<br/> <b>pictures</b> [1] - 80:20<br/> <b>piece</b> [4] - 10:18, 10:22, 22:7, 30:17<br/> <b>PIF</b> [1] - 57:15<br/> <b>pipe</b> [2] - 89:17, 89:20<br/> <b>pipes</b> [2] - 29:13, 30:22<br/> <b>piping</b> [1] - 30:22<br/> <b>pit</b> [2] - 30:16, 31:6<br/> <b>pitch</b> [1] - 85:13<br/> <b>place</b> [5] - 32:6, 32:10, 32:11, 34:2, 115:8<br/> <b>plan</b> [17] - 16:11, 16:14, 16:19, 17:9, 26:1, 33:16, 56:3, 58:19, 59:8, 67:15, 73:14, 79:18, 84:3, 91:15, 91:22, 112:17, 112:21<br/> <b>Plan</b> [2] - 55:9, 73:15<br/> <b>Plane</b> [1] - 34:8<br/> <b>plane</b> [6] - 15:20, 15:24, 16:7, 33:25, 34:5, 34:6<br/> <b>planner</b> [3] - 36:23, 43:20, 75:24<br/> <b>Planner's</b> [4] - 5:11, 5:15, 61:25, 104:22<br/> <b>planning</b> [2] - 38:17, 38:20<br/> <b>plans</b> [11] - 18:13, 21:25, 44:18, 44:19, 47:11, 51:3, 52:24, 78:15, 92:8, 111:10, 112:16<br/> <b>platform</b> [4] - 90:2, 90:3, 93:10, 93:18<br/> <b>play</b> [2] - 32:19, 49:18<br/> <b>Pledge</b> [1] - 6:6<br/> <b>plumbing</b> [1] - 100:23<br/> <b>Plus</b> [1] - 24:16<br/> <b>plus</b> [5] - 34:18, 53:7, 67:20, 78:13, 80:16<br/> <b>point</b> [3] - 14:5, 15:21, 80:13<br/> <b>points</b> [2] - 30:11, 58:13<br/> <b>pool</b> [1] - 77:3<br/> <b>poor</b> [1] - 106:16<br/> <b>porch</b> [8] - 32:7, 32:10, 32:11, 32:21, 32:23, 33:1, 37:25, 57:25<br/> <b>portion</b> [3] - 83:4, 103:2, 105:25<br/> <b>position</b> [1] - 83:5<br/> <b>positive</b> [4] - 65:20,</p> | <p>73:11, 108:25, 109:1<br/> <b>possible</b> [1] - 83:1<br/> <b>possibly</b> [1] - 92:13<br/> <b>posted</b> [1] - 7:4<br/> <b>powder</b> [5] - 72:18, 72:20, 79:9, 79:22, 97:15<br/> <b>preexisting</b> [1] - 62:16<br/> <b>preference</b> [1] - 101:24<br/> <b>present</b> [1] - 6:25<br/> <b>presentation</b> [1] - 18:12<br/> <b>presented</b> [1] - 98:7<br/> <b>presently</b> [1] - 14:6<br/> <b>presents</b> [1] - 40:18<br/> <b>Preservation</b> [1] - 73:21<br/> <b>pretty</b> [3] - 38:21, 77:10, 109:19<br/> <b>previous</b> [3] - 7:14, 7:16, 104:7<br/> <b>previously</b> [2] - 92:6, 104:10<br/> <b>primarily</b> [3] - 63:22, 63:24, 106:1<br/> <b>problem</b> [4] - 36:7, 59:14, 70:12, 70:25<br/> <b>PROCEEDINGS</b> [1] - 1:4<br/> <b>professional</b> [2] - 43:20, 75:24<br/> <b>profile</b> [2] - 39:21, 93:22<br/> <b>project</b> [4] - 14:24, 45:18, 57:25, 104:25<br/> <b>projecting</b> [1] - 50:11<br/> <b>promotion</b> [1] - 106:14<br/> <b>proof</b> [1] - 75:11<br/> <b>properties</b> [9] - 21:5, 59:3, 63:7, 65:8, 107:18, 107:24, 108:2, 108:18, 109:23<br/> <b>property</b> [99] - 10:16, 10:18, 10:22, 11:2, 11:8, 11:12, 13:20, 13:25, 14:2, 14:5, 14:7, 14:9, 14:14, 20:21, 21:8, 22:7, 22:11, 22:16, 22:21, 22:25, 23:1, 23:16, 24:18, 24:23, 25:8, 25:10, 25:19, 26:6, 26:12, 26:16, 26:17, 26:22, 29:14, 29:21, 30:20, 30:22, 38:11, 38:16, 39:12, 39:18, 39:22, 39:25, 40:6,</p> | <p>40:8, 40:16, 40:18, 41:5, 43:12, 43:16, 44:25, 45:2, 45:13, 45:23, 45:24, 46:1, 46:10, 46:16, 52:13, 52:14, 53:7, 54:13, 55:11, 59:12, 62:10, 63:1, 63:5, 63:8, 64:8, 64:15, 65:9, 65:15, 69:19, 75:17, 76:23, 76:25, 77:2, 77:10, 77:12, 77:18, 77:22, 77:25, 78:17, 78:21, 88:5, 90:15, 90:20, 90:23, 91:17, 91:19, 92:1, 92:5, 93:23, 105:8, 107:13, 108:8, 111:18<br/> <b>proposal</b> [5] - 46:7, 46:17, 46:25, 48:5, 48:24<br/> <b>proposed</b> [15] - 16:11, 25:14, 28:16, 30:17, 33:19, 37:22, 64:18, 66:20, 71:14, 76:22, 108:1, 110:13, 110:14, 111:15, 111:19<br/> <b>proposing</b> [15] - 10:23, 14:10, 15:15, 44:24, 46:12, 46:22, 62:12, 71:2, 71:22, 77:11, 105:21, 106:15, 107:12, 108:10, 108:25<br/> <b>prosing</b> [1] - 47:12<br/> <b>protection</b> [1] - 58:16<br/> <b>provide</b> [8] - 21:6, 21:9, 21:11, 65:8, 66:17, 67:18, 100:17, 108:6<br/> <b>provided</b> [10] - 7:6, 17:3, 21:7, 21:13, 31:6, 32:17, 65:1, 107:23, 108:16, 110:22<br/> <b>provides</b> [2] - 64:7, 