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2 BOROUGH OF PALISADES PARK

3 BOARD OF ADJUSTMENT

4 MONDAY, FEBRUARY 26, 2018

5 COMMENCING AT 7:04 P.M.

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IN THE MATTER OF: : TRANSCRIPT

: OF

: PROCEEDINGS

**APPLICATION NO. 17-15**

531 ROFF AVENUE LLC

531 Roff Avenue

BLOCK 314; LOT 12

**APPLICATION NO. 17-18**

LOIS GRATO

210 Glen Avenue

BLOCK 16, LOT 606

**APPLICATION NO. 17-14**

STEVEN TESTINO

433-435 Highland Avenue

Block 211; Lots 19&20

**APPLICATION NO. 17-16**

GUY SABAN

33- 3rd Street

BLOCK 312; LOT 8

B E F O R E:

THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT

THERE BEING PRESENT:

JOSEPH FERGUSON, CHAIRMAN

PAUL ALBANESE, VICE CHAIRMAN

ANDY NAM, MEMBER

VINCENT CARNOVALE, MEMBER

SEUNG YOON, MEMBER

PAUL KIM, MEMBER

DAVID TERRANOVA, MEMBER

MIRJANA TARABOCCHIA, ALTERNATE MEMBER

LEFTERI LEFTERIOU, ALTERNATE MEMBER

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

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

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

2 **DIANE TESTA, ESQ.**

3 Counsel for the Board

4 **FLORIO, PERRUCCI, STEINHARDT & FADER, LLC**

5 **BY: REGINALD JENKINS, JR., ESQ.**

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7 Rochelle Park, New Jersey 07662

8 Counsel for Steven Testino

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10 **LANZA & LANZA, P.C.**

11 **BY: GUY LANZA, ESQ.**

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13 Palisades Park, New Jersey 07659

14 Counsel for Guy Saban

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**Block 211; Lots 19 & 20**

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1 CHAIRMAN FERGUSON: Okay. I call the  
 2 meeting to order.  
 3 Paul, do you want to lead us in the  
 4 flag salute?  
 5 (Whereupon, Vice Chairman Albanese  
 6 leads the Recitation of the Pledge of  
 7 Allegiance.)  
 8 CHAIRMAN FERGUSON: Roll call vote.  
 9 All right. We're going to stand up for  
 10 a moment of silence for Joe Testa, our councilman,  
 11 who passed in the last month.  
 12 (Whereupon, all stand for a moment of  
 13 silence.)  
 14 CHAIRMAN FERGUSON: Okay. Thank you.  
 15 Roll call vote for attendance.  
 16 MS. LAMBRINIDES: Mr. Ferguson?  
 17 CHAIRMAN FERGUSON: Here.  
 18 MS. LAMBRINIDES: Mr. Albanese?  
 19 VICE CHAIRMAN ALBANESE: Here.  
 20 MS. LAMBRINIDES: Mr. Terranova?  
 21 (No response.)  
 22 MS. LAMBRINIDES: Mr. Kim?  
 23 MR. KIM: Here.  
 24 MS. LAMBRINIDES: Mr. Nam?  
 25 MR. NAM: Here.

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1 MS. LAMBRINIDES: Ms. Yoon?  
 2 MS. YOON: Here.  
 3 MS. LAMBRINIDES: Mr. Carnovale?  
 4 MR. CARNOVALE: Here.  
 5 MS. LAMBRINIDES: Ms. Tarabocchia?  
 6 MS. TARABOCCHIA: Here.  
 7 MS. LAMBRINIDES: Mr. Lefteriou?  
 8 MR. LEFTERIOU: Here.  
 9 CHAIRMAN FERGUSON: Okay. The first  
 10 order of business is approve the minutes of the  
 11 previous meeting. We all received them, transcripts  
 12 in the mail.  
 13 VICE CHAIRMAN ALBANESE: I make a  
 14 motion.  
 15 CHAIRMAN FERGUSON: Everybody had an  
 16 opportunity to review.  
 17 Is there any omissions?  
 18 VICE CHAIRMAN ALBANESE: I'll make a  
 19 motion we accept the minutes.  
 20 CHAIRMAN FERGUSON: Okay. I'll take  
 21 the motion.  
 22 Pauly, you're making the motion?  
 23 VICE CHAIRMAN ALBANESE: Yeah.  
 24 MR. CARNOVALE: I second.  
 25 CHAIRMAN FERGUSON: There's a first and

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1 second.  
 2 Roll call vote on the minutes?  
 3 MS. LAMBRINIDES: Mr. Ferguson?  
 4 CHAIRMAN FERGUSON: Yes.  
 5 MS. LAMBRINIDES: Mr. Albanese?  
 6 VICE CHAIRMAN ALBANESE: Yes.  
 7 MS. LAMBRINIDES: Mr. Kim?  
 8 MR. KIM: Yes.  
 9 MS. LAMBRINIDES: Mr. Nam?  
 10 MR. NAM: Yes.  
 11 MS. LAMBRINIDES: Ms. Yoon?  
 12 MS. YOON: Yes.  
 13 MS. LAMBRINIDES: Mr. Carnovale?  
 14 MR. CARNOVALE: Yes.  
 15 MS. LAMBRINIDES: Ms. Tarabocchia?  
 16 MS. TARABOCCHIA: I abstain.  
 17 MS. LAMBRINIDES: Mr. Lefteriou?  
 18 MR. LEFTERIOU: I abstain.  
 19 CHAIRMAN FERGUSON: Okay. Next order  
 20 of business is we're going to pay some bills.  
 21 All the these monies are coming out of  
 22 escrow. Our board attorney, \$2,300.00; the court  
 23 reporter, \$2,733.50; and The Record, \$104.41.  
 24 Can I get a motion to pay the bills?  
 25 VICE CHAIRMAN ALBANESE: I'll make a

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1 motion to pay the bills.  
 2 MR. CARNOVALE: I second it.  
 3 CHAIRMAN FERGUSON: There's a first and  
 4 second.  
 5 Roll call vote?  
 6 MS. LAMBRINIDES: Mr. Ferguson?  
 7 CHAIRMAN FERGUSON: Yes.  
 8 MS. LAMBRINIDES: Mr. Albanese?  
 9 VICE CHAIRMAN ALBANESE: Yes.  
 10 MS. LAMBRINIDES: Mr. Kim?  
 11 MR. KIM: Yes.  
 12 MS. LAMBRINIDES: Mr. Nam?  
 13 MR. NAM: Yes.  
 14 MS. LAMBRINIDES: Ms. Yoon?  
 15 MS. YOON: Yes.  
 16 MS. LAMBRINIDES: Mr. Carnovale?  
 17 MR. CARNOVALE: Yes.  
 18 MS. LAMBRINIDES: Ms. Tarabocchia?  
 19 MS. TARABOCCHIA: Yes.  
 20 MS. LAMBRINIDES: Mr. Lefteriou?  
 21 MR. LEFTERIOU: Yes.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 MS. TESTA: Memorialization.  
 24 CHAIRMAN FERGUSON: We're going to do a  
 25 memorialization, Case No. 17-15, 531 Roff Avenue,

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1 LLC.  
 2 Can I get a motion to memorialize?  
 3 VICE CHAIRMAN ALBANESE: Make a motion  
 4 we memorialize it.  
 5 MR. CARNOVALE: I second it.  
 6 CHAIRMAN FERGUSON: Roll call vote?  
 7 MS. LAMBRINIDES: Mr. Ferguson.  
 8 CHAIRMAN FERGUSON: Yes.  
 9 MS. LAMBRINIDES: Mr. Albanese?  
 10 VICE CHAIRMAN ALBANESE: Yes.  
 11 MS. LAMBRINIDES: Mr. Kim?  
 12 MR. KIM: Yes.  
 13 MS. LAMBRINIDES: Mr. Nam?  
 14 MR. NAM: Yes.  
 15 MS. LAMBRINIDES: Ms. Yoon?  
 16 MS. YOON: Yes.  
 17 MS. LAMBRINIDES: Mr. Carnovale?  
 18 MR. CARNOVALE: Yes.  
 19 MS. LAMBRINIDES: Ms. Tarabocchia?  
 20 MS. TARABOCCHIA: I abstain.  
 21 MS. LAMBRINIDES: Mr. Lefteriou?  
 22 MR. LEFTERIOU: Yes.  
 23 CHAIRMAN FERGUSON: Okay. Case No.  
 24 17-28, Lois Grato, 210 Glen Avenue.  
 25 MS. TESTA: Yes. I received a call on  
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1 between the board and the applicant. It's going to  
 2 be on for the March 19th, 2018 hearing.  
 3 CHAIRMAN FERGUSON: Make a motion?  
 4 MS. TESTA: Yes.  
 5 CHAIRMAN FERGUSON: I'll make a motion  
 6 to grant the adjournment.  
 7 MS. TESTA: Yes, right, to the March  
 8 19th date.  
 9 MR. CARNOVALE: I'll second.  
 10 CHAIRMAN FERGUSON: Roll call vote?  
 11 MS. LAMBRINIDES: Mr. Ferguson.  
 12 CHAIRMAN FERGUSON: Yes.  
 13 MS. LAMBRINIDES: Mr. Albanese?  
 14 VICE CHAIRMAN ALBANESE: Yes.  
 15 MS. LAMBRINIDES: Mr. Kim?  
 16 MR. KIM: Yes.  
 17 MS. LAMBRINIDES: Mr. Nam?  
 18 MR. NAM: Yes.  
 19 MS. LAMBRINIDES: Ms. Yoon?  
 20 MS. YOON: Yes.  
 21 MS. LAMBRINIDES: Mr. Carnovale?  
 22 MR. CARNOVALE: Yes.  
 23 MS. LAMBRINIDES: Ms. Tarabocchia?  
 24 MS. TARABOCCHIA: Yes.  
 25 MS. LAMBRINIDES: Mr. Lefteriou?  
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1 this case. The attorney is looking for a  
 2 postponement to the March 19th, 2018 agenda.  
 3 CHAIRMAN FERGUSON: So I'll make a  
 4 motion to grant the adjournment.  
 5 VICE CHAIRMAN ALBANESE: I'll second.  
 6 CHAIRMAN FERGUSON: Roll call vote?  
 7 MS. LAMBRINIDES: Mr. Ferguson.  
 8 CHAIRMAN FERGUSON: Yes.  
 9 MS. LAMBRINIDES: Mr. Albanese?  
 10 VICE CHAIRMAN ALBANESE: Yes.  
 11 MS. LAMBRINIDES: Mr. Kim?  
 12 MR. KIM: Yes.  
 13 MS. LAMBRINIDES: Mr. Nam?  
 14 MR. NAM: Yes.  
 15 MS. LAMBRINIDES: Ms. Yoon?  
 16 MS. YOON: Yes.  
 17 MS. LAMBRINIDES: Mr. Carnovale?  
 18 MR. CARNOVALE: Yes.  
 19 MS. LAMBRINIDES: Ms. Tarabocchia?  
 20 MS. TARABOCCHIA: Yes.  
 21 MS. LAMBRINIDES: Mr. Lefteriou?  
 22 MR. LEFTERIOU: Yes.  
 23 MS. TESTA: And if anybody's here with  
 24 regards to 400 Bergen Boulevard, that case will not  
 25 be heard this evening. There was a misunderstanding  
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1 MR. LEFTERIOU: Yes.  
 2 CHAIRMAN FERGUSON: Okay. I guess that  
 3 takes care of everything.  
 4 Now we will proceed with our first  
 5 case.  
 6 We have two cases on for tonight.  
 7 First case is going to be 17-14, Steven Testino,  
 8 433-435 Highland Avenue.  
 9 MR. LEFTERIOU: Excuse myself.  
 10 (Whereupon, Mr. Lefteriou recuses  
 11 himself and steps off the dais.)  
 12 CHAIRMAN FERGUSON: Counsel, good to  
 13 see you.  
 14 MS. TESTA: Right. Let the record  
 15 reflect that Mr. Lefteriou is stepping away from the  
 16 dais.  
 17 CHAIRMAN FERGUSON: There are two  
 18 people that are leaving the dais because they recused  
 19 themselves.  
 20 MS. TESTA: Yes. And also Paul Kim.  
 21 MR. KIM: I should have eaten my  
 22 sandwich then.  
 23 CHAIRMAN FERGUSON: Say again?  
 24 MR. KIM: I said I should have eaten my  
 25 sandwich then.  
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1 CHAIRMAN FERGUSON: Yeah, you should  
2 have.

3 (Whereupon, Mr. Kim recuses  
4 himself and steps off the dais.)

5 CHAIRMAN FERGUSON: Okay. Counsel, I  
6 assume you're ready to proceed?

7 MR. JENKINS: I am.

8 Good evening, Mr. Chairman, Members of  
9 the Board, Reginald Jenkins of Florio, Perrucci,  
10 Steinhart and Fader on behalf of the applicant  
11 Steven Testino.

12 As the board will recall, this was an  
13 application at the subject property for a townhome  
14 development.

15 At the last hearing we established that  
16 this site was particularly suitable for this proposed  
17 development, particularly given the large size of the  
18 lot that's going to be consolidated.

19 And, likewise, we particularly  
20 demonstrated that there is a need in town, that there  
21 is a desire for the type of -- this type of  
22 residential development.

23 Through some of the comments there were  
24 concerns specifically raised with regard to the  
25 parking that was being provided, not so much the

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1 on-site residential parking, but -- for the  
2 residents, but for the guest parking. And we -- and  
3 also we heard the comments of the residents with  
4 regard to lights with regard to cars. We heard that.  
5 We heard the board's concerns. And what we did is we  
6 have modified it. We have modified it to reduce the  
7 intensity of what is being proposed. It was  
8 originally seven units. We reduced that to six.

9 In so doing, we've done two things in  
10 particular, which I hope the board will find  
11 acceptable is that, one, we now have a compliant  
12 parking situation, both with regard to the residents,  
13 as well as the guest parking. Secondly, we have  
14 enhanced the screening to the -- with regard to the  
15 adjacent properties, such that we believe that any  
16 effect has been mitigated or has been dramatically  
17 reduced.

18 That is all that I'm going to say at  
19 this point. What I would like to do is bring up  
20 three witnesses this evening. First, we will recall  
21 our architect, Ralph Walker, who will speak to the  
22 elevation changes that are being proposed. Then  
23 we'll bring back Mark Martins who will speak to the  
24 engineering that is affected with regard to this  
25 reduction. And, finally, to wrap up the entirety of

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1 the application, we'll bring up our planner George  
2 Williams.

3 So unless the board has any particular  
4 questions, I'll go into it.

5 CHAIRMAN FERGUSON: Well, no questions  
6 yet. But I do have a comment, and that is for the  
7 audience. The procedure that we handle here on the  
8 board, in case there's any new members here, the  
9 applicant puts his witness on, the board ask any  
10 questions, then our experts, if they have any  
11 questions, they go. And then the audience goes.  
12 When we're -- when there are individual witnesses  
13 here, we would like that the questions be in regards  
14 to that witness. In other words -- right?

15 At the end of the case, then everybody  
16 can get up and say whatever comments they would like  
17 to say.

18 So with that, Counsel, you want to --

19 MR. JENKINS: Thank you.

20 And one thing before Mr. Walker speaks,  
21 I would like the board's indulgence with respect to  
22 our engineer only in that in advance I wanted to let  
23 you know that he has a conflict later this evening,  
24 so after his direct testimony and, obviously, any  
25 questions that are going to be put to him, I would

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1 ask permission that he be allowed to leave after his  
2 direct testimony.

3 CHAIRMAN FERGUSON: Yeah, I don't think  
4 that's a problem.

5 MR. JENKINS: I mean, we're going to  
6 try and answer all the questions.

7 CHAIRMAN FERGUSON: Yeah. Yeah,  
8 obviously you have to answer the questions, right.

9 MR. JENKINS: I'm not trying to get him  
10 out the door --

11 CHAIRMAN FERGUSON: No, no, no, that's  
12 fine.

13 MR. JENKINS: -- so nobody talks to  
14 him, he has to go.

15 CHAIRMAN FERGUSON: That's fine.

16 MR. JENKINS: Mr. Walker, can you  
17 introduce yourself to the board?

18 MS. TESTA: I'll swear him in since  
19 it's a new year.

20 Please raise your right hand. Do you  
21 swear that the testimony you will give in this  
22 application will be the truth, the whole truth and  
23 nothing but the truth?

