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BOROUGH OF PALISADES PARK
BOARD OF ADJUSTMENT
MONDAY, OCTOBER 21, 2019
7:00 P.M.

1	IN THE MATTER OF:)	TRANSCRIPT OF
4	APPLICATION NO. 19-12)	PROCEEDING
5	435 HIGHLAND AVENUE)	
6	BLOCK 211; LOT 19)	
7	APPLICATION NO. 19-13)	
8	132 PRINCETON PLACE)	
9	BLOCK 716; LOT 1)	
10	APPLICATION NO. 19-14)	
11	401 E. CENTRAL, LLC)	
12	BLOCK 423; LOT1)	
13	APPLICATION NO. 19-15)	
14	GRAMUGLIA BUILDERS, LLC)	
15	BLOCK 716; LOT 10)	
16	APPLICATION NO. 19-16)	
17	FAIR SUPREME, LLC)	
18	BLOCK 617; LOT 6)	
19	-----)	

B E F O R E :

JOSEPH FERGUSON, CHAIRMAN

PAUL ALBANESE, VICE CHAIRMAN

DAVID TERRANOVA, MEMBER

SEOUNG YOON, MEMBER

VINCENT CARNOVALE, MEMBER

LEFTE RI LEFTE RI O U, MEMBER

SUK JIN MIN, ALTERNATE MEMBER

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201-641-1812

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-and-

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LAND USE SECRETARY

MICHAEL KAUKER, P.P.

Board Planner

STEVEN COLLAZUOL, P.E.

Board Engineer

JUDD ROCCIOLA, P.E.

Board Engineer

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1 The Record that total \$84-and-change.

2 Can I get a motion to pay the bills?

3 VICE CHAIRMAN ALBANESE: I make a

4 motion to pay the bills.

5 MR. CARNOVALE: Second.

6 CHAIRMAN FERGUSON: Roll call?

7 MS. LAMBRINIDES: Mr. Ferguson?

8 CHAIRMAN FERGUSON: Yes.

9 MS. LAMBRINIDES: Mr. Albanese?

10 VICE CHAIRMAN ALBANESE: Yes?

11 MS. LAMBRINIDES: Mr. Min?

12 MR. MIN: Yes.

13 MS. LAMBRINIDES: Ms. Yoon?

14 MS. YOON: Yes.

15 MS. LAMBRINIDES: Mr. Carnovale?

16 MR. CARNOVALE: Yes.

17 MS. LAMBRINIDES: Mr. Lefteriou?

18 MR. LEFTERIOU: Yes.

19 CHAIRMAN FERGUSON: Okay. Next, we all

20 got a copy of last month's meeting. It was very

21 short.

22 Can I get a motion to approve?

23 MR. CARNOVALE: I make a motion we

24 accept the minutes.

25 VICE CHAIRMAN ALBANESE: I second the

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1 CHAIRMAN FERGUSON: Okay, we're going

2 to start with the Pledge of Allegiance.

3 (Whereupon, Recitation of the Pledge of

4 Allegiance.)

5 CHAIRMAN FERGUSON: Okay, roll call.

6 MS. LAMBRINIDES: Mr. Ferguson?

7 CHAIRMAN FERGUSON: Here.

8 MS. LAMBRINIDES: Mr. Albanese?

9 VICE CHAIRMAN ALBANESE: Here.

10 MS. LAMBRINIDES: Mr. Terranova?

11 (No response.)

12 MS. LAMBRINIDES: Mr. Min?

13 MR. MIN: Here.

14 MS. LAMBRINIDES: Mr. Nam?

15 (No response.)

16 MS. LAMBRINIDES: Ms. Yoon?

17 MS. YOON: Here.

18 MS. LAMBRINIDES: Mr. Carnovale?

19 MR. CARNOVALE: Here.

20 MS. LAMBRINIDES: Ms. Tarabocchia?

21 (No response.)

22 MS. LAMBRINIDES: Mr. Lefteriou?

23 MR. LEFTERIOU: Here.

24 CHAIRMAN FERGUSON: Okay. First, I

25 guess we'll pay some bills. We have two bills from

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1 motion.

2 CHAIRMAN FERGUSON: Roll call?

3 MS. LAMBRINIDES: Mr. Ferguson?

4 CHAIRMAN FERGUSON: Abstain.

5 MS. LAMBRINIDES: Mr. Albanese?

6 VICE CHAIRMAN ALBANESE: Yes.

7 MS. LAMBRINIDES: Mr. Min?

8 MR. MIN: Yes.

9 MS. LAMBRINIDES: Ms. Yoon?

10 MS. YOON: Yes.

11 MS. LAMBRINIDES: Mr. Carnovale?

12 MR. CARNOVALE: Yes.

13 MS. LAMBRINIDES: Mr. Lefteriou?

14 MR. LEFTERIOU: Yes.

15 CHAIRMAN FERGUSON: Okay, so first on

16 the agenda, or the first one we're going to hear

17 tonight is going to be 56 West Ruby Avenue.

18 MS. TESTA: At this time, I'm going to

19 recuse myself.

20 This is property that belonged to my

21 parents. It's been sold. I no longer have an

22 interest in the property. It's been sold by the

23 estate, but I'm going to recuse myself from this

24 application.

25 CHAIRMAN FERGUSON: Thank you.

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1 (Whereupon, Diane Testa recuses herself
 2 and steps off the dais. Albert Birchwale,
 3 Esquire assumes position of Acting Board
 4 Attorney.)
 5 MR. MACRI: Mr. Chairman, if I can hand
 6 in my Proof of Service.
 7 CHAIRMAN FERGUSON: Yeah, sure.
 8 Just for the record, we have a very
 9 full agenda tonight so I want to move things along
 10 very rapidly.
 11 We're going to get four of them in, and
 12 then we'll talk about the fifth one.
 13 MR. BIRCHWALE: For the members of the
 14 public and the members of this board, my name is
 15 Albert Birchwale. I'm an attorney in the State of
 16 the New Jersey. My office is located over in
 17 Ridgefield, 865 Broad Avenue in Ridgefield.
 18 I'm substituting on behalf of Diana
 19 Testa for just this one application, then I'm out of
 20 here.
 21 CHAIRMAN FERGUSON: Okay. Counsel,
 22 you've got the proofs.
 23 MR. BIRCHWALE: Yes, I do.
 24 May I take a look at them?
 25 CHAIRMAN FERGUSON: Take a look them,
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1 requirement; so therefore, notice has been provided,
 2 and, therefore, this board has jurisdiction to hear
 3 this application.
 4 MR. MACRI: Thank you.
 5 CHAIRMAN FERGUSON: Take it away.
 6 MR. MACRI: At this time, I'd like to
 7 have Mr. Cocoros, our architect sworn, please.
 8 THE COURT REPORTER: Please raise your
 00:00 9 right hand.
 00:00 10 Do you swear that the testimony you
 00:00 11 will give in this application will be the truth, the
 00:00 12 whole truth and nothing but the truth, so help you
 00:00 13 God?
 00:00 14 MR. COCOROS: I do.
 00:00 15 V A S S I L I O S C O C O R O S,
 00:00 16 467 Sylvan Avenue, Englewood Cliffs, New Jersey
 17 07632, having been duly sworn, testifies as
 18 follows:
 19 MR. BIRCHWALE: I can do it also, but
 20 that's fine.
 21 CHAIRMAN FERGUSON: Mr. Cocoros.
 22 DIRECT EXAMINATION
 23 BY MR. MACRI:
 24 Q. Mr. Cocoros, the plans provided on the
 25 easel are the same plans submitted to the board in
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1 yeah, absolutely.
 2 MR. BIRCHWALE: I'm sure it's all good
 3 if Mr. Macri has done it.
 4 MR. MACRI: Thank you, Mr. Birchwale.
 5 MR. BIRCHWALE: I also sit for the
 6 Board of Adjustment for probably 40 years or so in
 7 the Borough of Fairview, so I'm very familiar with
 8 this, and also very familiar with the work of Marc
 9 Macri. He also always does an excellent job.
 10 I have an Affidavit of Service that
 11 proof was provided to property owners within 200 feet
 12 of the subject premises that's signed by the
 13 applicant's attorney, Marc Macri. And indicates that
 14 the meeting is to be held tonight at 7 p.m. on
 15 October 21st.
 16 So notice to property owners within 200
 17 feet is satisfactory. And then do we have to mark
 18 the affidavit?
 19 MR. MACRI: It's in there.
 20 MR. BIRCHWALE: It's in there, too.
 21 MR. MACRI: Yeah.
 22 MR. BIRCHWALE: Oh, good, here it is.
 23 Notice was published in The Record newspaper on
 24 October 10, 2019.
 25 So that satisfies the ten-day
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1 advance of this evening's application.
 2 Is that correct?
 3 A. Yes.
 4 Q. Can you please explain to the board
 5 what currently exists upon the property and what
 6 we're proposing to construct?
 7 A. **The existing dwelling on the property**
 8 **that we're going to be demolishing will be replaced**
 9 **with a new up-and-down, two-family dwelling. The**
 10 **property, itself, is located on the south side of**
 11 **West Ruby Avenue between Grand Avenue and Broad**
 12 **Avenue.**
 13 **The property is**
 14 **37-and-a-half-feet-wide-by-100-feet deep. It's a**
 15 **preexisting nonconforming lot. There are other lots**
 16 **in that area that may have had the same width, the**
 17 lot to east, which is the left-hand side, and the two
 18 lots to the west, which we show on the right-hand
 19 side, are 37-and-a-half-by-100.
 20 The property, itself, is proposed to be
 21 a new three-level, two-family dwelling; however,
 22 since it's not a 50-foot-wide lot, we're proposing a
 23 six-over-six configuration with a garage level, a
 24 recreation room on the first level, and two
 25 three-bedroom apartments, one on the first floor and
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1 the other one -- on the first living level and one on
2 the second living level.
3 The building, itself, the footprint is
4 31-feet-wide-by-60-feet deep, set back 20 feet from
5 the front property line and 20 feet from the rear
6 property line. We have a side yard setback of 3 feet
7 3 inches. The configuration that we're proposing is
8 similar to other six-over-six-type dwellings that
9 have been developed on 37-and-a-half-by-100 feet
10 properties.

11 The building, itself, is all brick. We
12 located the staircases on the right side -- I mean,
13 left side, which is the east side of the building.
14 That's to accommodate the slight pitch of the street
15 on West Ruby. We do have two full driveway spaces
16 and two full garage spaces.

17 **Q.** Explain the layout please, sir.

18 **A. Sure.**

19 **Actually, with we have the basic plan,**
20 **which is the ground floor, with a two-car**
21 garage in the front, two 9-foot garage doors to
22 provide access. Those garages will be two-car
23 parking in the driveway. A full staircase up to the
24 first floor, which is the main living space for the
25 first unit. We have a recreation room and powder

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1 MR. COCOROS: No tubs or showers.
2 CHAIRMAN FERGUSON: Okay. And how many
3 variances are you requesting.
4 MR. COCOROS: Yes. The first --
5 MR. MACRI: We have the planner.
6 CHAIRMAN FERGUSON: Do you want the
7 planner to do it?
8 Any board members have any questions?
9 Steve, take it away.

10 MR. COLLAZUOL: Steven Collazuol.
11 Mr. Cocoros, we submitted a report
12 dated October 17, 2019. It's pretty straightforward.
13 Any problems with complying with the items in the
14 report?

15 MR. COCOROS: Not at all.

16 MR. COLLAZUOL: We have nothing
17 further.

18 CHAIRMAN FERGUSON: Okay.
19 Mr. Rocciola?

20 MR. ROCCIOLA: Judd Rocciola. I have
21 no comments.

22 CHAIRMAN FERGUSON: Okay. Mr. Kauker,
23 you're going to wait for the planner?

24 MR. KAUKER: Yes.

25 You are going to put a planner on?

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1 room, but no full bathroom in the basement. A
2 utility room. A home office in the back. We have
3 the AC unit located dead center in the back to avoid
4 impacting adjacent properties.

5 The first floor is the first unit,
6 which is connected to the ground floor. It's a
7 three-bedroom configuration. On the right-hand side
8 we have the living room. I'm sorry -- on the
9 right-hand side we have the bedrooms. It's a
10 three-bedroom configuration; two bathrooms, one being
11 an ensuite. The left-hand side, we have the dining
12 room, living the, and in the back we have a kitchen
13 and eating area that goes out to a small deck that's
14 8 feet off the back and 10-and-a-half-feet wide.

15 The top floor is the second dwelling
16 unit. It's also the same layout as the first floor,
17 the three-bedroom configuration, with all the same
18 amenities as the first floor.

19 MR. MACRI: Thank you.

20 I have no further questions.

21 CHAIRMAN FERGUSON: So, Mr. Cocoros,
22 this is a six-over-six.

23 MR. COCOROS: Yes.

24 CHAIRMAN FERGUSON: Okay. And we don't
25 have any tubs or showers in the basement?

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1 MR. MACRI: I do.
2 CHAIRMAN FERGUSON: Do you want to call
3 the planner?

4 MR. MACRI: Mr. Chairman, at this time
5 I'd like to have Mr. Spatz sworn in, our Professional
6 Planner.

7 THE COURT REPORTER: Please raise your
8 right hand.

9 Do you swear that the testimony you
10 will give in this application will be the truth, the
11 whole truth and nothing but the truth, so help you
12 God?

13 MR. SPATZ: Yes, I do.

14 D A V I D S P A T Z,
15 60 Friend Terrace, Harrington Park, New Jersey,
16 having been duly sworn, testifies as follows:

17 MR. MACRI: Mr. Chairman, the four
18 color photograph board being passed around, I'd like
19 to have that marked as A-1.

20 MR. BIRCHWALE: A-1.

21 (Whereupon, Board Rendering with Four
22 Photographs is received and marked as Exhibit
23 A-1 for identification.)

24 DIRECT EXAMINATION

25 BY MR. MACRI:

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1 Q. Mr. Spatz, would you please describe
2 the existing conditions, the neighboring conditions,
3 and the reason why this board should grant the
4 variances which we seek.

5 A. Certainly.

6 On the photo exhibit, there are four
7 photographs. The top left-hand photograph is of the
8 subject property. It's the red brick with the white
9 top.

10 The top right-hand photograph is
11 looking to the right of our property. It's an
12 existing single-family, but it's quite tall.

13 And then a little bit further down the
14 street, you can see a two-family -- the newer
15 two-family home.

16 The bottom left-hand photograph is
17 looking to the left of our property, which is a
18 mixture of ones and twos.

19 And then the bottom right-hand
20 photograph is across the street. And you can see a
21 number of newer two-family homes just in the
22 neighborhood. We're in the AA zone which does permit
23 two-families.

24 We have several variances. One (d)
25 variance for building height. And then there are

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1 lot width. The properties on either side of us are
2 fully developed, so there's no ability to acquire
3 property to make our lots conforming.

4 As Mr. Cocoros also indicated, those
5 lots are similar in size in terms of width, and that
6 has an effect on a number of our (c) variances.

7 We are providing a conforming front
8 yard setback so we do fit in with the streetscape of
9 the block. The fact that the lot is narrower by
10 about 12-and-a-half feet causes the building to not
11 meet the side yard setbacks. If we were to squeeze
12 in the building to meet those setbacks, you really
13 will not be able to have a habitable dwelling on the
14 property. You certainly couldn't provide a
15 sufficient amount of parking. So the trade-off is
16 the parking on side, habitable dwellings with
17 slightly less side yards than what is required. The
18 parking, as I indicated, is conforming both in the
19 garage as well as in the dwelling. That also in
20 order to get the garage within the building makes the
21 building, itself, a little bit longer than what would
22 be permitted within the zone. Again, that is a
23 function of the lot being narrower as well.

24 The last (c) variance that we need is
25 for building coverage. We do meet the square footage

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1 four (c) variances: Building coverage, lot area per
2 unit, side yard, and rear yard.

3 Looking quickly at the (d) variance, we
4 do exceed the height limitation by a half story and
5 slightly over 7 feet. That variance is caused
6 primarily by the slope of the property.

7 But as Mr. Cocoros indicated, because
8 we are a narrower lot, the units set side-by-side are
9 one above the other, and that causes the building to
10 be slightly taller than what is normally proposed,
11 but is still in character with that larger
12 single-family home as well as the two-family homes,
13 which are all three stories, as can be seen.

14 The properties to the rear of our side
15 on West Columbia, that has a significant number of
16 two-family homes. They are all three stories and a
17 similar height to ours, so we are consistent with the
18 neighborhood, both the older and the newer.

19 The topography of West Columbia to the
20 rear of our property is similar to ours, and the
21 height is, therefore, consistent with the height of
22 those buildings and will not have a greater impact on
23 it. So I think the height variance can be granted.

24 Looking at the bulk variances. As was
25 indicated, we are undersized in terms of lot area and

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1 requirement, but we don't meet the percentage
2 limitation.

3 And, again, a function of the lot,
4 itself, being smaller and no ability to make it any
5 larger. Any dwelling on the property would have the
6 same coverage.

7 There are currently no drainage
8 facilities on the property. We're providing
9 drainage, so there's an improvement and a benefit.
10 And that balances out the slightly above coverage.
11 So the positive criteria are met for the (c) variance
12 as well.

13 Lastly, looking at the negative
14 criteria, I don't think there's anything that is
15 substantially negative. We are in conformity with
16 the surrounding neighborhood. We are a permitted use
17 within the zone. The setbacks are consistent with
18 both what is on the property now as well as in the
19 surrounding neighborhood.

20 There is a detached garage at the rear
21 of the property that's being removed. So although
22 nonconforming, our rear yards and side yards are
23 actually more improved than what currently exists,
24 and there will be additional landscaping to buffer
25 the surrounding properties.

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1 Parking is being provided on in a
2 conforming amount. West Ruby is now a one-way street
3 in a westerly direction, so there's a limited impact
4 on traffic as well.

5 And I think on balance, the positive
6 impact outweighs anything that might be considered
7 negative, and I think those variances could be
8 granted.

9 MR. MACRI: Thank you, Mr. Spatz.
10 CHAIRMAN FERGUSON: Okay. Any board
11 members have any questions?

12 (No response.)

13 CHAIRMAN FERGUSON: Mr. Kauker?

14 MR. KAUKER: Yes. Mr. Spatz, real
15 quickly related to the height variance.

16 Are there other buildings that are
17 located in the neighborhood that are of a similar
18 height as this property or the proposed development?

19 MR. SPATZ: Yes. If you can look at
20 the photographs, the two on the right-hand side, the
21 top is to the right of our property, and that's a
22 three-story building, and it is at least as tall if
23 not taller than what we're proposing.

24 And then the bottom photograph is
25 looking across the street. And there are two newer

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1 make a building that number one, you couldn't fit
2 parking within the building; and, number two, you
3 really couldn't get a habitable home as well; it
4 would just be narrower.

5 MR. KAUKER: I have no other questions.

6 CHAIRMAN FERGUSON: Now, we're going to
7 take it to the audience now.

8 Does anybody have any questions for the
9 planner and also the architect?

10 Yes, either one.

11 MS. SCHOR: Marsha Schor. Quick
12 question. Do you have side doors in the back on each
13 side of the building to get to the back of the home.