106:13<br/> <b>providing</b> [1] - 108:20<br/> <b>provision</b> [1] - 106:9<br/> <b>Public</b> [4] - 3:8, 3:19, 4:8, 7:2<br/> <b>public</b> [10] - 31:11, 31:12, 37:2, 39:4, 39:5, 68:25, 69:1, 73:14, 94:8, 94:10<br/> <b>publication</b> [1] - 75:12<br/> <b>Purpose</b> [2] - 106:9, 106:14</p> | <p><b>purposes</b> [1] - 106:8<br/> <b>pursuant</b> [1] - 115:5<br/> <b>put</b> [17] - 10:9, 43:6, 59:5, 59:25, 60:2, 70:14, 70:15, 70:18, 71:3, 71:8, 71:19, 81:14, 81:15, 81:17, 88:16, 89:20, 90:3<br/> <b>putting</b> [8] - 23:21, 32:5, 36:22, 36:23, 59:10, 98:22, 100:20, 106:24</p> | <p>45:25, 46:16, 46:18, 49:10, 49:23, 49:25, 51:4, 51:6, 51:8, 52:5, 52:6, 52:24, 53:1, 53:9, 53:10, 62:22, 63:8, 64:2, 70:6, 73:4, 78:2, 88:22, 89:1, 90:8, 91:6, 91:11, 91:13, 91:15, 93:2, 105:18, 107:14, 109:23, 110:11, 110:14, 110:22, 112:1<br/> <b>reason</b> [3] - 32:16, 36:3, 40:22<br/> <b>reasons</b> [2] - 73:12, 104:18<br/> <b>receive</b> [2] - 61:23, 68:21<br/> <b>recess</b> [3] - 42:5, 93:12, 100:16<br/> <b>recessing</b> [1] - 54:11<br/> <b>Recitation</b> [1] - 6:5<br/> <b>recommended</b> [2] - 85:22, 111:23<br/> <b>reconfiguration</b> [1] - 85:5<br/> <b>reconfigure</b> [1] - 83:3<br/> <b>record</b> [4] - 13:8, 44:8, 61:5, 76:12<br/> <b>recuse</b> [1] - 74:22<br/> <b>recused</b> [1] - 113:5<br/> <b>recuses</b> [1] - 75:1<br/> <b>reduce</b> [4] - 51:25, 52:2, 55:15, 108:1<br/> <b>reduced</b> [6] - 52:11, 67:20, 102:25, 103:4, 107:4, 112:12<br/> <b>reduces</b> [1] - 53:22<br/> <b>reducing</b> [3] - 62:21, 68:2, 111:21<br/> <b>reference</b> [1] - 15:21<br/> <b>referring</b> [1] - 83:13<br/> <b>refrigerator</b> [2] - 97:13, 97:15<br/> <b>regards</b> [1] - 9:17<br/> <b>regulations</b> [1] - 98:18<br/> <b>REINSTEIN</b> [2] - 115:3, 115:24<br/> <b>related</b> [2] - 37:15, 37:20<br/> <b>relative</b> [2] - 115:11, 115:13<br/> <b>relatively</b> [2] - 89:6, 107:21<br/> <b>relocating</b> [1] - 93:4<br/> <b>remain</b> [10] - 29:18, 30:4, 30:5, 30:6, 90:25, 91:1, 91:2, 91:9, 91:11, 92:9</p> |
| <b>Q</b>   |   |  |   |  |
| <p><b>questions</b> [24] - 19:5, 21:23, 30:9, 38:22, 38:24, 39:2, 39:5, 56:1, 57:1, 65:23, 66:2, 66:14, 68:11, 81:20, 84:19, 94:2, 94:4, 94:10, 94:13, 101:15, 109:5, 109:8, 110:25, 111:2<br/> <b>Questions</b> [8] - 3:6, 3:8, 3:14, 3:18, 3:19, 4:6, 4:8, 4:12<br/> <b>quick</b> [3] - 35:10, 66:14, 92:23<br/> <b>quirk</b> [1] - 77:24<br/> <b>quite</b> [1] - 62:3</p>   |   |  |   |  |
| <b>R</b>   |   |  |   |  |
| <p><b>R.P.R</b> [1] - 1:25<br/> <b>R.S.41:2-2</b> [1] - 115:5<br/> <b>railing</b> [2] - 58:17, 60:2<br/> <b>rainstorm</b> [1] - 20:20<br/> <b>Raise</b> [2] - 43:23, 60:20<br/> <b>raise</b> [1] - 12:22<br/> <b>rate</b> [1] - 68:21<br/> <b>rather</b> [1] - 37:13<br/> <b>re</b> [1] - 8:16<br/> <b>re-advertise</b> [1] - 8:16<br/> <b>reads</b> [1] - 51:13<br/> <b>ready</b> [1] - 75:6<br/> <b>reality</b> [1] - 86:2<br/> <b>really</b> [8] - 20:15, 38:15, 38:16, 48:11, 52:15, 55:10, 92:13, 99:15<br/> <b>really..</b> [1] - 99:14<br/> <b>rear</b> [50] - 11:11, 11:13, 14:19, 18:22, 22:3, 22:12, 22:13, 22:15, 22:16, 25:18, 27:4, 37:17, 41:2,</p>  |   |  |   |  |



|   |   |   |  |   |
|---|---|---|--|---|
| <p><b>remains</b> [1] - 14:7<br/> <b>remotely</b> [1] - 7:11<br/> <b>removal</b> [1] - 72:15<br/> <b>remove</b> [1] - 46:7<br/> <b>removed</b> [6] - 29:18, 46:8, 46:18, 50:6, 65:14, 105:2<br/> <b>removing</b> [6] - 23:15, 46:13, 49:22, 106:16, 107:16, 108:17<br/> <b>render</b> [1] - 39:16<br/> <b>renderings</b> [1] - 79:5<br/> <b>repeat</b> [1] - 81:22<br/> <b>replace</b> [3] - 89:17, 91:24, 91:25<br/> <b>replaced</b> [2] - 91:3, 92:9<br/> <b>replacing</b> [2] - 60:1, 106:17<br/> <b>report</b> [11] - 30:8, 30:19, 30:24, 31:9, 31:13, 37:9, 57:9, 58:14, 58:24, 89:5, 92:20<br/> <b>Reporter</b> [1] - 115:4<br/> <b>reporter</b> [1] - 