24 MR. WALKER: I do.

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1 RALPH WALKER,  
 2 3 University Plaza Drive, #600, Hackensack, New  
 3 Jersey, having been duly sworn, testifies as  
 4 follows:  
 5 MS. TESTA: Please state your name for  
 6 the record.  
 7 MR. WALKER: Ralph Walker. I'm a  
 8 senior project manager with RSC Architects,  
 9 registered architect. Previously provided my  
 10 qualifications. I don't know if the board needs them  
 11 again now. I'm happy to provide it, if you'd like.  
 12 MS. TESTA: No.  
 13 CHAIRMAN FERGUSON: We'll accept him.  
 14 MS. TESTA: Yes.  
 15 MR. JENKINS: Thank you.  
 16 MR. WALKER: Thank you.  
 17 (Whereupon, Mr. Terranova has arrived  
 18 at 7:13 p.m.)  
 19 DIRECT EXAMINATION  
 20 BY MR. JENKINS:  
 21 Q. Mr. Walker, you've heard my intro  
 22 spiel. Can you describe for the board what has been  
 23 revised since the application was originally  
 24 presented?  
 25 A. **Absolutely. So I'm going to be working**  
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1 **from the easel here. The first -- the first image**  
 2 **I'm showing is Drawing SK-0, which is an**  
 3 **architectural site plan.**  
 4 MS. LAMBRINIDES: Mr. Terranova.  
 5 MS. TESTA: If I may just interrupt you  
 6 for one moment.  
 7 THE WITNESS: Yes.  
 8 MS. TESTA: We just want the record to  
 9 reflect that Board Member David Terranova is here.  
 10 THE WITNESS: Okay.  
 11 MR. TERRANOVA: Sorry.  
 12 MS. TESTA: No problem.  
 13 THE WITNESS: Do you want -- I'm not  
 14 sure where we're at with exhibit lists.  
 15 What -- what number do you want me to  
 16 label this as?  
 17 MR. JENKINS: No, these are documents  
 18 that were provided in the submission packages.  
 19 THE WITNESS: Correct.  
 20 MR. JENKINS: So it's nothing new.  
 21 MS. TESTA: Oh, it's not the new --  
 22 THE WITNESS: I'm just referencing it.  
 23 MS. TESTA: Not the new plans, you're  
 24 just referencing?  
 25 THE WITNESS: I don't know if you need  
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1 a --  
 2 MS. TESTA: Just what is the --  
 3 THE WITNESS: It's SK-0, dated January  
 4 9, of '18.  
 5 MS. TESTA: Just identify it by --  
 6 THE WITNESS: It's the architectural  
 7 site plan.  
 8 MS. TESTA: Very good.  
 9 THE WITNESS: All right.  
 10 So, again, just to reiterate what  
 11 Reggie was saying a minute ago, what -- we've done a  
 12 number of things to improve the property overall.  
 13 One, is we did -- we did make a reduction from seven  
 14 units down to six. Each of the six units, as you can  
 15 see on the site plan, have two in car -- two in  
 16 garage parking spaces and two exterior parking spaces  
 17 directly -- directly adjacent to the entry.  
 18 We also have three additional visitor  
 19 spaces at the back -- at the rear of the property.  
 20 Another comment that had come up had  
 21 been with the configuration of the curb cut and the  
 22 entry to the site. I know Mark will speak to this in  
 23 more detail, but I just want to highlight that the  
 24 building did also shift kind of back and we made an  
 25 adjustment in terms of the overall width of the  
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1 building in order to accommodate the drive in a more  
 2 appropriate way.  
 3 So not only did the number of units  
 4 change, but the footprint of the property also was  
 5 reduced.  
 6 I'm going to jump now to Drawing A2.0.  
 7 Again, this is an architectural set of elevations,  
 8 dated January 9, 2018. This, again, was part of your  
 9 package. So Drawing A2.0.  
 10 So as you can see from the updated  
 11 elevations, the general height and configuration of  
 12 the building is, again, in context with the  
 13 neighborhood that it's in.  
 14 This elevation on the top, east  
 15 elevation (indicating) shows the image of what you'll  
 16 see from the drive aisle with the garage doors, the  
 17 elevated entry and materials that we're dealing with.  
 18 The north elevation, which is the one  
 19 that faces the street, which is this side here  
 20 (indicating), we also enhanced that elevation in  
 21 terms of materiality and our choices there.  
 22 Overall, the height of the building has  
 23 not changed significantly. It's still approximately  
 24 the same as what you have seen previously. The  
 25 biggest difference is the footprint.  
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1 And, again, Mark will speak to some of  
2 the details as it relates to the privacy around the  
3 perimeter, but you'll notice on all of our elevations  
4 we're showing graphically where the privacy fences  
5 occur. And we are completely enclosing the site on  
6 all three sides in a manner in which to try and block  
7 headlights and improve the architectural elements, as  
8 well as with landscaping.

9 So those are the major changes from the  
10 last time that we presented. And I don't know if  
11 there's anything else you want me to hit on while I'm  
12 up here, but I wanted to move it along so Mark can --

13 MR. JENKINS: No. At this point I have  
14 no further questions for Mr. Walker.

15 CHAIRMAN FERGUSON: Okay. I just have  
16 a couple of quick ones.

17 THE WITNESS: Sure.

18 CHAIRMAN FERGUSON: The board and the  
19 residents raised some other questions at the last  
20 meeting, such as runoff.

21 The house that's on the north end of  
22 this, with cars going up and down -- what do you call  
23 it -- the alleyway. Also, lights into buildings on  
24 Hillside.

25 THE WITNESS: Right.

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1 property --

2 THE WITNESS: Yup.

3 CHAIRMAN FERGUSON: -- how close is  
4 that to the property line?

5 THE WITNESS: It's -- it's offset.

6 Let me reference you -- I think the  
7 best drawing is probably the engineering drawing,  
8 reference you to this, on this right now. Let me get  
9 you to the right place.

10 Do you have a detail of it? I'll use  
11 this, this is fine.

12 All right. I'm going to reference -- I  
13 don't want to steal your thunder, Mark, but I'm going  
14 to reference you to Drawing Sheet 3 of 7 of the  
15 engineer's plans. And on Drawing 3 of 7 at the north  
16 end of the property what you will see is that there  
17 are actually two offset Keystone retaining walls and  
18 between those two retaining walls is a landscaped  
19 element.

20 CHAIRMAN FERGUSON: Okay.

21 THE WITNESS: So the idea here is that  
22 we have a lower wall, which is really intended to be  
23 kind of like a traffic block, and then steps up to a  
24 landscape, to a planter area, and then a second wall  
25 above that.

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1 CHAIRMAN FERGUSON: The configuration  
2 that you propose now, is it going to relieve any of  
3 those concerns?

4 THE WITNESS: So I'll highlight two  
5 things and then, again, I'm going to defer some this  
6 to the engineer.

7 CHAIRMAN FERGUSON: That would be good.

8 THE WITNESS: The site -- the site  
9 drainage package has changed dramatically from the  
10 last one that you've seen, and I think you'll see  
11 both from your engineer's -- from your engineer's  
12 letter and from our engineer's testimony that that's  
13 a large improvement.

14 The other thing is that in terms of the  
15 headlights issue, you can see on elevation one, which  
16 is the east elevation, the kind of natural slope that  
17 we have coming down (indicating). While this is a  
18 graphic representation of what the retaining wall  
19 will be, we do have an engineer's representation in  
20 the engineer's package that he can speak to. But it  
21 is a staggered wall with landscaping with the direct  
22 intent of trying to screen headlights as they are  
23 coming down the drive.

24 CHAIRMAN FERGUSON: Now, as far as that  
25 wall that we're talking about at the end of the

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1 All right? So that is how we're trying  
2 to achieve this.

3 And, again, I'm going to have Mark  
4 speak to -- to more of that, since that's part of the  
5 engineering package.

6 CHAIRMAN FERGUSON: Okay. I assume  
7 then Mark's going to talk about the pumping of the  
8 sewage?

9 THE WITNESS: Correct.

10 CHAIRMAN FERGUSON: Anybody else on the  
11 board have any questions?

12 (No response.)

13 CHAIRMAN FERGUSON: Okay.  
14 Mr. Collazuol, you want to take it and...

15 MR. COLLAZUOL: As far as  
16 architectural, I would just ask that it be possible  
17 for you to demonstrate what a section would look like  
18 on the left or the rear of the building, in a typical  
19 fashion where you would have the property line, the  
20 wall, the fence, an air conditioning unit, a patio, a  
21 lawn inlet, an upper deck and the overhang inside 8  
22 feet.

23 THE WITNESS: You mean, similarly to  
24 what we're showing on Drawing 3 or 2 -- I'm sorry --  
25 on North Elevation 2 or 3 on A2.0?

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1 MR. COLLAZUOL: Yes.  
2 THE WITNESS: You just want more detail  
3 on that?

4 MR. COLLAZUOL: Yes. I think that  
5 would help the board to see the impact of the  
6 adjoining properties, if you would relate the  
7 property line to that and what's going on on the  
8 adjoining property --

9 THE WITNESS: Sure.  
10 MR. COLLAZUOL: -- to some degree  
11 anyway, because there's a lot of activity in the rear  
12 of these houses in that regard. You have the patio,  
13 as I said, a wall, a fence inside of 8 feet inclusive  
14 of a lawn inlet, some type of air conditioners, decks  
15 and balconies.

16 THE WITNESS: So, again, I'm happy to  
17 provide that.

18 I think just to -- to clarify if it's  
19 not clear, the outer line of the privacy fence is  
20 essentially where the property line sits. So just  
21 from -- from a distance standpoint when you're  
22 looking at those -- at those diagrams that hopefully  
23 is helpful at least in that -- that regard.

24 MR. COLLAZUOL: But I think your plan  
25 doesn't accurately depict there's a wall that's going

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1 with the first floor.

2 So in both of those cases we do have  
3 that elevation shown. I think -- I understand the  
4 question and we're happy to provide more detail. I  
5 just think if there is any preference one way or the  
6 other, we are trying to deal with both retaining and  
7 privacy in the same zone there. So if that clarifies  
8 that.

9 MR. COLLAZUOL: I have no other  
10 questions, Mr. Chairman.

11 CHAIRMAN FERGUSON: Okay.  
12 Judd, do you have anything?

13 MR. ROCCIOLA: No questions with  
14 respect to the -- or comments with respect --

15 CHAIRMAN FERGUSON: Do you have one?

16 MR. KAUKER: Yes, just one question. I  
17 know we talked about this at the last hearing, the  
18 last time you testified.

19 But what -- what is the length of the  
20 building?

21 THE WITNESS: I'll give you the exact  
22 dimension.

23 It is 149 feet and set back 25 feet  
24 from the property line.

25 MR. KAUKER: Is set back 25 feet?

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1 to be along the property line also.

2 THE WITNESS: Say that again, I'm  
3 sorry.

4 MR. COLLAZUOL: There's a wall planned  
5 along that property line also.

6 THE WITNESS: Correct.

7 MR. COLLAZUOL: Which is not depicted.

8 THE WITNESS: Correct.

9 Is there -- let me ask a question in  
10 response: Is there -- is there a preference for it  
11 to be fence versus wall or it's not --

12 MR. COLLAZUOL: That's up to the board.

13 THE WITNESS: Sure.

14 MR. COLLAZUOL: I think the board  
15 should know the distances between the property line,  
16 the width of the wall, the fence behind the wall --

17 THE WITNESS: Yes.

18 MR. COLLAZUOL: -- what grade the patio  
19 is and then what height the deck is coming off the  
20 first floor.

21 THE WITNESS: Yeah.

22 Again, the patio is contiguous with --  
23 with the floor. So you're coming out even with the  
24 floor, which is depicted on 3 on A2.0.

25 And the -- the balcony is contiguous

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1 THE WITNESS: From the front property  
2 line we're set back 25 feet.

3 MR. KAUKER: What about the rear -- I  
4 mean, the side?

5 THE WITNESS: Oh, from the side?

6 MR. KAUKER: Yeah.

7 THE WITNESS: From the side we are at 8  
8 feet and the length of the building at the ground  
9 level is 34 foot 5, but then there's an overhang  
10 beyond that. And I'll give you that dimension.

11 MR. KAUKER: Could you just clarify the  
12 site setback, because I believe the revised plan  
13 indicted it was 6 feet from the structure and 2 foot  
14 from the deck?

15 THE WITNESS: I believe that is  
16 correct. It's from face of the wall -- from face of  
17 structure to property line is a total of 8 feet, but  
18 we do have the retaining wall was within the property  
19 line.

20 So our retaining wall is going to eat  
21 some of that space up. So the 6 foot reference that  
22 you have is really from the face of retaining wall to  
23 the face of building.

24 MR. KAUKER: Okay. So it's not  
25 measured, correct? Right?

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1 THE WITNESS: From property line to  
 2 face of building is 8 feet on the drawing.  
 3 MR. KAUKER: From property line to face  
 4 of building, is it? Okay, then the plan is --  
 5 THE WITNESS: No, you're showing --  
 6 you're going the other way -- I'm sorry. Let me  
 7 correct myself. I'm sorry. I was going -- I was  
 8 going to the -- to the basement level. He's correct.  
 9 On the -- on the overhang it is only 6 feet.  
 10 MR. KAUKER: Six feet? Okay.  
 11 THE WITNESS: Yes, correct.  
 12 MR. KAUKER: And then the building at  
 13 that point, notwithstanding the roof, what is the  
 14 height of the building from the floor, I guess, to  
 15 where the roof starts?  
 16 THE WITNESS: At the --  
 17 MR. KAUKER: What I'm trying to do is  
 18 get a visual --  
 19 THE WITNESS: Yes.  
 20 MR. KAUKER: -- in terms of what kind  
 21 of impact that building would have on the adjoining  
 22 property owner.  
 23 THE WITNESS: So you want to know from  
 24 the ground level to the -- to the point of the roof?  
 25 MR. KAUKER: Yes.

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1 THE WITNESS: So from the ground level  
 2 to where the roof starts is 24 foot 6-and-a-half and  
 3 to the peak of the roof is 33 foot 4.  
 4 MR. KAUKER: Okay. Thank you. I have  
 5 nothing further.  
 6 CHAIRMAN FERGUSON: I just have a  
 7 couple of -- first of all, on your plans you still  
 8 list seven units. I think it should be six so -- and  
 9 the other thing is there seems to be a difference in  
 10 the height of the building. There's -- it's almost  
 11 the same, but can you explain the difference between  
 12 the first set of plans and this set of plans?  
 13 THE WITNESS: To be honest with you  
 14 it's a series of corrections we were working with  
 15 against the grading.  
 16 CHAIRMAN FERGUSON: Okay.  
 17 THE WITNESS: So -- so in this set of  
 18 plans we've corrected where we were at to the 36 foot  
 19 4 to the peak of the roof.  
 20 CHAIRMAN FERGUSON: Okay. Okay.  
 21 Now, we're going to go to residents.  
 22 Cindy, your name and address, please.  
 23 MS. PIRRERA: Cindy Pirrera, 434  
 24 Hillside Avenue.  
 25 When you were speaking, you told the

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1 audience and the board that you were trying to  
 2 deflect the headlights. You used the word "trying."  
 3 You didn't say that those headlights would be  
 4 deflected. You were going to try.  
 5 I'm curious what is the height of the  
 6 fencing at the back of the property? What would that  
 7 height -- because you know that there's a 12-foot  
 8 drop.  
 9 THE WITNESS: Yup.  
 10 MS. PIRRERA: And you know how the  
 11 property is. I'm sure you've been there. I'm sure  
 12 you've seen it.  
 13 THE WITNESS: Yes.  
 14 MS. PIRRERA: So are they putting up a  
 15 40-foot wall to prevent the lights to come in?  
 16 Because I live there and right now  
 17 every light comes into our homes. And it's one car  
 18 or two cars. But now not only have -- you have six  
 19 units, you've added three parking spaces to a back  
 20 lot, which brings three more cars down that incline  
 21 every night of our lives.  
 22 So there is such a thing as a quality  
 23 of life. This isn't just about how many feet high  
 24 the house is? How many feet is it to the next yard?  
 25 Which I'm quite sure living here and being here and

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1 being a planning board chairman, it's going to squish  
 2 as much as you humanly possibly can across the 88  
 3 feet, okay, and as much as you can down to the 200  
 4 and whatever it is into the depth of the yard.  
 5 So that's just one question that I  
 6 have.  
 7 So what is the height of the fencing or  
 8 the retaining walls that you plan on putting where  
 9 you're going to try to deflect the light -- you know,  
 10 not have the light come into our homes like it does  
 11 currently?  
 12 THE WITNESS: Fair enough.  
 13 And -- and let me just say two things  
 14 in reference to that.  
 15 Again, the only thing we can control is  
 16 what's being built on the site. I can't control the  
 17 height of the cars. And I can't control the  
 18 headlights.  
 19 So I respect the fact that --  
 20 MS. PIRRERA: Correct.  
 21 THE WITNESS: -- it's going to --  
 22 there's going to be variation depending on who drives  
 23 what and what -- how they park, so...  
 24 MS. PIRRERA: Absolutely.  
 25 THE WITNESS: With that said, at the

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1 north end of the site we're starting with a retaining  
2 wall that is into the site. I just want to give you  
3 exact heights for you.

4 The bottom of the retaining wall is at  
5 63.3 feet. The top of the retaining wall is at 67.3  
6 feet. So the first portion, the first step is 4  
7 feet.

8 Between the first step and the second  
9 step is the planting bed. And the intent there is to  
10 plant the type of material, which is going to screen  
11 as much as possible and it's also going to soften  
12 that edge, to the extent possible.

13 At the back of that is a second  
14 retaining wall. The second retaining wall starts at  
15 62 feet and rises up to 64.7 feet. So between those  
16 two walls we have a total of 5 feet of wall, just  
17 wall elements.

18 MS. PIRRERA: Five feet?

19 THE WITNESS: Five feet of wall  
20 elements.

21 In addition to that, there will be an  
22 8-foot fence. Okay?

23 So the combination of those things is a  
24 total of 11 feet, that we're working with, in height.

25 I cannot, in good consciousness [sic],

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1 say that we can block everything, but we are trying  
2 hard --

3 MS. PIRRERA: You can't.

4 THE WITNESS: -- to -- to make an  
5 improvement to that wall.

6 MS. PIRRERA: It's not about conflict.  
7 I totally understand, I live there.

8 THE WITNESS: Understood.

9 MS. PIRRERA: So it's 20-foot high when  
10 you're coming down that driveway to start.

11 So no matter what, 11 feet, I'll at  
12 least have midway, every time -- and let's see, so  
13 six units in Palisades Park is times three, that's  
14 probably either 12 units or 18, I'm not sure, which  
15 basement apartments will be in there and what will be  
16 built on the top.