14 MR. COCOROS: There's one side door,
15 yes. Not two. One.

16 MS. SCHOR: On one side. In the back?
17 That's in the back or on the side.

18 MR. COCOROS: It's on the side.

19 MS. SCHOR: Okay. I ask because this
20 board, same builder, told them there could be no side
21 doors at all, and lo-and-behold, the house had two
22 sides.

23 Could you please specifically say only
24 one side door?

25 MR. MACRI: Our plans as submitted only
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1 two-families homes that are three stories in a
2 similar height to ours.

3 And more to the point, to the rear of
4 our property on West Columbia, it's all developed two
5 families, the same three stories and 30-plus feet in
6 height.

7 So we are consistent with the
8 neighborhood.

9 MR. KAUKER: Then just moving on
10 quickly to the side yards and then the coverage. Are
11 those two consistent with other newer developments
12 within the neighborhood as well?

13 MR. SPATZ: They are.

14 And they're also consistent with the
15 older homes. As was indicated, the properties on
16 either side of us are also that 37-and-a-half feet in
17 width, so they're narrower.

18 We can't increase the coverage of our
19 property, but the setbacks and the coverage are a
20 function of the lot being narrower and, therefore,
21 not meeting the area limitation. The building,
22 itself, is not larger than what would be visible.

23 But it's because there's not enough side on either
24 side of us to meet the standard. Shrinking in the
25 building to provide conforming setbacks, we'd just

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1 provide for one side door.

2 MS. SCHOR: Your other plan --

3 CHAIRMAN FERGUSON: As you know,
4 because you've been coming to these meetings a long
5 time, we're only interested in this applicant.

6 MS. SCHOR: I realize that. But it's
7 the same builder.

8 MR. MACRI: I believe you're referring
9 to a duplex where we do put side doors.

10 MS. SCHOR: No, it's not, it's not.

11 CHAIRMAN FERGUSON: I'm not going
12 there. This is the application in front of us. The
13 plans are saying that there's going to be one side
14 door. If you want, I can put it in a
15 memorialization.

16 MS. SCHOR: Would you please?

17 CHAIRMAN FERGUSON: Put that in the
18 memorialization, right. Yes.

19 MS. BRAUER: Do you have a common
20 driveway with the house next to you?

21 MR. MACRI: Are you talking to me.

22 MS. BRAUER: Yeah.

23 Was there a common driveway with the
24 house next to you?

25 MR. SPATZ: No. They're next to each
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1 other, but the property line is between two. They're
 2 not...
 3 MS. BRAUER: The other thing is, I was
 4 under the impression that when you have a preexisting
 5 nonconforming lot and you're going to have new
 6 construction, it should be brought into the
 7 guidelines to make that lot more or less conforming.
 8 And putting this on there with the variances you're
 9 asking for, in my opinion, that's not what you're
 10 doing.
 11 MR. MACRI: The properties to the
 12 north, south, east and west are all developed. We
 13 are unable to acquire additional land to make this
 14 lot conforming.
 15 MS. BRAUER: Okay. But you can't make
 16 the house any smaller.
 17 MR. MACRI: Make the house smaller?
 18 MS. BRAUER: Yeah, sure. It's tall.
 19 You're asking for variances on both sides.
 20 CHAIRMAN FERGUSON: But it is
 21 six-over-six. It's not a duplex.
 22 MS. BRAUER: I know. But a house is a
 23 house.
 24 CHAIRMAN FERGUSON: Yeah, I understand.
 25 Anybody else?

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1 MS. LAMBRINIDES: Mr. Ferguson?
 2 CHAIRMAN FERGUSON: Yes.
 3 MS. LAMBRINIDES: Mr. Albanese?
 4 VICE CHAIRMAN ALBANESE: Yes.
 5 MS. LAMBRINIDES: Mr. Terranova?
 6 MR. TERRANOVA: No.
 7 MS. LAMBRINIDES: Mr. Min?
 8 MR. MIN: Yes.
 9 MS. LAMBRINIDES: Ms. Yoon?
 10 MS. YOON: Yes.
 11 MS. LAMBRINIDES: Mr. Carnovale?
 12 MR. CARNOVALE: Yes.
 13 MS. LAMBRINIDES: Mr. Lefteriou?
 14 MR. LEFTERIOU: Yes.
 15 CHAIRMAN FERGUSON: Thank you, Counsel.
 16 Next we're going to get back on the
 17 agenda. You're going to leave us.
 18 MR. BIRCHWALE: Yes.
 19 (Whereupon, Diane Testa returns to the
 20 dais. Albert Birchwale, Esquire departs the
 21 meeting.)
 22 CHAIRMAN FERGUSON: Next is 435
 23 Highland Avenue. And I believe it's -- right, you
 24 have to recuse yourself.
 25 MS. TESTA: Let the record reflect that

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1 (No response.)
 2 CHAIRMAN FERGUSON: Okay. Do you want
 3 to sum up, Counsel.
 4 MR. MACRI: Sure.
 5 Mr. Chairman, you heard the testimony
 6 of our architect as well as our Professional Planner,
 7 Mr. Spatz. This proposal does meet both the positive
 8 and negotiate criteria and has no substantial
 9 detriment to the ordinances of the Borough of
 10 Palisades Park; therefore, I would request
 11 respectfully that you vote favorably on this
 12 application.
 13 CHAIRMAN FERGUSON: Can I get a motion?
 14 VICE CHAIRMAN ALBANESE: I make a
 15 motion we accept.
 16 CHAIRMAN FERGUSON: There's a motion on
 17 the floor to accept with that one proviso.
 18 MR. CARNOVALE: One side door.
 19 CHAIRMAN FERGUSON: Also, we're going
 20 to insist on one side door and a \$2,000.00 donation
 21 to the Preservation Fund.
 22 MR. CARNOVALE: There you go.
 23 CHAIRMAN FERGUSON: Can I get a second?
 24 MR. CARNOVALE: I second.
 25 CHAIRMAN FERGUSON: Roll call?

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1 Mr. Lefteriou has recused himself due to a conflict.
 2 (Whereupon, Mr. Lefteriou recuses
 3 himself and steps off the dais.)
 4 CHAIRMAN FERGUSON: Okay.
 5 MS. TESTA: Proof of Service has been
 6 complied with.
 7 As the attorney mentioned, this matter
 8 has been originally listed for the July meeting of
 9 the board of adjustment, but it has been postponed
 10 and notice has been given at each respective meeting.
 11 Jurisdiction has been met.
 12 CHAIRMAN FERGUSON: Counsel.
 13 MR. RAMUNDO: Thank you very much.
 14 Mr. Chairman, Ms. Testa, Mr. Collazuol, Honorable
 15 Board Members, Members of the Public, good evening.
 16 My name is Marc Ramundo my office isn't far from
 17 here, 416 Central Boulevard.
 18 I'm here representing the applicant
 19 tonight who is -- applicants are Hosu and Jeong Lee.
 20 They're not only residents of the town, but they're
 21 also owners of the subject property here at 435
 22 Highland Avenue designated as Block 211, Lot 19, in
 23 the AA development.
 24 The applicant comes before this board
 25 respectfully requesting certain variance relief and

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1 Site Plan approval to allow the construction of a
 2 duplex -- two-unit duplex-style dwelling on the
 3 43-by-75-by-225-foot deep non -- I'm sorry --
 4 preexisting nonconforming lot.
 5 As set forth on the plans and in the
 6 application submitted, the applicants' architect,
 7 Mr. Cocoros has prepared a set of plans that propose
 8 a certain layout of the new dwelling on the existing
 9 lot that would require the following variances. Lot
 10 width, again because of the narrow 43.75 preexisting
 11 nonconforming lot, we have building coverage, right
 12 side yard, combined side yard and building height.
 13 Mr. Cocoros, the applicants' architect,
 14 will explain the proposed layout of the home as
 15 depicted on the plans submitted and will explain in
 16 detail each variance and why each variance is needed,
 17 especially in the light of the exceptional conditions
 18 of this lot; namely, the topography. That's why we
 19 have a lot of members here tonight -- a lot of
 20 residents, Because of the significant drop-off from
 21 the front to the rear. Mr. Cocoros went to great
 22 lengths to try and contain the drainage, taking
 23 Mr. Collazuol's comments and analysis in mind to
 24 catch that water going downhill and also to explain
 25 the preexisting nonconforming lot.

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00:00 1 hand.
 00:00 2 Do you swear that the testimony you
 00:00 3 will give in this application will be the truth, the
 00:00 4 whole truth and nothing but the truth, so help you
 00:00 5 God?
 00:00 6 MR. COCOROS: I do.
 00:00 7 V A S S I L I O S C O C O R O S,
 00:00 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.
 15 CHAIRMAN FERGUSON: Again, Mr. Cocoros,
 16 we're all going to be listening very closely to
 17 drainage.
 18 MR. COCOROS: This is the plans that
 19 were last submitted. Originally we had a three-unit
 20 proposed on the property; however, we brought this
 21 down to a two-family.
 22 The lot, as mentioned, is almost a
 23 double lot. It's 9,843.75 square feet. It's
 24 43-nine-inches wide and 225 feet deep.
 25 Our new proposal is a side-by-side

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1 As will be explained in his testimony,
 2 Mr. Cocoros went to great lengths, again, to propose
 3 this layout consistent with the prior board approvals
 4 and keeping in mind the concerns of the residents,
 5 especially the neighboring residents who live down on
 6 the hill there, and the topography of the lot.
 7 Most notable, a drainage plan was
 8 submitted.
 9 CHAIRMAN FERGUSON: What plan was
 10 submitted?
 11 MR. RAMUNDO: A drainage plan.
 12 CHAIRMAN FERGUSON: I don't think -- I
 13 thought I read your report where you said that the
 14 drainage plan was not submitted.
 15 MR. COLLAZUOL: They have a drainage
 16 plan, Joe. They have a plan. The calculations
 17 haven't been submitted.
 18 CHAIRMAN FERGUSON: The what hasn't
 19 been.
 20 MR. COLLAZUOL: The drainage report
 21 hasn't been submitted. A drainage plan has been
 22 submitted.
 23 MR. RAMUNDO: So without further ado,
 24 let's have Mr. Cocoros testify. He's been here.
 25 MS. TESTA: Please raise your right

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1 duplex dwelling. The proposed dwelling at the widest
 2 point would be 37 feet, and we're proposing a depth
 3 of 94 feet.
 4 However, the building, itself, has been
 5 narrowed at the front to accommodate the staircases.
 6 The staircases will not be sticking out into the
 7 front yard; they'll be at the side of the building
 8 within the proposed main setback of the building.
 9 We have 3 -- approximately 3 feet 4
 10 inches -- slightly over 3 feet 4 inches to the
 11 staircases. And then the staircases, themselves, are
 12 4 feet wide at the front. At the back, we have a
 13 setback of 3 feet 4-and-three-eighth of an inch to
 14 the main building.
 15 The building, itself, has been set back
 16 35 feet. The front parking area is basically blocked
 17 by the building, itself. So the headlights can't
 18 reach the back of the property.
 19 The property, itself, does have quite a
 20 bit of a drop off, which lends to the height variance
 21 that we're requesting. From front to back where our
 22 building is, we have an approximate difference of 5
 23 to 6 feet. When measured from the driveway, our
 24 driveway is at -- our garages, we have 75.33 feet.
 25 At the back we are at 69, which lines up with the

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1 existing grade. We're not building any retaining
 2 wall on the property. We're basically following the
 3 natural grade and not elevating it. So the
 4 difference from front to back adds to the variance
 5 for the height, itself.

6 The building, from the rear of the
 7 property we have to the actual main building, itself,
 8 we have 95-feet-and-one-eighth of an inch at the
 9 closest point since the lot is slightly irregular.
 10 To the deck we have 83 feet-one-and-a-quarter inches.
 11 So you basically have almost a full lot between the
 12 building back and the rear property line.

13 The setup of the duplex is a
 14 side-by-side configuration on three levels. Since
 15 the property does drop off, we do step the basement
 16 like we've done before on these type of properties.
 17 It's an all brick structure. We do have bay windows
 18 in the front that align with the garages.

19 If you go to Sheet A-2, the floor plan,
 20 in front we have a garage. We have a recreation
 21 room. Then at the back we also have a French door
 22 that brings you out to the backyard, the masonry
 23 platform. We have a closet, hallway, staircase up to
 24 the first floor, which is the main living space.

25 At the front, we have -- on the main
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1 drainage report to make sure that the system that
 2 does get installed works.

3 In addition, we would want to see if we
 4 have to put in field inlets at the back to catch any
 5 runoff as it heads back.

6 CHAIRMAN FERGUSON: But that's part of
 7 Mr. Collazuol's comments, correct?

8 MR. COCOROS: Correct.

9 CHAIRMAN FERGUSON: I thought -- didn't
 10 he say something about in the back to raise the
 11 drainage and grading? Didn't he say something about
 12 grading, grading to reduce the runoff.

13 MR. COCOROS: Yes. Protection of
 14 adjacent buildings, sidewalks, steps. A closed
 15 retaining wall shown along the side with filling
 16 limits in the wall shall have a minimum of 4 feet.
 17 The proposed wall has been removed. So there's no
 18 retaining wall on the property anymore.

19 CHAIRMAN FERGUSON: I know. But I'm
 20 interested in what it says, "grading to reduce the
 21 runoff." Mr. Collazuol is going to have a couple
 22 comments.

23 MR. COCOROS: So you mean raise the
 24 back of the property to help slow it down?

25 MR. COLLAZUOL: The recommendation is
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1 living space, we have a living room, a dining room.
 2 We have a home office. At the back we have a
 3 kitchen, a family room, and a deck off the back as
 4 well.

5 The deck, itself, is 11 feet deep.
 6 Each deck is 16 feet wide. It's located at the
 7 center of the property.

8 The top floor, we have it set up in the
 9 four-bedroom configuration on each side, with the
 10 master being at the back. The master having its own
 11 en suite master bathroom, walk-in closets, and a
 12 dressing area.

13 At the front, we have the three
 14 bathrooms. There is a shared hallway bathroom for
 15 Bedroom 2 and 3. Bedroom Number 4 has its own
 16 ensuite at the front.

17 The footprint here is 3,294 square feet
 18 at the basement with bay windows at the front, which
 19 is the only place we have a bay window on this. It's
 20 3,330 square feet

21 CHAIRMAN FERGUSON: What was the
 22 comment about the drainage.

23 MR. COCOROS: The drainage, I guess we
 24 do need a drainage report. You know, if this is
 25 approved or if it gets approved, we have to get a
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1 to place yard inlets at the rear of the site and
 2 grade it gently towards that, directed to those lawn
 3 inlets.

4 MR. COCOROS: So we would keep the
 5 existing grade, but we could take areas, put lawn
 6 inlets and have that gently go to the inlets at the
 7 back. Once it gets towards the back, we would do it
 8 in a couple areas.

9 MR. COLLAZUOL: I would think you would
 10 put at least two lawn inlets close to the -- 5 foot
 11 off each corner, ten foot off each corner, and have a
 12 separate system for that. Split the system so that
 13 you have half the roof going to the front, a separate
 14 system in the front. So you have basically three
 15 systems. Shown as Item Number 4 in our report dated
 16 October 17.

17 MR. COCOROS: So it would be three
 18 systems. It would be the one for the front that
 19 would drain the front roof leaders into a system
 20 under the driveway.

21 MR. COLLAZUOL: Yes.

22 MR. COCOROS: Located far enough from
 23 the sanitary line and the water line.

24 MR. COLLAZUOL: Right.

25 MR. COCOROS: There would be one in the
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1 back for the actual building, and then one further
 2 back for an inlet close to where the shed is in the
 3 back.
 4 MR. COLLAZUOL: Yes, that's our
 5 recommendation.
 6 MR. COCOROS: How would you like the --
 7 I guess use the runoff area for the backyard to
 8 calculate the size of this system in the back.
 9 MR. COLLAZUOL: Yes. You're capturing
 10 the existing runoff with the proposed roof. So
 11 you'll have minimum coming from the building area,
 12 some water from the side for each of the yards. But
 13 predominantly you have 95 feet that you're trying to
 14 catch runoff from.
 15 MR. COCOROS: I guess you would take a
 16 certain percentage of what the area is for the soil
 17 and figure it out?
 18 MR. COLLAZUOL: Yes. I think the Soil
 19 Report is going to be instrumental in this design.
 20 MR. COCOROS: Okay.
 21 CHAIRMAN FERGUSON: Okay. So what is
 22 the distance from the building, the end of the
 23 building to the end of your property.
 24 MR. COCOROS: It's a little bit
 25 irregular. So at the closest point, we have 95 feet

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1 test at all those locations.
 2 CHAIRMAN FERGUSON: Who would get that?
 3 MR. COCOROS: That would be Johnson --
 4 that would be the consultant of the owner. So either
 5 Johnson Soils or whoever does the perc test.
 6 CHAIRMAN FERGUSON: Who gets that test?
 7 MR. COCOROS: It would be submitted to
 8 Steve's office in conjunction with what we're
 9 proposing to make sure that what we propose works
 10 with the soil that's there. If the soil does not
 11 perc properly, we would have to design a new system
 12 that would work with the soil conditions. That would
 13 also be submitted to Steve for his review and
 14 approval.
 15 CHAIRMAN FERGUSON: Okay. So at all
 16 stages, Steve would get involved in this process?
 17 MR. COCOROS: Correct.
 18 I guess, would you inspect them also
 19 after they get put in.
 20 MR. COLLAZUOL: Yes.
 21 We usually get called when it's subject
 22 to a resolution from the board of adjustment. The
 23 building department reads the resolution and
 24 indicates that the borough engineer will be the one
 25 that inspects the installation of the drainage

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1 to the building, and we have
 2 83-feet-one-and-a-quarter inch to the deck.
 3 CHAIRMAN FERGUSON: Okay. And,
 4 obviously, you're going -- I have, I guess, three or
 5 four pages from Mr. Cocoros -- I'm sorry -- from
 6 Mr. Collazuol.
 7 I assume you're going to -- all these
 8 things that I see says this remains, this remains,
 9 you're willing to do all that?
 10 MR. COCOROS: Yeah. It would be
 11 subject to -- yeah, we would comply with the report
 12 and his recommendations.
 13 CHAIRMAN FERGUSON: Okay. Just so I'm
 14 clear on this, you're building the house, right.
 15 MR. COCOROS: Um-hm.
 16 CHAIRMAN FERGUSON: At some point do
 17 you contact Mr. Collazuol to come out? How do -- I'm
 18 trying to get to, how do we -- when we want to --
 19 say, we have three, you know, three systems with, you
 20 know, stuff in the back. When does Mr. Collazuol get
 21 involved in that?
 22 MR. COCOROS: I guess first he'll start
 23 with the review of the plans to make sure we comply
 24 with his configuration.