32:1<br/> <b>represent</b> [3] - 42:8, 43:11, 75:16<br/> <b>requested</b> [1] - 8:14<br/> <b>requesting</b> [1] - 110:10<br/> <b>require</b> [3] - 26:25, 28:25, 29:9<br/> <b>required</b> [18] - 29:23, 30:2, 37:25, 38:4, 45:8, 45:10, 46:11, 49:1, 49:4, 49:13, 49:15, 49:20, 49:24, 52:8, 68:8, 105:22, 108:4, 110:12<br/> <b>requirement</b> [5] - 15:13, 67:12, 67:16, 78:7, 105:14<br/> <b>requires</b> [2] - 57:5, 58:16<br/> <b>residential</b> [1] - 108:14<br/> <b>respect</b> [6] - 28:13, 28:24, 38:6, 66:16, 109:19, 110:9<br/> <b>response</b> [15] - 6:17, 27:19, 38:25, 39:7, 42:20, 43:3, 56:16, 66:3, 68:19, 72:2, 87:8, 103:24, 109:9, 111:3, 111:6<br/> <b>rest</b> [2] - 23:13, 81:1<br/> <b>restaurant</b> [1] - 105:8<br/> <b>retaining</b> [6] - 11:16,</p> | <p>14:1, 14:11, 20:23, 23:6, 37:21<br/> <b>reversed</b> [1] - 110:7<br/> <b>review</b> [6] - 7:16, 13:17, 15:9, 16:10, 37:11, 112:17<br/> <b>revise</b> [1] - 112:16<br/> <b>revised</b> [2] - 92:8, 112:17<br/> <b>revisit</b> [1] - 59:4<br/> <b>ridiculous</b> [1] - 102:8<br/> <b>right-hand</b> [3] - 28:20, 78:3, 90:17<br/> <b>right-of-way</b> [3] - 45:22, 54:18, 58:22<br/> <b>rise</b> [1] - 6:5<br/> <b>rises</b> [1] - 106:4<br/> <b>River</b> [2] - 44:5, 44:10<br/> <b>road</b> [2] - 70:15, 71:11<br/> <b>Road</b> [1] - 2:7<br/> <b>Rocciola</b> [1] - 68:18<br/> <b>ROCCIOLA</b> [1] - 2:15<br/> <b>rock</b> [1] - 28:20<br/> <b>Rock</b> [6] - 1:13, 2:9, 4:3, 5:13, 75:16, 94:15<br/> <b>Roll</b> [4] - 8:21, 41:11, 42:10, 74:2<br/> <b>roll</b> [3] - 6:7, 7:20, 113:3<br/> <b>RONDA</b> [2] - 115:3, 115:24<br/> <b>Roof</b> [2] - 34:9, 55:9<br/> <b>roof</b> [48] - 15:15, 16:5, 16:8, 18:12, 32:5, 32:6, 32:11, 32:14, 32:17, 32:21, 33:4, 34:1, 34:20, 48:6, 48:7, 55:13, 55:16, 55:20, 56:8, 56:11, 69:25, 78:14, 79:18, 80:8, 80:10, 80:11, 80:16, 85:14, 85:16, 85:17, 86:5, 86:7, 86:10, 87:3, 87:5, 93:1, 95:12, 95:13, 95:16, 95:18, 95:24, 96:12, 97:19, 97:24, 98:14, 101:4, 102:11, 102:14<br/> <b>roofs</b> [1] - 107:8<br/> <b>rooftop</b> [4] - 72:10, 96:24, 101:8, 101:18<br/> <b>room</b> [39] - 11:20, 11:21, 11:22, 11:24, 11:25, 16:22, 17:3, 17:14, 18:4, 18:5, 18:7, 18:11, 20:12, 36:3, 36:4, 47:21, 47:25, 48:3, 71:5,</p> | <p>72:19, 72:20, 79:9, 79:14, 79:15, 79:21, 79:22, 89:13, 93:13, 97:15, 98:16, 100:1, 100:2, 100:7, 100:16, 102:21, 102:22<br/> <b>rotate</b> [2] - 78:9, 111:13<br/> <b>Route</b> [2] - 44:5, 44:10<br/> <b>run</b> [1] - 77:10<br/> <b>runoff</b> [4] - 30:16, 40:25, 59:2, 59:22<br/> <b>runs</b> [1] - 23:7</p> | <p>2:13<br/> <b>section</b> [2] - 87:19<br/> <b>see</b> [25] - 12:11, 24:4, 27:10, 27:12, 29:22, 34:11, 35:13, 35:16, 39:25, 41:4, 51:2, 51:25, 55:8, 69:20, 70:20, 71:10, 78:16, 78:21, 79:2, 83:22, 83:24, 90:13, 93:12, 98:4<br/> <b>See</b> [1] - 70:12<br/> <b>Seeing</b> [1] - 66:4<br/> <b>seek</b> [2] - 61:15, 104:19<br/> <b>seeking</b> [3] - 14:17, 43:14, 72:11<br/> <b>seepage</b> [3] - 21:9, 21:14, 31:6<br/> <b>sense</b> [1] - 101:9<br/> <b>separate</b> [1] - 87:2<br/> <b>separation</b> [1] - 86:23<br/> <b>separations</b> [1] - 86:14<br/> <b>September</b> [1] - 30:8<br/> <b>serve</b> [1] - 108:21<br/> <b>set</b> [8] - 7:10, 47:15, 48:5, 55:12, 82:25, 83:4, 86:23, 115:9<br/> <b>set-up</b> [1] - 82:25<br/> <b>setback</b> [12] - 11:12, 11:13, 57:7, 57:20, 58:10, 64:3, 64:4, 107:12, 110:12, 110:15, 110:19, 110:21<br/> <b>setbacks</b> [7] - 37:16, 64:9, 64:22, 65:8, 107:15, 107:17, 108:15<br/> <b>SEUNG</b> [1] - 1:21<br/> <b>several</b> [3] - 28:14, 46:6, 88:16<br/> <b>sewer</b> [4] - 29:20, 58:21, 89:6, 89:13<br/> <b>sewers</b> [1] - 58:19<br/> <b>shall</b> [1] - 7:11<br/> <b>shallow</b> [4] - 11:12, 38:11, 38:16, 39:25<br/> <b>shape</b> [1] - 91:2<br/> <b>shaped</b> [3] - 22:7, 38:11, 105:14<br/> <b>share</b> [1] - 77:7<br/> <b>shared</b> [2] - 