17 So what you're talking about is  
18 probably most households have two to four cars. So  
19 basically I'll be living in a nonstop headlight  
20 parking lot. That will be the new life with this new  
21 structure in my backyard, and that doesn't even go  
22 near talking about the water problems. Because right  
23 now the pumping of the water that I have photos of  
24 like a spout, because there is a pump and there is a  
25 pipe, pumps out and pumps right into all of our yards

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1 and into all of our basements. And it's cost us a  
2 lot of money to put in french drains and sump pumps  
3 and I think we have a picture from one of my  
4 neighbors from just yesterday and the 3 feet of water  
5 that was in our backyard from the rainstorm prior to  
6 anything being constructed in our backyards. So this  
7 is of great concern.

8 Having lived there -- I feel that this  
9 is expert testimony, I have put up with the  
10 headlights for all these years and that's on a very  
11 small level. So you tolerate, because we all need to  
12 be good neighbors and tolerate.

13 So when it comes to that, that was the  
14 reasoning for these particular questions. I'll save  
15 my other comments and questions for the end of the  
16 meeting.

17 Thank you, Mr. Ferguson.

18 CHAIRMAN FERGUSON: Okay. Any other  
19 questions?

20 Yes.

21 MS. MIRAKIAN: In addition to --

22 CHAIRMAN FERGUSON: State your name and  
23 address.

24 MS. MIRAKIAN: Barbara Mirakian, 432  
25 Hillside.

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1 CHAIRMAN FERGUSON: Okay.

2 THE COURT REPORTER: Please spell your  
3 last name.

4 MS. MIRAKIAN: M-I-R-A-K-I-A-N.

5 THE COURT REPORTER: Thank you.

6 MS. MIRAKIAN: In addition to the cars,  
7 which Cindy has mentioned, and, again, each place has  
8 four parking spots, so that's a nightmare to think  
9 about and when they're going to start at the top of  
10 that hill, I mean, unless you're going to have a  
11 really, really tall fence, we're going to get all  
12 those lights.

13 But in addition we're going to get all  
14 the lights from all the patios that you've got in the  
15 back.

16 FEMALE AUDIENCE MEMBER: And the noise.

17 MS. MIRAKIAN: And there was an issue  
18 once before, which they did address, which we  
19 appreciate. There was a security light at the top --  
20 at the end of the current house, which lit up my --  
21 my kitchen, her den, everything and they did correct  
22 that. That's wonderful.

23 However, what are we going to face with  
24 new people? We're going to have lights all over this  
25 structure coming right into our houses.

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1 And this water issue is a major issue.  
 2 I mean, we've got -- like Cindy said, we've got  
 3 drains, we've got everything, but when there's a  
 4 heavy rain, we got a swimming pool in our backyards.  
 5 Now, you can promise everything you  
 6 want. However, if that doesn't work, what is our  
 7 recourse? Okay. That's a major problem. You can  
 8 promise everything, we're going to put in pumps,  
 9 we're going to put in whatever.  
 10 But when there's heavy rain and that's  
 11 still going to come pouring down that hill, what are  
 12 you going to do about it? Who are we going to go to?  
 13 Who's going to fix it?  
 14 That's my problem.  
 15 THE WITNESS: Okay.  
 16 CHAIRMAN FERGUSON: Do you want to  
 17 leave that for the engineer to answer?  
 18 THE WITNESS: Correct. I think it's  
 19 more appropriate for him to speak to that, but, you  
 20 know, again, if there's questions about the  
 21 architecture, I'm here and happy to respond.  
 22 CHAIRMAN FERGUSON: Right. I think the  
 23 engineer is better.  
 24 MR. JENKINS: I believe so.  
 25 There's one minor comment that --  
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1 CHAIRMAN FERGUSON: Sure.  
 2 MR. JENKINS: -- if board would make and  
 3 I don't believe, I don't know if it was intended to  
 4 be disparaging, but, again, with regard to, I think I  
 5 heard, illegal, either, property or illegal  
 6 apartments. This is going to be subject to every  
 7 rule, every occupancy requirement.  
 8 So that while I may understand that it  
 9 might have happened elsewhere, again, we're not  
 10 looking to skirt and we're proposing what is  
 11 compliant. And this is -- if there's an illegal  
 12 issue going on with regard to other housing, that is  
 13 a police enforcement issue. That is not one for this  
 14 board.  
 15 This is going to be built in accordance  
 16 with and operated in accordance with your local  
 17 residential zoning.  
 18 CHAIRMAN FERGUSON: But just if there's  
 19 six units and every unit has two or three cars, I  
 20 mean, these people are looking at 18 cars coming down  
 21 the alleyway.  
 22 MR. JENKINS: Oh, no, I wasn't speaking  
 23 to that.  
 24 CHAIRMAN FERGUSON: Yes. I just --  
 25 MR. JENKINS: I just -- to the extend  
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1 there was a hint of illegality --  
 2 CHAIRMAN FERGUSON: Yes.  
 3 MR. JENKINS: -- that was going to be  
 4 happening.  
 5 If I heard that -- if I misheard that,  
 6 I apologize, but I thought I did, so I wanted to --  
 7 CHAIRMAN FERGUSON: Yes, my friend,  
 8 name and address, please.  
 9 MR. JENKINS: -- not let that go.  
 10 MS. TESTA: Yes.  
 11 CHAIRMAN FERGUSON: Okay.  
 12 MR. MIRAKIAN: Michael Mirakian, 432  
 13 Hillside Avenue. Same spelling as my wife. Okay?  
 14 You mentioned an 8-foot fence.  
 15 Is that on the rear of the property or  
 16 towards the center?  
 17 THE WITNESS: It's across -- across the  
 18 north side of the property along this edge  
 19 (indicating) is where it would be an 8-foot fence and  
 20 --  
 21 MR. MIRAKIAN: But that's -- okay.  
 22 THE WITNESS: -- and --  
 23 MR. MIRAKIAN: That looks like the west  
 24 side of the property.  
 25 THE WITNESS: -- 6 foot -- I'm sorry,  
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1 let me correct myself, 6 foot, from the -- from the  
 2 -- from the top of the retaining wall up is 6 feet.  
 3 MR. MIRAKIAN: Okay.  
 4 THE WITNESS: So if you include it with  
 5 the retaining wall, it's --  
 6 MR. MIRAKIAN: So you have a retaining  
 7 wall of how many feet on the -- on the border, the  
 8 back border, the west border?  
 9 THE WITNESS: On the -- on the north  
 10 border? On the -- I'm sorry, the west border?  
 11 MR. MIRAKIAN: On the west border.  
 12 THE WITNESS: Sure.  
 13 So the retaining would be stepping as  
 14 required, but we have a 6-foot-high privacy fence  
 15 along this edge (indicating).  
 16 MR. MIRAKIAN: I'm sorry, sir. I'm  
 17 asking you about the west -- the west border, not the  
 18 -- not the north or south border.  
 19 MALE AUDIENCE MEMBER: That's south,  
 20 you're pointing to south, sir.  
 21 MR. MIRAKIAN: You're pointing south.  
 22 MALE AUDIENCE MEMBER: Here, Hillside  
 23 Avenue (indicating) where it connect to Highland  
 24 Avenue, his property --  
 25 MR. MIRAKIAN: The back of the  
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1 property.

2 THE WITNESS: I'll -- I'll walk you  
3 through the perimeter of the whole site just so we're  
4 all on the same page.

5 If I start at Highland Avenue --

6 MS. PIRRERA: That's east.

7 THE WITNESS: I understand.

8 If I start at Highland Avenue, and I  
9 come to the southern edge of the property here  
10 (indicating) and follow along on the southern edge of  
11 the property here (indicating), there is a  
12 6-foot-high privacy fence proposed.

13 There will be some retaining as you  
14 come through here (indicating) as required to deal  
15 with the grade issues.

16 Then when we come to the corner here  
17 (indicating), which is the southwest corner of the  
18 site, the southwest corner of the site has two offset  
19 retaining walls that I described prior, and a  
20 6-foot-high privacy fence that runs from southwest to  
21 northwest.

22 Then when we go from northwest to  
23 northeast --

24 MR. MIRAKIAN: Would you stop there for  
25 a second, please.

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1 retaining wall and then there is a step and then  
2 there is a second retaining wall that starts at 62  
3 and rises up to 64, so another 2 feet of retaining  
4 wall for that portion.

5 MR. MIRAKIAN: So on the border --

6 THE WITNESS: Correct.

7 MR. MIRAKIAN: -- the back border  
8 there's a 2-foot retaining wall; is that correct?

9 THE WITNESS: Plus a 6-foot privacy.

10 MR. MIRAKIAN: Plus, so it's 8 foot?

11 THE WITNESS: Eight foot at that back  
12 edge, and then it steps.

13 MR. MIRAKIAN: Okay. Well, that back  
14 edge is on the back edge of my property.

15 THE WITNESS: Fair enough.

16 MR. MIRAKIAN: So the incline or the  
17 topography there --

18 THE WITNESS: Yes.

19 MR. MIRAKIAN: I have approximately a  
20 12-foot rise and now you're going to be adding an  
21 additional, if I'm not mistaken, 2 feet plus -- did  
22 you say a 6-foot fence?

23 THE WITNESS: Yes.

24 MR. MIRAKIAN: So you're going to be  
25 adding another 8 feet on top of that?

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1 THE WITNESS: Sure.

2 MR. MIRAKIAN: I'm concerned about that  
3 west -- the back of the property, the west part of  
4 that drawing.

5 THE WITNESS: Okay.

6 MR. MIRAKIAN: Okay?

7 You said there's going to be retaining  
8 wall.

9 THE WITNESS: Correct.

10 MR. MIRAKIAN: How high is the  
11 retaining wall?

12 THE WITNESS: As I described before --  
13 I'll go back to it.

14 Again, as shown on Sheet 4 of 7  
15 (indicating) just for reference, again, so -- so I'm  
16 clear about where you're asking, you're asking about  
17 the northwest corner of the property or along the  
18 entire west edge?

19 MS. MIRAKIAN: Along the west --

20 MR. MIRAKIAN: Along the entire west  
21 part of the property.

22 THE WITNESS: Right. Okay.

23 So it is starting the inner retaining  
24 wall goes from 63.3 at the bottom of wall to 67.3 at  
25 the top of the wall, so 4 feet for the inner

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1 THE WITNESS: Correct.

2 MR. MIRAKIAN: So in other words, I'm  
3 looking at a rise of 12 feet, plus an additional 8,  
4 that makes 20 foot before we even get to see the  
5 buildings.

6 Is that correct?

7 THE WITNESS: That's correct.

8 MR. MIRAKIAN: May I ask you about the  
9 -- could you be more specific about the drainage?

10 The last time you came you said there  
11 was going to be one containment.

12 MS. PIRRERA: That's the engineer.

13 MS. TESTA: Right, that's going to be  
14 questions for the engineer.

15 MR. MIRAKIAN: I'm sorry?

16 VICE CHAIRMAN ALBANESE: That's for the  
17 engineer.

18 MS. PIRRERA: Wait for the engineer.

19 MR. MIRAKIAN: Oh, okay, I'm sorry.

20 CHAIRMAN FERGUSON: That's okay.

21 THE WITNESS: It's all right, not a  
22 problem.

23 MR. MIRAKIAN: I have no other  
24 questions, Mr. Chair.

25 CHAIRMAN FERGUSON: Anybody else?

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1 MR. MIRAKIAN: But I will make comments  
 2 later.  
 3 CHAIRMAN FERGUSON: Absolutely.  
 4 MR. MIRAKIAN: Thank you.  
 5 CHAIRMAN FERGUSON: Name and address?  
 6 MR. TOOMAYAN: My name is Richard  
 7 Toomayan, T-O-O-M-A-Y-A-N, 429 Highland Avenue.  
 8 My property is on the direct south  
 9 border all the way down.  
 10 I'll make sure my comments, my  
 11 questions are about architecture.  
 12 So there are six units, correct?  
 13 THE WITNESS: Correct.  
 14 MR. TOOMAYAN: These are connected  
 15 units or is there space between them?  
 16 THE WITNESS: They're connected.  
 17 MR. TOOMAYAN: And how many levels are  
 18 in these units?  
 19 THE WITNESS: It's a total of three  
 20 levels per unit.  
 21 MR. TOOMAYAN: Would you please  
 22 describe the first level?  
 23 THE WITNESS: The lowest level is a  
 24 garage level. I can show you the floor plan --  
 25 MR. TOOMAYAN: Yes.

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1 THE WITNESS: -- which I will reference.  
 2 MR. TOOMAYAN: I would appreciate it.  
 3 THE WITNESS: I'm going to reference  
 4 Drawing A1.0 of the townhouse plans. Drawing 2 on  
 5 A1.0 depicts the lowest level of the townhouses.  
 6 What we have is two exterior parking  
 7 spaces, two interior parking spaces within a garage  
 8 setting and a family room for each of the units.  
 9 There is both an exterior staircase up to a  
 10 porch-level entry and an interior staircase  
 11 connecting the units internally.  
 12 MR. TOOMAYAN: Okay. So on this first  
 13 level there is a garage and a family room?  
 14 THE WITNESS: Correct.  
 15 MR. TOOMAYAN: Is there also a  
 16 bathroom?  
 17 THE WITNESS: There is.  
 18 MR. TOOMAYAN: And what fixtures are in  
 19 that bathroom?  
 20 THE WITNESS: A toilet and a sink.  
 21 MR. TOOMAYAN: Is there a rear door?  
 22 THE WITNESS: Yes, to a small patio.  
 23 MR. TOOMAYAN: It goes to a patio?  
 24 THE WITNESS: Yep.  
 25 MR. TOOMAYAN: So if you were to go out

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1 that door, if you were to egress that door, where  
 2 would you go? Just to that little section of the  
 3 backyard? Is that it?  
 4 THE WITNESS: There's really not far to  
 5 go beyond that. I mean, it is -- it's a small area,  
 6 small outdoor patio that's an amenity for the -- for  
 7 the owners of the unit. You have landscape there and  
 8 you're -- you're behind the fence essentially.  
 9 MR. TOOMAYAN: And the next level up --  
 10 THE WITNESS: Yes.  
 11 MR. TOOMAYAN: -- would you just  
 12 basically describe that?  
 13 THE WITNESS: So the next level up is  
 14 your living level. There's a living room, a dining  
 15 room, a kitchen. There is a secondary bathroom.  
 16 There's an internal staircase connecting both up and  
 17 down. There's an exterior porch and an exterior  
 18 deck.  
 19 MR. TOOMAYAN: And how does one get to  
 20 the exterior deck? Is there a sliding door?  
 21 THE WITNESS: Through a sliding door  
 22 from the kitchen.  
 23 MR. TOOMAYAN: Okay. So, obviously,  
 24 I'm on the south side, so I'm interested in knowing  
 25 what's exactly --

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1 THE WITNESS: Sure.  
 2 MR. TOOMAYAN: -- on the other side of  
 3 my property.  
 4 THE WITNESS: Sure.  
 5 MR. TOOMAYAN: So there is a ground  
 6 level patio that people get through by a door?  
 7 THE WITNESS: Yup.  
 8 MR. TOOMAYAN: And then there's a first  
 9 level deck that people get through by a sliding door?  
 10 THE WITNESS: Correct.  
 11 MR. TOOMAYAN: And how close to my  
 12 property does all of that come, that exterior stuff?  
 13 THE WITNESS: So, again, the ground  
 14 level is set 8 feet back from the property line, but  
 15 the offset is set 6 feet back as you rise up, so the  
 16 building does step at different levels and it's a  
 17 partial --  
 18 MR. TOOMAYAN: So that any --  
 19 THE WITNESS: If I could just finish.  
 20 MR. TOOMAYAN: Yeah, please go ahead.  
 21 THE WITNESS: It is a partial -- it is  
 22 a partial offset. You'll notice if you look at the  
 23 depiction on Drawing A1.0, it does step in and out.  
 24 So it's not continuously 6 feet.  
 25 MR. TOOMAYAN: So if there were to be a

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1 patio on the ground level --  
 2 THE WITNESS: Yes.  
 3 MR. TOOMAYAN: -- it would be about 8  
 4 feet in length?  
 5 THE WITNESS: It would be about -- it  
 6 would be less than 8 feet, because it would be from  
 7 the base of the building to where the landscaping  
 8 essentially starts.  
 9 MR. TOOMAYAN: So let's say it's 7  
 10 feet.  
 11 THE WITNESS: Yeah, that's probably  
 12 good.  
 13 MR. TOOMAYAN: So from the wall of the  
 14 building to wherever it can go as far, it's about 7  
 15 feet?  
 16 THE WITNESS: Correct.  
 17 MR. TOOMAYAN: And people would put  
 18 chairs, maybe a table, a grill, something like that?  
 19 THE WITNESS: Perhaps.  
 20 MR. TOOMAYAN: Correct? If they  
 21 choose.  
 22 On the next level up there's a deck.  
 23 THE WITNESS: Yup.  
 24 MR. TOOMAYAN: And what is the  
 25 dimensions of the deck?