Next would be the soil testing for perc
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1 system.
 2 CHAIRMAN FERGUSON: So at every step of
 3 this process Steve's going to say okay.
 4 MR. COCOROS: Correct.
 5 CHAIRMAN FERGUSON: Do I have that.
 6 Yeah, okay.
 7 Any other board members have any
 8 questions?
 9 Okay, Steve, do you want to add
 10 anything?
 11 MR. COLLAZUOL: Just to reiterate,
 12 Bill, you've got the October 17th report, and you
 13 confirm that you'll comply with that report, in
 14 addition to what we just discussed here in part Item
 15 Number 4 and so on.
 16 MR. COCOROS: Yes.
 17 MR. COLLAZUOL: I have nothing further.
 18 CHAIRMAN FERGUSON: How far from the
 19 back property line are you going to put one of your
 20 systems? You're going to put one in the front and
 21 one in the back?
 22 MR. COCOROS: The one in the back, I
 23 guess, we'd probably keep them -- let's say, the
 24 field inlets will be 10 feet off the side and 10 feet
 25 off the back, because you've got those trees in the

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1 one corner. Then I guess maybe 10 feet in front of
 2 that. So you're probably at least 20 feet from the
 3 back property. I mean, I would try to locate it, I
 4 guess, as far as we can away from that and have it
 5 lower than our neighbors, you know, so it doesn't,
 6 you know, go downhill towards them.
 7 CHAIRMAN FERGUSON: Okay. Now, see, I
 8 have my assistant here, and she's telling me that
 9 you've got bathtubs in the basement.
 10 Is that possible?
 11 MR. COCOROS: Yes, I think it is.
 12 CHAIRMAN FERGUSON: I don't understand.
 13 Mr. Cocoros, we go through this every meeting. I
 14 don't -- I don't get it.
 15 Why continuously?
 16 MR. TERRANOVA: There's more too. How
 17 many do you have on each floor? On the top floor.
 18 MR. COCOROS: Well, the first floor --
 19 it's basically a double lot. We have two units on
 20 the lot.
 21 MR. TERRANOVA: I know. One, two,
 22 three, four bathrooms. Four bathrooms with tubs, the
 23 entire place.
 24 MR. COCOROS: Yes.
 25 CHAIRMAN FERGUSON: To be honest with
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1 MR. COCOROS: Yes.
 2 CHAIRMAN FERGUSON: Counsel?
 3 MR. RAMUNDO: Yes, that's correct.
 4 CHAIRMAN FERGUSON: Okay.
 5 Anybody else?
 6 (No response.)
 7 CHAIRMAN FERGUSON: Okay. Judd, do you
 8 have anything?
 9 MR. ROCCIOLA: The only thing, could
 10 you just make a comment whether or not your parking
 11 meets all the RSIS standards, or are you asking for a
 12 variance for that.
 13 MR. COCOROS: We do have basically
 14 three spaces. We have a one-car garage in there. We
 15 have -- it's actually four tenant spaces, but I'm
 16 only counting the two that are in front of the
 17 garage. So it's three spaces per unit. You also
 18 have two overflows in front of them.
 19 MR. ROCCIOLA: So that's because you
 20 don't have to count every car that's in there, you
 21 have sufficient depth to meet the 20-foot depth per
 22 car as well?
 23 MR. COCOROS: Yes. We have 35 feet to
 24 the building, itself. There's also another 6 to 8 --
 25 6 to 8 feet from the right-of-way line to the actual
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1 you, I mean, I'm concerned with the bathtub behind
 2 the garages. I mean, the house is 90 feet long. I
 3 mean, the property is 225 feet.
 4 So I'm not really too concerned about
 5 the amount of bathrooms in the house proper. I'm
 6 concerned about the tub that's behind the garages.
 7 So that's just me. I mean, other board members have
 8 their -- they can vote for it or against it, you
 9 know.
 10 MR. CARNOVALE: I would think that he
 11 likes to the tubs out from downstairs to get away
 12 from the illegal renting of the basement. But
 13 upstairs they can have 15 tubs.
 14 MR. COCOROS: We'll take out the tub.
 15 CHAIRMAN FERGUSON: The tub behind the
 16 garage.
 17 MR. COCOROS: Yes.
 18 MR. CARNOVALE: And no shower, right?
 19 MR. COCOROS: No shower.
 20 MR. CARNOVALE: So you'll put that in
 21 the resolution.
 22 CHAIRMAN FERGUSON: Allow a sink and a
 23 toilet.
 24 MS. TESTA: Right. You're amending
 25 your plans to have a powder room?
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1 sidewalk.
 2 The sidewalk, itself, there's also
 3 approximately 10 feet and 10 more feet to the curb.
 4 Highland is a wider street so it has a bigger
 5 right-of-way area. So we have more than enough
 6 between the edge of the sidewalk and the proposed
 7 building to fit a real car.
 8 MR. ROCCIOLA: I just wanted to make
 9 sure the board understands.
 10 CHAIRMAN FERGUSON: Yeah, okay. You're
 11 going to wait for the planner.
 12 MR. KAUKER: Yeah. I have no questions
 13 of the architect.
 14 CHAIRMAN FERGUSON: Next we'll turn it
 15 over to residents that live in the immediate area.
 16 Cindy, name and address?
 17 MS. PIRRERA: So I think in layman's
 18 terms we need to make things much clearer for all.
 19 MS. LAMBRINIDES: Can you state your
 20 name for the record, please.
 21 MS. PIRRERA: Cynthia Pirrera, 434
 22 Hillside Avenue, Palisades Park.
 23 So as far as the drainage situation,
 24 you're going to test that soil?
 25 MR. COCOROS: Yes.
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1 MS. PIRRERA: We've had a lot of
2 serious issues for a very long time. I'm very
3 concerned about something being approved, and we want
4 to make very sure that when that testing comes back,
5 that can change things drastically.

6 I personally think there's a real
7 issue. That's just a personal guess. I'm surely not
8 an expert, but it's my guess, okay.

9 So that concerns me a little bit, when
10 they approve something without really having all the
11 facts.

12 Having said that, I trust the fact that
13 Mr. Collazuol will be involved and I know that he
14 will be on top of it. He's been around for a very
15 long time. I won't say long long, because he's not
16 that old. But he will of course watch everything and
17 oversee it.

18 The drainage situation in the back is
19 going to require several obviously drainage. The
20 other particular with that particular yard, because
21 I'm to the left and my other neighbor is to the
22 right, and this is the neighbor directly behind -- is
23 that particular slope goes right into their life,
24 into their yard. It's a little bit different than
25 the property on either side, which is a very large

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1 Now, I think I was under the impression
2 the driveway, the grade is going to come up and the
3 driveway is going to pitch to Highland Avenue?

4 MR. COCOROS: Correct.

5 MS. PIRRERA: They're no longer going
6 to pitch to the back of the property, which should
7 give some relief.

8 MR. COCOROS: Correct.

9 MS. PIRRERA: You're providing for
10 drainage in the first half of the building, and then
11 you're providing more drainage to the second half of
12 the building.

13 MR. COCOROS: Yeah. So what we do is
14 we try to maximize, get as much of the roof to the
15 front as opposed to the back, because that would help
16 bring it towards -- let's say we can take the first
17 instead of half of the building, try to get a little
18 bit more and get that towards the front, we can try
19 to figure out where the roof leaders would be to
20 catch whatever roof leaders from the halfway point to
21 behind that to the front as best we can.

22 MS. PIRRERA: Have drainage there.

23 MR. COCOROS: For the back third, the
24 back third, have those go to the back. And then a
25 separate system for the inlets in the back. I guess

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1 drop. Their kind of just floats right into the
2 yard. So you're going to need the landscape inlets.
3 But you're also going to have to create some kind of
4 side fence, I would think.

5 Am I correct, Barbara?

6 So I think that's something that you're
7 going to have to put in before anything is approved,
8 that there will be a privacy fence installed along
9 with landscaping inlets. Because you don't want to
10 create a dam situation of water just gathering.

11 Because honestly, unless you've
12 experienced it, there have been storms where I have
13 the photos, as if there is a geyser coming out of the
14 ground and pouring into all of our yards. You could
15 literally swim in my backyard. So it's really a huge
16 issue. I put in French drains, sump pumps. We still
17 get flooded. So it is a really bad situation. And I
18 feel very concerned for all of us that this is going
19 to create more of a situation.

20 It's not the building, itself. It's
21 not the height. It's none of those things. I think
22 the thing that we want to be guaranteed here,
23 especially Barbara and Mike, is about the drainage
24 and the seepage and what you're going to do, whether
25 it requires in the front.

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1 once we see the site conditions, if we do a fence, we
2 might do a small landscaping wall, you know, to help
3 catch it instead of going right to the neighbors. Do
4 a 2-foot wall, which is not a structural wall, to
5 create that --

6 MS. PIRRERA: More of a landscape feel.

7 MR. COCOROS: Yeah, like a landscape.

8 Like a hard edge, that could also help slow the water
9 down before it gets to the property itself.

10 MS. PIRRERA: Also there's going to be
11 a privacy fence? We just want to know that that's
12 going to be part of the approval.

13 CHAIRMAN FERGUSON: We're going to
14 mandate that.

15 MS. PIRRERA: Okay. Barbara would like
16 to ask...

17 CHAIRMAN FERGUSON: Sure.

18 MS. MIRAKIAN: Barbara Mirakian, 432
19 Hillside.

20 Now, this is property is right in front
21 -- is back -- in front of me. It's right there. And
22 I've lived there 43 years, and I've never had any
23 obstruction whatsoever between my property and that
24 property; it's, like, wide open.

25 CHAIRMAN FERGUSON: Right.

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1 MS. MIRAKIAN: So my main concern is
2 all these drainage things sound wonderful, but when
3 everything is finished and I still have water pouring
4 into my property, I want to know my recourse. That's
5 what I really need to know. I mean, I know you're
6 taking all these --

7 MS. TESTA: Right. I mean, the current
8 situation right now, it doesn't sound like there is
9 much drainage back there. It definitely seems it's
10 going to be an improvement.

11 MS. MIRAKIAN: That land hasn't been
12 touched in 43 years, okay. That ground hasn't been
13 touched in 43 years.

14 MS. TESTA: But you're still getting
15 water, as we speak today.

16 MS. MIRAKIAN: No, I don't get that
17 much water.

18 MS. TESTA: The applicant is going to
19 be working with the board engineer to install
20 drainage that's going to, hopefully, right, alleviate
21 the problem so that you shouldn't have water.

22 Again, there's going to be a perc test,
23 and the board engineer is going to be reviewing the
24 process step by step. So it's not going to be built
25 and then they're going to determine that they need

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1 you looking for? How high do you want it? I mean,
2 because we're going to mandate, I think...

3 MS. MIRAKIAN: Excuse me, Mr. Chairman.

4 MS. TESTA: I think this is for

5 Barbara? You're asking Barbara that question.

6 CHAIRMAN FERGUSON: No. The privacy
7 fence.

8 MS. TESTA: Right, the privacy fence.

9 MR. MIRAKIAN: I've got a couple

10 questions here, Mr. Chairman.

11 Michael Mirakian, 432 Hillside Avenue.

12 My property is immediately behind the
13 proposed property and the construction here. If I
14 may ask a few questions --

15 CHAIRMAN FERGUSON: Absolutely.

16 MR. MIRAKIAN: -- before I give my
17 comments.

18 CHAIRMAN FERGUSON: Yeah, sure.

19 MR. MIRAKIAN: On the last plans that
20 you had, which were altered, if I'm not mistaken, you
21 had three water containment drums in the back of the
22 property.

23 MR. COCOROS: Yes.

24 MR. MIRAKIAN: Is that still the case?

25 MR. COCOROS: No. We're going to

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1 something additional. They're going to be reviewing
2 it, the perc test with the plans themselves as far
3 as...

4 So really none of us can guarantee that
5 you're not going to have an issue, but it definitely
6 sounds like it's going to be an improvement over what
7 you presently have today.

8 MS. MIRAKIAN: I'm just very concerned
9 because I don't want a worse situation. Like I said,
10 this property is a drop of 12 feet. From that
11 property down to our house is 12 feet. And it's not
12 too much of an issue. But now it's going knocking
13 stuff down and digging stuff up, you know.

14 MS. TESTA: The rear yard is still
15 going to be substantial compared to -- you know, most
16 rear yards are 25 feet. This application is giving
17 additional.

18 Again, with the lawn drains and the
19 drains in the front of the building, the slope of the
20 leaders to the front, it should definitely help your
21 situation.

22 MS. MIRAKIAN: Well, I just hope it
23 does not make it worse, that's all.

24 CHAIRMAN FERGUSON: Let's just get back
25 to the private -- the fence. What kind of fence are

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1 modify. If this is approved, we would modify our
2 plans to match recommendations that we just heard
3 tonight as far as separating the system. That's just
4 before it's fine-tuned. Before it's installed, we
5 have to make sure that the soil can do it. If the
6 soil meets certain conditions, the system, itself,
7 might be chamber system that could be spread out and
8 not as deep.

9 There's different options we could work
10 with once we see what the actual subsurface
11 conditions are.

12 MR. MIRAKIAN: Okay. You do realize
13 that right underneath this property -- as a matter of
14 fact, all of the properties on Highland and Hillside,
15 we're on the dip slope of the Palisade mountain, also
16 known as the Palisade (inaudible). You don't have to
17 go down too far and you're going to be hitting
18 impervious rocks. That runoff is exacerbated by
19 this.

20 What happens when these containments --
21 these containment drums are filled? There's an
22 overflow, isn't there? And is there a way --

23 MR. COCOROS: Well, the overflows are
24 usually at -- we have them at the actual leader pipes
25 where they go onto the ground. There's a sleeve that

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1 goes in there. There's an overflow that acts as an
 2 overflow for the --
 3 MR. MIRAKIAN: What happens to the
 4 overflow? What happens to that overflow? Is it on a
 5 pump?
 6 MR. COCOROS: No. It actually spills
 7 out into the grass.
 8 MR. MIRAKIAN: On to my property.
 9 MR. COCOROS: Well, not your property.
 10 It's on our property.
 11 MR. MIRAKIAN: Okay, that was question
 12 number one.
 13 Question No. 2, you said there was
 14 going to be a backyard kitchen in the basement?
 15 MR. COCOROS: No.
 16 MR. MIRAKIAN: I distinctly heard you
 17 say something about a backyard kitchen.
 18 MR. COCOROS: No. We have a patio --
 19 we have a French door and a platform that takes you
 20 down to the backyard under the deck.
 21 MR. MIRAKIAN: So the basement does not
 22 have a kitchen.
 23 MR. COCOROS: No kitchen. No full
 24 bath. Just a powder room.
 25 MR. MIRAKIAN: Okay. I misunderstood.

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1 versus -- the code measures to the midpoint of the
 2 roof. You're asking the high point of the roof. The
 3 code is 28 feet measured to the midpoint of the roof.
 4 At the front to the midpoint of the roof we have 31
 5 feet 3 inches.
 6 MR. MIRAKIAN: Okay. But in the front
 7 it's 34 feet.
 8 Is that correct?
 9 MR. COCOROS: To the peak.
 10 MR. MIRAKIAN: I'm sorry.
 11 MR. COCOROS: To the peak of the roof,
 12 the high point.
 13 MR. MIRAKIAN: In the front?
 14 MR. COCOROS: Yes. Which is not the
 15 way the code measures it.
 16 MR. MIRAKIAN: You're really asking for
 17 a variance for what? Five feet.
 18 MR. COCOROS: We're asking for a
 19 variance. We have the 28 feet to the midpoint.
 20 Since the property has approximately 5
 21 foot or actually more than 5 feet of drop-off to
 22 where our building ends, we have a variance of 6 feet
 23 9 inches. We could have raised the property.
 24 MR. MIRAKIAN: What is the height in
 25 the back of the building? And I don't want midpoint.

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1 I thank you for the clarification.
 2 How high is this building in the front?
 3 MR. COCOROS: We're three stories.
 4 MR. MIRAKIAN: From grade up to the
 5 top.
 6 MR. COCOROS: We measured the roof from
 7 the midpoint as the height. We have 34 feet 10
 8 inches at the front. A three-story configuration.
 9 The driveway, itself, is slightly higher than the
 10 sidewalk on Highland, so the water does not go
 11 towards the garage.
 12 MR. MIRAKIAN: No. That's not my
 13 question. My question is the height, because you
 14 asked for a height variance.
 15 MR. COCOROS: Yes, 34 feet 10 inches.
 16 MR. MIRAKIAN: What is code?
 17 MR. COCOROS: Well, code is 28 feet to
 18 the midpoint.
 19 MR. MIRAKIAN: I'm sorry, when you
 20 talk, I can't hear you.
 21 MR. COCOROS: I'm sorry. At the front
 22 we have 31 feet 3 inches to the midpoint of the roof.
 23 MR. MIRAKIAN: That wasn't my question,
 24 sir. I didn't ask you about midpoint.
 25 MR. COCOROS: You're comparing the code

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1 I want the height.
 2 MR. COCOROS: Well, the height to the
 3 roof peak is 41 feet 2 inches at the back.
 4 MR. MIRAKIAN: Forty-one feet, two
 5 inches.
 6 MR. COCOROS: Correct.
 7 MR. MIRAKIAN: That's almost a
 8 four-story building, is it not, correct, in the back.
 9 MR. COCOROS: We could have built a
 10 retaining wall without a variance and it could be
 11 more.
 12 MR. MIRAKIAN: I understand that. But
 13 I have to look onto a four-story building where there
 14 isn't one now.
 15 MR. COCOROS: Well, the building from
 16 the rear, we have 100 feet -- I'm sorry -- we have 95
 17 feet to the building from the back of the property.
 18 MR. MIRAKIAN: We almost have 95 feet
 19 right now, don't we? The existing building is not 41
 20 feet high, is it?
 21 MR. COCOROS: No.
 22 MR. MIRAKIAN: So you're asking for a
 23 variance. And I asked you and Mr. Ramundo the last
 24 time that you were here if you would consider asking
 25 the owner of the property or the builder to put the

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1 driveway on a decline so that you wouldn't have to
 2 ask for a height variance. And you said you would go
 3 to the builder. And I take it either they said no or
 4 --
 5 MR. COCOROS: They would like --
 6 MR. MIRAKIAN: I know what they would
 7 like. But I would like them to present it so the
 8 height of the building is not oppressive for me.
 9 You understand my position here, don't
 10 you?
 11 There are three very old, very tall,
 12 and very mature trees on the southeast corner of the
 13 property. And, quite frankly, we had discussed it
 14 with the previous owner of the property. And he was
 15 mulling whether he was going to either take them down
 16 or to pare them significantly. They pose a danger.
 17 I would like a consideration for either removing or
 18 to severely cutting them back so they don't pose a
 19 danger right now. We've got children next door.
 20 MR. COCOROS: That's the back property,
 21 the back corner.
 22 MR. MIRAKIAN: The southeast corner.
 23 MR. COCOROS: Is that southwest; do you
 24 mean?
 25 MR. MIRAKIAN: As you're looking from

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1 having variances that ignore that.
 2 So I'd like to voice my sincere
 3 objection respectfully that I wish not to have a
 4 height variance, and I wish for the side variance to
 5 be pared back.
 6 Thank you very much, Mr. Chairman.
 7 CHAIRMAN FERGUSON: Is there anything
 8 you can do to significantly lower that house?
 9 MR. COCOROS: We have a 4-on-12 roof
 10 pitch. You know, we can try to bring it down. I
 11 mean, you could go to 3-on-12 if we have to. As far
 12 as, I've got to talk to the client, you know, if he
 13 wants to lower it.
 14 Right now the driveway, itself, is
 15 approximately 3 inches higher than the existing grade
 16 on the left-hand side. So I would have to ask the
 17 client, you know, if he wants...
 18 MS. PIRRERA: What is the ceiling
 19 height in that top floor? Are they 8-foot ceilings.
 20 MR. COCOROS: On the top floor is 8
 21 feet. We have 9 feet on the first floor, which is
 22 typical. We have 8 feet on the --
 23 MS. PIRRERA: They're 8-foot ceilings.
 24 MR. COCOROS: Yeah, on the top floor,
 25 yes.