17:20, 80:6<br/> <b>shed</b> [1] - 77:3<br/> <b>sheet</b> [1] - 91:15<br/> <b>Sheet</b> [3] - 34:4, 47:11, 79:17<br/> <b>sheets</b> [1] - 12:4</p> | <p><b>short</b> [1] - 62:22<br/> <b>show</b> [10] - 23:16, 31:8, 33:23, 34:1, 34:2, 34:6, 57:18, 79:5, 80:20, 92:8<br/> <b>shower</b> [2] - 35:23, 36:5<br/> <b>showing</b> [2] - 15:18, 58:19<br/> <b>shown</b> [7] - 26:1, 29:12, 29:20, 58:24, 59:18, 59:19, 59:22<br/> <b>shows</b> [6] - 17:9, 18:15, 28:19, 33:24, 89:5, 90:22<br/> <b>side</b> [98] - 10:17, 10:20, 10:21, 11:3, 11:5, 13:23, 13:24, 14:1, 14:20, 14:21, 14:22, 14:23, 15:3, 15:4, 15:8, 15:22, 16:15, 16:16, 17:10, 18:3, 18:23, 19:10, 19:12, 20:17, 20:18, 22:9, 22:10, 22:11, 23:2, 23:22, 24:13, 24:15, 24:24, 25:4, 33:15, 34:5, 40:1, 40:16, 45:4, 45:22, 46:9, 46:10, 46:13, 46:20, 46:23, 47:13, 47:16, 48:1, 49:20, 49:21, 51:3, 51:18, 51:19, 51:21, 52:17, 53:8, 55:4, 59:1, 59:6, 62:9, 63:24, 67:1, 69:24, 70:2, 70:18, 71:4, 77:16, 77:25, 78:3, 78:4, 78:10, 85:20, 86:9, 90:3, 90:9, 90:17, 91:5, 91:17, 92:3, 92:4, 105:10, 105:18, 106:7, 107:14, 107:18, 108:19, 110:23, 111:16, 112:5<br/> <b>side's</b> [1] - 51:13<br/> <b>side-by-side</b> [3] - 46:23, 47:13, 86:9<br/> <b>sides</b> [1] - 69:24<br/> <b>sidewalk</b> [3] - 24:12, 54:7, 88:10<br/> <b>sidewalks</b> [4] - 24:3, 24:5, 24:8, 30:2<br/> <b>siding</b> [2] - 18:20, 71:17<br/> <b>sight</b> [1] - 45:14<br/> <b>signage</b> [2] - 88:17, 111:24</p> |
| <b>S</b>  |   |   |  |   |
| <p><b>S-1</b> [2] - 90:22, 91:15<br/> <b>S-P-A-T-Z</b> [1] - 61:7<br/> <b>safe</b> [1] - 85:20<br/> <b>safety</b> [1] - 86:11<br/> <b>sale</b> [1] - 69:20<br/> <b>salute</b> [1] - 6:4<br/> <b>sanitary</b> [3] - 29:20, 89:5, 89:13<br/> <b>SAVARIO</b> [2] - 2:3, 2:4<br/> <b>save</b> [2] - 44:13, 85:5<br/> <b>Saverio</b> [1] - 10:12<br/> <b>scaling</b> [1] - 25:16<br/> <b>schedule</b> [4] - 14:16, 33:24, 34:19, 48:25<br/> <b>schematics</b> [1] - 15:18<br/> <b>Schor</b> [4] - 3:8, 4:10, 31:17, 99:23<br/> <b>SCHOR</b> [18] - 31:17, 31:21, 32:4, 33:2, 33:8, 99:17, 99:19, 99:23, 100:4, 100:12, 100:19, 101:2, 101:7, 101:13, 101:17, 101:22, 102:5, 102:8<br/> <b>screen</b> [2] - 93:6, 93:9<br/> <b>screening</b> [1] - 93:18<br/> <b>seated</b> [1] - 43:18<br/> <b>second</b> [26] - 7:18, 8:19, 11:23, 12:1, 14:19, 16:3, 16:24, 17:11, 17:21, 18:10, 33:7, 41:8, 41:9, 47:22, 55:12, 67:7, 73:24, 73:25, 79:18, 79:24, 80:1, 95:18, 95:22, 96:1, 112:25, 113:1<br/> <b>Second</b> [2] - 7:19, 8:20<br/> <b>secondary</b> [1] - 80:4<br/> <b>SECRETARY</b> [1] -</p>  |   |   |  |   |

|  |  |   |   |  |
|--|--|---|---|--|
| <p><b>significantly</b> [1] - 64:6</p> <p><b>similar</b> [12] - 18:1, 63:11, 65:9, 67:2, 70:14, 97:1, 106:24, 107:12, 108:8, 108:15, 108:18, 110:21</p> <p><b>simply</b> [1] - 110:14</p> <p><b>single</b> [1] - 106:18</p> <p><b>single-family</b> [1] - 106:18</p> <p><b>sink</b> [3] - 35:25, 55:1, 97:13</p> <p><b>sit</b> [1] - 52:24</p> <p><b>site</b> [10] - 12:10, 13:18, 13:20, 26:1, 39:20, 91:21, 105:13, 105:20, 108:21, 110:21</p> <p><b>situation</b> [1] - 38:8</p> <p><b>Six</b> [4] - 26:14, 26:18, 26:19, 27:1</p> <p><b>size</b> [10] - 20:7, 21:13, 36:3, 38:18, 39:13, 52:1, 52:11, 64:1, 108:8, 110:21</p> <p><b>sized</b> [1] - 31:7</p> <p><b>sliding</b> [3] - 95:23, 96:10, 102:22</p> <p><b>slightly</b> [4] - 63:9, 64:15, 65:18, 108:9</p> <p><b>slope</b> [1] - 63:5</p> <p><b>slopes</b> [1] - 14:3</p> <p><b>small</b> [10] - 48:7, 78:14, 80:9, 80:16, 87:4, 88:23, 93:21, 95:22, 97:11, 107:21</p> <p><b>smaller</b> [3] - 48:16, 80:5, 100:9</p> <p><b>soda</b> [1] - 101:11</p> <p><b>Solid</b> [6] - 1:13, 2:9, 4:3, 5:13, 75:16, 94:16</p> <p><b>some..