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1 THE WITNESS: The dimension at that  
 2 location is approximately 6-feet deep where you exit,  
 3 which is offset inboard from -- from the -- the main  
 4 deck about 2 feet. So it's a narrow deck. It's  
 5 really only about 4 feet for most of it, and then it  
 6 widens out to 6 feet.  
 7 MR. TOOMAYAN: Okay. So if I were to  
 8 turn this way (indicating) and face north, on the  
 9 other side of this fencing (indicating) there is --  
 10 there is a ground level patio and then there's a  
 11 first floor, first level deck?  
 12 THE WITNESS: Correct.  
 13 MR. TOOMAYAN: And that's all the way  
 14 down? All six units are identical?  
 15 THE WITNESS: Correct.  
 16 MR. TOOMAYAN: And there's doorways and  
 17 things like that?  
 18 Where are the air conditioning units  
 19 located for these units?  
 20 THE WITNESS: So as you rise up through  
 21 the building -- I'm going to highlight this to you as  
 22 we go.  
 23 As you rise up through the building, if  
 24 you look at Drawing A1.1, Drawing A1.1 shows a second  
 25 floor plan, which includes three bedrooms, a master

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1 bath and a secondary bathroom, as well as an  
 2 interconnecting stair and other amenities.  
 3 We have a peaked roof system in this  
 4 building, which allows for a crawl space area above  
 5 the second floor. That would be the area that we've  
 6 been using primarily for mechanical systems.  
 7 At this stage the expectation is that  
 8 we would be placing any mechanical, any air handling  
 9 units up in the peak of that roof and that there  
 10 would not -- there should not be any ground-mounted  
 11 elements on the exterior, if that's what you're --  
 12 MR. TOOMAYAN: I want to make sure I  
 13 understand it.  
 14 So you're not locating the condenser  
 15 and fan units on the ground? You're putting them up?  
 16 THE WITNESS: I have no expectation of  
 17 putting ground-mounted units anywhere on the site.  
 18 MR. TOOMAYAN: So -- but these units  
 19 have to be exposed to the atmosphere.  
 20 THE WITNESS: They will have vents  
 21 through the peak, through the roof surface, so...  
 22 MR. TOOMAYAN: So since --  
 23 THE WITNESS: Which is not in --  
 24 MR. TOOMAYAN: -- I live directly south  
 25 of this and there are six units and it's a hot day

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1 and all six of those air conditioning units are  
 2 turned on, will there be any noise from air  
 3 conditioners coming over to my side?  
 4 THE WITNESS: Nothing that I would --  
 5 nothing unusual that I would expect. And I don't --  
 6 I have no reason to believe that you would be hearing  
 7 air conditioners coming into your property.  
 8 MR. TOOMAYAN: Because of the way  
 9 you're putting them?  
 10 THE WITNESS: Correct.  
 11 MR. TOOMAYAN: Okay.  
 12 CHAIRMAN FERGUSON: Okay. Yes? Okay.  
 13 MS. PIRRERA: I have another question.  
 14 CHAIRMAN FERGUSON: Sure.  
 15 MS. PIRRERA: You said there will be  
 16 other amenities on the third floor. Like what?  
 17 What's going to be there?  
 18 THE WITNESS: Closets, laundry area.  
 19 MS. PIRRERA: I'm sorry?  
 20 THE WITNESS: Closets, laundry area.  
 21 MS. PIRRERA: So they have one laundry  
 22 room on the third floor?  
 23 THE WITNESS: They do.  
 24 FEMALE AUDIENCE MEMBER: On the third  
 25 level.

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1 THE WITNESS: On the bathroom level --  
 2 or on the bedroom level.  
 3 MS. PIRRERA: Bedroom level?  
 4 THE WITNESS: Yup.  
 5 MS. PIRRERA: So you have the dryers  
 6 venting out through the top level also to the south.  
 7 FEMALE AUDIENCE MEMBER: Yes.  
 8 THE WITNESS: Yes.  
 9 MS. PIRRERA: So all venting, all air  
 10 conditioning goes to the south side of the property  
 11 where there will be no unusual noise, just the normal  
 12 air conditioning noise, correct?  
 13 THE WITNESS: That's what I would  
 14 anticipate.  
 15 MS. PIRRERA: Right. Not any unusual.  
 16 Just the normal. Okay.  
 17 THE WITNESS: Right.  
 18 CHAIRMAN FERGUSON: Name and address.  
 19 MS. GIACOBONE: Susan Giacobone,  
 20 G-I-A-C-O-B-O-N-E. 438 Hillside Avenue.  
 21 And stop me if the comments aren't  
 22 appropriate for what the gentleman is --  
 23 CHAIRMAN FERGUSON: I'll try.  
 24 MS. GIACOBONE: Thank you,  
 25 Mr. Chairman.

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1 The only thing that you said that made  
 2 me laugh is you're not responsible for what people  
 3 drive.  
 4 Well, look around. Have you seen any  
 5 smart cars coming into the driveways? We're looking  
 6 at vans. We're looking at Escalades, and all of that  
 7 is major headlights way above the norm.  
 8 With that said, you said you took into  
 9 consideration the surrounding property, but you only  
 10 took into consideration Highland Avenue. So here we  
 11 are on Hillside, right, on a 12 percent grade below  
 12 what you're planning. How are you taking into  
 13 consideration how what you're building -- granted  
 14 there's a need and we're in social services if we  
 15 provide a need to these unknown people. How are you  
 16 taking into consideration how that's going to impact  
 17 us? Don't tell me just with the drainage. Now you  
 18 tell me you're going to allow parking in the rear.  
 19 As I understood, the previous plan was  
 20 to have a green area in the rear. But what concerns  
 21 me the most is the balconies, not just the one  
 22 stretch of the property at 149-feet long, which  
 23 makes, what, each individual house 24-, 25-feet  
 24 wide --

THE WITNESS: Correct.  
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1 MS. GIACOBONE: -- so we have this  
 2 little mini townhouse with everybody wedged onto  
 3 these pieces of property, but it's the balconies as  
 4 well that are going to impinge on our quality of  
 5 life.  
 6 Think of the barbecues, think of the  
 7 toys, think of the noise. Where I am -- and we have  
 8 those two big two-families on Ackerman. Would you  
 9 like to see my yard from the rain yesterday? Any  
 10 time somebody's on a balcony, there is no privacy.  
 11 There's no privacy for them. You can hear every word  
 12 of their conversation. What's going to happen to  
 13 Mr. Toomayan when you're putting up a 149-foot wall,  
 14 with all due respect?  
 15 I'm not done, but I'll save the rest.  
 16 CHAIRMAN FERGUSON: No, no, because I  
 17 don't know what --  
 18 MS. GIACOBONE: I'm on a roll, right?  
 19 CHAIRMAN FERGUSON: You're on a roll.  
 20 I would assume nothing.  
 21 MS. GIACOBONE: Thank you,  
 22 Mr. Ferguson.  
 23 CHAIRMAN FERGUSON: Anybody else?  
 24 MS. PIRRERA: I just have one more  
 25 question?

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1 CHAIRMAN FERGUSON: Sure.  
 2 MS. PIRRERA: When you created the  
 3 entrance to this, have you taken any parking spaces  
 4 from the street on Highland Avenue?  
 5 THE WITNESS: Again, I'm going to have  
 6 Mark speak to that. I don't believe that we have,  
 7 but I'll ask our engineer to speak to that  
 8 specifically because we did revise it a number of  
 9 times.  
 10 MS. PIRRERA: Okay. Thank you.  
 11 CHAIRMAN FERGUSON: And just so I have  
 12 -- if I'm understanding right, what they did is they  
 13 took a unit out --  
 14 THE WITNESS: Correct.  
 15 CHAIRMAN FERGUSON: -- and now they're  
 16 putting three additional parking spaces back, but  
 17 there is going to be a recreation area in front of  
 18 the -- I guess the front of the park. Because you  
 19 park in the back --  
 20 MS. GIACOBONE: In the front on  
 21 Highland.  
 22 CHAIRMAN FERGUSON: No, no, no. I'm  
 23 talking about in the back.  
 24 THE WITNESS: No, there's actually --  
 25 MS. GIACOBONE: In the rear?

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1 THE WITNESS: -- there's a small --  
 2 MS. GIACOBONE: So there will be a  
 3 recreation area --  
 4 CHAIRMAN FERGUSON: Right.  
 5 MS. GIACOBONE: Guest parking --  
 6 THE WITNESS: Correct.  
 7 CHAIRMAN FERGUSON: Right.  
 8 MS. GIACOBONE: All right? With cars  
 9 starting whatever time of the day or night.  
 10 CHAIRMAN FERGUSON: Right. That is  
 11 correct.  
 12 MS. GIACOBONE: All right. Not  
 13 counting any commercial vehicle, which should not be  
 14 there.  
 15 CHAIRMAN FERGUSON: Right.  
 16 MS. GIACOBONE: We can't govern it.  
 17 And then one aspect also I haven't  
 18 heard anybody bring up is maintenance.  
 19 CHAIRMAN FERGUSON: Right, maintenance.  
 20 Okay.  
 21 MS. GIACOBONE: I just -- who's  
 22 responsible for mowing that little area?  
 23 CHAIRMAN FERGUSON: Well, it would be  
 24 -- obviously it would be the owner of the property or  
 25 the condos.

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1 Are they going to be condos?  
 2 MR. JENKINS: Correct.  
 3 CHAIRMAN FERGUSON: Yeah, it's going to  
 4 be a condo, so the condo association --  
 5 MR. JENKINS: There will be an  
 6 association that will deal with that.  
 7 MS. PIRRERA: Oh, Mr. Ferguson, I do  
 8 have a question on recreational area.  
 9 CHAIRMAN FERGUSON: Okay.  
 10 MS. PIRRERA: We have a street  
 11 basically coming down into it. There's going to be a  
 12 recreational area where a dozen to 18 cars going to  
 13 be driving to the back. I'm expecting one day one of  
 14 the cars in one of our yards, but to have a  
 15 recreation back there, are we going to have, like, a  
 16 swing set back there? Is there no -- there is  
 17 absolutely nothing that is a legal aspect or anything  
 18 that's considered about recreational areas which end  
 19 at basically a street?  
 20 CHAIRMAN FERGUSON: Right.  
 21 MS. PIRRERA: In Palisades Park that's  
 22 like a street.  
 23 CHAIRMAN FERGUSON: Absolutely.  
 24 MS. PIRRERA: So I'm just curious about  
 25 a recreational area.

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1 CHAIRMAN FERGUSON: Do you want to  
 2 comment on the recreational area? What's going to be  
 3 in the recreational area?  
 4 THE WITNESS: The intent is that it  
 5 will be a -- it will be a landscaped area.  
 6 Again, it will be defined really by the  
 7 owners of the property as they -- as they move in.  
 8 We expect it to be available for, you  
 9 know, some seating area for people to gather and play  
 10 with their kids, things like that.  
 11 But there's no expectation at this  
 12 point of any specific equipment. We're not putting  
 13 in swings and slides and those kind of elements.  
 14 It's not what's proposed at this time.  
 15 MR. JENKINS: It's green lawn.  
 16 THE WITNESS: It's green lawn.  
 17 CHAIRMAN FERGUSON: Any other  
 18 questions?  
 19 MR. CARNOVALE: Mr. Chairman, may I?  
 20 CHAIRMAN FERGUSON: Yes.  
 21 MS. GIACOBONE: May I?  
 22 CHAIRMAN FERGUSON: Absolutely.  
 23 MS. GIACOBONE: My concern, because I'm  
 24 living with these two big buildings that are up on  
 25 the grade, right, with our property and the property

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1 of our neighbors on the lowest pitch of the grade.  
 2 This is not something that's even. This comes down  
 3 not just on a slope from Highland to Hillside, but  
 4 from Highland and Hillside it angles down until it  
 5 evens out and water seeks its own level. I'll be  
 6 glad to show you my yard from yesterday.  
 7 But also, what about light? Do you  
 8 realize there will be no sunlight? We thrive on our  
 9 yards. We enjoy that. That is what makes our  
 10 neighborhood so special. And we will be deprived of  
 11 that simple right to have a little sunlight and a  
 12 tomato plant.  
 13 CHAIRMAN FERGUSON: Okay. Anybody  
 14 else?  
 15 MS. LAMBRINIDES: Vinny has something  
 16 to say.  
 17 CHAIRMAN FERGUSON: Yes, Vinny, go  
 18 ahead.  
 19 MR. CARNOVALE: Yeah. Sir, I just want  
 20 to ask you a quick question.  
 21 THE WITNESS: Yes, sir.  
 22 MR. CARNOVALE: The gentleman there was  
 23 asking about air conditioner units.  
 24 THE WITNESS: Yup.  
 25 MR. CARNOVALE: Now, you said the air

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1 handlers are going to be -- I'm not an HVAC expert --  
 2 THE WITNESS: Yes.  
 3 MR. CARNOVALE: -- where is the  
 4 compressor going to be?  
 5 THE WITNESS: The expectation, again,  
 6 is that we'd be doing some form of packaging. We  
 7 haven't selected the final units yet, but the  
 8 expectation is to do it in the attic space.  
 9 MR. CARNOVALE: I don't understand. So  
 10 if I --  
 11 THE WITNESS: And with a package --  
 12 with a package unit it will be typically vent out  
 13 through the roof or through a side --  
 14 MR. CARNOVALE: I'm sorry, you meant --  
 15 what do you mean by "a package unit"? I don't know  
 16 what you're talking about.  
 17 THE WITNESS: A package unit has an  
 18 integrated -- has an integrated compressor on it.  
 19 MR. CARNOVALE: I don't believe -- I'm  
 20 not an HVAC expert. I don't want to pick your brain  
 21 on this, but I don't think you can put such a unit in  
 22 the attic. If you're talking about a split unit, the  
 23 compressor still goes outside.  
 24 THE WITNESS: With all due respect,  
 25 we've done a number of these in different --  
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1 different environments. I'm happy to get our  
 2 mechanical engineer to provide the engineering --  
 3 MR. CARNOVALE: Well, all right, sir,  
 4 I'm not going to pick your brain because we don't  
 5 have final blueprints here.  
 6 THE WITNESS: Sure.  
 7 MR. CARNOVALE: But the gentleman would  
 8 have six compressors running along the side of his  
 9 property.  
 10 THE WITNESS: Right.  
 11 MR. CARNOVALE: Now, you say you  
 12 anticipate with this thing, that you anticipate that.  
 13 We don't have final drawings here.  
 14 So in the end, if they decide to go  
 15 with a conventional HVAC, there will be six  
 16 compressors running on the southbound, next to this  
 17 gentleman's property. So I mean --  
 18 THE WITNESS: I hear your question and  
 19 I have --  
 20 MR. CARNOVALE: And unless you have  
 21 forced air and air conditioning, maybe you can put  
 22 the unit in the attic, but -- but a conventional air  
 23 conditioning system, you have to have an outside  
 24 compressor. So --  
 25 THE WITNESS: Understood and agreed.  
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1 MR. CARNOVALE: I'll just leave it at  
 2 that, but, you know, I -- I just -- I hate to say  
 3 this, but I don't follow this up in the attic unit.  
 4 THE WITNESS: Okay.  
 5 MR. CARNOVALE: So the gentleman's got  
 6 a valid point, it could be six compressors running  
 7 along his property or seven or whatever it is. So --  
 8 MR. JENKINS: I just want to redirect,  
 9 though.  
 10 (Cell Phone Ringing.)  
 11 BY MR. JENKINS:  
 12 Q. Mr. Walker, you did say -- you did say  
 13 you have utilized these type of units before?  
 14 A. **Absolutely.**  
 15 Q. And they been located in --  
 16 A. **In an attic space with proper venting.**  
 17 Q. Right. And --  
 18 A. **And -- go ahead.**  
 19 Q. So with proper venting and also being  
 20 located in the interior of the building there is some  
 21 sound dampening with regard it to being in the  
 22 interior of the building?  
 23 A. **The main intent of placing a unit like**  
 24 **that there is -- is two things: One, is efficiency,**  
 25 **it's a -- it's a more efficient system; and, second,**  
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1 **it provides sound attenuation naturally through the**  
 2 **structure of the building.**  
 3 Q. So in your professional opinion --  
 4 you've heard the comments that are being made with  
 5 regard to that.  
 6 In your professional opinion, do you  
 7 think there's going to be an adverse impact with  
 8 regard to the sound of anything from the property?  
 9 A. **I do not.**  
 10 **And in my professional opinion I also**  
 11 **believe that the system that we're proposing is one**  
 12 **which will be an advantage in this type of property,**  
 13 **to not have any ground-mounted units is certainly --**  
 14 **we understand that we have limitations in terms of**  
 15 **the overall property, we really don't have space to**  
 16 **place them anyway. So...**  
 17 Q. Thank you.  
 18 MR. CARNOVALE: Sir, if I may, I differ  
 19 with your opinion.  
 20 THE WITNESS: Yes.  
 21 MR. CARNOVALE: I'm not a professional,  
 22 but the sound attenuation through the roof, you're  
 23 talking about 5/8ths plywood and a shingle and you  
 24 have the soffit vents, you have a ridge vent, you're  
 25 going to get noise out of there.  
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1 But like I said, I'm not an expert, so  
 2 I'll just -- and you have not provided our town  
 3 engineer with any kind of subjective mechanical  
 4 systems that you attempt to put in the attic, so I  
 5 think the gentleman's got a valid point.  
 6 THE WITNESS: Fair enough.  
 7 MR. CARNOVALE: You know, and I don't  
 8 see anything on the blueprint where you show  
 9 anything. It's not a complete blueprint, but your  
 10 sound attenuation will go right through the roof and  
 11 right through the side of the building, out the  
 12 soffit vents, out the ridge vent.  
 13 And you're probably going to have a  
 14 roof van that will push more noise outside. So  
 15 that's -- that's what I said.  
 16 THE WITNESS: Okay.  
 17 CHAIRMAN FERGUSON: MaryAnn?  
 18 MS. TARABOCCHIA: I have a question,  
 19 how high is the height of the internal part of the  
 20 attic? How high is that?  
 21 THE WITNESS: The internal from the  
 22 floor?  
 23 MS. TARABOCCHIA: From the third floor  
 24 to the --  
 25 THE WITNESS: From the third floor?  
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1 MS. TARABOCCHIA: Yeah, from the inside  
 2 how high is it --  
 3 THE WITNESS: Sure.  
 4 MS. TARABOCCHIA: -- to put such  
 5 equipment inside.  
 6 THE WITNESS: Sure.  
 7 So the second floor ceiling is set at  
 8 27 feet 6-and-a-half. The roof, the peak of the roof  
 9 is set at 36 foot 4.  
 10 With normal construction we would  
 11 anticipate that you would have 14 inches of structure  
 12 within that.  
 13 So in a normal situation, I would  
 14 anticipate that we would be, let's see, 35, 2 minus  
 15 27, you'd have -- you'd approximately 7 feet at the  
 16 peak and then it would slope down.  
 17 MS. TARABOCCHIA: To what?  
 18 THE WITNESS: It would slope down  
 19 potentially to zero at the edges.  
 20 MS. TARABOCCHIA: At the edges?  
 21 THE WITNESS: Yeah.  
 22 MS. TARABOCCHIA: And you find that to  
 23 be enough for mechanical repair or for people to go  
 24 in there to repair any type of equipment?  
 25 THE WITNESS: Again, that's the normal  
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1 approach that we take on these types of projects.  
 2 We have completed other projects in  
 3 similar manner that we haven't had no issue with  
 4 that.  
 5 CHAIRMAN FERGUSON: Okay.  
 6 MR. MIRAKIAN: Mr. Chairman.  
 7 CHAIRMAN FERGUSON: Yes.  
 8 MR. MIRAKIAN: Mr. Chair, at the last  
 9 meeting that we had, one of them anyway --  
 10 CHAIRMAN FERGUSON: Right.  
 11 MR. MIRAKIAN: -- a question was posed  
 12 about what happens with cars coming down on an icy  
 13 day.  
 14 CHAIRMAN FERGUSON: Right.  
 15 MR. MIRAKIAN: And the question was:  
 16 How do you stop this?  
 17 And one of the panel members over here,  
 18 one of the council members here said they suggested a  
 19 guardrail.  
 20 MR. CARNOVALE: I did that, sir.  
 21 MR. MIRAKIAN: And nobody's ever  
 22 mentioned that here.  
 23 If a car comes slipping down --  
 24 CHAIRMAN FERGUSON: Right.  
 25 MR. MIRAKIAN: -- I'm going to have a  
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1 car in my backyard. And I have a concern about that.  
 2 CHAIRMAN FERGUSON: Right.  
 3 MR. MIRAKIAN: Second of all -- and I  
 4 don't believe the guardrail should be down on the  
 5 border.  
 6 I think the guardrail should be at the  
 7 end of the driveway.  
 8 CHAIRMAN FERGUSON: Right.  
 9 MR. MIRAKIAN: Second of all, wouldn't  
 10 it make more sense if you took that 6-foot fence and  
 11 moved it east away from the back border away --  
 12 CHAIRMAN FERGUSON: Right.  
 13 MR. MIRAKIAN: -- away from the western  
 14 border --  
 15 CHAIRMAN FERGUSON: Right.  
 16 MR. MIRAKIAN: -- and moved it up  
 17 toward the end of the driveway, from the angle of  
 18 inclination it would make more sense and stop more  
 19 light coming into the people on Hillside Avenue,  
 20 number one.  
 21 Number two, it would be a natural break  
 22 for their so-called recreation area.  
 23 And, number three, it would add for  
 24 additional security from cars coming past, should  
 25 they happen to go through the -- the guardrail, it  
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1 would make -- and, finally, it would be six -- I'm  
 2 sorry, you did say 6 foot, correct?  
 3 THE WITNESS: Correct.  
 4 MR. MIRAKIAN: It would be 6 foot less  
 5 that we would have to look at from our properties --  
 6 CHAIRMAN FERGUSON: Right.  
 7 MR. MIRAKIAN: -- versus 2 feet instead  
 8 of 8.  
 9 CHAIRMAN FERGUSON: Right.  
 10 MR. MIRAKIAN: So if they move that  
 11 fence towards the end of the driveway --  
 12 CHAIRMAN FERGUSON: Right.  
 13 MR. MIRAKIAN: -- it would be  
 14 beneficial in all ways.  
 15 That's not going to preclude my  
 16 comments later, but there are issues here which have  
 17 not been addressed from the last meeting.  
 18 CHAIRMAN FERGUSON: Right.  
 19 MR. JENKINS: Excuse me, Mr. Chairman?  
 20 CHAIRMAN FERGUSON: Yes.  
 21 MR. JENKINS: First of all, I think  
 22 that a number of the questions are leaning over into  
 23 the engineering --  
 24 CHAIRMAN FERGUSON: Correct.  
 25 MR. JENKINS: -- which I think are more