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1 the front of the building to the left in the back,
 2 there are three very mature trees there. And I would
 3 like very much for your consideration to either
 4 remove them or to pare them down significantly.
 5 MR. COCOROS: Yeah, that can be done.
 6 MR. MIRAKIAN: Okay, Mr. Chairman
 7 CHAIRMAN FERGUSON: Yes.
 8 MR. MIRAKIAN: I'd like to make my
 9 comment at this point.
 10 CHAIRMAN FERGUSON: Fire away.
 11 MR. MIRAKIAN: I appreciate the
 12 consideration, but I object to a height variance. I
 13 don't really think it's necessary. I don't see -- a
 14 variance is supposed to be for a hardship. I really
 15 don't see the hardship to have a building that's
 16 going to be 41 feet in the back. And I have to look
 17 at that. And I really don't see a reason to be
 18 pushing the limits of 6 feet higher in the front.
 19 Likewise, for my neighbors on Highland
 20 Avenue, I also support them in objecting to the side
 21 yard 3 foot -- 3-and-a-quarter-foot variance.
 22 They're making Palisades Park a very congested place
 23 here. We used to have a place where kids used to
 24 play in the backyard and stuff. And I don't see that
 25 going on. We have a Master Plan, and we seem to be

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1 CHAIRMAN FERGUSON: Vinnie, do you want
 2 to say something.
 3 MR. CARNOVALE: Yeah. I just wanted to
 4 say something. With all due respect to that
 5 gentleman, lowering the driveway, as you mentioned,
 6 it's going to pitch into their garage, so that water
 7 would have to go toward the back.
 8 MR. COCOROS: We have to do a trench
 9 drain.
 10 MR. CARNOVALE: A trench drain that
 11 would go to the back, sending more water to these
 12 people's properties. So the reason there is, you
 13 want to keep the driveway a little higher than
 14 Highland so the water -- I would even make it a
 15 little higher.
 16 And for the gentleman's -- the purpose
 17 here is the town ordinance doesn't go to the peak of
 18 the roof. So I know you're saying it's 41 feet, but
 19 the town ordinance doesn't say we measure to the peak
 20 of the roof. So sure, it's there.
 21 The other thing is, if you want to cut
 22 down the height of the building, technically you have
 23 to build a 4-foot retaining wall or two 4-foot
 24 retaining walls. So that would be up to
 25 Mr. Collazuol, yourself and the client.

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1 MR. COCOROS: Yes.
 2 On the previous scheme that we had, you
 3 know, the previous proposed three-unit, we did have
 4 4-foot retaining walls on both sides of the property.
 5 We figured here since there was a concern about --
 6 you would basically have a building plus a wall along
 7 the side.

8 MR. CARNOVALE: So to make the
 9 gentleman happy, what do you think that you could
 10 dream of doing?

11 Building a 4-foot wall will bring the
 12 height of the house lower than from his technically.
 13 But what about Mr. Collazuol's input with the
 14 drainage, et cetera, et cetera?

15 MR. COCOROS: I mean, it would impact
 16 having a trench drain. You know, before we just had
 17 the roof leaders. The way it's proposed now, the
 18 actual water would go backwards. It's not even that
 19 steep of a pitch. Basically the pavers, themselves.
 20 have a little bit of a gap, so the water, itself,
 21 will sheet towards the Highland sidewalk. So I would
 22 ask the client, you know, if he wanted...

23 CHAIRMAN FERGUSON: Listen, Vinnie. I
 24 mean, I'm only one board member; you're only one
 25 board member.

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1 MR. CARNOVALE: Exactly.
 2 So that would impact whoever is going
 3 to live in the house. Furthermore, it's going to
 4 impact putting more water in those peoples' yards.
 5 CHAIRMAN FERGUSON: I don't want to do
 6 that.

7 MR. CARNOVALE: Right. But the
 8 gentleman is worried about the height.

9 CHAIRMAN FERGUSON: Let me say this,
 10 I'll probably get in trouble, but I don't care, you
 11 know.

12 MR. CARNOVALE: As long as you get in
 13 trouble.

14 CHAIRMAN FERGUSON: Obviously right now
 15 there's a problem in that area. People are getting
 16 flooded, all their properties. They have swimming
 17 pools in their backyards. So I'm here to try to
 18 mitigate that concern, right?

19 Now, the architect is telling me that
 20 we can't. Because if you're going to build 4-foot
 21 walls, you know, walls, it's going to not mitigate
 22 some of it?

23 MR. CARNOVALE: Exactly.

24 CHAIRMAN FERGUSON: Okay. So I have
 25 respect for this gentleman.

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1 MR. CARNOVALE: I know. I'm just
 2 saying.

3 CHAIRMAN FERGUSON: My view is the
 4 drainage. I don't want to do anything to impede
 5 Mr. Collazuol.

6 MR. CARNOVALE: Right. So dropping the
 7 driveway, Joe, you're going to make the drainage
 8 worse, because that water is going to have to go to
 9 the back.

10 CHAIRMAN FERGUSON: What do you think
 11 we should do?

12 MR. CARNOVALE: Well, I'm not an
 13 engineer. But I guess it would be up to the town
 14 engineer to satisfy the gentleman and the people in
 15 the back to build a retaining wall.

16 CHAIRMAN FERGUSON: Again, I'm only
 17 going to tell you, we're only interested in drainage.
 18 Listen, you know because you and Paulie always had an
 19 issue with drains that went down.

20 MR. CARNOVALE: Right, right.

21 CHAIRMAN FERGUSON: You're right.

22 MR. CARNOVALE: Right.

23 CHAIRMAN FERGUSON: In a spirited
 24 debate we agreed that we don't want that -- anything
 25 going down.

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1 MR. CARNOVALE: I do too. That's why I
 2 mentioned it.

3 CHAIRMAN FERGUSON: Right. He's a
 4 history teacher.

5 Were you a teacher?

6 MS. PIRRERA: Administrative principal.

7 MR. MIRAKIAN: I'm a geologist, okay.

8 CHAIRMAN FERGUSON: Okay. You know,
 9 unfortunately, I think I'm here to mitigate the
 10 drainage.

11 MR. CARNOVALE: I'm with you 100
 12 percent, Joe.

13 MS. GIACOBONE: Excuse me,
 14 Mr. Chairman.

15 CHAIRMAN FERGUSON: Yes.

16 MS. GIACOBONE: Thank you.

17 MS. TESTA: Your name, please.

18 CHAIRMAN FERGUSON: Name and address.

19 MS. GIACOBONE: Susan Giacobone,
 20 G-i-a-c-o-b-o-n-e, 438 Hillside.

21 Everybody was very courteous at the
 22 last meeting when Paul chaired it, and I showed them
 23 pictures of our yard. All right?

24 Based on whatever drainage you are
 25 proposing, which obviously is not working, we have a

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1 foot-and-a-half of water in our yard when there's a
2 heavy rain. And, obviously, where is that going to
3 go? Because where we are on on Hillside, Hillside
4 right into Lawn, is practically an even stretch.
5 Nothing drops off again until Grand Avenue when it
6 goes into the swamp.

7 CHAIRMAN FERGUSON: Unfortunately,
8 you're talking about two geology people in school.

9 MS. GIACOBONE: So whatever was done by
10 LaPino and by Graziano has not worked, certainly not
11 in our favor, even though they have some kind of
12 drainage system in.

13 You also are taking a house 90 feet.
14 Go back to general science. The more land you're
15 digging up and concreting over, hence, that's
16 drainage in essence that you're losing, are you not?
17 There will be no land there to absorb, yeah.

18 So why must you have a 90-foot house?
19 Let's start with that. Given the topography, that we
20 are going to have in our backyard a four-story
21 building. I don't care what privacy fence you put
22 up. Are you going to give me a 4-foot fence with --
23 what the heck is the name of those trees? With
24 Leland Cyprus, nice bushy, very frondlike.

25 I mean, that's great, but, basically,

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1 our tax dollars, divide it by 365.4? I'm sorry.

2 Our basements are flooded; therefore,
3 it's incumbent upon us to put in drainpipes or sump
4 pumps? Why should we have that expense? Is the
5 builder going to do it for us.

6 And I respect what you're trying to do,
7 but there must be a solution, even if it's something
8 as simple as have a house that's 60 feet, have a
9 house that's 50 feet. That's a huge house, is it
10 not? Enjoy the backyard. You said there would be a
11 full lot in the backyard. 95 foot is not a full yard
12 by any stretch of the imagination.

13 CHAIRMAN FERGUSON: Mr. Collazuol,
14 Steve?

15 MS. GIACOBONE: And I respect very much
16 what you're trying to do for our benefit and to
17 preserve our quality of life.

18 CHAIRMAN FERGUSON: Right. Steve.

19 MR. COLLAZUOL: Comment.

20 CHAIRMAN FERGUSON: What say you on
21 this size of house.

22 MS. GIACOBONE: I'm sorry, were you
23 speaking to me?

24 CHAIRMAN FERGUSON: No, no.

25 MR. COLLAZUOL: Presently there is a

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1 all of this is a stop-gap measure. You need to
2 reduce the size of the house. It's not necessary.
3 Is this a hardship? Is that not -- we
4 go back to this all the time. My husband, who served
5 on that board, I'm embarrassed to tell you for how
6 many years, right. It goes back to a hardship. Show
7 me the necessity.

8 MR. COCOROS: Well, the hardship is the
9 parking lot. We're not claiming a hardship for the
10 building footprint. We're claiming the hardship for
11 the drop-off in the property and the narrowness of
12 the existing lot.

13 MS. GIACOBONE: That's not the essence
14 of the hardship for the purposes of the board,
15 though, is it?

16 MR. COCOROS: I'm not a planner, so the
17 planner would have confirm that.

18 MS. GIACOBONE: All right. I don't
19 mince words with you, because we've dealt with each
20 other you're always a gentleman.

21 MR. COCOROS: I try.

22 MS. GIACOBONE: With that said, we are
23 very upset. Our homes for certain days inhabitable.
24 We cannot use our yards.

25 What is the suggestion? We figure out

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1 runoff. Presently there is no system to address
2 runoff.

3 CHAIRMAN FERGUSON: Right.

4 MR. COLLAZUOL: When the applicant and
5 many applicants come before the board with a proposed
6 use, they have to do drainage computations that
7 illustrate the existing runoff versus the proposed
8 runoff. They have to reduce the amount of runoff by
9 developing a drainage system. That's what this
10 applicant has done. So the expectation of the
11 calculations and the design is to reduce the runoff
12 from the site and contain all runoff on site.

13 CHAIRMAN FERGUSON: Correct.

14 MR. COLLAZUOL: And that's the purpose
15 of doing the drainage design and the drainage
16 computations and soil testing. Until that's proven,
17 this applicant will not get a building permit.
18 Whether the building is 60 feet or 70 feet is
19 basically irrelevant to that. It's dependant on the
20 soil conditions.

21 CHAIRMAN FERGUSON: So it's not the
22 size of the building, it's the soil.

23 MR. COLLAZUOL: Correct.

24 CHAIRMAN FERGUSON: Okay.

25 MR. KAUKER: Mr. Chairman?

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1 CHAIRMAN FERGUSON: Yes, wait.
 2 MR. KAUKER: No. I was just going to
 3 make one comment with respect to the length of the
 4 building.
 5 I think we did mention this before. I
 6 don't know if it was on this application or another
 7 application on this property.
 8 I mean, notwithstanding the drainage,
 9 but if you did reduce the length of the building and
 10 maintain that 25-foot front yard setback, you would
 11 be pulling the building further away from the rear
 12 property line; therefore, it would be mitigated.
 13 Also, it would be more into the slope
 14 because the property slopes upward, so you would be
 15 mitigating that height impact somewhat by moving it
 16 further away. The greater the distance, the less
 17 visible it is.
 18 Then it looks like there are some
 19 mature trees that are located on the property line,
 20 so I don't know how many of those you're going to
 21 have to remove as a result of the application or how
 22 many can be saved if the building was not as long.
 23 CHAIRMAN FERGUSON: So you're saying if
 24 you move the building back --
 25 MR. KAUKER: Basically the building is

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1 appear not to be as tall.
 2 CHAIRMAN FERGUSON: Okay. It would
 3 appear that way.
 4 MR. KAUKER: It would appear that way,
 5 yes.
 6 CHAIRMAN FERGUSON: But, Steve, I just
 7 asked that question and Steve said from the side of
 8 the building --
 9 MR. KAUKER: From a drainage
 10 standpoint.
 11 CHAIRMAN FERGUSON: From a drainage
 12 standpoint.
 13 MR. KAUKER: Right.
 14 CHAIRMAN FERGUSON: It makes no
 15 difference if it's 90 or if it's 70.
 16 MR. KAUKER: Right, from a drainage
 17 standpoint. I'm just talking about the impact to the
 18 height of the building since they're requesting a
 19 height variance.
 20 CHAIRMAN FERGUSON: But it's not going
 21 to eliminate the height variance.
 22 MR. KAUKER: No. It's not going to
 23 eliminate it altogether, but it will reduce it, I
 24 would think, in terms of the impact. And it would
 25 definitely reduce the building.

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1 94 feet -- the building is 94 foot in length, which
 2 is pretty long.
 3 CHAIRMAN FERGUSON: Right. That's why
 4 I asked.
 5 MR. KAUKER: Right. I don't know if
 6 there are any buildings that are that long. I mean,
 7 in the neighborhood it doesn't look like it looking
 8 at an aerial photograph. But it would help with the
 9 impact from the height.
 10 CHAIRMAN FERGUSON: So if you reduce
 11 the size of the building --
 12 MR. KAUKER: Yeah. You move it further
 13 away from the rear property line. Because the
 14 problem with the height is at the rear property line,
 15 because the property slopes downward, therefore
 16 there's a greater impact on the people to the rear.
 17 In the front it looks like a three-story building, so
 18 there really isn't any problem with the height at
 19 that point.
 20 But it's really at the rear of the
 21 property line. You would be doing two things. You
 22 would be moving it further away from those neighbors
 23 to the rear, and also it would be more built into the
 24 slope because the property does go up as it goes
 25 closer to the front property line. So it would

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1 CHAIRMAN FERGUSON: Also, you would
 2 make -- the 95 feet that we have now, you would make
 3 that shorter.
 4 MR. KAUKER: You would make it shorter.
 5 And the further away that is from the point, it would
 6 -- obviously it's harder to see.
 7 CHAIRMAN FERGUSON: Yeah. But if
 8 you're moving it towards Hillside --
 9 MR. KAUKER: No. It would stay --
 10 Hillside would maintain the same 25-foot distance.
 11 If you look at the schematics, the height of the
 12 building as it relates to Hillside is only three
 13 stories. If you look at the height as it relates to
 14 the rear property line, it's about 37 feet 7 inches
 15 to the top or to the top of the third floor and 41
 16 feet to the midpoint of the roof. Just something for
 17 the board to consider.
 18 CHAIRMAN FERGUSON: Steve.
 19 MR. COLLAZUOL: Mike, I think you were
 20 using Hillside when you meant Highland.
 21 MR. KAUKER: Highland, yes.
 22 MS. TESTA: Correct.
 23 CHAIRMAN FERGUSON: I want to, before
 24 we go any further to the next one, but I think we're
 25 going to take a small five- or ten-minute break for

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1 the court reporter to relax. So we're going to do a
 2 five- or ten-minute.
 3 (Whereupon, a brief recess is taken.)
 4 CHAIRMAN FERGUSON: Roll call,
 5 attendance.
 6 MS. LAMBRINIDES: Mr. Ferguson?
 7 CHAIRMAN FERGUSON: Here.
 8 MS. LAMBRINIDES: Mr. Albanese?
 9 VICE CHAIRMAN ALBANESE: Here.
 10 MS. LAMBRINIDES: Mr. Terranova?
 11 MR. TERRANOVA: Here.
 12 MS. LAMBRINIDES: Mr. Min?
 13 MR. MIN: Here.
 14 MS. LAMBRINIDES: Ms. Yoon?
 15 MS. YOON: Here.
 16 MS. LAMBRINIDES: Mr. Carnovale?
 17 MR. CARNOVALE: Here.
 18 MS. LAMBRINIDES: Mr. Lefteriou?
 19 (No response.)
 20 MS. LAMBRINIDES: Oh, he recused
 21 himself.
 22 CHAIRMAN FERGUSON: Okay, when we left
 23 we were having a discussion about perhaps cutting the
 24 size of the building down. You had a chance, I'm
 25 sure, to talk to your principals. What say you with
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1 that?
 2 MR. COCOROS: We would like to keep the
 3 building setback the same so we can kind of
 4 accommodate the parking spaces in the front.
 5 However, the client is amenable to
 6 taking 5 feet off the depth of the building, which
 7 would decrease the footprint of the building. We
 8 could also narrow the width of the building at this
 9 time to 8 inches, which would be a 4-inch setback
 10 increase on each side.
 11 So the building, itself, would be
 12 reduced to a width at the widest point of 36 feet 4
 13 inches. And the depth of the building would be
 14 reduced 5 feet to 89 feet.
 15 And then the height, something similar,
 16 we could probably go 3-and-a-half on both to bring
 17 down the height another 6 inches if we had to.
 18 CHAIRMAN FERGUSON: You know, we're
 19 talking about -- I had this discussion with Albanese.
 20 You know, 6 inches, I mean. I mean, my view of it
 21 is, if you're looking at it from the back, I mean,
 22 now you're going to look at 100 feet. You're not
 23 going notice the size of the building because you're
 24 so far away. So it's not 95 -- it's going to be like
 25 100.
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1 MR. COCOROS: Yeah. It will be
 2 100-and-one-eighth, let's say. That's on the closest
 3 side.
 4 CHAIRMAN FERGUSON: You're going to put
 5 something on the sides.
 6 MR. COCOROS: Yes.
 7 CHAIRMAN FERGUSON: Okay, yes.
 8 MR. TOOMAYAN: My name is Richard
 9 Toomayan, 429 Highland Avenue.
 10 I have a suggestion.
 11 CHAIRMAN FERGUSON: Okay.
 12 MR. TOOMAYAN: I think one of the
 13 variances that's requested is called site coverage,
 14 correct?
 15 MR. COCOROS: Yeah.
 16 There's a maximum footprint. We're
 17 actually under the 40 percent. But there's a maximum
 18 footprint of 2,500 square feet on a duplex. But it's
 19 under 40.
 20 MR. TOOMAYAN: I saw that.
 21 So 2,500 square feet is the permit.
 22 And the requested was 3,294, which is almost 800
 23 square feet more. That's the reason for the
 24 variance.
 25 MR. COCOROS: Yes. But it's going to
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1 be less. It's going to be less now.
 2 MR. TOOMAYAN: So, Mr. Chairman --
 3 CHAIRMAN FERGUSON: Yes.
 4 MR. TOOMAYAN: -- I guess myself and my
 5 neighbors are under the impression that a 90-foot
 6 building, a 92-foot building, or however many feet it
 7 is, is an extremely large building for a residential
 8 neighborhood. I mean, what about the character of
 9 the neighborhood? Doesn't everybody ever address
 10 that? What's going on here? A 92-foot building
 11 that's almost what, four -- I've lost track of the
 12 numbers. Why does it have to be 92 feet long? Why
 13 can't it be 75 feet long?
 14 Then you would eliminate the site
 15 coverage issue too, and it would probably shorten it
 16 down a little bit.
 17 I think what we need to think about is,
 18 I know it's a large piece of property, but it's also
 19 a narrow piece of property. It's not 50 feet wide.
 20 So I think that should be taken into consideration.
 21 It would look like a train, a freight train going
 22 down there.
 23 Why does it have to be 92 feet long?
 24 How many bedrooms do you need? How many bathrooms do
 25 you need?
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1 I mean, this is Palisades Park.
 2 MR. COCOROS: The building, itself --
 3 MR. TOOMAYAN: Please don't interrupt.
 4 CHAIRMAN FERGUSON: Don't say that,
 5 Richard. He was trying to answer you.
 6 MR. TOOMAYAN: I will finish the
 7 discussion.
 8 CHAIRMAN FERGUSON: Listen, you asked
 9 that question. Now he's going to answer. Then we go
 10 back to you.
 11 MR. TOOMAYAN: Sir, why are your -- why
 12 are you proposing a 92-foot-long building?
 13 MR. COCOROS: Well, the building,
 14 itself, if you go from a setback point of view and
 15 the depth of the lot, the building is undersized as
 16 far as depth of the lot. There is a coverage issue
 17 that we're trying to address with the reduction of
 18 the building.
 19 Also, the building, itself, at the
 20 front is not the full width. The building, itself,
 21 at the front corner is a full 4 feet -- 8 feet
 22 narrower than the main part of the building. So it's
 23 not a full extrusion of a rectangular shape. At the
 24 front it telescopes in to accommodate the staircases.
 25 In addition, the staircases are not in