</b> [1] - 55:9</p> <p><b>someone</b> [1] - 71:8</p> <p><b>Somewhere</b> [1] - 55:24</p> <p><b>Sorry</b> [2] - 35:14, 110:8</p> <p><b>sorry</b> [9] - 24:25, 33:22, 68:24, 83:17, 91:6, 91:16, 94:21, 95:19, 101:6</p> <p><b>sounds</b> [1] - 101:5</p> <p><b>south</b> [21] - 10:21, 11:3, 13:24, 14:21, 15:8, 15:21, 15:23, 17:18, 40:1, 77:17, 78:3, 78:19, 91:6, 92:1, 105:2, 107:6,</p> | <p>109:23, 110:1, 110:4, 110:17, 112:5</p> <p><b>southeast</b> [1] - 89:2</p> <p><b>space</b> [10] - 15:3, 47:20, 50:3, 55:16, 55:19, 64:7, 79:13, 79:19, 81:5, 106:9</p> <p><b>SPATZ</b> [14] - 3:17, 4:11, 60:19, 60:25, 61:6, 61:11, 62:2, 66:23, 67:17, 104:5, 104:13, 104:24, 110:3, 110:18</p> <p><b>Spatz</b> [11] - 43:20, 60:17, 61:6, 61:14, 66:15, 68:9, 73:10, 75:23, 104:3, 104:4, 104:17</p> <p><b>Spatz's</b> [2] - 66:10, 73:12</p> <p><b>speaker</b> [1] - 28:9</p> <p><b>specific</b> [1] - 109:21</p> <p><b>spell</b> [4] - 13:8, 44:8, 61:4, 94:25</p> <p><b>split</b> [1] - 47:23</p> <p><b>square</b> [12] - 11:9, 48:22, 49:1, 55:23, 64:16, 64:24, 67:14, 68:3, 77:23, 105:21, 107:20, 108:4</p> <p><b>stabilize</b> [2] - 23:22, 23:25</p> <p><b>stackable</b> [1] - 79:22</p> <p><b>stair</b> [3] - 14:8, 14:9, 47:21</p> <p><b>staircase</b> [16] - 79:12, 79:20, 79:24, 80:8, 81:15, 84:6, 84:11, 86:17, 86:24, 87:5, 90:4, 90:5, 95:17, 95:22, 96:5, 97:5</p> <p><b>staircases</b> [1] - 80:13</p> <p><b>stairs</b> [8] - 18:3, 18:9, 45:18, 48:6, 50:11, 55:12, 56:8, 56:9</p> <p><b>stairway</b> [3] - 16:21, 17:5, 17:10</p> <p><b>stalls</b> [1] - 50:20</p> <p><b>standard</b> [1] - 63:21</p> <p><b>standby</b> [1] - 43:19</p> <p><b>standing</b> [1] - 27:8</p> <p><b>standpoint</b> [3] - 37:14, 38:17, 38:20</p> <p><b>start</b> [2] - 11:5, 32:2</p> <p><b>state</b> [3] - 15:1, 29:17, 99:22</p> <p><b>State</b> [10] - 7:10, 13:7, 19:23, 20:3, 44:7, 61:4, 76:11, 103:19, 103:21, 115:4</p> | <p><b>states</b> [1] - 106:9</p> <p><b>stay</b> [2] - 85:14, 92:6</p> <p><b>stays</b> [1] - 111:19</p> <p><b>stenographically</b> [1] - 115:7</p> <p><b>STEPHEN</b> [1] - 1:23</p> <p><b>steps</b> [2] - 37:25, 57:25</p> <p><b>Steve</b> [21] - 27:22, 27:23, 28:1, 28:2, 28:4, 30:11, 31:10, 33:22, 34:12, 35:6, 56:21, 56:22, 57:1, 58:11, 59:16, 60:5, 87:9, 88:1, 88:2, 109:10</p> <p><b>STEVE</b> [1] - 2:14</p> <p><b>still</b> [5] - 19:16, 27:15, 40:15, 82:22, 99:4</p> <p><b>stone</b> [1] - 58:15</p> <p><b>storage</b> [1] - 16:22</p> <p><b>stories</b> [7] - 50:9, 50:12, 63:11, 66:25, 67:2, 98:7, 107:8</p> <p><b>storm</b> [1] - 21:7</p> <p><b>stormwater</b> [2] - 29:11, 59:1</p> <p><b>story</b> [5] - 27:11, 62:11, 63:14, 75:20, 107:9</p> <p><b>straightforward</b> [1] - 37:13</p> <p><b>strange</b> [1] - 99:14</p> <p><b>street</b> [7] - 15:21, 57:14, 65:17, 70:15, 70:19, 71:7, 105:7</p> <p><b>Street</b> [5] - 1:6, 8:12, 8:13, 9:12, 47:16</p> <p><b>stretch</b> [1] - 48:22</p> <p><b>stretched</b> [1] - 47:3</p> <p><b>strictly</b> [1] - 79:11</p> <p><b>striping</b> [1] - 65:16</p> <p><b>structure</b> [7] - 14:7, 38:19, 45:15, 45:17, 49:22, 50:11, 53:11</p> <p><b>structures</b> [1] - 106:2</p> <p><b>stucco</b> [1] - 99:9</p> <p><b>stuff</b> [2] - 71:19, 71:20</p> <p><b>style</b> [2] - 43:15, 79:1</p> <p><b>subject</b> [1] - 40:13</p> <p><b>submit</b> [1] - 112:16</p> <p><b>submitted</b> [5] - 7:17, 37:12, 44:19, 61:18, 104:21</p> <p><b>substantial</b> [1] - 73:13</p> <p><b>substantially</b> [2] - 65:6, 108:13</p> <p><b>sufficient</b> [2] - 106:9, 108:20</p> <p><b>suggest</b> [2] - 57:16,</p> | <p>88:15</p> <p><b>suite</b> [1] - 80:3</p> <p><b>suited</b> [1] - 105:20</p> <p><b>SUK</b> [1] - 1:20</p> <p><b>sum</b> [4] - 39:9, 68:24, 72:4, 111:8</p> <p><b>summing</b> [1] - 73:2</p> <p><b>sums</b> [1] - 30:7</p> <p><b>supply</b> [1] - 30:19</p> <p><b>supposed</b> [2] - 51:21, 53:4</p> <p><b>surrounding</b> [3] - 65:7, 66:22, 108:14</p> <p><b>Susan</b> [7] - 3:20, 4:9, 69:11, 69:13, 69:16, 71:25, 94:12</p> <p><b>swear</b> [4] - 