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1 appropriate for that.  
 2 CHAIRMAN FERGUSON: Right.  
 3 MR. JENKINS: -- two, and I do respect  
 4 the latitude that the board gives the public, but if  
 5 you can confine them, I would respectfully ask you to  
 6 confine them just to questions.  
 7 CHAIRMAN FERGUSON: Right, instead of  
 8 comments.  
 9 MR. JENKINS: Yes, well, there will  
 10 comment times --  
 11 MS. PIRRERA: Okay. I have a question.  
 12 CHAIRMAN FERGUSON: Okay.  
 13 MR. JENKINS: But, I mean, if we could  
 14 -- if we could move into the engineering, because,  
 15 again, a lot of these speak to that.  
 16 CHAIRMAN FERGUSON: No, I understand.  
 17 Cindy?  
 18 MS. PIRRERA: I just have one more  
 19 question.  
 20 CHAIRMAN FERGUSON: Okay.  
 21 MS. PIRRERA: You said you've used  
 22 those air conditioning units before.  
 23 Was that in single-family homes or  
 24 exactly the same type of property as this, six  
 25 attached homes, six of those units right in a row

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1 altogether?  
 2 THE WITNESS: I have not used them in a  
 3 condition of six attached homes directly attached  
 4 together.  
 5 I have used them in other townhouse  
 6 configurations of similar nature and size.  
 7 MS. PIRRERA: What's similar nature and  
 8 size? How many?  
 9 THE WITNESS: I'll be happy to provide  
 10 a list of the properties where we have used these  
 11 types of units.  
 12 MS. PIRRERA: That would be wonderful.  
 13 THE WITNESS: And off the top of my  
 14 head, I cannot give you exact addresses, but I'll be  
 15 happy to do that.  
 16 MS. PIRRERA: All right. Thank you.  
 17 CHAIRMAN FERGUSON: I just got one,  
 18 just a follow-up, what's the distance from the end of  
 19 the parking lot, right --  
 20 THE WITNESS: Uh-huh.  
 21 CHAIRMAN FERGUSON: -- to the proposed  
 22 wall?  
 23 THE WITNESS: From the end of this --  
 24 CHAIRMAN FERGUSON: Yeah, that's what  
 25 he's talking about --

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1 THE WITNESS: -- from the last parking  
 2 space --  
 3 CHAIRMAN FERGUSON: -- he's talking  
 4 about putting a guardrail.  
 5 THE WITNESS: -- to the proposed wall.  
 6 CHAIRMAN FERGUSON: What's -- yeah.  
 7 THE WITNESS: It tapers slightly, but I  
 8 believe that we have approximately 7 feet.  
 9 CHAIRMAN FERGUSON: So you're looking  
 10 to move a wall 7 feet. I understand it's something,  
 11 but --  
 12 MS. PIRRERA: It's not going to do  
 13 anything.  
 14 CHAIRMAN FERGUSON: It ain't going to  
 15 do any --  
 16 MS. PIRRERA: Nothing.  
 17 CHAIRMAN FERGUSON: Okay. Any other  
 18 questions?  
 19 FEMALE AUDIENCE MEMBER: The  
 20 recreation.  
 21 CHAIRMAN FERGUSON: Any other  
 22 questions?  
 23 (No response.)  
 24 MR. FERGUSON: Okay. So what we're  
 25 going to do now, we're going to take a five-minute

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1 break to give our court reporter a little rest.  
 2 We'll be back in five minutes. And  
 3 we're ready to go.  
 4 MR. JENKINS: Thank you.  
 5 THE WITNESS: Thank you.  
 6 (Whereupon, a brief recess is taken.)  
 7 CHAIRMAN FERGUSON: Roll call for  
 8 attendance.  
 9 MS. LAMBRINIDES: Mr. Ferguson?  
 10 CHAIRMAN FERGUSON: Here.  
 11 MS. LAMBRINIDES: Mr. Albanese?  
 12 VICE CHAIRMAN ALBANESE: Here.  
 13 MS. LAMBRINIDES: Mr. Terranova?  
 14 MR. TERRANOVA: Here.  
 15 MS. LAMBRINIDES: Mr. Kim? He's  
 16 somewhere. Right?  
 17 Mr. Nam?  
 18 MR. NAM: Yes.  
 19 MS. LAMBRINIDES: Ms. Yoon?  
 20 MS. YOON: Yes.  
 21 MS. LAMBRINIDES: Mr. Carnovale?  
 22 MR. CARNOVALE: Here.  
 23 MS. LAMBRINIDES: Ms. Tarabocchia?  
 24 MS. TARABOCCHIA: Here.  
 25 MS. LAMBRINIDES: Mr. Lefteriou? He's

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1 around somewhere because he's recused, right?  
 2 CHAIRMAN FERGUSON: Okay. Counsel, do  
 3 you want to call your next witness?  
 4 MR. JENKINS: Yes. Thank you. It will  
 5 be Mark Martins, our engineer.  
 6 MS. TESTA: Please raise your right  
 7 hand. Do you swear that the testimony you will give  
 8 in this application will be the truth, the whole  
 9 truth and nothing but the truth?  
 10 MR. MARTINS: I do.  
 11 M A R K M A R T I N S,  
 12 having been duly sworn, testifies as follows:  
 13 MS. TESTA: Please state your name for  
 14 the record.  
 15 MR. MARTINS: Mark Martins,  
 16 M-A-R-T-I-N-S.  
 17 CHAIRMAN FERGUSON: He's been here many  
 18 times. We'll accept him.  
 19 MR. JENKINS: Thank you.  
 20 MR. MARTINS: Thank you.  
 21 MR. JENKINS: Now, before Mr. Martins  
 22 speaks, there's one point that I do want to bring up  
 23 in --  
 24 CHAIRMAN FERGUSON: Sure.  
 25 MR. JENKINS: -- in hearing the

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1 comments from the public, and that is particularly  
 2 with regard to the drainage.  
 3 CHAIRMAN FERGUSON: Right.  
 4 MR. JENKINS: And we will speak to  
 5 this, but one thing we want to make absolutely clear,  
 6 the drainage on the property at present is a problem.  
 7 CHAIRMAN FERGUSON: Right.  
 8 MR. JENKINS: As my client says, it  
 9 comes down like a fountain.  
 10 CHAIRMAN FERGUSON: Right.  
 11 MR. JENKINS: And there are pictures  
 12 that speak to that.  
 13 CHAIRMAN FERGUSON: Yes.  
 14 MR. JENKINS: What is being proposed in  
 15 this development --  
 16 CHAIRMAN FERGUSON: Right.  
 17 MR. JENKINS: -- what we are proposing,  
 18 is going to eliminate that. It is going to improve  
 19 that condition.  
 20 So actually what exists now is not  
 21 going to exist when this goes in.  
 22 Secondly, with regard to the rear  
 23 yard --  
 24 CHAIRMAN FERGUSON: Right.  
 25 MR. JENKINS: -- there is ample light,

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1 there is ample space.  
 2 What could have been done is you could  
 3 have had a building and built it hard by the rear lot  
 4 there and blotted out a good amount of light, which I  
 5 don't think we would of anyway. We have given more  
 6 than sufficient space in the back there.  
 7 We will -- as an accommodation as well  
 8 to many of the comments that have been made, we're  
 9 looking to be as accommodating as possible.  
 10 CHAIRMAN FERGUSON: Right.  
 11 MR. JENKINS: So we will discuss moving  
 12 fences. We will discuss, if necessary, sound  
 13 attenuation with regard to the AC units, because if  
 14 the board will recall, this, as anywhere else, would  
 15 be subject to noise regulations and what the sound  
 16 would be at the property line.  
 17 CHAIRMAN FERGUSON: Right.  
 18 MR. JENKINS: If we don't make it, we  
 19 have to address that.  
 20 But I would like the board to know that  
 21 that is a commitment of Mr. Testino. He is here to  
 22 make the property that is satisfying to you, that is  
 23 actually an improvement to what currently exists.  
 24 I will stop and I will let Mr. Martins  
 25 describe what has been prepared with regard to the

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1 revised plans that have been submitted.  
2 CHAIRMAN FERGUSON: Okay. Let me just  
3 say this in regard to that, I did receive a report  
4 from Johnson Soil. And I also received a report from  
5 Mr. Martins, a stormwater management report. Right?

6 Now, to be very candid with you, when  
7 they talk -- Johnson Soil starts talking about what's  
8 there with regard to sand and other products, I'm  
9 going to depend on my expert, which would be  
10 Mr. Collazoul, to go through that report and does he  
11 agree or disagree with the comments.

12 MR. JENKINS: Absolutely, and that's  
13 why we submitted --

14 CHAIRMAN FERGUSON: Yes, right.

15 MR. JENKINS: -- that for the board's  
16 review, for the board's engineer review.

17 CHAIRMAN FERGUSON: Now, I would be  
18 remiss if I didn't mention that Mr. Collazoul has  
19 given the board five pages of comments, some very  
20 negative, because when I see on one of his -- and I'm  
21 not going to waste a lot of time on this, but when I  
22 see drain consideration should be made for the rear  
23 yard area, no lawn inlets have been shown. It  
24 appears the runoff may reach other properties.

25 When I read that on a report, that's a  
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1 or improvements that your borough engineer would  
2 require.

3 So having said that, the architect had  
4 gone through great lengths to describe many of the  
5 changes. I don't want to, kind of, go over what's  
6 already been said.

7 In addition to the reduction of the  
8 units, the additional parking spaces, we also made  
9 some driveway configuration changes where we  
10 previously had a driveway that was 20-foot wide.  
11 We've now made that driveway 24-foot wide, which  
12 conforms.

13 We've also realigned the entranceway,  
14 so where previously we had a turn that extended past  
15 our northerly property line. We have reconfigured  
16 that now so that it does not do that and ends at the  
17 extension of our property line as well, which again  
18 addresses one of the comments from the engineer.

19 So, again, not to go into any greater  
20 detail, because we already went through that, I think  
21 I'll just jump in, right into the drainage, which  
22 seems to be a concern for everyone here.

23 So, yes, there is runoff coming off of  
24 the existing site right now going downhill towards  
25 the Hillside Avenue properties. And that's because  
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1 concern to me, because the key word runoff on  
2 neighboring properties is something that we all  
3 should be very concerned about.

4 Now, I'm sure Mr. Martins is going to  
5 go and go through everything that he has done to help  
6 alleviate that, but the board engineer has flagged  
7 some issues on the report. But I'll let Mr. Martins  
8 go through his testimony.

9 And then Steve will go and rebut it or  
10 agree with it.

11 MR. JENKINS: Thank you.

12 And actually as part of his testimony,  
13 we have intended that we would address your  
14 engineer's report as well.

15 CHAIRMAN FERGUSON: Okay. Good.

16 MR. JENKINS: Thank you.

17 CHAIRMAN FERGUSON: Thank you.

18 MR. JENKINS: We're here to satisfy  
19 you.

20 CHAIRMAN FERGUSON: Yeah.

21 MR. MARTINS: Just in general,  
22 Mr. Chairman, we did attempt to address as many of  
23 the comments from the previous letters as we could.  
24 Any new comments we certainly will address here. And  
25 we do intend to comply with whatever recommendations

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1 there is no, what we call, stormwater management  
2 control on this site as it exists today.

3 So everything just comes off the site  
4 from the driveway, the roof running off the lawn  
5 areas and basically goes downhill.

6 The improvements, what we have to do as  
7 engineers and as developers and as applicants, we are  
8 required to comply with what's called the Residential  
9 Site Improvement Standards. And these standards  
10 actually require us to reduce the amount of runoff  
11 coming from the site.

12 We do that by a number of different  
13 means. What we've done on this site is propose a  
14 drainage system consisting of underground seepage  
15 pits, also CULTEC chambers, retention chambers, so  
16 that we will, in effect, be decreasing the overall  
17 amounts of runoff coming off this site, so that it  
18 will not be an increase, but there will actually be a  
19 decrease in runoff coming from the property from what  
20 had existed before.

21 And that, again -- those are the  
22 calculations that were submitted to your engineer for  
23 his review and, again, if there's any additional  
24 information or he requires additional measures, we  
25 would certainly take that into consideration and

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1 provide any additional requirements or information  
 2 that he sees fit.  
 3 All right. So we have a bunch of plans  
 4 here. I think the architect had referred to Sheet 3,  
 5 which is the site plan sheet. This sheet basically  
 6 shows the zoning information, the layout of the  
 7 buildings. We have a planner who is going through  
 8 the zoning, so I don't think we have to necessarily  
 9 go through all that, but I just did want to hit a  
 10 couple of points that we -- you know, we did  
 11 obviously reduce the scope of the project from seven  
 12 units down to six units. We did increase that rear  
 13 yard. We used to have about 38 feet as a rear yard  
 14 setback, so now we have 49 feet. So we have pushed  
 15 the building further back from the property lines.  
 16 Yes, we did add parking in that area. Now, this is  
 17 for visitor parking.