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1 mitigate. The building is still 100 feet away, but
 2 it will help with the back of the property. And it
 3 will also help with the drainage. It would provide a
 4 wall and a fence on top of it.
 5 MS. PIRRERA: The other thing is, now
 6 that we have eliminated the rental, you know, the
 7 basement rental, we've taken away the bath, doesn't
 8 that make it a little bit easier to shorten the house
 9 because you're not going to be now having the rental.
 10 I have to be honest with you. You
 11 know, for all intents and purposes, what you put into
 12 your head when you think about this project is the
 13 length of the house has a lot to do with that
 14 basement apartment. Because with a bathroom, that's
 15 a basement apartment. We all know it. We all sit
 16 here. Most of us dye our hair blond so we're not
 17 real blonds, but we get it, okay.
 18 So shortening it now might be something
 19 that might be more -- you know, more appealing
 20 because you're not going to have a bathtub. Leaving
 21 it to be a 9-foot-by-6-foot bathroom, that leaves it
 22 open so that later on the bathtub can come into the
 23 house one night. I think the bath itself should be
 24 the size of a powder room.
 25 MR. COCOROS: It will be 5-by-5.

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1 the front yard. The staircases have been set back
 2 and nested into the side of the building.
 3 MR. TOOMAYAN: So you are working with
 4 a lot that is 225 feet deep?
 5 MR. COCOROS: Correct.
 6 MR. TOOMAYAN: What if it 325 feet
 7 deep; would you propose then a 190-foot building.
 8 MR. COCOROS: That's a hypothetical; I
 9 can't answer that.
 10 MR. TOOMAYAN: Well, I know.
 11 But that's what this lot is. Because I
 12 have a large, long lot, I'm going to build a very
 13 long house. I have nothing else to say.
 14 CHAIRMAN FERGUSON: Okay, next? Who is
 15 going to -- any further comments?
 16 Yes.
 17 MS. PIRRERA: So we have agreed to a
 18 privacy fence, correct, which reduces the look for
 19 the Mirakians? Because we have a 6-foot privacy
 20 fence, then they only see X amount of feet of the
 21 house, correct.
 22 CHAIRMAN FERGUSON: Counselor.
 23 MS. PIRRERA: It would help their
 24 visual somewhat; am I correct?
 25 MR. COCOROS: Yes. It will help

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1 MS. PIRRERA: So not the size of --
 2 it's how big? It's being reduced to what.
 3 MR. COCOROS: We modified the condition
 4 for the board. We switched to a 5-foot-by-5-foot.
 5 MS. PIRRERA: Okay, so you are going to
 6 make that smaller? So that's where the 5 feet come
 7 in.
 8 MR. COCOROS: No. The 5 feet is the
 9 overall footprint of the building. The basement,
 10 itself, itself is the space they're going to put a
 11 powder room. Off to the side will be a
 12 5-foot-by-5-foot room, 30 inches for to the toilet.
 13 I'm sorry. I'm 5-foot-6-by-5 feet, because you have
 14 30 inches for the vanity and 3 feet for the toilet.
 15 MS. PIRRERA: So you are going to be
 16 reducing that, so it isn't going to be an
 17 after-market type of bathroom set-up, correct?
 18 MR. COCOROS: Correct.
 19 MS. PIRRERA: Thank you.
 20 CHAIRMAN FERGUSON: All right. I guess
 21 we're going to have to put the planner on, Counselor?
 22 You're shaking your head. I'm shaking my too.
 23 MR. RAMUNDO: No planner. No planner.
 24 With Mike's comments, we are reducing the size of the
 25 house to accommodate the planner's...

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1 CHAIRMAN FERGUSON: All right. You're
 2 going to reduce it 5 feet?
 3 MR. RAMUNDO: Yes.
 4 CHAIRMAN FERGUSON: Okay. Do you want
 5 to put your planner on? Do you have a planner?
 6 MR. RAMUNDO: We were not going to put
 7 one on, but if it's the board's request.
 8 CHAIRMAN FERGUSON: You better put the
 9 planner on.
 10 MS. TESTA: For the height variance.
 11 CHAIRMAN FERGUSON: Am I right? It's a
 12 (d) variance. You've got to put a planner on.
 13 MR. RAMUNDO: We'll put one on at the
 14 next meeting.
 15 CHAIRMAN FERGUSON: All right.
 16 MR. RAMUNDO: Then we can submit
 17 revised plans in the interim.
 18 MR. COCOROS: To meet the conditions
 19 that we spoke about.
 20 MS. TESTA: So there would be a motion.
 21 CHAIRMAN FERGUSON: Yeah. Because we
 22 can't pass it without a planner. Right, we can't
 23 pass it without a planner.
 24 VICE CHAIRMAN ALBANESE: Right. How --
 25 are we going to make a motion that we turn this over
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1 it.
 2 CHAIRMAN FERGUSON: Just a thought.
 3 Just throwing it out there. Right, okay.
 4 MS. PIRRERA: It's more of a timing
 5 thing, Joe. What I'm asking, can by the next time we
 6 all gather here have that information.
 7 CHAIRMAN FERGUSON: I agree with you.
 8 Is your client here? Is your client here?
 9 Counselor?
 10 MR. RAMUNDO: Yes, I'm so sorry.
 11 CHAIRMAN FERGUSON: Is your client
 12 here?
 13 MR. RAMUNDO: He's not here tonight.
 14 CHAIRMAN FERGUSON: He's not here.
 15 MS. TESTA: Whether or not the
 16 applicant can get a firm in to do the testing prior,
 17 I mean, the board can make that as a request.
 18 MR. CARNOVALE: Then we throw it to the
 19 following month.
 20 CHAIRMAN FERGUSON: Listen.
 21 MS. TESTA: Again, the applicant, if
 22 this application were to be approved, would not be
 23 able to get the building permits unless it meets the
 24 requirements of the board engineer and he's satisfied
 25 that the perc test and whatever other tests are
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1 to next month.
 2 MS. TESTA: Right. The continuation,
 3 so that the applicant can produce his planner and
 4 revised plans. It would be -- I guess, the motion
 5 would include there be no further notice to the
 6 public, neither by mail nor by newspaper.
 7 MS. PIRRERA: Mr. Chairman, I have a
 8 question.
 9 So by next month, is it possible to
 10 have that soil testing so we know where we're at with
 11 that drainage situation? Because it would be really
 12 great to come that meeting and for our questions to
 13 really be answered about the drainage at the same
 14 time. I think we would just find that there would be
 15 less objection. Is that enough time for that to
 16 happen? I don't know.
 17 MR. COCOROS: I would have to ask the
 18 client, because we would have to hire a soil company.
 19 I guess we'd have to do a bore pit test and see where
 20 it's at.
 21 CHAIRMAN FERGUSON: Why don't you do
 22 that. If not -- how much does that cost? Can we go
 23 out and hire them.
 24 MS. TESTA: No.
 25 MR. COLLAZUOL: They've got to pay for
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1 necessary to ensure that the drainage is not going to
 2 be an issue and there's not going to be overflow of
 3 water onto the neighboring property, they're not
 4 going to be able to proceed regardless.
 5 MS. PIRRERA: Yeah. But there's a
 6 difference, Diane, between approving something and
 7 then not being able to proceed. I don't think any of
 8 us care about their timeline. I think we're here
 9 because we want to have some type of proven facts, at
 10 least know going in. I know nothing is a guarantee,
 11 but it would be nice to be able to come here and have
 12 those questions answered. And then when the board
 13 approves it, at least I think we would feel more
 14 satisfied knowing that that has been done.
 15 So if it can't be November, then make
 16 it December. To come here in November and everybody
 17 to continue to be uncomfortable with the decision --
 18 even for the board I think it's a waste of your time.
 19 I'd rather you say, okay, it's going to take 60 days
 20 and we'll make that decision in December instead of
 21 November. I just think it would be a smarter way to
 22 proceed. No? Look, it's just a recommendation.
 23 CHAIRMAN FERGUSON: Okay. Well,
 24 listen, I'm for it.
 25 MR. CARNOVALE: I'm for it too.
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1 CHAIRMAN FERGUSON: If you guys want to
 2 put the stipulation in, if you can't get it done in
 3 30 days, we'll see you in December. Right?
 4 VICE CHAIRMAN ALBANESE: How do we
 5 notify the people if they can get it done by the next
 6 meeting?
 7 MS. TESTA: Right. This is being
 8 continued until next meeting. If at that point the
 9 test is not done, then the attorney, Mr. Ramundo, can
 10 send us a letter.
 11 VICE CHAIRMAN ALBANESE: Okay. Next
 12 month if it's got it. If not, he's got to postpone
 13 it until the next month. We're going to tell you to
 14 be here. Be here next month.
 15 MS. TESTA: Right. The meeting is
 16 being carried to November 28.
 17 MS. PIRRERA: You're not going to
 18 proceed until the following.
 19 MS. LAMBRINIDES: Okay, let's go. Is
 20 that a motion.
 21 VICE CHAIRMAN ALBANESE: I might make
 22 that motion.
 23 MR. CARNOVALE: I second it.
 24 MS. TESTA: If your client waives the
 25 time constraints.

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1 produce the mailing.
 2 MS. TESTA: Yes.
 3 CHAIRMAN FERGUSON: Okay, guys.
 4 MS. LAMBRINIDES: Please clear out the
 5 room because we have more cases.
 6 CHAIRMAN FERGUSON: Mayor, don't go
 7 away, you're next. Counselor. All right, people,
 8 let's take those conversations outside, okay. So
 9 we're going to call case --
 10 MS. TESTA: 19-14, 401 East Central,
 11 LLC.
 12 CHAIRMAN FERGUSON: Okay, Counsel.
 13 MR. RAMUNDO: Yes, Mr. Chairman.
 14 CHAIRMAN FERGUSON: Okay. So we're at
 15 401 East Central. I understand you're the attorney.
 16 MR. RAMUNDO: Yes.
 17 CHAIRMAN FERGUSON: So. We have a
 18 report from Mr. Rocciola. And he has pointed out to
 19 us -- I'll just say that he has some serious concerns
 20 with the parking, as do I.
 21 Do you have a planner on for this case
 22 now?
 23 MR. RAMUNDO: That's correct. Not for
 24 today. What we're going to do is take Judd's report,
 25 right, take his report and go back and reconfigure

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1 MR. RAMUNDO: That's right.
 2 VICE CHAIRMAN ALBANESE: I make a
 3 motion.
 4 MS. LAMBRINIDES: Vinnie seconded it.
 5 So we have a motion on the floor to carry to
 6 November.
 7 So, Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Yes.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Terranova?
 12 MR. TERRANOVA: Yes.
 13 MS. LAMBRINIDES: Mr. Min?
 14 MR. MIN: Yes.
 15 MS. LAMBRINIDES: Ms. Yoon?
 16 MS. YOON: Yes.
 17 MS. LAMBRINIDES: Mr. Carnovale?
 18 MR. CARNOVALE: Yes.
 19 MS. TESTA: Okay, so this matter is
 20 carried to November 18th, 2019, at 7 p.m. No further
 21 notice will be provided by the applicant to the
 22 public.
 23 CHAIRMAN FERGUSON: Why don't we talk
 24 about 401.
 25 MR. RAMUNDO: 401, yes. I'm going to

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1 things a little bit and get a planner to testify. So
 2 if we can carry that as well.
 3 CHAIRMAN FERGUSON: Okay. I'll make a
 4 motion that we carry that one to the next meeting.
 5 VICE CHAIRMAN ALBANESE: I'll second
 6 it.
 7 MS. TESTA: So it's getting carried to
 8 November 18, 2019. No further notice would be
 9 required of the applicant.
 10 And your client waives the time
 11 constraints?
 12 MR. RAMUNDO: That's correct, yes.
 13 CHAIRMAN FERGUSON: Okay. Yes.
 14 AUDIENCE MEMBER: Are they going to
 15 notify us again?
 16 MS. TESTA: No. This is your notice.
 17 So the meeting is on November 18th, 2019, 7 p.m.
 18 Again, for case Number 19-14, 401 East Central
 19 Boulevard.
 20 This is the only notice that you will
 21 have. You will not get notice. It's a Monday, the
 22 third Monday of the month.
 23 MR. DEMPSEY: I've got a quick question
 24 in regards to 401 East Central. I was notified, but
 25 I have neighbors that never received anything. And

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1 you're not going to send out another notice.
 2 MS. TESTA: No. The applicant has
 3 provided a notice that he has provided to the
 4 residents within the 200 feet as set for the --
 5 MR. DEMPSEY: Did they pick up the
 6 certified mail; do you have proof of that?
 7 MS. TESTA: No. The obligation on
 8 behalf of the applicant is to do the actual mailing.
 9 Whether or not the person who it was addressed to
 10 picks it up is not -- the proof is whether or not
 11 it's been mailed, and he has satisfied that proof.
 12 I'm sorry.
 13 Can you please state your name?
 14 MS. DEMPSEY: My name is Chris Dempsey.
 15 MS. LAMBRINIDES: I think because of
 16 the holiday people got them later, because of the
 17 Columbus Day holiday.
 18 MR. DEMPSEY: I was only given a few
 19 days to pick it up.
 20 MS. TESTA: But again, the obligation,
 21 the rule is that --
 22 MS. DEMPSEY: I understand it's the
 23 obligation.
 24 MS. TESTA: -- is the actual mailing of
 25 the document.

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1 get any papers or anything, you know.
 2 MS. TESTA: It's in the borough clerk's
 3 office in the Building Department. You can go during
 4 business hours tomorrow. It's there.
 5 CHAIRMAN FERGUSON: Please, we're
 6 trying to get the mayor out of here.
 7 MS. LAMBRINIDES: Excuse me. We still
 8 have a motion on the floor that we have to carry
 9 this.
 10 CHAIRMAN FERGUSON: Roll call.
 11 MS. LAMBRINIDES: We have lost total
 12 control of the meeting, Mr. Ferguson.
 13 CHAIRMAN FERGUSON: Yes.
 14 MS. LAMBRINIDES: Please, quiet. Thank
 15 you.
 16 We appreciate your cooperation.
 17 Mr. Albanese?
 18 VICE CHAIRMAN ALBANESE: Yes.
 19 MS. LAMBRINIDES: Mr. Terranova? This
 20 is the motion to carry the matter until the November
 21 meeting.
 22 MR. TERRANOVA: Yes.
 23 MS. LAMBRINIDES: Mr. Min?
 24 MR. MIN: Yes.
 25 MS. LAMBRINIDES: Ms. Yoon?

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1 MR. CHAN: Hi. I'm a neighbor as well.
 2 My name is Jeff Chan, 314-10th Street. I only got it
 3 a couple days ago, within less than a week.
 4 MS. DEMPSEY: Yeah, I picked mine up
 5 Saturday.
 6 MS. TESTA: Right. It's ten days prior
 7 to the hearing, so with the holidays, that could have
 8 delayed the post office from delivering it.
 9 VICE CHAIRMAN ALBANESE: He mailed it.
 10 He gets the receipt there when they were mailed.
 11 MS. DEMPSEY: I understand, sir.
 12 VICE CHAIRMAN ALBANESE: He did mail
 13 them.
 14 MS. DEMPSEY: I get it. I didn't
 15 receive it.
 16 VICE CHAIRMAN ALBANESE: Within the ten
 17 days.
 18 CHAIRMAN FERGUSON: Please.
 19 AUDIENCE MEMBER: I got mine Friday
 20 morning in the mailbox. It's dated way before that.
 21 But by us, we get the mail maybe twice a week. They
 22 don't come every day. So we don't get our mail.
 23 CHAIRMAN FERGUSON: It's the third
 24 Monday next.
 25 AUDIENCE MEMBER: Yeah, okay. I didn't

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1 MS. YOON: Yes.
 2 MS. LAMBRINIDES: Mr. Carnovale?
 3 MR. CARNOVALE: Yes.
 4 MS. LAMBRINIDES: Mr. Lefteriou?
 5 MR. LEFTERIOU: Yes.
 6 MS. LAMBRINIDES: Thank you. Next.
 7 CHAIRMAN FERGUSON: Easy. Counsel, are
 8 you ready to go?
 9 MR. SOKOLICH: I am, Chairman.
 10 CHAIRMAN FERGUSON: Okay, let's get
 11 cracking.
 12 MR. SOKOLICH: You're calling 132
 13 Princeton Place, correct.
 14 CHAIRMAN FERGUSON: That's correct.
 15 MR. SOKOLICH: Chairman, members of the
 16 board, Counsel, engaged professionals, Mark Sokolich
 17 on behalf of the next Applicant 6 Boulevard, LLC,
 18 relating to premises known as 132 Princeton Place,
 19 designated as Lot 1, Block 716.
 20 Chairman, in light of the late hour, I
 21 can summarize this. This property is located in the
 22 AA residential zone. It is a request to build a
 23 duplex dwelling. Because of the odd configuration of
 24 property, there are some (c), not (d), (c) variances
 25 that are being requested.