12:24, 43:24, 60:21, 76:2</p> <p><b>SWORN</b> [2] - 3:2, 4:1</p> <p><b>sworn</b> [7] - 13:6, 43:22, 44:6, 61:3, 76:1, 76:9, 104:10</p> <p><b>Sylvan</b> [2] - 76:8, 76:15</p> <p><b>system</b> [4] - 21:7, 21:18, 79:4, 80:19</p> | <p>3:12, 5:9, 42:7, 43:13, 45:3, 58:16, 61:2, 104:9</p> <p><b>terrain</b> [2] - 14:3, 27:4</p> <p><b>TERRANOVA</b> [11] - 1:19, 6:13, 8:1, 9:2, 41:17, 42:16, 74:8, 84:20, 85:7, 85:23, 113:9</p> <p><b>Terranova</b> [8] - 4:7, 6:12, 7:25, 9:1, 41:16, 42:15, 74:7, 113:8</p> <p><b>TESTA</b> [40] - 2:2, 8:12, 9:11, 9:25, 10:3, 12:22, 13:7, 32:10, 32:20, 32:24, 37:2, 43:23, 44:7, 60:20, 61:4, 73:4, 75:9, 76:2, 76:11, 76:16, 81:22, 82:4, 82:9, 82:12, 83:9, 84:2, 84:11, 84:17, 87:15, 99:22, 102:24, 103:14, 103:21, 104:1, 104:6, 104:12, 104:14, 111:11, 112:15, 113:22</p> <p><b>testified</b> [2] - 20:17, 76:16</p> <p><b>testifies</b> [4] - 13:6, 44:6, 61:3, 76:9</p> <p><b>testify</b> [1] - 104:11</p> <p><b>TESTIMONY</b> [2] - 3:2, 4:1</p> <p><b>testimony</b> [13] - 12:24, 43:24, 60:21, 66:13, 66:16, 66:19, 67:8, 73:10, 73:12, 76:2, 109:4, 109:22, 115:7</p> <p><b>tests</b> [1] - 73:11</p> <p><b>text</b> [1] - 28:22</p> <p><b>THE</b> [1] - 1:4</p> <p><b>the..</b> [2] - 36:23, 84:12</p> <p><b>theater</b> [1] - 71:20</p> <p><b>themselves</b> [1] - 80:11</p> <p><b>therefore</b> [2] - 66:21, 108:9</p> <p><b>Therefore</b> [3] - 15:2, 16:7, 16:18</p> <p><b>they've</b> [1] - 96:15</p> <p><b>thinking</b> [4] - 53:6, 53:12, 55:10, 55:14</p> <p><b>third</b> [6] - 11:15, 19:12, 37:21, 56:3, 86:11, 86:16</p> <p><b>Third</b> [1] - 31:18</p> <p><b>three</b> [37] - 11:11, 11:21, 11:22, 11:23,</p> |
| <b>T</b>   |  |   |   |  |
| <p><b>T-S-E-V-O-Y</b> [1] - 95:5</p> <p><b>table</b> [1] - 33:14</p> <p><b>tank</b> [1] - 21:14</p> <p><b>tanks</b> [1] - 21:9</p> <p><b>TARABOCCHIA</b> [18] - 1:24, 6:21, 8:7, 9:8, 41:23, 42:24, 56:18, 72:15, 72:18, 74:14, 81:21, 86:6, 86:15, 86:19, 86:25, 92:23, 94:1, 113:15</p> <p><b>Tarabocchia</b> [9] - 3:16, 4:7, 6:20, 8:6, 9:7, 41:22, 42:23, 74:13, 113:14</p> <p><b>tax</b> [2] - 77:24, 78:16</p> <p><b>TECHNICIAN</b> [4] - 31:14, 60:12, 69:3, 103:11</p> <p><b>television</b> [1] - 43:19</p> <p><b>terms</b> [11] - 39:12, 39:23, 40:8, 62:15, 63:12, 63:18, 64:2, 64:11, 64:24, 107:9, 107:19</p> <p><b>terrace</b> [10] - 18:12, 32:5, 32:6, 32:11, 32:14, 32:17, 32:21, 33:4, 48:7, 101:8</p> <p><b>Terrace</b> [9] - 1:11,</p>   |  |   |   |  |

|   |  |  |   |   |
|---|--|--|---|---|
| <p>11:24, 21:9, 22:20, 38:3, 48:2, 50:12, 62:11, 63:11, 66:25, 67:1, 67:2, 75:21, 77:12, 77:19, 78:13, 78:22, 78:24, 80:2, 80:15, 86:7, 86:8, 87:4, 90:18, 95:13, 98:7, 105:3, 106:18, 107:6, 107:8, 108:21, 110:4, 112:3</p> <p><b>three-bedroom</b> [1] - 80:2</p> <p><b>three-family</b> [3] - 62:11, 67:1, 105:3</p> <p><b>three-level</b> [2] - 78:13, 80:15</p> <p><b>three-story</b> [1] - 62:11</p> <p><b>three-unit</b> [8] - 75:21, 77:12, 77:19, 78:22, 78:24, 90:18, 107:6, 110:4</p> <p><b>tire</b> [1] - 105:8</p> <p><b>to..</b> [1] - 52:11</p> <p><b>today</b> [1] - 61:23</p> <p><b>toilet</b> [2] - 35:25, 55:2</p> <p><b>tonight</b> [2] - 8:14, 74:20</p> <p><b>Tonight</b> [1] - 12:2</p> <p><b>tonight's</b> [2] - 9:13, 44:20</p> <p><b>took</b> [1] - 98:10</p> <p><b>top</b> [10] - 16:13, 17:25, 18:6, 18:14, 48:2, 55:8, 69:25, 87:5, 91:21, 102:23</p> <p><b>topographic</b> [1] - 63:4</p> <p><b>topography</b> [2] - 11:2, 15:19</p> <p><b>touch</b> [3] - 48:8, 90:20, 91:19</p> <p><b>toward</b> [1] - 46:14</p> <p><b>towards</b> [2] - 78:19, 80:3</p> <p><b>town</b> [4] - 47:2, 50:17, 71:9, 96:25</p> <p><b>townhouse</b> [15] - 67:1, 75:21, 77:6, 77:12, 77:20, 77:21, 78:11, 78:22, 78:24, 90:16, 105:3, 105:6, 106:17, 108:15, 110:5</p> <p><b>townhouses</b> [4] - 105:10, 105:11, 106:3, 106:6</p> <p><b>traffic</b> [2] - 