18 And the reason why we did that is  
 19 because there was a comment from the previous meeting  
 20 that, okay, Mr. Martins, we had all this parking in  
 21 the driveways and technically we had as many spaces  
 22 that we needed, but we didn't have any separate  
 23 spaces for visitor parking. So that was the reason  
 24 why we provided these spaces basically outside of the  
 25 units themselves.

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1 But in addition to that, we now have  
 2 these six units. We also have the parking in the  
 3 driveways. We have the parking in the garages. So  
 4 we do feel that we have more than what we need in  
 5 parking.

6 So I mean, if it's an issue with having  
 7 parking spaces in the back yard that the neighbors  
 8 don't want and the board says, oh, maybe we don't  
 9 need those either, we would be happy to take those  
 10 out and just make it landscaping, if that would be  
 11 something that the board would prefer.

12 In regards to some of the street  
 13 parking, there was some comments about that as well.  
 14 There are existing -- three existing drop curbs or  
 15 driveway openings right now. There's also a fire  
 16 hydrant towards the northerly side. So basically  
 17 with our new driveway configuration we're not going  
 18 to be losing any street parking. They'll probably  
 19 actually be gaining a spot. There was going to be  
 20 eliminating two of those driveway openings, so there  
 21 will be no, really, net impact on the on-street  
 22 parking scenario.

23 So just going back to the drainage,  
 24 again, as I mentioned we have a system of seep pits  
 25 in the back. We have CULTEC chambers underneath the

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1 driveways. All of this will be collected via inlets  
 2 in the pavement areas, lawn inlets in the grassed  
 3 areas.

4 To your point, Mr. Chairman, in the  
 5 back yard area, what we did do on the revised plan is  
 6 we have placed a lawn inlet in that back area to  
 7 collect that rear yard runoff as well. So there  
 8 won't be that impact on the neighbors.

9 And, again, we provided additional  
 10 inlets and grading along the property to not only  
 11 enhance the aesthetics or the runoff conditions of  
 12 the site, but improvements, so that we'll have less  
 13 runoff after development than we had before.

14 Now, as far as the rest of the  
 15 utilities, we have all the gas lines, water lines,  
 16 electric lines, et cetera. The sanitary sewer, we  
 17 have basically two components of that. We have a  
 18 gravity component that's going to capture the two  
 19 units, then we'll have a manhole and a new pipe  
 20 connecting into the existing main in Highland. The  
 21 rear units will be basically collected into an  
 22 ejector pump, which will be situated towards the rear  
 23 of the property and that will be pumped up to the new  
 24 manhole that we're proposing in the driveway, which  
 25 will then go by gravity into the existing main in

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1 Highland Avenue.

2 I'm just going to flip over now to some  
 3 of our other sheets here. This is our landscaping  
 4 plan (indicating) and as mentioned before, we do have  
 5 landscaping in the back of the property. We provided  
 6 a row of arborvitaes for screening along the westerly  
 7 side, but also along the recreational area on the  
 8 southerly side of the property.

9 In addition to that, we provided for  
 10 three trees in the backyard area. Three red maples  
 11 we planted in that neck of the woods.

12 In addition to that, we have some  
 13 additional plantings abutting the new parking spaces  
 14 back there, with the Meyer's yews, which would  
 15 basically separate those areas from the recreational  
 16 area.

17 As mentioned before, we also have a  
 18 screening fence which will basically go around the  
 19 property. And we can put that fence on top of the  
 20 higher wall to provide some additional screening as  
 21 well.

22 With a reconfiguration of the driveway,  
 23 I should say, we do have additional planting areas  
 24 along the front of the property, which we've provided  
 25 for on our plan. We have azaleas on both sides of

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1 the driveway. We have also two additional trees in  
2 the front yard, which will be red buds and we another  
3 row of arborvitaes along the front of the building.

4 MR. JENKINS: Thank you.

5 BY MR. JENKINS:

6 Q. Are there any other additional aspects  
7 which you would like to address?

8 A. Not at this point. I think, again,  
9 we've kind of gone over most of those.

10 Again, in regards to the engineer's  
11 letter we will comply with his comments and  
12 recommendations. And certainly he'll have some  
13 questions, we'd be happy to answer whatever he asks.

14 MR. JENKINS: Thank you, Mr. Martins.

15 At this time that's all the direct  
16 questions that I have.

17 CHAIRMAN FERGUSON: Okay.

18 I just got a couple of quick ones.

19 You know, I was on the Department of  
20 Public Works for 28 years, so I'm pretty acquainted  
21 with the sewerages in the borough. And it just so  
22 happens that that line on Highland Avenue is one of  
23 the ten problematic areas of the town. We have, you  
24 know, different -- so I'm wondering, is it your  
25 testimony that you're going to camera that -- those

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1 sewer lines?

2 Are you going just to -- you know,  
3 because it's a problem and now you're increasing the  
4 flow into it. That's the first question.

5 The second question is with regard to  
6 this pumping system. You know, my -- my father would  
7 say all things break. So I would be interested in  
8 hearing what's going to happen, what safeguards are  
9 you going to put in --

10 THE WITNESS: Sure.

11 CHAIRMAN FERGUSON: -- to -- in case the  
12 pump -- you know, the pumping system breaks, how are  
13 we going to address that? How are you going to  
14 address that?

15 THE WITNESS: Sure. Sure.

16 Well, two things, Mr. Chairman, the  
17 pumping system is what we'll call a duplex system.

18 CHAIRMAN FERGUSON: Okay.

19 THE WITNESS: So it actually has two  
20 pumps in it.

21 CHAIRMAN FERGUSON: Okay.

22 THE WITNESS: And they're designed not  
23 to go and work simultaneously, but to alternate.

24 So one pump is sufficient to handle all  
25 the pumping needs.

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1 CHAIRMAN FERGUSON: Okay.

2 THE WITNESS: And we do that because if  
3 one pump does fail, then you have a second pump.  
4 There will be alarms in the system too, so that if  
5 does fail, it will go off and that pump can be  
6 replaced.

7 CHAIRMAN FERGUSON: Okay.

8 THE WITNESS: In addition to that,  
9 there will be a generator on site, so if power is  
10 lost, we will have that alternate supply of power.

11 CHAIRMAN FERGUSON: Right.

12 THE WITNESS: In regards to the TVing  
13 of the existing sewer line? Absolutely, that's  
14 something that we would look into. We would be happy  
15 to do that.

16 I'm not aware of any issues with that  
17 line, but certainly with any repairs that would need  
18 to be done, that would help improve the flow  
19 characteristics of that line, we would certainly be  
20 willing to do that.

21 CHAIRMAN FERGUSON: Okay.

22 Any other board members have any  
23 questions?

24 MR. CARNOVALE: Yeah. Mr. Martins,  
25 what's the capacity of that ejection retention pit

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1 for the sewer?

2 THE WITNESS: For the -- for the  
3 ejector pump, you're talking about? Or are you  
4 talking about the --

5 MR. CARNOVALE: Yeah, well, where is  
6 all the waste going to go?

7 THE WITNESS: So it's a gravity system  
8 that will basically collect it from -- well, the  
9 first two units will go by gravity --

10 MR. CARNOVALE: Right.

11 THE WITNESS: -- to the street.

12 We're talking about back four units.

13 MR. CARNOVALE: Yes.

14 THE WITNESS: All right. It will be  
15 pumped -- not pumped, it will be going into a gravity  
16 line, which will feed into the ejector system.

17 MR. CARNOVALE: How big is that  
18 detention for that?

19 THE WITNESS: Right. So that -- that  
20 wet well, so to speak, will probably be about 300  
21 gallons.

22 MR. CARNOVALE: All right. And that  
23 naturally is going to accept raw sewage and all  
24 water, everything, right?

25 THE WITNESS: Yes. The sanitary

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1 sewage.  
 2 MR. CARNOVALE: Right. Well, also the  
 3 kitchen sink, the bathtub, and everything?  
 4 THE WITNESS: Yes.  
 5 MR. CARNOVALE: Everything, right?  
 6 THE WITNESS: Gray water, black water,  
 7 as we would say.  
 8 MR. CARNOVALE: Yes.  
 9 Has our engineer been provided with any  
 10 specs on that?  
 11 THE WITNESS: Well, we're really not at  
 12 the point -- we're really not at the point where we  
 13 are providing construction specifications, so --  
 14 MR. CARNOVALE: Well, my -- I'm sorry.  
 15 THE WITNESS: Yeah, you know, at that  
 16 point when -- post approval, post approval from this  
 17 board we would then be supplying construction  
 18 documentation, which would include such things as the  
 19 volume, the flow characteristics of that ejector  
 20 pump, structural calculations of the retaining walls,  
 21 things of that nature, other structure related items.  
 22 That's typically done post approval.  
 23 MR. CARNOVALE: And in reference to the  
 24 generator, I'm just curious, what would it be fed?  
 25 Gas fed?

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1 THE WITNESS: Natural gas fed.  
 2 MR. CARNOVALE: Natural gas. Okay.  
 3 And the gas line entering this site is  
 4 going to run down the middle of this street?  
 5 THE WITNESS: It would run down the  
 6 driveway area.  
 7 MR. CARNOVALE: For all six units?  
 8 THE WITNESS: Yes.  
 9 MR. CARNOVALE: And they would just tap  
 10 off of that?  
 11 THE WITNESS: Yes, that's going to be  
 12 up to the PSE&G, the utility company to see how they  
 13 actually lay it out.  
 14 MR. CARNOVALE: Right.  
 15 THE WITNESS: Right. So they may do  
 16 something, that they want to run it inside the  
 17 buildings. That's entirely up to them. We've shown  
 18 it outside, but they may want to do something  
 19 different.  
 20 MR. CARNOVALE: Do you know how far  
 21 underground this system would be for the sewer?  
 22 THE WITNESS: The sewer system would  
 23 have a minimum cover of 3 feet.  
 24 MR. CARNOVALE: Three feet.  
 25 And the generator, I can't tell by

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1 here, you have no specific kilowatts and stuff like  
 2 that, and bollards around it or I'm not picking it up  
 3 here.  
 4 THE WITNESS: No, no, again, this is  
 5 conceptual in nature for this point in the planning  
 6 process.  
 7 When we do get approved, if we get  
 8 approved, there will be specification presented to  
 9 the building department, et cetera.  
 10 MR. CARNOVALE: Okay. What about the  
 11 acoustics on this pump? In other words, the sound  
 12 attenuation coming out of this chamber.  
 13 THE WITNESS: Yes, it would --  
 14 MR. CARNOVALE: Now, the bigger it  
 15 gets, the more it's going to be closer to the  
 16 backyard or...  
 17 THE WITNESS: Well, they're  
 18 underground, so the sound is really --  
 19 MR. CARNOVALE: Right.  
 20 THE WITNESS: -- not an issue.  
 21 MR. CARNOVALE: Right.  
 22 THE WITNESS: Sound from the generator  
 23 is something that you may be concerned about, but the  
 24 borough does have ordinances that, you know, limits  
 25 the sound that can be heard so to speak at property

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1 lines. And we will be required to meet all of those  
 2 requirements of your borough's ordinance. So if that  
 3 means there has to be some kind of sound blanket or  
 4 other attenuation devices provided, we would  
 5 certainly do that.  
 6 MR. CARNOVALE: Okay. But the  
 7 generator is just basically for those pumps, right?  
 8 THE WITNESS: Correct.  
 9 MR. CARNOVALE: So it's not going to be  
 10 a massive generator?  
 11 THE WITNESS: No, no.  
 12 MR. CARNOVALE: The -- I see here you  
 13 splayed the curb. What's the curb cut in the front  
 14 here?  
 15 THE WITNESS: The width of the curb?  
 16 MR. CARNOVALE: Yeah, the width of the  
 17 driveway entrance here.  
 18 THE WITNESS: The width of the actual  
 19 curb cut dimension -- give me one second to flip over  
 20 -- will be 35 feet. That's the curb opening.  
 21 MR. CARNOVALE: And it narrows down to?  
 22 THE WITNESS: It narrows down to 20  
 23 feet at the narrowest point.  
 24 MR. CARNOVALE: Okay. When you say 35  
 25 feet, I don't know too much about this, but it's

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1 going to tie directly into -- or it's also going to  
 2 splay down or I'm just -- in other words, when a car  
 3 enters.  
 4 THE WITNESS: Yeah, right.  
 5 MR. CARNOVALE: I guess that our town  
 6 engineer would know more about that. I'm not too...  
 7 THE WITNESS: Well, it's a curb return  
 8 radius, if you will.  
 9 MR. CARNOVALE: Yeah.  
 10 THE WITNESS: So it will open up from  
 11 that 20-foot width, so evenly it will open up so that  
 12 by the time it reaches the curb line of Highland  
 13 Avenue it will have a depressed -- when, we talk  
 14 about drop curb, a depressed curb there's a full  
 15 height curb --  
 16 MR. CARNOVALE: Yeah.  
 17 THE WITNESS: -- that's 6 inches and  
 18 then the drop curb basically goes down to meet the  
 19 pavement, the lip of the pavement meets the drop  
 20 curb. But at any rate so that width of that opening  
 21 would be 35 feet.  
 22 MR. CARNOVALE: Including whatever drop  
 23 it's going to end up when it meets the other curbs?  
 24 THE WITNESS: Right.  
 25 So where it meets that existing curb,  
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1 it would be 35 feet. Then you have a little  
 2 transition up to a full height curb usually about 18  
 3 -- 1 foot to 18 inches.  
 4 MR. CARNOVALE: And I see that  
 5 according to this it looks like, let's say  
 6 technically even though it's town-owned, it goes to  
 7 the property line opening?  
 8 THE WITNESS: Correct.  
 9 MR. CARNOVALE: How many feet are left  
 10 on the left of that?  
 11 THE WITNESS: So to the left --  
 12 MR. CARNOVALE: In other words, that  
 13 would be the southbound direction.  
 14 How much curb do we have left there?  
 15 THE WITNESS: So to the left of that  
 16 curb to our property line we're going to have maybe  
 17 about 50 plus feet, 52 feet.  
 18 MR. CARNOVALE: So we could get a  
 19 couple -- what will we get in there, a car and a  
 20 half?  
 21 THE WITNESS: Yes, at least three cars.  
 22 MR. CARNOVALE: Two cars in there?  
 23 THE WITNESS: At least. We could  
 24 probably squeeze three in there, but at least two.  
 25 MR. CARNOVALE: Okay. That's all I  
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1 got.  
 2 CHAIRMAN FERGUSON: Okay. Steve.  
 3 Yes?  
 4 MR. JENKINS: One quick question.  
 5 BY MR. JENKINS:  
 6 Q. There had been a comment from the  
 7 public with regard to a safety rail.  
 8 First of all, is anything proposed and  
 9 even if it were not, is there any problem with  
 10 installing a safety rail --  
 11 A. No.  
 12 Q. -- as requested by --  
 13 A. **Absolutely. We have a safety rail**  
 14 **abutting all the driveway areas and even along the**  
 15 **back there was a question from the other public**  
 16 **members before about the end of the driveway, that**  
 17 **would also have a safety guardrail at the high level,**  
 18 **right behind the curb line or driveway.**  
 19 CHAIRMAN FERGUSON: Okay. Steve, I got  
 20 five pages of --  
 21 MR. COLLAZUOL: Yeah. Okay. We can go  
 22 over them.  
 23 CHAIRMAN FERGUSON: Yeah, I'd like to.  
 24 MR. COLLAZUOL: One at a time.  
 25 Mark, on page one of my report on the  
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1 right-hand side of the driveway it appears that you  
 2 left about 2.5 feet between the curb and the property  
 3 line, which you say potential to have a rail on top  
 4 of the wall.  
 5 Is there any plans for any landscaping  
 6 within that narrow space?  
 7 THE WITNESS: No. We --we envision  
 8 that space as being used as some kind of a gravel  
 9 area. It's really too narrow to put any significant  
 10 landscaping in that area and, again, maybe even  
 11 putting the guardrail on that lower section between  
 12 the wall and the curb as well.  
 13 MR. COLLAZUOL: But what about the  
 14 screening to the residence, 437?  
 15 THE WITNESS: Oh, we're definitely  
 16 going to have a fence on top of that wall, so that  
 17 would provide that screening.  
 18 MR. COLLAZUOL: Is that shown on the  
 19 landscape plan?  
 20 THE WITNESS: It's shown on the site  
 21 plan where we show it to have a 4-foot-high safety  
 22 rail on top, but on the landscaping plan I think it  
 23 basically indicates the planting on that plan,  
 24 Mr. Collazuol, so not specifically on that plan.  
 25 MR. COLLAZUOL: So there will be?  
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1 THE WITNESS: We will have a -- we'll  
2 call it a screened fence on top of that wall.  
3 MR. COLLAZUOL: And that would be for  
4 the length of the building or the entire length of  
5 that lot line?

6 THE WITNESS: I would recommend that we  
7 do it for the length of -- not the whole lot line. I  
8 would say from the front of the building on Highland  
9 all the way towards the rear of the last parking spot  
10 and hooking up with the other fence.

11 So it would be on top of the highest  
12 tiered wall to provide continuous screening along all  
13 three sides of the property.

14 MR. COLLAZUOL: And on your plan you  
15 show proposed -- on the left-hand side of your plan,  
16 proposed 6-foot-high fence along the left-hand side.  
17 It's not labeled along the rear line, but it's  
18 symbolized there, so there is a fence there and now it  
19 will be shown along the right-hand side?