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1 The applicant has engaged the services
2 of Vassilios Cocoros, who I know has been accepted as
3 an architect here multiple times. With your
4 permission, Counsel, I'll make the plan as A-1.

5 (Whereupon, Architectural Plan is
6 received and marked as Exhibit A-1 for
7 identification.)

8 MS. TESTA: Yes, please.
9 Please raise your right hand.
00:00 10 Do you swear that the testimony you
00:00 11 will give in this application will be the truth, the
00:00 12 whole truth and nothing but the truth, so help you
00:00 13 God?

00:00 14 MR. COCOROS: I do.
00:00 15 V A S S I L I O S C O C O R O S,
00:00 16 467 Sylvan Avenue, Englewood Cliffs, New Jersey
17 07632, having been duly sworn, testifies as
18 follows:

19 DIRECT EXAMINATION
20 BY MR. SOKOLICH:

21 Q. Bill, you are the architect engaged by
22 the applicant, correct?

23 A. Yes.

24 Q. In your own words, so as to expedite
25 this presentation, starting in the upper right-hand

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1 second floor bedroom, and a roof deck at the front to
2 take advantage of the views of the Meadowlands that
3 are towards the west.

4 The building, itself, is somewhat
5 compliant with the (c) -- the bulk requirement of the
6 ordinance. However, since the property is slightly
7 irregular, we are requesting a side yard variance at
8 the rear -- the left corner of the building where we
9 have 4-feet-9-and-one-eighths of an inch. However,
10 at the front portion of the building, we have a
11 setback of 6 feet 10-and-a-half inches, which is
12 slightly bigger than a typical -- 10 inches is more
13 than a typical side yard setback for a duplex.

14 Q. Bill, let me get a question in real
15 quick. Because the property, correct, tapers and
16 gets narrower as you go deeper into the lot?

17 A. Correct.

18 Q. As a consequence, the side yard becomes
19 more challenging as you proceed down the lot,
20 correct?

21 A. Yes.

22 Q. However, the side yard at street level
23 -- so if I'm standing in the middle of Princeton and
24 I look at this property, the side yards that I'm
25 going to be looking at are compliant, correct?

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1 corner, can you describe the property and the
2 dimensions of the property -- residence that is
3 proposed to be constructed?

4 A. Sure.

5 **The property is located at the**
6 **beginning or the end of Princeton Place next to the**
7 **paper street of Homestead Avenue. It's on the east**
8 **side of the property, which goes up as you're heading**
9 **towards Bergen Boulevard. The property, itself, does**
10 **have quite a bit of slope difference from front to**
11 **back.**

12 **The property is irregular. It's 53.72**
13 **feet wide at the front and 45.81 feet wide at the**
14 **back. It is 98.89 feet on the right-hand side and**
15 **100 feet deep on the angle on the left-hand side. It**
16 **is a preexisting nonconforming lot in regards to**
17 **size and area. It's slightly under the 5,000 square**
18 **feet that's required at 4,934.33 square feet.**

19 We're proposing a side-by-side,
20 two-family dwelling on three levels plus a roof deck
21 on the property.

22 The building, itself, is set into the
23 grade of the property. We have a three-level
24 configuration at the front with the garage/basement
25 level at the front, the first floor living level, the

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1 A. Yes.
2 **Actually, the one side on the left side**
3 **is more than compliant.**

4 Q. I believe 6.10 feet, if I'm not
5 mistaken, correct?

6 A. Yes.

7 Q. However, as the property veers to the
8 rear, that's when the side yard becomes more
9 challenging?

10 A. Correct.

11 **In addition, you're not really**
12 **affecting anyone on that side because that's the**
13 **paper street of Homestead Avenue at that corner. So**
14 **there is no neighbor along that side. So the**
15 **4-foot-9-and-one-eighth inch to that corner does not**
16 **really directly affect the adjacent neighbor.**

17 The adjacent neighbor that's to the
18 right of us, which is to the south, we have the
19 typical 6-foot side yard setback and 3 feet 2 inches
20 clear to the stair. So from the street, it would
21 look like a typical duplex on a regular lot.

22 Q. Bill, if you could speak a little bit
23 about the elevations, what the building materials are
24 proposed to look like. If this board were to act
25 favorably on the application, what will the

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1 neighborhood be looking at if and when completed?
2 **A. Sure.**
3 **We're doing a modern style. The**
4 **building, itself, will be all brick; however, we do**
5 have metal or a panelized system at the bay windows.

6 In addition, we do have a railing
7 system at the balcony level which is above the master
8 at the front. That will be accessed by a stairway
9 from the inside, and adding in an access area to
10 bring you out to the front. This is the third one
11 we've done in town. There's one that we did up on
12 12th Street above us that is pretty nice. When you
13 go up, you get some really nice views of the
14 Meadowlands and the mountains in the background.

15 So the house, itself, will be different
16 than your typical duplex by the modern style we're
17 doing and also by providing the roof deck up on top.

18 **Q.** The rear elevation, Bill, there is a
19 deck and that's on the second story, correct? Well,
20 it's on the main level, correct?

21 **A. It's on the main level; however, the**
22 **typical house, the deck is almost a full story out of**
23 **the ground, here the deck is closer to the existing**
24 **grade that's back there since we're up out of the**
25 **ground. The decks, themselves, do comply with the**

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1 **A. Yes.**
2 **Q.** I'm going to turn now to page A-2,
3 which are devoted to the proposed floor plans,
4 correct?

5 **A. Yes.**
6 (Whereupon, Floor Plans are received
7 and marked as Exhibit A-2 for identification.)

8 BY MR. SOKOLICH:
9 **Q.** Bill, is this what we would refer to as
10 a standard Cocoros duplex?

11 **A. Yes.**
12 **Q.** Are these units symmetrical -- or
13 asymmetrical, I should say?

14 **A. It's asymmetrical because of the angle**
15 of the left side property line. But the unit sizes
16 themselves are typical as far as the area goes.
17 So it's actually a little bit smaller.

18 We have 1,969 square feet for the actual footprint.
19 At the front it's little bit wider than a typical
20 duplex, 39 feet wide. At the back it's 37 feet wide
21 because of the angle of the property.

22 It sits on two levels. We have the
23 set-up where the ground floor is behind the garage.
24 We have a basement level. We have a recreation room,
25 a den office, and a half bathroom.

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1 **typical decks like that. In addition to the rear**
2 yard setback, we are in compliance.

3 **Q.** And while we're on A-1, in the upper
4 right-hand corner is what we refer to as the
5 architectural Site Plan, correct?

6 Now, you have two seepage pits that are
7 proposed in the front driveway, correct?

8 **A. Yes.**

9 **Q.** And you do acknowledge that
10 Mr. Collazuol would have conducted a site plan
11 engineer and review on this property?

12 **A. Yes.**

13 **Q.** And you do also acknowledge that there
14 were some recommendations made by Mr. Collazuol?

15 **A. Yes.**

16 **Q.** Are you willing and is the applicant
17 willing to stipulate that the applicant as a
18 condition of any action of this board will comply
19 with the recommendations of Mr. Collazuol in his
20 letter?

21 **A. Yes, we will.**

22 **Q.** And we do recognize that prior to
23 commencement of construction, more detailed
24 engineering plans would have to be submitted for
25 Mr. Collazuol's approval?

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1 MS. BRAUER: I'm sorry, can you go
2 slower, please.

3 MR. COCOROS: Sure.
4 For the basement, we have a recreation
5 room, a den home office and a powder room. No full
6 bath, no shower, no tub.

7 MS. BRAUER: So you have recreation and
8 a den/home office.

9 MR. COCOROS: Correct.

10 We also have the garage at the front
11 with access to the utility room, a door that brings
12 you up into the finished area, and a coat closet.

13 The first floor, which is the main
14 living space, we have a living room and dining room
15 at the front of each unit. At the back, we have a
16 kitchen with an eating area. There's also a sliding
17 glass door out to a deck in the back of the units.

18 The bedroom level or second floor, we
19 have a master at the front, an ensuite master
20 bathroom, two secondary bedrooms in the hallway, a
21 shared hall bathroom, a side-by-side laundry and a
22 linen closet. There's also a stair that brings you
23 up to the attic level in the hallway that takes you
24 out to a door, which we have a roof deck in the
25 front.

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1 So we set up the staircase that goes
2 from the first floor to the second floor and then
3 goes from the second floor to the attic, which then
4 has a hallway out to a French-type door to a small
5 deck over the master, which is approximately 14 feet
6 3-and-a-half inches and the full width of the
7 building.

8 The railings on those would be a
9 decorative-type railing. So when you look at the
10 building, at the front you'll have the three stories.
11 Then put a roof on top of that. There will be a flat
12 roof with a railing assembly.

13 MR. SOKOLICH: Mr. Chairman, I offer
14 Mr. Cocoros.

15 I hope I didn't rush too quickly.

16 CHAIRMAN FERGUSON: No, there's no such
17 thing as rushing too quickly. But I do have a few
18 quick questions.

19 I assume there is no bathtub or shower.

20 MR. COCOROS: No.

21 CHAIRMAN FERGUSON: The other one is,
22 as I look -- as I'm standing in front of the house
23 looking at the house, right, Homestead runs -- I
24 guess it's a paper street -- one runs next to this
25 property, correct?

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1 property, itself, to try to accommodate that.
2 But at the back we have 18-and-a-half
3 feet, which is a little bit less than a typical
4 duplex. But since the angle of the property
5 at that back corner, we have 4 feet 9-and-one-eighth
6 inch.

7 MR. CARNOVALE: So if you made the
8 house narrower, you wouldn't require a side yard
9 variance.

10 MR. COCOROS: No. But also to mitigate
11 that, we didn't put any bay windows on that side.

12 MR. CARNOVALE: Well, the bay windows
13 would be for fire system.

14 MR. SOKOLICH: If I may, we also tried
15 to hold tight to the front yard setback and the rear
16 yard setback. We didn't cheat there. We tried to
17 stay within those dimensions.

18 MR. CARNOVALE: I'm sorry, sir. So if
19 you made the house a little narrower, you could
20 eliminate some of these variances, couldn't you?

21 MR. COCOROS: I tried to average out
22 the two. The front were a little bit more -- were 6
23 foot 10. At the back it's 4.9. So it's almost --
24 if you average those two out, they're basically close
25 to 6 feet.

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1 MR. COCOROS: Yes.

2 CHAIRMAN FERGUSON: So the one side has
3 a house on the other side, it's actually East
4 Homestead.

5 MR. COCOROS: Correct.

6 CHAIRMAN FERGUSON: That's not
7 developed. It's doesn't have a road. It's basically
8 trees. And that property runs all the way up.

9 MR. COCOROS: Correct, the paper
10 street.

11 CHAIRMAN FERGUSON: I just wanted to be
12 sure. I guess your planner -- you are going to put a
13 planner on.

14 MR. SOKOLICH: We are. We are. You
15 know, I glossed over the variances, Chairman, because
16 I figured we would hit those with the planner. I'm
17 sorry.

18 CHAIRMAN FERGUSON: That's okay. Okay.
19 Any board members have any questions?

20 MR. CARNOVALE: Yes. Mr. Cocoros, on
21 an oversized lot, why are you requesting side yard
22 variances.

23 MR. COCOROS: Because the back of the
24 property is only 45 feet -- 45.81 feet.

25 So we did try to -- we telescoped the

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1 MR. CARNOVALE: Okay. Also, on your
2 chart here -- I don't know, maybe I'm reading it
3 backwards -- it says that your front yard requirement
4 is 20 feet, it's 25. What is the 20, your average
5 setback, or what.

6 MR. COCOROS: Yes. The prevailing
7 setback along that portion of Princeton Place --
8 Princeton Place, which is going towards the south.

9 MR. CARNOVALE: I don't mean to nitpick
10 you, but usually it would say 25 with a note saying,
11 you know, whatever. So here it kind of looks like --
12 what are you looking for here? You're at 18.

13 MR. COCOROS: No. We're at 21.

14 MR. SOKOLICH:
15 Twenty-one-and-a-quarter.

16 MR. COCOROS: Twenty-one feet 3 inches
17 at the closest point.

18 MR. CARNOVALE: Right. Okay. Bless
19 you. Because the average setback is 20.

20 MR. COCOROS: Twenty-one, yeah.

21 MR. CARNOVALE: Average setback.

22 MR. COCOROS: Yeah, the prevailing
23 setback.

24 MR. CARNOVALE: All right. And what is
25 your rear yard setback in the back corner? Doesn't

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1 the property angle a little bit?
2 MR. COCOROS: We have 25 feet. So we
3 meet the setback at the rear left. And we also have
4 a rear right setback of 25-feet 8-and-one-quarter
5 inches.

6 MR. CARNOVALE: Okay. I was just
7 saying, you have a bunch of variances here. You
8 could have eliminated and make the house a little
9 narrower. Because usually on an oversized lot you
10 want to make the house bigger, I guess.

11 BY MR. SOKOLICH:

12 Q. This lot is actually undersized, Bill,
13 is it not?

14 A. Yeah. It's 53 at the front.

15 MR. SOKOLICH: The lot -- Bill, if I
16 may. The lot is under the 5,000 square feet. When
17 you look at the zoning schedule, there are three
18 variances that technically they're not even
19 variances; they're preexisting nonconformities.
20 There's nothing we could do about them. We're just
21 shy of the minimum 5,000 square feet. We're just shy
22 in the rear of the 50-foot-lot width. And we're just
23 shy of the minimum lot depth of 100 feet. Those are
24 the first three yeses. The other two are the ones
25 we're asking for.

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1 It's not a bigger house per se as far as the
2 coverage. We actually do meet -- you know, we
3 actually tried to make this thing work with the
4 coverage and from a percentage point of view and the
5 other two-and-a-half square feet.

6 Q. I guess also, Bill, it's important to
7 note, if I may, if you complied with the six all the
8 way in the rear and then you carried that forward,
9 would that be difficult for an architectural
10 standpoint?

11 A. It's awkward as far as, like, framing
12 the roof and everything on it. The other thing is,
13 we do 6 feet then have bay windows that stick out 2
14 feet from that and make it look more intense. I

15 think here that's the reason why, you know, we didn't
16 maximize the bay windows on either side. We actually
17 kept the building straight instead of having the bay
18 window just to mitigate that.

19 MR. CARNOVALE: Well, that's my
20 comment.

21 MR. SOKOLICH: Thank you.

22 MR. CARNOVALE: Next.

23 CHAIRMAN FERGUSON: I got you. Okay,
24 any other board members have anything?

25 MR. TERRANOVA: Yeah, I have one.

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1 MR. CARNOVALE: What is the width of
2 the house, Bill.

3 MR. COCOROS: The width? At the front
4 we have...

5 MR. SOKOLICH: Thirty-nine.

6 MR. COCOROS: Thirty-nine feet. At the
7 back it's 37 feet.

8 MR. CARNOVALE: Well, a typical duplex
9 would have been 38.

10 MR. COCOROS: Yes.

11 MR. CARNOVALE: You're saying that the
12 lot is undersized yet you're making the house bigger.

13 MR. COCOROS: Well, it's slightly
14 undersized. It's about 65 feet shy. It basically
15 gets narrower in the back. And I feel that the
16 setback variance does not have a direct effect on the
17 neighbor because it is a paper street on that side.

18 MR. CARNOVALE: Right.

19 But, technically, if you have an
20 undersized lot, you need a variance. So here you
21 have an undersized lot and you're making the house
22 bigger.

23 MR. COCOROS: The house, itself,
24 complies with the footprint. It's the setback at
25 that small portion that we're requesting a variance.

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1 CHAIRMAN FERGUSON: Mr. Terranova.

2 MR. TERRANOVA: I'm trying to figure
3 out why you have -- even though the variances you
4 need, you're still asking for a foot nine higher, but
5 the highest point of the roof is way higher than
6 that. So could you explain that because I really
7 don't understand.

8 MR. COCOROS: The high point to the
9 midpoint. Basically the eve height to the highest
10 point.

11 MR. TERRANOVA: But you have these
12 doors now, so now technically the roof is higher.

13 MR. COCOROS: Yeah. We're using the
14 higher -- we're using the higher peak for the
15 measuring point. Now, if we take the highest point
16 and the eave, that's where we get our midpoint.

17 MR. TERRANOVA: Okay. So but the
18 midpoint says 32.7 -- no -- on the front elevation.

19 MR. COCOROS: But you've got to take
20 the average of that.

21 MR. TERRANOVA: I understand. 32.7.
22 Then you have 23 in the back?

23 MR. COCOROS: We also have 26.11 on the
24 one portion, because the back itself is squared off.
25 It's not flat across the back.

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1 MR. TERRANOVA: Got it. So that's 29.
 2 MR. COCOROS: Correct.
 3 MR. TERRANOVA: Okay, that's all.
 4 CHAIRMAN FERGUSON: Okay. Steve, do
 5 you want to take it away.
 6 MR. COLLAZUOL: Sure. Bill, you
 7 received the report of October 17th.
 8 MR. COCOROS: Yes.
 9 MR. COLLAZUOL: Okay. Can you comply
 10 with the conditions of this report.
 11 MR. COCOROS: Yes. With regards to the
 12 sewer, I guess that's 4-inch ductal iron you're
 13 saying.
 14 MR. COLLAZUOL: Yes. At the
 15 clean-outs, yes.
 16 MR. COCOROS: Okay.
 17 MR. COLLAZUOL: Item Number 2 on page 2
 18 regarding the retaining walls, would you confirm that
 19 the maximum height of the retaining wall shown on the
 20 plan is no greater than 3 feet.
 21 MR. COCOROS: Correct. There will be
 22 nothing over that.
 23 MR. COLLAZUOL: Can you explain in the
 24 left rear corner the configuration of the wall that
 25 you -- and the purpose of that configuration? I'm

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1 MS. SCHOR: There's nothing in the
 2 back.
 3 MR. COCOROS: No. That's a regular
 4 roof behind it.
 5 MS. SCHOR: So how does it drain from
 6 the front, though.
 7 MR. COCOROS: There are gutters that go
 8 around the perimeter, and those tie into the roof
 9 leaders, which would go into the retention system,
 10 which would take the calculation to the roof and the
 11 roof deck.
 12 MS. SCHOR: Can I ask why you put the
 13 roof deck on.
 14 MR. COCOROS: Nice view up there.
 15 There's a really nice of the Meadowlands up there.
 16 CHAIRMAN FERGUSON: Okay, yes.
 17 MS. BRAUER: Susan Brauer.
 18 Can you tell what specifically is going
 19 to be contained on the roof deck? Is it going to be
 20 covered? And can our fire department handle that.
 21 MR. COCOROS: Yes. It's within
 22 building code. There's no cover on it. It's
 23 basically a railing, a safety railing, guardrail
 24 around the roof deck, and a door that brings you from
 25 the hallway in the attic.