88:11, 88:18</p> <p><b>transcript</b> [1] - 115:7</p> <p><b>TRANSCRIPT</b> [1] - 1:4</p> | <p><b>traveled</b> [1] - 71:7</p> <p><b>treating</b> [1] - 70:23</p> <p><b>Tree</b> [1] - 73:20</p> <p><b>trees</b> [1] - 112:21</p> <p><b>triangle</b> [1] - 45:14</p> <p><b>tried</b> [1] - 40:7</p> <p><b>triggers</b> [1] - 49:3</p> <p><b>true</b> [3] - 33:19, 38:15, 115:6</p> <p><b>truth</b> [12] - 12:25, 13:1, 43:25, 44:1, 60:22, 60:23, 76:3, 76:4</p> <p><b>trying</b> [1] - 50:10</p> <p><b>turn</b> [7] - 54:21, 66:5, 74:22, 79:23, 80:25, 81:14, 82:19</p> <p><b>turn-around</b> [1] - 79:23</p> <p><b>turnabout</b> [1] - 19:6</p> <p><b>turnaround</b> [4] - 15:2, 19:7, 19:15, 81:5</p> <p><b>turned</b> [1] - 70:14</p> <p><b>turning</b> [1] - 77:14</p> <p><b>two</b> [51] - 7:14, 11:10, 11:14, 11:22, 12:2, 12:14, 14:12, 15:3, 15:4, 16:22, 17:10, 17:20, 21:2, 21:11, 21:19, 27:11, 37:15, 43:15, 43:17, 45:11, 46:14, 46:17, 46:22, 47:16, 47:17, 48:3, 49:6, 50:9, 50:19, 50:20, 58:13, 58:19, 62:12, 63:3, 64:9, 65:13, 66:14, 66:24, 69:21, 70:18, 70:24, 75:20, 80:4, 81:6, 82:22, 83:6, 83:11, 88:11, 94:17, 105:22, 108:5</p> <p><b>two-car</b> [5] - 17:10, 46:14, 47:16, 47:17, 65:13</p> <p><b>two-family</b> [6] - 14:12, 43:15, 62:12, 66:24, 105:22, 108:5</p> <p><b>two-story</b> [2] - 27:11, 75:20</p> <p><b>two-way</b> [1] - 88:11</p> <p><b>twos</b> [1] - 62:7</p> <p><b>type</b> [1] - 99:9</p> <p><b>typical</b> [15] - 47:4, 47:19, 48:4, 53:9, 57:24, 58:24, 78:6, 82:22, 85:16, 87:3, 98:19, 98:21, 100:6, 102:22</p> <p><b>typically</b> [4] - 30:2,</p> | <p>48:17, 49:15, 50:15</p> <p><b>Typically</b> [1] - 47:6</p> <p><b>typo</b> [2] - 34:12</p> <p style="text-align: center;"><b>U</b></p> <p><b>Under</b> [1] - 97:14</p> <p><b>under</b> [4] - 40:11, 63:21, 97:13, 104:6</p> <p><b>under-counter</b> [1] - 97:13</p> <p><b>Under-counter</b> [1] - 97:14</p> <p><b>underneath</b> [2] - 56:9, 93:14</p> <p><b>undersized</b> [6] - 45:10, 49:2, 50:15, 62:14, 63:22, 64:15</p> <p><b>understood</b> [1] - 66:16</p> <p><b>unique</b> [4] - 39:12, 39:24, 45:13, 45:24</p> <p><b>Unit</b> [21] - 17:2, 17:6, 18:1, 18:2, 18:5, 18:6, 82:7, 83:2, 83:9, 83:11, 83:12, 83:16, 83:17, 84:2, 87:20, 89:4, 89:14, 89:24</p> <p><b>unit</b> [49] - 14:12, 17:1, 17:6, 17:11, 17:12, 17:13, 47:18, 48:7, 50:20, 64:14, 64:16, 75:21, 77:6, 77:12, 77:19, 77:21, 78:11, 78:22, 78:23, 78:24, 80:1, 81:4, 82:4, 82:6, 83:14, 90:16, 90:18, 93:4, 93:5, 93:11, 93:20, 97:23, 100:8, 100:11, 100:18, 105:6, 105:18, 105:24, 106:1, 107:6, 107:7, 108:6, 110:1, 110:2, 110:3, 110:4, 111:12, 111:14</p> <p><b>units</b> [17] - 16:23, 16:24, 78:9, 82:18, 82:24, 83:6, 86:7, 92:25, 95:13, 106:4, 106:20, 106:25, 108:7, 108:21, 110:5, 110:20, 112:3</p> <p><b>Unless</b> [1] - 24:9</p> <p><b>unless</b> [1] - 67:10</p> <p><b>up</b> [49] - 18:3, 18:9, 23:5, 24:4, 24:17, 24:18, 25:4, 27:21, 28:11, 30:7, 39:3,</p> | <p>39:9, 40:15, 47:5, 47:22, 50:10, 50:17, 52:9, 55:8, 55:22, 56:8, 68:24, 68:25, 72:4, 79:12, 79:20, 79:24, 80:8, 80:18, 81:5, 82:25, 83:4, 86:18, 86:23, 87:5, 88:11, 89:24, 94:22, 95:18, 95:22, 96:6, 96:7, 96:15, 97:6, 99:12, 101:4, 106:24, 111:8, 112:11</p> <p><b>uphill</b> [1] - 30:20</p> <p><b>upper</b> [1] - 91:16</p> <p><b>upstairs</b> [1] - 36:5</p> <p><b>upwards</b> [1] - 14:3</p> <p><b>USE</b> [1] - 2:13</p> <p><b>uses</b> [3] - 106:10, 106:13, 108:14</p> <p><b>utility</b> [7] - 16:22, 39:16, 79:13, 93:13, 100:1, 100:2, 100:16</p> <p style="text-align: center;"><b>V</b></p> <p><b>V-O-Y</b> [1] - 95:6</p> <p><b>vacant</b> [1] - 10:22</p> <p><b>variance</b> [39] - 10:24, 11:13, 14:19, 29:1, 29:3, 37:13, 37:20, 37:22, 39:24, 49:3, 49:19, 50:12, 50:18, 53:20, 57:20, 57:23, 58:7, 58:9, 62:17, 62:23, 62:24, 63:2, 63:3, 63:24, 64:11, 64:13, 68:8, 72:11, 72:23, 73:6, 73:7, 105:15, 