20 THE WITNESS: Yes, correct.

21 MR. COLLAZUOL: Turning to Page 2, does  
22 this site require water quality measures for the  
23 stormwater management system?

24 THE WITNESS: Not in my opinion,  
25 Mr. Collazuol. It's less than an area -- one acre of

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1 area, and we have less than a quarter acre of  
2 increased impervious area, which means it would  
3 normally not be qualified as a major project which  
4 would require water quality.

5 However, if you think that's something  
6 that you would require at any rate, I'm sure the  
7 applicant would be happy to provide some additional  
8 water quality features and what we talk about there  
9 is perhaps some filters within the catch basins to  
10 filter out some of the sediment that may be carried  
11 in the driveway area. So I think that's an  
12 improvement that we could offer to the board.

13 MR. COLLAZUOL: I think that's somewhat  
14 warranted because it would be used as much as six  
15 units with at least two-and-a-half to three cars  
16 providing salt, grit, sand, et cetera, snow plows.

17 It would probably be a good idea, don't  
18 you think?

19 THE WITNESS: Yes, I would agree.

20 MR. COLLAZUOL: Turning to Page 3, item  
21 no. 6, would you explain how the drainage system in  
22 front of each of the, driveways and what water is  
23 going into those recharger systems that you've shown?

24 THE WITNESS: Yes.

25 The intent is to pick up roof drains

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1 from the front of the properties and to direct those  
2 into those chambers.

3 There's also a couple of driveways,  
4 because of the grading which will have a slight down  
5 pitch to them, so we are providing trench drains in  
6 those locations and those would also be directed into  
7 those driveway chambers.

8 MR. COLLAZUOL: And then the last one,  
9 for unit no. 6, is that connected to the galley of  
10 seepage pits in the rear or not?

11 THE WITNESS: The last one is not. The  
12 intention is to basically take the -- if you want to  
13 split it into two so to speak, take the westerly half  
14 of the building and bring it back to the seepage pits  
15 and the northerly, bring it into these pits, we would  
16 also -- I may not have indicated it here,  
17 Mr. Collazuol, we will provide an overflow from those  
18 pits into the seepage pits as well.

19 MR. COLLAZUOL: The one roof leader  
20 that's shown from unit no. 6 on the garage end of the  
21 building --

22 THE WITNESS: Yeah.

23 MR. COLLAZUOL: -- that's catching part  
24 of the front roof of unit no. 6?

25 THE WITNESS: That's towards the left  
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1 side of the unit, you're referring to?

2 MR. COLLAZUOL: The garage, the garage.

3 THE WITNESS: Yeah, that would be  
4 picking up as much as we can with the front units,  
5 yes.

6 MR. COLLAZUOL: So the last recharger  
7 unit would not be taking all of that front roof as  
8 the other units would; is that correct?

9 THE WITNESS: The intention would be to  
10 collect all that retention, so maybe we'll have to  
11 make that a little bit clearer for you.

12 We'll work with the architect to  
13 provide you with an exact scheme of where those roof  
14 runoff -- or where the roof drains are coming down  
15 from the buildings so we can show you where they're  
16 coming into.

17 MR. COLLAZUOL: Item no. 11 in our  
18 report reflects the report that was prepared by  
19 Johnson Soils.

20 THE WITNESS: Right.

21 MR. COLLAZUOL: On the bottom of each  
22 of the test boring logs, the percolation rate shown  
23 is 1 inch in an hour.

24 THE WITNESS: Uh-huh.

25 MR. COLLAZUOL: Would you consider that  
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1 a very long percolation rate.  
 2 THE WITNESS: I would consider it  
 3 suitable.  
 4 MR. COLLAZUOL: Well, isn't a very slow  
 5 rate 1 inch in an hour?  
 6 THE WITNESS: It's suitable. I prefer  
 7 it to be 2 inches an hour, but I think it is suitable  
 8 for our needs.  
 9 MR. COLLAZUOL: Would you be willing  
 10 to, as we indicate on the bottom that -- item no. 11,  
 11 to provide the calculations required to drain those  
 12 systems in 72 hours?  
 13 THE WITNESS: Yes, we will.  
 14 MR. COLLAZUOL: And you feel that they  
 15 will drain?  
 16 THE WITNESS: Yes. We provided pretty  
 17 much more than twice the volume of detention that we  
 18 need on the site based on our calculations. We do  
 19 have excess volume there. And I'm confident we can  
 20 make those numbers.  
 21 MR. COLLAZUOL: Would you show the  
 22 board and myself -- I'm not sure I understand where  
 23 those test pits were located.  
 24 Can you point on your drawing where  
 25 those two test pits were?

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1 THE WITNESS: I was not there myself,  
 2 Mr. Collazuol. I understand, though, they were taken  
 3 in the area where we have the proposed seepage pits  
 4 in the back yard.  
 5 MR. COLLAZUOL: So when TP-1 is noted  
 6 as southwest side. That's in the proposed seepage  
 7 pit area?  
 8 THE WITNESS: Yes.  
 9 MR. COLLAZUOL: And TP-2, northeast  
 10 side is...  
 11 THE WITNESS: I think that was in front  
 12 of the property.  
 13 MR. COLLAZUOL: Front of the property?  
 14 THE WITNESS: Yes, but I wasn't there  
 15 to personally inspect those myself.  
 16 MR. COLLAZUOL: Would you be able to  
 17 show those pits on the plan?  
 18 THE WITNESS: I can -- I can -- yeah, I  
 19 will confer with -- with Johnson Soils --  
 20 MR. COLLAZUOL: Right.  
 21 THE WITNESS: -- who did the actual  
 22 borings. I'll confer with them and we'll plot those  
 23 on there for you as well.  
 24 MR. COLLAZUOL: Okay. Thank you.  
 25 THE WITNESS: You're welcome.

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1 MR. COLLAZUOL: I believe you answered  
 2 the question for the chairman regarding the  
 3 explanation if there's a sanitary pump failure.  
 4 THE WITNESS: Uh-huh.  
 5 MR. COLLAZUOL: It's two pumps in this  
 6 one chamber, and they're going to work alternately or  
 7 is one a backup pump?  
 8 THE WITNESS: In essence both, because  
 9 what usually happens is they are -- they do alternate  
 10 --  
 11 MR. COLLAZUOL: They do?  
 12 THE WITNESS: -- to make sure that  
 13 they're both -- we don't want to have one working all  
 14 the time and the other one not function -- not  
 15 working at all, because then it may not function when  
 16 it needs to.  
 17 So, typically, they alternate and that  
 18 way they are both being used, but not at the same  
 19 time.  
 20 So one pump would be sufficient for all  
 21 of the sewage that would need to be ejected out of  
 22 that system.  
 23 MR. COLLAZUOL: Now, I noticed on the  
 24 drawing, for the detail of that, there's an alarm.  
 25 Who do you suppose would be the receiver of the

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1 message when that alarm goes off?  
 2 THE WITNESS: Typically the alarm will  
 3 be placed in one of the units. There also will be a  
 4 central system so that it would send the system,  
 5 similar to a burglar alarm, to a central office where  
 6 then they would then alert the unit owner and if they  
 7 don't respond, then they would normally alert the  
 8 police department as well or the fire department.  
 9 MR. COLLAZUOL: So would this property  
 10 be managed by a management company, such that that  
 11 alarm would go off, someone in the management company  
 12 would take care of having it serviced?  
 13 THE WITNESS: Well, it's normally the  
 14 homeowners association in a condominium type of  
 15 development, but, again, they would have to contract  
 16 with an agency or service that would provide those  
 17 services, so not necessarily managing the whole  
 18 property, but certainly for that particular part of  
 19 it, yes.  
 20 MR. COLLAZUOL: And I would suppose  
 21 that would be -- something would be contained in the  
 22 -- if this was approved, it would be part of the  
 23 resolution as a condition of approval, that kind of  
 24 stipulation to be made.  
 25 CHAIRMAN FERGUSON: Right.

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1 MR. COLLAZUOL: The chairman did  
2 mention the sewer main in Highland Avenue.  
3 Would you be able to provide, based on  
4 the survey information, the capacity of the main  
5 there under, perhaps, high usage time, maximum peak  
6 in that line?

7 THE WITNESS: Sure.  
8 And, actually, if you want,  
9 Mr. Collazuol, maybe even better to do some  
10 calculations, we can do a flow test. We could meter  
11 in the manhole and actually meter the flow to see  
12 what kind of capacities it has at its existing level  
13 over a period of time. You know, we are proposing  
14 six units, but really the amount of sewerage flow  
15 that's being generated from six units is minimal and  
16 won't have any significant effect on the existing  
17 line, but if there is a problem by metering we find  
18 that out.

19 MR. COLLAZUOL: Okay.  
20 Turning to your landscape plan and the  
21 following page on my report, you're showing a total  
22 of 36 arborvitae now being planted.

23 Particularly, in the rear line, it  
24 appears you have about 4 to 5 feet between the two  
25 tiers of the wall and showing those arborvitae at 4

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1 to 5 feet, do you think that the size of those root  
2 balls with respect to the width between two tiers,  
3 that when those trees mature, that that would be  
4 sufficient width.

5 THE WITNESS: That's a typical planting  
6 width. You know, we -- I did talk in between in the  
7 middle of the break there with my client about  
8 actually potentially putting some additional  
9 plantings up on the higher side where we have a  
10 little bit more room, so maybe we can break that up  
11 if that's a concern to you, Mr. Collazuol. I think  
12 that would actually benefit the site and the  
13 surrounding sites by providing some additional  
14 plantings up higher as well.

15 MR. COLLAZUOL: I think some of the  
16 concerns have been with respect to lighting, vehicles  
17 coming down the driveway, some vehicles turning into  
18 the visitor spaces. So you have a fence. Was that  
19 fence a vinyl fence with board-on-board or was it an  
20 open fence?

21 THE WITNESS: We haven't provided the  
22 detail, but typically it would be a board-on-board  
23 type of fence.

24 MR. COLLAZUOL: So between the fence  
25 and the arborvitae, do you think that there will be

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1 any vehicles with lights that would project past this  
2 property?

3 THE WITNESS: Well, as the architect  
4 had mentioned before, it's very hard to guarantee  
5 that.

6 I would say based on the existing  
7 conditions that are right now, there's no deflection,  
8 so any cars that are coming into the existing  
9 driveways right now, their lights are obviously  
10 visible. And what we're proposing, we will be  
11 screening those lights. We do have a series of  
12 terrace walls with landscaping with a 6-foot-high  
13 fence on top with additional plantings.

14 So we're going to have, you know, 20,  
15 30 feet when these planting are grown of screening of  
16 hedges, which is going to be provide significant  
17 blockage. This is an evergreen tree, again, not, you  
18 know a deciduous tree where you're going to lose the  
19 leaves, it would lose that in the wintertime.

20 So we are providing as much of a screen  
21 buffer as possible, which will definitely have an  
22 effect to diminishing any kind of headlights. Can  
23 you -- will that eliminate all glare, I can't  
24 guarantee that. But it will certainly have a  
25 positive and significant effect on the amount of

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1 lights coming through the driveway and onto adjoining  
2 properties.

3 MR. COLLAZUOL: Now, just to be clear  
4 also, from the bottom of the grade at the property  
5 line, which has been shown approximately 62, if I got  
6 it right, to the top of the proposed arborvitae, what  
7 is that total height, would you say, approximately?

8 THE WITNESS: So to the -- I'm sorry,  
9 the top of the wall?

10 MR. COLLAZUOL: The top -- to the top  
11 of arborvitae, to the top of the 4- to 5-foot  
12 arborvitae. From the bottom grade to the top of the  
13 arborvitae.

14 THE WITNESS: On the middle terrace,  
15 Mr. Collazuol, you're talking about?

16 MR. COLLAZUOL: No, from the lowest  
17 grade --

18 THE WITNESS: Yes.

19 MR. COLLAZUOL: -- off site.

20 THE WITNESS: Right. So 62, right, so  
21 up to 60 -- 57 plus 471, so about 9 -- 9 feet.

22 MR. COLLAZUOL: So it's about 9 feet in  
23 total between the grade of the two walls and the top  
24 of the arborvitae, which should -- and once again,  
25 the top of the arborvitae, should they be lower than

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1 the fence then? They're 5 feet. The fence is 6.  
 2 THE WITNESS: Well, as planted they  
 3 would be.  
 4 MR. COLLAZUOL: So then the fence being  
 5 a 6-foot fence, it's a total of 10 feet --  
 6 THE WITNESS: Correct.  
 7 MR. COLLAZUOL: -- would you say?  
 8 THE WITNESS: Yes, that works.  
 9 MR. COLLAZUOL: So it's approximately a  
 10 10-foot difference between the lower grade and the  
 11 top of the fence?  
 12 With respect to the details, we had  
 13 mentioned to the architect that a section would be  
 14 helpful for the board. There's a lot of activity  
 15 between the side property line, which is really the  
 16 rear of the buildings, your site plan alone shows  
 17 that there are air conditioning units at the ground  
 18 level, if I understand correctly.  
 19 So if you were to revise this plan,  
 20 would you be removing those proposed air conditioning  
 21 units --  
 22 THE WITNESS: Yes.  
 23 MR. COLLAZUOL: -- that are on the  
 24 plan.  
 25 THE WITNESS: Yes, we would.

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1 MR. COLLAZUOL: And would you be able  
 2 to coordinate with the architect and provide a  
 3 section from the lot line with the wall, the fence,  
 4 the patios, the deck and the overhang in detail at  
 5 least in one location which depicts the actual  
 6 conditions together with the building that's  
 7 adjoining that's about 7 feet or so?  
 8 THE WITNESS: Yes, we could do so.  
 9 MR. COLLAZUOL: I have no further  
 10 questions.  
 11 CHAIRMAN FERGUSON: Judd, do you want  
 12 to address any changes?  
 13 MR. ROCCIOLA: I have no questions. My  
 14 initial comments have been addressed.  
 15 CHAIRMAN FERGUSON: Okay.  
 16 Do you have any?  
 17 MR. KAUKER: I have no questions for  
 18 the engineer.  
 19 CHAIRMAN FERGUSON: Okay. Any board  
 20 members have any additional questions?  
 21 (No response.)  
 22 CHAIRMAN FERGUSON: Okay. We'll open  
 23 it up to the public.  
 24 MS. PIRRERA: A couple of questions.  
 25 I'm 28 years in property management, 1.2 million

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1 units. I was chief operating officer of one  
 2 management company for 16 years. I'm vice president  
 3 of the largest northeastern management company at  
 4 this point.  
 5 So is this a homeowners association or  
 6 is it a townhome association? They are two  
 7 completely different things. Homeowner association,  
 8 every individual unit owner is responsible for their  
 9 individual unit.  
 10 So is this a townhome association where  
 11 there is shared common areas and everybody is equally  
 12 taking responsibility? So let's say snow removal,  
 13 how does that work? Does each person have to shovel  
 14 their own driveway? When you come down the new  
 15 street that'll come into Hillside Avenue, will that  
 16 be all put into the back of the property where you  
 17 would now put a pumping system?  
 18 And by the way, I've had many  
 19 properties with dual pumping systems. That is not  
 20 the same as having a backup pump. Let's make that  
 21 very clear. Dual systems go down at the same time.  
 22 So I'd like to know what your backup plan is for that  
 23 before the sewerage comes into my backyard. I'd like  
 24 to know that also.  
 25 And those all go coinciding with, who

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1 is responsible. You're going to put an alarm in a  
 2 unit owner's -- I've been in property management  
 3 business for 28 years. How are you picking that unit  
 4 owner that's going to have the alarm? I'm just  
 5 curious about that one. Because there's just nothing  
 6 about that that's a reality. And I know that not  
 7 from just an opinion, I've lived it for 28 years.  
 8 So you're going to have a townhome  
 9 association or a homeowners association, I'm not  
 10 really sure what you're naming it. And I'd like to  
 11 know where the responsibility is going to lie. I  
 12 want to know where the snow is going to go.  
 13 I'd like to know, you have three  
 14 parking spaces and two big giant SUVs are there and  
 15 somebody wants to get in the third space, are they  
 16 going to pull into the recreational area to get into  
 17 that third space? How does that work exactly?  
 18 I've heard lots of things that will  
 19 probably -- you've used the word "probably," I  
 20 counted 16 times since you've been standing there.  
 21 So I'm not sure I'm so happy with "probably" what  
 22 will happen.  
 23 The other thing is knowing what the  
 24 generator is going to be after this board approves  
 25 it, I want to know what it is now. There's huge

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1 differences of sound between generators. And I know  
2 all about the sound proofing and the covers and the  
3 quilting and you know what, they're still extremely  
4 noisy no matter how you cut it.

5 The other thing is I have never heard,  
6 and now the engineer is here, I want to know about  
7 the air conditioning units in the attic, because  
8 there's no such thing. I'll be happy to take a list  
9 of properties and I'll go to those properties myself  
10 to investigate, because I have never heard of any  
11 such thing. And I've been from the construction end  
12 straight up to the full development, whether it's a  
13 high-rise, a townhome association or a homeowners  
14 association.

15 So those are lots of questions to me,  
16 prior to any approval, that need to be answered. Not  
17 post. I'm not sure what post does for any of these  
18 people. We've lived here our whole lives. I'm here  
19 60 years, as well as most of my neighbors. We've had  
20 a quality of life that's been pretty good. And now  
21 there has to be this tremendous change because  
22 there's a need, sir, in Palisade Park for more  
23 people? For more units? There's no need in  
24 Palisades Park. Unless you live here, with all due  
25 respect you don't have any clue what you're talking

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1 about. And I'd really like to know those answers.  
2 So whether it's at this moment or you're going to get  
3 them to me, that's fine. Before this board makes a  
4 decision, I'd like to know the answers to those  
5 questions.