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1 curious.
 2 MR. COCOROS: That was basically not to
 3 undermine what's up there, and also to keep the
 4 height to the 3-foot maximum for a retaining wall.
 5 That's at that rear left corner creating a little
 6 planter.
 7 MR. COLLAZUOL: Each of those walls are
 8 less than 3 feet.
 9 MR. COCOROS: Yes, 3 feet.
 10 MR. COLLAZUOL: Okay, thank you. I
 11 have nothing further.
 12 CHAIRMAN FERGUSON: Judd.
 13 MR. ROCCIOLA: No comment.
 14 CHAIRMAN FERGUSON: We're going to wait
 15 for the planner? Counsel, do you want to put your
 16 planner on? I'm sorry, we've got to go to the
 17 audience. Go ahead.
 18 MS. SCHOR: Could I ask the size of
 19 your decks.
 20 MR. COCOROS: The decks are 9 feet deep
 21 by 12 feet wide.
 22 MS. SCHOR: And the roof deck, does
 23 that take the entire -- most of the flat roof.
 24 MR. COCOROS: No. It's only over the
 25 master portion, the front.

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1 MS. BRAUER: All right. Do you plan on
 2 putting fixtures for a gas barbecue?
 3 MR. COCOROS: No.
 4 MS. BRAUER: Because I don't know if
 5 that's allowed. Awnings? Anything like that.
 6 MR. COCOROS: No.
 7 MS. BRAUER: I'd also like to know who
 8 the owner of the property is?
 9 MR. SOKOLICH: It's in the application.
 10 I'll dig it up for you. Mr. Rosa. Nelson Rosa.
 11 MS. BRAUER: Who?
 12 MR. SOKOLICH: Nelson Rosa, R-o-s-a.
 13 MS. BRAUER: Is he here?
 14 MR. SOKOLICH: I don't know.
 15 MS. BRAUER: Okay, thank you. Oh,
 16 trees. If you're right next to...
 17 CHAIRMAN FERGUSON: What is it? I'm
 18 sorry.
 19 MS. BRAUER: Trees. Trees. How many
 20 trees are on that property?
 21 MR. COCOROS: Well, there's one tree
 22 that's in the back that we're planning to keep.
 23 MS. BRAUER: Okay.
 24 CHAIRMAN FERGUSON: No, he's going to
 25 donate \$2,000.00.

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1 MS. BRAUER: He's going to do that
 2 anyway.
 3 MR. SOKOLICH: Ready and willing,
 4 Chairman.
 5 CHAIRMAN FERGUSON: Okay.
 6 MR. SOKOLICH: We call our planner.
 7 MS. TESTA: Please raise your right
 8 hand.
 9 Do you swear that the testimony you
 10 will give in this application will be the truth, the
 11 whole truth and nothing but the truth, so help you
 12 God?
 13 MR. SPATZ: Yes, I do.
 14 D A V I D S P A T Z,
 15 60 Friend Terrace, Harrington Park, New Jersey,
 16 having been duly sworn, testifies as follows:
 17 MS. TESTA: Please state your name for
 18 the record.
 19 MR. SPATZ: David Spatz, S-p-a-t-z.
 20 MR. SOKOLICH: Excuse me. Chairman,
 21 Mr. Spatz has been before this board multiple times
 22 in the past where you accepted him as a planner.
 23 CHAIRMAN FERGUSON: Oh, absolutely.
 24
 25

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1 Princeton at the dead-end where Homestead comes in.
 2 There are two-family homes there as well.
 3 **Q.** Finally, lower left?
 4 **A.** **The lower left is looking to the left**
 5 **of our property. There's the paper street extension**
 6 **of Homestead and then a multi-family building which**
 7 fronts on 12th.
 8 **Q.** Thank you.
 9 And you took these pictures?
 10 **A.** **I did, yes.**
 11 **Q.** Did you do anything to modify or crop
 12 them, or are they accurate depictions of what is in
 13 the four corner of the frame?
 14 **A.** **Just what is on the sheet.**
 15 **Q.** If you would just describe for the
 16 board the scope of your engagement, the variances,
 17 and what we believe to be the justification for them.
 18 **A.** **Sure.**
 19 **I've reviewed the plans, the Master**
 20 **Plan of the zone and the municipality. I visited the**
 21 **property.**
 22 **We are in the AA zone. The property,**
 23 **itself, as previously described, is irregularly**
 24 shaped, and it does not meet the lot area, lot width
 25 and lot depth in certain places because of the angle

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1 DIRECT EXAMINATION
 2 BY MR. SOKOLICH:
 3 **Q.** So, Mr. Spatz, if we may, in light of
 4 the late hour, could you just describe what the scope
 5 of your engagement is?
 6 MR. SOKOLICH: Before we do that, I
 7 apologize. Chairman, I've circulated a series of
 8 four photographs to the board that I've taken the
 9 liberty of marking as A-3, Diane, that we're up to.
 10 I just wanted to identify them with David.
 11 (Whereupon, Series of Four Photographs
 12 is received and marked as Exhibit A-3 for
 13 identification.)
 14 BY MR. SOKOLICH:
 15 **Q.** David, in the upper left-hand corner,
 16 this is the subject site, correct?
 17 **A.** **Correct. Yes, that's the subject**
 18 **property.**
 19 **Q.** And moving to the right, upper
 20 right-hand corner is?
 21 **A.** **That's looking to the right of our**
 22 **property, going down Princeton. And it's just a**
 23 series of newer two-family homes.
 24 **Q.** Lower right is?
 25 **A.** **Lower right is looking north on**

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1 of the property as it tapers to the rear.
 2 Those are all preexisting conditions
 3 that cannot be improved because there's no land to
 4 acquire to enlarge the property or to even it out.
 5 We do have two (c) variances only. There are no (d)
 6 variances.
 7 In terms of building height, the
 8 building is three stories and 29.75 feet, where
 9 2-and-a-half stories and 28 feet. So we're a half
 10 story and one point -- 1-and-three-quarters feet
 11 above what is permitted.
 12 Then side yard, the one side yard is
 13 fully conforming. The other side yard conforms in
 14 portions and tapers to the rear, only because of the
 15 shape of the property. And we are only slightly less
 16 than what is required on that.
 17 So looking at those two bulk variances,
 18 as I've indicated, the property can't be enlarged in
 19 any way to eliminate the variances. The dwelling
 20 itself is, as I indicated, a half a story and about
 21 1.75 feet above what is permitted. That's caused
 22 primarily by the slope of the property.
 23 As can be seen from the photographs of
 24 the two-bedroom homes in the vicinity, are all a
 25 similar height, three stories and above 30 feet. And

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1 then the other property closest to us is a
2 multifamily building that's five or six stories in
3 height, separated by the municipal property. So none
4 of the buildings are affected by our property at all.

5 The only other variance is the side
6 yard. As was indicated, we have a conforming front
7 yard and rear yard. The fact that the southernmost
8 lot line is at an angle, the side yard setback varies
9 from 6.78 feet in the front, which is conforming, to
10 4.76 feet in the back, which is nonconforming.

11 But, again, it's purely caused by the
12 size of the property. Even reducing the width of the
13 building slightly would not eliminate the variance at
14 all.

15 So I think the positive criteria are
16 there for both of our variances, both in terms of
17 (c)(1) standards as to the shape of the property and
18 the topography of the property, as well as the
19 positive impact from what we're proposing.

20 Looking at the negative criteria, I
21 don't think there's anything that's substantially
22 negative for the character and surrounding uses, as
23 seen from the photographs. It is a permitted use
24 within the zone. The front and rear yard are
25 conforming. One of the side yards is only partially

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1 face the house at front, anybody that's viewing this
2 house will view a conforming side yard, correct?

3 **A. That's correct.**

4 **Q.** And because the property tapers to the
5 rear, there's a variance, but it's being requested on
6 one side, not on both?

7 **A. That's correct. The one side is fully
8 conforming. The other side is only partially -- is
9 partially conforming and partially nonconforming,
10 totally caused by the fact that the lot tapers.**

11 **Q.** And that taper, though, didn't prevent
12 the architect from not only complying in certain
13 respects, but actually exceeding the 6-foot
14 minimum, at some points it's almost 7 feet, if
15 I'm not mistaken?

16 **A. That's correct. It goes from fully
17 conforming to a portion. It's only a small portion
18 of the building which extends into that setback area.**

19 **Q.** Which is to the rear and should not
20 really have any negative impact, correct?

21 **A. That's correct.**

22 **Q.** And was I correct when I indicated
23 before that while it's on our zoning schedule --
24 there are three variances that are listed -- that
25 it's just because of the lot size, the de minimis

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1 nonconforming. So there is no real impact, I think,
2 on light, air and open space. Landscaping is being
3 provided to further buffer the properties. The
4 height is consistent, as again can be seen from the
5 photograph with the two-family dwellings in the
6 neighborhood, which are all three stories and above
7 30 feet in height.

8 We do have a conforming amount of
9 parking. The photograph shows that the existing
10 dwelling has an extra large driveway to accommodate
11 multiple cars, so there's really going to be no loss
12 of parking on the street between our driveway. And
13 then you can't park heading towards the north due to
14 we are at the stop sign. So there's an inability to
15 park there as well. So I don't believe there's any
16 loss of parking.

17 So on balance, I think the positive
18 impact far outweighs anything that could be
19 considered negative, and I think those variances
20 could be granted.

21 **Q.** I've got a quick question for you.
22 Back to side yard, which is a minimum requirement of
23 6 feet, correct?

24 **A. Right.**

25 **Q.** And your testimony is that when you
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1 reduction -- or excuse me -- the fact that it is just
2 under the 5,000-square-foot minimum, and then of
3 course the lot width in the rear and the lot depth on
4 one side?

5 **A. That's correct.**

6 **The property, as we've said, tapers to
7 the rear, so we're about 65 square feet below the
8 5,000 square foot that's required. Portions of the
9 lot meet both the width and depth limitations. It's
10 only that area affected by the taper.**

11 MR. SOKOLICH: Thank you. Thank you.
12 I offer the planner, Mr. Chairman.

13 Thank you.

14 CHAIRMAN FERGUSON: Okay. Any board
15 members have any questions?

16 (No response.)

17 CHAIRMAN FERGUSON: No?

18 Mr. Kauker?

19 MR. KAUKER: Yeah, I really don't think
20 I have any questions. It's relatively
21 straightforward.

22 And I think Mr. Spatz hit all of the
23 elements of the proofs.

24 CHAIRMAN FERGUSON: Okay. Any
25 audience?

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1 Go get 'em, Sue.
 2 MS. BRAUER: It's something I kind of
 3 forgot to ask the architect. Can I ask? Okay. I'm
 4 just curious.
 5 MR. SOKOLICH: No objection.
 6 MS. BRAUER: Your second floor has your
 7 master and two bedrooms. Then you have an attic.
 8 And then over the master you have your luxurious
 9 roof, whatever.
 10 So how do you get to the attic, and how
 11 do you get to that roof space?
 12 MR. COCOROS: The staircase that stacks
 13 on top of the other staircase and hallway.
 14 MS. BRAUER: The staircase that goes
 15 where?
 16 MR. COCOROS: The staircase from the
 17 first floor to the second floor, you stack another
 18 one on top of it. The staircase that goes up to the
 19 attic.
 20 MS. BRAUER: So it's a regular
 21 fold-out.
 22 MR. COCOROS: Yeah. It's a safe
 23 staircase, a railing and everything.
 24 MS. BRAUER: And then you go from the
 25 attic.

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1 would be no negative impact on any adjacent property
 2 owners. They've all been served, all had the
 3 opportunity to be here.
 4 The design that Mr. Cocoros has come up
 5 with for this particular conforming and permitted
 6 duplex is one of a modern style, which we think will
 7 be received well.
 8 And I as indicated before, there
 9 are a few variances that we're dealing with because
 10 the lot is nonconforming, and that's why we're before
 11 this board.
 12 We would ask that the board -- and most
 13 importantly, if not somewhat most importantly, we
 14 will comply in all respects with whatever
 15 recommendations Mr. Collazuol gives us.
 16 So for those reasons, Chairman, we
 17 would ask the board to act favorably on the
 18 application.
 19 CHAIRMAN FERGUSON: Okay, so I'll make
 20 a motion to approve this application as submitted
 21 with the \$2,000.00 to the Tree Preservation Fund and
 22 also to concur with Mr. Collazuol's comments.
 23 Can I get a second?
 24 VICE CHAIRMAN ALBANESE: Second.
 25 CHAIRMAN FERGUSON: Roll call?

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1 MR. COCOROS: To a hallway, to a door.
 2 MS. BRAUER: All right. So you have to
 3 go through the attic to get to the roof space.
 4 MR. COCOROS: Yes, a hallway.
 5 MS. BRAUER: Okay. Thank you.
 6 CHAIRMAN FERGUSON: Okay? Mayor, do
 7 you want to sum up?
 8 MR. SOKOLICH: Chairman, I would only
 9 offer to the board the following, that it's a design
 10 that takes into account the peculiar shape of the
 11 property. I think the architect did do a decent job
 12 in trying to comply as best he could and also
 13 maintain at least what is a standard duplex for
 14 presentation purposes.
 15 I would only stress to the board that
 16 the side yards are met at the front. On the one side
 17 the side yard is met the entire way. And the section
 18 where it tapers, there is a small section of the
 19 building which is just shy of 5 foot, but there are
 20 other points where it's almost 7 feet. So the
 21 average is almost 6 feet on that side.
 22 There are no bay windows. We could
 23 have gone that alternative. The idea was not to. We
 24 thought this would be the least onerous option. The
 25 testimony of the planner was pretty clear, that there

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1 MS. LAMBRINIDES: Mr. Ferguson?
 2 CHAIRMAN FERGUSON: Yes.
 3 MS. LAMBRINIDES: Mr. Albanese?
 4 VICE CHAIRMAN ALBANESE: Yes.
 5 MS. LAMBRINIDES: Mr. Terranova?
 6 MR. TERRANOVA: Yes.
 7 MS. LAMBRINIDES: Mr. Min?
 8 MR. MIN: Yes.
 9 MS. LAMBRINIDES: Ms. Yoon?
 10 MS. YOON: Yes.
 11 MS. LAMBRINIDES: Mr. Carnovale?
 12 MR. CARNOVALE: Yes.
 13 MS. LAMBRINIDES: Mr. Lefteriou?
 14 MR. LEFTERIOU: Yes.
 15 MR. SOKOLICH: Thank you. Members of
 16 board, thank you very much. Thank you.
 17 MS. TESTA: One more.
 18 CHAIRMAN FERGUSON: Yeah, one more.
 19 MR. SOKOLICH: Good night all. Thank
 20 you.
 21 CHAIRMAN FERGUSON: Mr. Macri, are you
 22 ready to proceed?
 23 MR. MACRI: I'm ready.
 24 CHAIRMAN FERGUSON: Do you have a
 25 planner here?

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1 MR. MACRI: He hasn't left.
 2 CHAIRMAN FERGUSON: Mr. Planner, did
 3 you see Mr. Kauker's report.
 4 MR. SPATZ: I did not.
 5 If he has it, I can take a look at it.
 6 CHAIRMAN FERGUSON: Take a look at it
 7 if you haven't.
 8 Do you have your report?
 9 MR. KAUKER: I do. I only have one.
 10 CHAIRMAN FERGUSON: Okay, you can
 11 start. I'll go dig it out.
 12 MR. MACRI: Thank you, Mr. Chairman,
 13 members of the board. My name is Marc Macri. I
 14 represent Antonio Gramuglia, who is the owner of the
 15 property located at 403 Northwood Way in the borough.
 16 With me this evening I have Mr. Cocoros
 17 as the architect and Mr. David Spatz as the
 18 professional planner.
 19 We're here seeking the board's approval
 20 to construct a side-by-side duplex building, duplex
 21 residential dwelling upon the property.
 22 I'll begin by having Mr. Cocoros sworn
 23 in.
 24 MS. TESTA: Please raise your right
 25 hand.

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1 last revision date.
 2 (Whereupon, Architectural Plan, dated
 3 7-16-19 is received and marked as Exhibit A-1
 4 for identification.)
 5 MR. SPATZ: That's the one from the one
 6 we just heard.
 7 CHAIRMAN FERGUSON: I'm sorry.
 8 BY MR. SOKOLICH:
 9 **Q.** The last revision date, please?
 10 **A. Sure.**
 11 **The original date on these was 7-16-19;**
 12 **last revised 7-24-19. This will be two sheets, A-1**
 13 **and A-2.**
 14 (Whereupon, Architectural Plan, dated
 15 7-24-19 is received and marked as Exhibit A-2
 16 for identification.)
 17 BY MR. SOKOLICH:
 18 **Q.** Mr. Cocoros, can you please describe to
 19 the board what is proposed?
 20 **A. Sure.**
 21 **A side-by-side, two-family dwelling.**
 22 **The property, itself, is located at Northwood Way,**
 23 **right on the corner of -- coming off of Bergen**
 24 **Boulevard and just above Route 5.**
 25 **The property is on the bend, so it has**
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00:00 1 Do you swear that the testimony you
 00:00 2 will give in this application will be the truth, the
 00:00 3 whole truth and nothing but the truth, so help you
 00:00 4 God?
 00:00 5 MR. COCOROS: I do.
 00:00 6 V A S S I L I O S C O C O R O S,
 00:00 7 467 Sylvan Avenue, Englewood Cliffs, New Jersey
 8 07632, having been duly sworn, testifies as
 9 follows:
 10 MS. TESTA: State your name for the
 11 record.
 12 MR. COCOROS: Sure.
 13 Vassilios, V-a-s-s-i-l-i-o-s, Cocoros.
 14 DIRECT EXAMINATION
 15 BY MR. SOKOLICH:
 16 **Q.** Mr. Cocoros, you are a professional
 17 planner -- architect?
 18 **A. Yes.**
 19 CHAIRMAN FERGUSON: Do you want to give
 20 this to your planner.
 21 MS. TESTA: Do you want to mark the
 22 plans.
 23 MR. MACRI: Yeah, mark it. I don't
 24 know if there's been any revisions.
 25 Please mark the plans A-1, and give the

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1 **a radius front and an irregular side, irregular rear**
 2 **property line.**
 3 **The lot size, itself, is 5,427.31**
 4 **square feet. This also has a topography difference**
 5 **of a lower front and a higher back, with the Bergen**
 6 **Boulevard being behind us and creating a difference**
 7 of almost 10 feet from front to back.
 8 The building, itself, is set up on a
 9 three-level configuration. At the back it's a
 10 two-level configuration because of the grade. So
 11 you're basically walking out the kitchen level out to
 12 the backyard.
 13 The proposed dwelling is 52 feet 8
 14 inches deep. It's 52 feet 8 inches deep. And at
 15 the front is 39 feet 8 inches wide, and 41 feet 8
 16 inches wide at the back. What we've done here is we
 17 have the staircase at the sides but not completely at
 18 the front.
 19 It's a side-by-side configuration on
 20 three levels with a basement/ground floor with a
 21 garage at the front. The main living space, which is
 22 the first floor and second floor bedroom level.
 23 The building, itself, as far as
 24 setbacks, it does meet -- I'm sorry -- it does meet a
 25 typical 50-by-100 duplex variance; however, since we

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1 are wider at the front and a little bit wider at the
2 back, the side yard setback requirements are 8.24
3 feet, while we have 6 feet as a minimum for the
4 building itself.