109:20, 110:10, 110:11, 110:12</p> <p><b>variances</b> [25] - 11:11, 11:14, 14:16, 37:15, 38:4, 38:6, 47:10, 48:8, 48:10, 49:6, 61:15, 62:18, 63:20, 65:22, 66:14, 67:21, 68:10, 72:7, 73:12, 104:19, 105:17, 105:19, 107:11, 109:3, 110:9</p> <p><b>varies</b> [1] - 15:7</p> <p><b>variety</b> [1] - 106:10</p> <p><b>Vassilios</b> [2] - 75:22, 76:13</p> <p><b>VASSILIOS</b> [2] - 4:5, 76:14</p> <p><b>vehicles</b> [2] - 111:25</p> | <p><b>veneer</b> [2] - 18:18, 71:16</p> <p><b>versus</b> [1] - 63:23</p> <p><b>VICE</b> [10] - 1:17, 6:11, 7:19, 7:24, 8:20, 41:9, 41:15, 42:14, 73:25, 74:6</p> <p><b>Vice</b> [1] - 75:2</p> <p><b>VINCENT</b> [1] - 1:22</p> <p><b>vinyl</b> [5] - 90:14, 90:19, 91:18, 91:24, 112:4</p> <p><b>virtually</b> [3] - 39:16, 40:2, 40:18</p> <p><b>virus</b> [1] - 7:10</p> <p><b>visual</b> [1] - 106:15</p> <p><b>Vitali</b> [2] - 94:19, 95:8</p> <p><b>VOICE</b> [1] - 103:20</p> <p style="text-align: center;"><b>W</b></p> <p><b>Wait</b> [1] - 31:24</p> <p><b>waiver</b> [3] - 30:4, 37:24, 38:4</p> <p><b>walk</b> [6] - 17:24, 24:17, 24:21, 55:11, 56:5, 93:25</p> <p><b>walk-in</b> [2] - 17:24, 56:5</p> <p><b>walkway</b> [1] - 60:4</p> <p><b>wall</b> [23] - 14:1, 14:11, 20:23, 21:1, 23:5, 23:6, 23:10, 23:14, 23:15, 23:19, 24:1, 28:21, 28:23, 29:4, 29:16, 30:3, 37:21, 41:4, 58:15, 60:1, 81:15, 100:16</p> <p><b>walls</b> [7] - 11:16, 18:19, 21:2, 23:21, 28:14, 28:25, 107:22</p> <p><b>wants</b> [2] - 9:19, 111:5</p> <p><b>wash</b> [1] - 102:1</p> <p><b>water</b> [8] - 20:20, 21:4, 21:6, 21:13, 31:4, 31:7, 59:6, 79:15</p> <p><b>ways</b> [2] - 45:7, 63:4</p> <p><b>welcome</b> [5] - 18:25, 33:10, 60:9, 95:11, 102:6</p> <p><b>well-suited</b> [1] - 105:20</p> <p><b>well-traveled</b> [1] - 71:7</p> <p><b>West</b> [3] - 44:5, 44:10, 78:18</p> <p><b>west</b> [2] - 63:6, 112:5</p> <p><b>wet</b> [10] - 80:10, 97:11, 98:17, 100:20,</p> |
|---|--|--|---|---|

|   |  |
|---|--|
| <p>100:21, 100:22,<br/>101:2, 101:13,<br/>101:23, 101:25<br/><b>whole</b> [7] - 13:1, 23:7,<br/>23:8, 28:8, 44:1,<br/>60:23, 76:4<br/><b>wide</b> [10] - 45:7, 47:8,<br/>47:12, 47:24, 48:15,<br/>48:22, 71:6, 80:12,<br/>89:6<br/><b>wider</b> [2] - 64:20,<br/>65:18<br/><b>width</b> [11] - 20:8, 20:9,<br/>45:12, 47:5, 49:4,<br/>62:15, 63:22, 67:21,<br/>78:1, 78:2, 105:15<br/><b>willing</b> [1] - 73:21<br/><b>window</b> [1] - 84:7<br/><b>windows</b> [2] - 71:17,<br/>84:7<br/><b>witness</b> [4] - 12:19,<br/>19:2, 36:18, 60:15<br/><b>WITNESS</b> [2] - 3:2, 4:1<br/><b>witnesses</b> [3] - 43:17,<br/>68:13, 68:14<br/><b>wood</b> [1] - 71:20<br/><b>words</b> [3] - 25:3,<br/>26:20, 54:7</p> <p style="text-align: center;"><b>Y</b></p> | <p><b>YOON</b> [1] - 1:21<br/><b>your..</b> [1] - 23:13<br/><b>yourself</b> [1] - 67:9<br/><b>Yourself</b> [1] - 69:17<br/><b>Yura</b> [2] - 94:19, 94:23</p> <p style="text-align: center;"><b>Z</b></p>                            |
| <p><b>yard</b> [59] - 11:11,<br/>11:13, 14:15, 14:19,<br/>14:21, 14:23, 21:6,<br/>21:25, 22:3, 27:4,<br/>31:6, 31:8, 37:15,<br/>37:16, 37:17, 38:1,<br/>41:2, 45:25, 46:9,<br/>46:13, 46:18, 49:10,<br/>49:12, 49:20, 49:23,<br/>51:4, 51:7, 51:8,<br/>52:5, 52:6, 52:24,<br/>53:2, 53:8, 53:9,<br/>53:10, 57:5, 57:6,<br/>57:20, 58:10, 59:2,<br/>59:5, 59:6, 62:22,<br/>62:25, 63:24, 64:2,<br/>72:11, 73:4, 88:22,<br/>88:25, 93:8, 105:18,<br/>107:14, 110:11,<br/>110:15, 110:22,<br/>112:1<br/><b>yards</b> [3] - 41:2, 45:22,<br/>46:20<br/><b>years</b> [2] - 21:19<br/><b>yellow</b> [1] - 65:16<br/><b>yield</b> [2] - 88:18,<br/>111:25<br/><b>Yoon</b> [2] - 6:16, 42:19</p>  | <p><b>Zone</b> [2] - 10:24,<br/>105:11<br/><b>zone</b> [7] - 15:14,<br/>28:24, 62:13, 63:16,<br/>73:14, 77:23, 105:14<br/><b>zoning</b> [7] - 28:13,<br/>33:14, 40:11, 48:25,<br/>50:19, 57:3, 106:8<br/><b>Zoning</b> [1] - 7:3</p> |