5 The building also, we are requesting a
6 rear yard setback variance of 19 feet at the rear
7 left corner and 24 feet 6 inches at the rear right
8 corner. That's a function of the irregularity of the
9 lot.

10 In addition to the setback, the
11 building, itself, at the front right corner is 18
12 feet 2-and-five-eighths of an inch to the radius of
13 the property; however, we do have 27 feet 5 inches at
14 the further point. So the building itself, we tried
15 to set it back as far as we could on the property
16 while trying to provide adequate parking at the front
17 of each unit, where we can provide for two garage
18 spaces with a real 17-foot garage door, and two
19 driveway spaces at each driveway being 19 feet, 10
20 inches.

21 So if you look at it from here, it's an
22 all brick configuration. The staircases themselves
23 are located more on the side and the front portion.
24 So you're entering at your living room level instead
25 of the front corner, which helps minimize the overall

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1 footprint of the building without having staircases
2 sticking all the way out in the front.

3 In addition, we have the one bay window
4 in the middle of the dwelling. At the sides are
5 typical bay windows that are 20 inches off the
6 setback.

7 At the back, you can see the property
8 does go up. We have a walk-out from the kitchen
9 level to the backyard. Instead of having a deck we
10 have patios.

11 Also, this building, since we do have
12 topography, we have a true two-and-a-half-story
13 structure with a height of 27.63 feet. So we do meet
14 the height requirement, which is measured midpoint of
15 the roof.

16 The variances we're seeking are
17 basically one (c) nonconforming condition of lot
18 depth. That's because of the irregular shape of the
19 lot, which a lot has to do with the original
20 surveying of the property and being on the curve of
21 the street.

22 **Q.** Billy, did you review the Collazuol
23 engineering report dated October 17, 2019?

24 **A. Yes.**

25 **Q.** Are we able to comply with all of

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1 Mr. Collazuol's requirements?

2 **A. Yes.**

3 MR. MACRI: I have no further questions

4 CHAIRMAN FERGUSON: Okay. So you can
5 answer this.

6 What is your front yard the way it is
7 now.

8 MR. COCOROS: Well, the front yard --
9 at the closest point.

10 As I said, the front yard, there's two
11 points. At the closest point we have 18 feet
12 2-and-a-half inches measured on the angle, but if
13 you go straight, it's closer to 19-and-a-half feet.

14 At the left-hand side we have 27
15 5-and-a-half inches. We have a curve that we're
16 dealing with in the front, so that's part of the
17 function.

18 CHAIRMAN FERGUSON: So here's the
19 issue, at least to me. If you look at Mr. Kauker's
20 report, it's the second of the B items, is that
21 existing setbacks of residents on the same side of
22 the street within the same block, right.

23 MR. COCOROS: Um-hm.

24 CHAIRMAN FERGUSON: Then it says,
25 "shall be less than 20 feet." So you don't meet that

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1 requirement.

2 MR. COCOROS: Well, on the one portion
3 of the building.

4 CHAIRMAN FERGUSON: Well, no, because
5 you said one side is 19 and the other side is...

6 MR. COCOROS: Yeah. Well, it's a
7 minimum. Twenty feet would be minimum.

8 CHAIRMAN FERGUSON: The minimum is 20
9 feet. You don't meet it.

10 MR. MACRI: No. We're seeking that
11 variance. We're 1.78 feet short.

12 CHAIRMAN FERGUSON: Correct. Okay. So
13 in order to eliminate this variance -- if you would
14 just bear me out. If you took 2-and-a-half feet
15 from the house -- listen to me before you say
16 anything. If you took 2-and-a-half feet off, you
17 could then meet the 20 feet, you could take -- on the
18 side of the house where you have your entrances, you
19 can extend them to the front of the house just like a
20 regular duplex. Am I right, or am I wrong?

21 MR. CARNOVALE: You've got to make the
22 house shorter.

23 MR. MACRI: Push the house back 1.78
24 feet.

25 CHAIRMAN FERGUSON: You know, it's an
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1 undersized lot. You know, I'm not so concerned with
2 the back. I'm concerned with the front. If you
3 turned it around and you took 2-and-a-half feet, or
4 two feet, you would make the 20 feet in the front,
5 you would bring the stairs to the front, you would
6 eliminate the two side yards, the backyard where
7 we're giving you, and then you would be -- you would
8 have 20 feet, no? Maybe I'm wrong. I'm just
9 throwing this out for general.

10 MR. CARNOVALE: No, you're right, Joe.

11 CHAIRMAN FERGUSON: Am I right.

12 MR. CARNOVALE: Because if they try to
13 push the house back, the back yard in the left
14 corner, it's like nothing.

15 MR. COCOROS: What I can do on the
16 right-hand corner, let's say if I push the house back
17 1 feet 10 inches -- it will probably be even less
18 than that -- let's say 20 inches. I can get a
19 20-foot setback at the front corner. And then on the
20 left unit, I can bring it slightly forward, and we'll
21 still be in compliance because I can have this --
22 still have the 20 feet there. I can increase the
23 rear -- I'll decrease the rear yard setback at the
24 rear, let's say, 22 feet 8 inches. Then I could
25 slide the left unit forward, which would increase our

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1 slightly adjusted in the back, and this will get
2 increased. Where it's only 19 feet, I can get this
3 closer to 21 feet.

4 CHAIRMAN FERGUSON: You're talking
5 about the back? Yeah, that's okay, as long as the
6 staircases are coming into the front. You've got 20
7 feet in the front, right? You eliminate those three
8 variances. The one in the back, it's illegal. I
9 mean, it's undersized.

10 MR. COCOROS: We would eliminate --
11 these would basically stay similar except they would
12 be more evened out. And we would eliminate the
13 variance for the front yard setback.

14 CHAIRMAN FERGUSON: Right. How about
15 the two staircases?

16 MR. COCOROS: Would be in the front.

17 CHAIRMAN FERGUSON: In the front.

18 MR. MACRI: So we're going to move the
19 staircases to the front. We're going to push the
20 right side back so it meets the front yard setback.
21 The house will have a little bit of a zig-zag but it
22 will comply with 20-foot setback.

23 CHAIRMAN FERGUSON: Right.

24 MR. MACRI: That's fine, Mr. Chairman.

25 My client will agree with that.

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1 setback at the rear left and bring us in line with
2 the adjacent dwelling to the right without increasing
3 the footprint of the building.

4 Back here we would basically increase
5 the setback on the left-hand side, decrease it
6 slightly on the right-hand side, and then comply with
7 -- I do like the staircases on the side because they
8 don't stick out so much, especially on this corner.
9 If you come down the street, those steps would be --
10 I put the platform in front, those steps would be
11 fully out almost to the property line.

12 CHAIRMAN FERGUSON: If you have the 20
13 feet -- if you do what you said. Just correct me if
14 I'm wrong. If you did what you said, right, you
15 could bring the two stairwells that are on the side
16 to the front? You move them to the front like a
17 regular duplex. And what you do is, you eliminate
18 the steps on the side of the building.

19 MR. MACRI: Mr. Chairman, we could move
20 the staircase up front. But do you have an issue
21 with the house.

22 CHAIRMAN FERGUSON: Say again?

23 MR. COCOROS: I can move the platform
24 in the front. But I would still like to zig-zag it
25 where we would meet 20 feet here, this would get

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1 CHAIRMAN FERGUSON: Any other board
2 members have anything.

3 Steve?

4 MR. COLLAZUOL: Yes. Thank you.

5 You note in the report on page 2 with
6 respect to the grading and retaining walls, it does
7 not appear that any of the walls proposed will be
8 greater than 3 feet. It also looks like the
9 irregular lot wall in the rear is in fact less than 3
10 feet as well.

11 If in fact that irregular block wall is
12 disturbed during construction, would you agree that
13 that would be then replaced?

14 MR. COCOROS: Yeah.

15 MR. COLLAZUOL: And would you please
16 explain the possible overlap with the rear adjoiners,
17 what the nature of that hatched area is?

18 MR. COCOROS: I think it's an area -- a
19 title issue. We're not touching it, though. So
20 we're leaving it. We're not actually disturbing that
21 area at all.

22 MR. COLLAZUOL: So the deed is the full
23 9975 on the left.

24 MR. MACRI: On the left.

25 MR. COLLAZUOL: The deed is for 9975 on

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1 the left, as shown on the boundary and D plot. And
 2 your lot area includes that area that is with respect
 3 to possible overlap, correct.
 4 MR. COCOROS: Yes.
 5 MR. COLLAZUOL: Okay.
 6 MR. MACRI: We're just not going to
 7 touch it.
 8 MR. COLLAZUOL: I have nothing further.
 9 Thank you.
 10 CHAIRMAN FERGUSON: Judd, are you okay
 11 with this?
 12 MR. ROCCIOLA: Yes.
 13 MR. KAUKER: Just a question.
 14 I'm referring to your bulk table on the
 15 Site Plan. You show a rear yard of 29 feet. It
 16 doesn't look like that's accurate.
 17 MR. COCOROS: I'm sorry. That should
 18 be -- that should have been 19 feet. That's why I
 19 have a yes on that. It should be 19 feet. Yes, it's
 20 a variance.
 21 MR. KAUKER: Right, 19 feet.
 22 MR. COCOROS: That's on the left-hand
 23 side.
 24 MR. KAUKER: What is the rear yard as
 25 proposed now?

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1 MS. TESTA: The left side is 19 feet.
 2 MR. MACRI: Yes.
 3 MS. TESTA: And the right side.
 4 MR. COCOROS: It's going to be
 5 approximately 22.8 inches, but that will be confirmed
 6 -- you know, we'll have 20 feet in the front.
 7 But the way I look at it now, it's
 8 approximately 22 feet, 8 inches on the right-hand
 9 side.
 10 MS. TESTA: Okay, great.
 11 CHAIRMAN FERGUSON: Okay. Yes.
 12 Audience, go, you're it.
 13 MS. SCHOR: Do you have a basement in
 14 that at all?
 15 MR. COCOROS: I'm sorry.
 16 MS. SCHOR: Do you have a basement?
 17 MR. COCOROS: Yes.
 18 MS. SCHOR: What's there?
 19 MR. COCOROS: A recreation room, a
 20 powder room, a home office.
 21 MS. SCHOR: Because you said the
 22 kitchen comes out on the patio?
 23 MR. COCOROS: Yeah. There's a side
 24 door and two windows in the basement.
 25 MS. SCHOR: Oh, is that how it's going

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1 MR. COCOROS: Well, it's going to be 19
 2 feet still. We're not touching that. We're
 3 basically sliding the unit on the left back, which
 4 will bring us to 22 foot 8 inches on that portion,
 5 but we'll still be under the 19 feet that we're
 6 requesting.
 7 MR. KAUKER: So the unit on the right
 8 side of the plan.
 9 MR. COCOROS: Slid back approximately
 10 22 inches so we can meet the front yard setback of
 11 the building. And the staircases will be moved to
 12 the front.
 13 MR. KAUKER: Okay. So you're
 14 maintaining the 19 foot.
 15 MR. MACRI: No. We're going to
 16 decrease from 24.5 to 20. The right side is
 17 maintained.
 18 MR. KAUKER: Nineteen.
 19 MR. MACRI: Nineteen is going to stay
 20 the way it is.
 21 MR. KAUKER: And then you're going to
 22 provide 20 feet in the front.
 23 MS. TESTA: What is the rear yard?
 24 MR. MACRI: The rear yard is going to
 25 be 19 feet.

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1 to be?
 2 Thank you.
 3 CHAIRMAN FERGUSON: Okay.
 4 MR. MACRI: Mr. Chairman. I'm sorry.
 5 CHAIRMAN FERGUSON: There's no bathtub
 6 or shower in the basement, but there is a big closet.
 7 MR. COCOROS: We're going to go
 8 5-and-a-half-by-5 like the last one.
 9 CHAIRMAN FERGUSON: You're going to go
 10 5-and-a-half-by-5.
 11 MR. COCOROS: Right.
 12 MR. MACRI: Mr. Chairman, at this time
 13 -- do you have a question?
 14 MS. SCHOR: No.
 15 MR. MACRI: Okay. I'd like to have
 16 Mr. Spatz sworn, please.
 17 CHAIRMAN FERGUSON: He's been sworn
 18 already.
 19 MS. TESTA: Raise your right hand
 20 please.
 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.

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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 for the
 5 record, please.
 6 MR. SPATZ: David Spatz, S-p-a-t-z.
 7 MR. MACRI: Mr. Chairman, I'm handing
 8 out a photo board with four photographs marked as
 9 A-2.
 10 MS. TESTA: A-2, yes.
 11 (Whereupon, Photo Board with Four
 12 Photographs is received and marked as Exhibit
 13 A-3 for identification.)
 14 DIRECT EXAMINATION
 15 BY MR. MACRI:
 16 Q. Mr. Spatz, could you please explain to
 17 the board what Exhibit A-2 is?
 18 A. Certainly.
 19 It's a series of four photographs. The
 20 top left-hand photograph is of the subject property.
 21 The top right-hand photograph is looking to the right
 22 of our property. The bottom left is looking towards
 23 the left, towards the north. And there's a series of
 24 sort of single-family homes near us, but it becomes
 25 more and more two-family homes as we go to the north.

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1 of the zone. So there are, as I indicated, no (d)
 2 variances.
 3 There is a conforming amount of parking
 4 both within the dwelling and on the driveway. That's
 5 caused the building again to be slightly wider, which
 6 is where the side yard variances come in.
 7 By moving the stairs to the front of
 8 the building, as was proposed, more of that side yard
 9 area will be larger as it goes against the adjacent
 10 property. So I think the bulk variances, those two
 11 bulk variances can be granted.
 12 Looking at the negative criteria, I
 13 don't think there's anything that is substantially
 14 negative. We have a permitted use in a neighborhood
 15 that does have a mixture of residential uses. The
 16 setbacks are consistent both with what's on the
 17 property is what's within the neighborhood. We're
 18 making adjustments to eliminate the front yard
 19 variance without having a negative impact on the rear
 20 yard.
 21 Landscaping is being provided to buffer
 22 the adjacent properties, so I don't believe we
 23 overwhelm any of those properties and have a negative
 24 effect on light, air and open space.
 25 As I've indicated, a conforming amount

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1 **And the then bottom right-hand photograph is of**
 2 **across the street. There's a garden apartment**
 3 **development there, a single-family home, and then a**
 4 **garden apartment development.**
 5 **So looking at our project, we're**
 6 **proposing a two-family home in the AA zone where it's**
 7 **permitted. The lot conforms to the area and width.**
 8 But the lot depth, because of the curve in the front
 9 and the angle of the rear, we do not meet the lot
 10 depth requirement.
 11 We've eliminated the front yard setback
 12 variance. We now need variances just for side yard
 13 and rear yard. There are no (d) variances required
 14 at all.
 15 So looking at those bulk variances, the
 16 property is undersized, as I have indicated, in terms
 17 of depth. Due to those irregularities and the fact
 18 that we can't acquire any land to increase our
 19 property, that's why we have that rear yard variance.
 20 One of the units in our building is
 21 conforming. One of them is slightly less than what
 22 is permitted.
 23 As I have indicated, we have eliminated
 24 the front yard setback. The building has been
 25 designed to meet the coverage and height limitations

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1 of parking is being provided on site. The existing
 2 driveways, as can be seen from the photograph, is
 3 wider than is typical to provide additional outside
 4 parking.
 5 But that affects the street parking so
 6 there is only limited impact from what we're
 7 proposing. And I think on balance, the positive
 8 impact outweighs anything that could be negative.
 9 And I think that the variances could be granted.
 10 MR. MACRI: Thank you, Mr. Spatz.
 11 CHAIRMAN FERGUSON: Mr. Kauker.
 12 MR. KAUKER: I think he covered
 13 everything.
 14 I have no questions.
 15 CHAIRMAN FERGUSON: Anybody in the
 16 audience? Yes.
 17 MS. SCHOR: I just recognize, I think
 18 Mr. Macri is a very nice person. I don't like his
 19 clients, but he is a good lawyer.
 20 MR. CARNOVALE: Well, that's your
 21 opinion.
 22 MR. MACRI: Thank you. Thank you very
 23 much.
 24 MS. LAMBRINIDES: How much did you pay
 25 her at the break to say that.

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1 CHAIRMAN FERGUSON: Do you want to come
 2 up.
 3 MR. MACRI: I want to agree with
 4 what...
 5 MS. BRAUER: Can we take a vote on
 6 that.
 7 MR. MACRI: Mr. Chairman, our
 8 application does meet both the positive criteria
 9 tests as required under the Municipal Land Use Law.
 10 We're taking the board's recommendation and moving
 11 the house back in order to comply with the front yard
 12 setbacks. We're moving the staircase forward, as
 13 requested by the board. My client is doing
 14 everything he can to satisfy the board.
 15 CHAIRMAN FERGUSON: The only issue to
 16 the thing is, am I going to see a set of plans before
 17 the next meeting.
 18 MR. MACRI: We'll have them before the
 19 next meeting, yes.
 20 CHAIRMAN FERGUSON: So we can be sure.
 21 MR. MACRI: Yes. All right.
 22 CHAIRMAN FERGUSON: I make a motion
 23 that we accept the \$2,000.00 to the Tree Preservation
 24 Fund and also all of Mr. Collazuol's comments.
 25 MR. CARNOVALE: I second the motion.

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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.
 16
 17
 18
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 22
 23
 24 -----
 RONDA L. REINSTEIN, CCR No. 30X100217800
 25

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1 CHAIRMAN FERGUSON: Roll call?
 2 MS. LAMBRINIDES: Mr. Ferguson?
 3 CHAIRMAN FERGUSON: Yes.
 4 MR. LAMBRINIDES: Mr. Albanese?
 5 VICE CHAIRMAN ALBANESE: Yes.
 6 MS. LAMBRINIDES: Mr. Min?
 7 MR. MIN: Yes.
 8 MS. LAMBRINIDES: Ms. Yoon?
 9 MS. YOON: Yes.
 10 MS. LAMBRINIDES: Mr. Carnovale?
 11 MR. CARNOVALE: Yes.
 12 MS. LAMBRINIDES: Mr. Lefteriou?
 13 MR. LEFTERIOU: Yes.
 14 VICE CHAIRMAN ALBANESE: I make a
 15 motion we adjourn.
 16 CHAIRMAN FERGUSON: Second.
 17 MS. LAMBRINIDES: All ayes.
 18 (Whereupon, all Board Members respond
 19 in the affirmative.)
 20 (Whereupon, this meeting is concluded.
 21 Time noted: 9:37 p.m.)
 22
 23
 24
 25

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