6 Thank you.  
7 CHAIRMAN FERGUSON: Do you want to take  
8 them one at a time?

9 THE WITNESS: I'm not sure if that was  
10 just one question or --

11 MR. JENKINS: That was a shotgun blast  
12 to the sky.

13 THE WITNESS: Yes, so you touched on a  
14 lot of points. All right? Maintenance, et cetera.

15 As far as I know, this will be a  
16 condominium development and typically there's a  
17 condominium association, which is similar to a  
18 homeowners association where there would be common  
19 areas that that association would be responsible to  
20 maintain.

21 So, typically, they would contract with  
22 some agency, some institution to take care of lawn  
23 cutting, take care of landscaping, take care of snow  
24 plowing and other maintenance -- whatever maintenance  
25 needs to be on those common areas. Anything that's

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1 within the limited common areas, if you will, that  
2 are owned by the units, that would be their  
3 responsibility.

4 MR. JENKINS: That is correct.

5 CHAIRMAN FERGUSON: Okay.

6 THE WITNESS: Okay.

7 MS. PIRRERA: So you have a public  
8 offering statement prepared? It's a condominium  
9 association.

10 THE WITNESS: It would be condominium  
11 documents that will be prepared --

12 MS. PIRRERA: You have the initial  
13 public offering statement available?

14 THE WITNESS: That's really more legal  
15 and that has not been --

16 MS. PIRRERA: Well, it's not legal.

17 THE WITNESS: -- prepared right now.

18 MS. PIRRERA: When you start to build a  
19 condominium association, you have to do a public  
20 offering statement.

21 In that statement all of the specifics  
22 are created and that's right from when you start.

23 THE WITNESS: Right.

24 MS. PIRRERA: We get hired to go in on  
25 ground level for condominium -- you said it's a

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1 condominium. Studs in is in the responsibility of  
2 the unit owner. Studs out is a common property that  
3 has to be shared.

4 THE WITNESS: So, let me clarify. So  
5 the project typically would be built by a builder, by  
6 the applicant.

7 Once that constructions is completed,  
8 that would be the point when they would be converted  
9 to condominium units. It's at that point that those  
10 condominium papers, documentation, offering  
11 statements, whatever the legal requirements are,  
12 would be prepared, not at this time.

13 MS. PIRRERA: Prior to going out to  
14 bid?

15 THE WITNESS: Yes.

16 MS. PIRRERA: Because what I've been  
17 told from several --

18 THE WITNESS: He's not going to -- it's  
19 not --

20 MS. PIRRERA: -- I've been told by  
21 several townspeople --

22 THE WITNESS: -- someone bids on the  
23 job, no.

24 MS. PIRRERA: I've been told by several  
25 townspeople that this property is already out to bid

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1 for \$1.9 million, that there's actually a bid out,  
2 which unbeknownst to me, I thought maybe something  
3 got approved when, you know, I was gone for the  
4 weekend, but --

5 THE WITNESS: I have no idea.

6 MS. PIRRERA: So, again, there will be  
7 a public offering statement created?

8 THE WITNESS: There will be some  
9 condominium documentation, as required by law.

10 MR. JENKINS: First of all, I mean, I  
11 think this is going far afield and I don't want to  
12 speak to the hearsay of what is being offered or not,  
13 my client disagrees with that.

14 CHAIRMAN FERGUSON: Okay.

15 MR. JENKINS: But the central question  
16 as, I'm understanding it, is, is there going to be a  
17 common responsibility for maintenance? Whatever the  
18 formation that is going to be proposed.

19 MS. PIRRERA: That's one question of  
20 several.

21 MR. JENKINS: I'm addressing one  
22 question.

23 MS. PIRRERA: Good.

24 MR. JENKINS: With regard to the  
25 maintenance that is going to be commonly shared, and,

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1 therefore, it's not just going to be one unit owner  
2 who is responsible for snow removal, it is the  
3 entirety, it is the association.

4 So, again, we're getting into the  
5 specifics of the formation, which I don't believe is  
6 the appropriate --

7 CHAIRMAN FERGUSON: Right.

8 MR. JENKINS: -- responsibility for  
9 this board.

10 CHAIRMAN FERGUSON: I agree.

11 MR. JENKINS: However, with regard to  
12 the question of that, I think that is satisfied.

13 MS. PIRRERA: So where does the snow  
14 go?

15 CHAIRMAN FERGUSON: That's another  
16 question.

17 MR. JENKINS: I'm addressing one  
18 question.

19 MS. PIRRERA: Okay, you addressed it.

20 MR. JENKINS: Mr. Martins, please  
21 continue.

22 THE WITNESS: Yes, we do have areas  
23 that we can place snow. In the back there's a  
24 recreation area, which is basically an open space.  
25 We can store snow there. We can store some snow in

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1 the front yard as well.

2 And if we have snow events that exceed  
3 those capabilities then the snow would be trucked off  
4 site like any other commercial or residential parking  
5 area in town or anyplace else for that matter.

6 MS. PIRRERA: Well, at 1.2 million  
7 units, I don't know I can name 10 that pay to have  
8 snow removed from the property because your  
9 maintenance costs would be so ridiculous you wouldn't  
10 live there.

11 So in other words, it would be stored,  
12 which is a very interesting word, because where does  
13 it -- after you store it, it doesn't melt into the  
14 yards below? If it's stored in the recreational area  
15 --

16 THE WITNESS: It is stored --

17 MS. PIRRERA: -- and say you got 2 feet  
18 of snow, where is it going to melt into? Into the  
19 drainage pit 3 feet down that has 300 gallons?

20 THE WITNESS: It could do that. It  
21 could -- no, no, that was the sewage ejector pump,  
22 not the rest of the system.

23 But there is grassed areas there in  
24 which it could seep in. Well, I mean we have all  
25 those properties. Where do you store your snow?

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1 MS. PIRRERA: Well, every time --

2 THE WITNESS: I mean, where does it go?  
3 That' snow -- that's typical.

4 MS. PIRRERA: -- any property is dug up  
5 and you remove all the 40, 50 year old trees, and now  
6 it's brand new ground, so it's going to seep in  
7 there. It seeps in there now and we have all of  
8 those giant trees and everything to absorb, and you  
9 know this, as an engineer I know you know it, once  
10 you take that, if you remove it all, now you're going  
11 to have it even more of a drainage problem, because  
12 now that is all been disrupted and moved and you  
13 don't get the same absorption level. And I know you  
14 know that.

15 So when you take out everything that  
16 exists, because you're going to have to to build this  
17 building with the new street, it's going to have a  
18 7-foot-deep area that's going to absorb all the snow  
19 that gets removed from the new street and the  
20 driveways and the porches.

21 So you're standing here telling me that  
22 it's going to be not an issue at all?

23 THE WITNESS: I am.

24 BY MR. JENKINS:

25 **Q.** Mr. Martins, the property as it  
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1 currently stands, is it heavily treed?

2 **A. There are trees on the property. I**  
3 **wouldn't say it's a wooded area, but there's --**  
4 **there's --**

5 **Q.** But, basically, we're not talking about  
6 the removal of --

7 **A. We're not clear cutting a forest, no.**

8 **Q.** Right. So what is being proposed here  
9 is not going to be dramatically different than what  
10 already exists, because this is not a heavily treed  
11 area, in which case it is not right now susceptible  
12 to having the trees soak up the snow.

13 The snow that is there right now will  
14 be pretty much the same as it would be under the  
15 conditions that are being proposed; is that correct?

16 **A. It's the same area, so it's going to be**  
17 **covering the same volume, if you will.**

18 **Q.** Thank you.

19 MS. PIRRERA: I respectfully disagree.

20 CHAIRMAN FERGUSON: Okay. You want to  
21 go? Go.

22 MS. PIRRERA: What about the dual pump?  
23 I didn't get an answer.

24 THE WITNESS: I disagree with your  
25 assertions. These systems have been in use for many,

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1 **the drains are two separate issues here.**

2 **So the comment was the ejector pump and**  
3 **when those pumps fail, it's a duplex system. It's**  
4 **designed so that they have two pumps. If one pump**  
5 **fails, they have the other one to compensate.**

6 **Q.** Okay. And there is also going to be  
7 responsibility for maintaining that?

8 **A. Absolutely.**

9 **Q.** Is that correct?

10 **A. Correct.**

11 **Q.** So if it fails, it is going to be  
12 fixed?

13 **A. Correct.**

14 MR. JENKINS: Thank you.

15 MS. PIRRERA: Again, with all due  
16 respect, I'm in property management.

17 Good luck with that.

18 CHAIRMAN FERGUSON: It's noted.

19 THE WITNESS: Thank you.

20 CHAIRMAN FERGUSON: Go ahead. Name and  
21 address.

22 MR. MIRAKIAN: There's -- Michael  
23 Mirakian.

24 There's a pump for the sewerage?

25 THE WITNESS: Correct.

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1 many years. They're dependable. It won't be an  
2 issue.

3 MS. PIRRERA: It will be an issue.

4 Again, respectfully disagree from my 28  
5 years of experience, I probably have several years on  
6 you. I've had many dual pump systems go down and  
7 have had no pump. And you're going to have a button  
8 in someone's home and they're going to address it  
9 when the button goes off?

10 I respectfully disagree, sir.

11 BY MR. JENKINS:

12 **Q.** Mr. Martins, Mr. Martins, would it be

13 --

14 MS. PIRRERA: Go ahead, Mr. --

15 **Q.** Mr. -- excuse me, if I may.

16 Mr. Martins, again, what is being  
17 proposed here is an improvement to the drainage that  
18 currently exists; is that correct?

19 **A. Yes.**

20 **Q.** So even if there were a pump that would  
21 fail at one point, it would still be an improvement  
22 over a system where -- or a situation where there is  
23 no pump whatsoever?

24 **A. We're talking about really two**  
25 **different things, we're talking about the sewage and**

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1 MR. MIRAKIAN: There's no pump for the  
2 drainage?

3 THE WITNESS: Correct.

4 MR. MIRAKIAN: How many containers --  
5 drainage containments do you have proposed for this  
6 property?

7 THE WITNESS: We have six seepage pits  
8 and we have --

9 MR. MIRAKIAN: I'm sorry, could you  
10 speak a little bit --

11 THE WITNESS: Yeah. Six seepage pits  
12 and six CULTEC retention chambers.

13 MR. MIRAKIAN: Altogether, how many  
14 chambers do you have over there?

15 THE WITNESS: Twelve.

16 MR. MIRAKIAN: And they're going to be  
17 located where?

18 THE WITNESS: They're distributed  
19 throughout the property. So we have six in the back  
20 and the remaining six will have one under each  
21 driveway area.

22 MR. MIRAKIAN: I'm sorry, you said six  
23 in the back?

24 THE WITNESS: Six in the back, correct.

25 MR. MIRAKIAN: Six in the back.

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1 And what's the capacity of each  
 2 those containments?  
 3 THE WITNESS: Well, they're grouped  
 4 together, so the total capacity is approximately  
 5 20,000 gallons.  
 6 MR. MIRAKIAN: That's including the  
 7 ones up in the front?  
 8 THE WITNESS: Correct.  
 9 MR. MIRAKIAN: Now, again, let me ask  
 10 you a question over here, because I don't think you  
 11 adequately responded to the question of the snow.  
 12 Presumably the snow or the bulk of it  
 13 is going to be plowed to the back.  
 14 THE WITNESS: Well, my response was,  
 15 and I reiterate this and you can respectfully  
 16 disagree or -- or not --  
 17 MR. MIRAKIAN: Well, it's got to go  
 18 someplace, right?  
 19 THE WITNESS: -- but it's going to be  
 20 plowed, so it will be plowed towards the back and it  
 21 will be stored where it can on site.  
 22 MR. MIRAKIAN: Okay.  
 23 THE WITNESS: And where it can't --  
 24 where it can't, with any homeowner, the  
 25 responsibility of the association will be to remove

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1 any excess snow that can't be accommodated on site  
 2 and take it someplace else.  
 3 MR. MIRAKIAN: I'm sorry, did you say  
 4 take it someplace else?  
 5 THE WITNESS: Okay. So there are  
 6 apparatuses where you can actually melt snow. I'm  
 7 not saying that they're going to do that.  
 8 MR. MIRAKIAN: Fine. You have 140 --  
 9 approximately --  
 10 THE WITNESS: But --  
 11 MR. MIRAKIAN: -- 146 feet or more of  
 12 driveway; is that correct?  
 13 THE WITNESS: It runs the -- it runs  
 14 the whole depth of the property, so...  
 15 MR. MIRAKIAN: So how long -- how --  
 16 could give me a number please?  
 17 THE WITNESS: It would probably be  
 18 200 -- 200 plus feet.  
 19 MR. MIRAKIAN: There's 200 feet?  
 20 THE WITNESS: Yes.  
 21 MR. MIRAKIAN: There's 200 feet of  
 22 driveway, plus approximately 146 feet of housing. Am  
 23 I not correct?  
 24 THE WITNESS: Correct, yeah.  
 25 MR. MIRAKIAN: And that's infinitely

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1 more than what's there now; is that correct?  
 2 THE WITNESS: No, it's not infinitely  
 3 more. It's more, but it's not infinitely.  
 4 MR. MIRAKIAN: Okay. Okay.  
 5 THE WITNESS: It's about 7,000 -- it's  
 6 about 7,000 square feet more impervious.  
 7 MR. MIRAKIAN: Mr. Engineer, I  
 8 understand you're parsing your words carefully here.  
 9 THE WITNESS: Well, no, not really. I  
 10 mean --  
 11 MR. MIRAKIAN: No, no, yes you are.  
 12 THE WITNESS: -- you know, that  
 13 question I'm answering --  
 14 MR. MIRAKIAN: And that's okay. I  
 15 don't have a problem with that.  
 16 THE WITNESS: Yes. So, but, really,  
 17 but answering your question --  
 18 MR. MIRAKIAN: What is the coverage on  
 19 the property now?  
 20 THE WITNESS: So it's about a 7,000  
 21 square foot increase in impervious area. I think  
 22 that was your question.  
 23 MR. MIRAKIAN: So 7,000 square foot  
 24 increase and that's 7,000 square feet where the water  
 25 cannot go into the ground; is that correct?

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1 THE WITNESS: That would be imperious  
 2 area, correct.  
 3 MR. MIRAKIAN: Okay.  
 4 Again, we have serious reservations  
 5 about any snow being put there and then melting. I  
 6 have serious reservations about that.  
 7 I'd like to ask you, again, from the  
 8 driveway aisle to the edge on the north end of the  
 9 property what's the clearance there?  
 10 THE WITNESS: So along the north side  
 11 of the property?  
 12 MR. MIRAKIAN: That's correct.  
 13 THE WITNESS: Again, on Highland to the  
 14 right side, you would say -- I would say, that would  
 15 be about 2-and-a-half to 3 feet.  
 16 MR. MIRAKIAN: No, no, no, no, that's  
 17 not my question.  
 18 The driveway, the driveway originally  
 19 you said there was 20 feet at the proposed -- at the  
 20 -- proposed at the edge of the units entry stairs.  
 21 Is that still the same?  
 22 THE WITNESS: No. So we have 24 feet,  
 23 if that's your question.  
 24 MR. MIRAKIAN: 24 feet.  
 25 THE WITNESS: Yes.

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1 MR. MIRAKIAN: So the stairs don't  
 2 encroach on that?  
 3 THE WITNESS: Correct.  
 4 MR. MIRAKIAN: Okay. Mr. Chair?  
 5 CHAIRMAN FERGUSON: Yes.  
 6 MR. MIRAKIAN: I wasn't privy to the  
 7 revised schematic and when I spoke earlier about the  
 8 fence being moved --  
 9 CHAIRMAN FERGUSON: Right.  
 10 MR. MIRAKIAN: -- I didn't have the --  
 11 CHAIRMAN FERGUSON: Okay.  
 12 MR. MIRAKIAN: I didn't have the  
 13 capability of seeing what was there until during the  
 14 break.  
 15 CHAIRMAN FERGUSON: I was just pointing  
 16 it out to you.  
 17 MR. MIRAKIAN: I would like to recall  
 18 my suggestion, because it doesn't make any sense.  
 19 CHAIRMAN FERGUSON: Right.  
 20 MR. MIRAKIAN: Based on what I'm seeing  
 21 there, it's 7 feet, not what I thought was going to  
 22 be several dozen feet.  
 23 CHAIRMAN FERGUSON: No, I understand.  
 24 MR. MIRAKIAN: So I recall my  
 25 suggestion.

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1 CHAIRMAN FERGUSON: I appreciate that.  
 2 MR. MIRAKIAN: Thank you.  
 3 CHAIRMAN FERGUSON: I just mentioned it  
 4 so it would be -- have an understanding about what  
 5 you're saying and what he's saying, you know,  
 6 obviously 7 feet isn't going to change the whole --  
 7 you know.  
 8 MR. MIRAKIAN: Well, no, I was under  
 9 the impression it was going to be about 35 feet, 40  
 10 feet. That's not the case --  
 11 CHAIRMAN FERGUSON: Right.  
 12 MR. MIRAKIAN: -- based on the revised  
 13 schematic.  
 14 CHAIRMAN FERGUSON: Okay.  
 15 MR. MIRAKIAN: So I recall my  
 16 suggestion.  
 17 CHAIRMAN FERGUSON: I'm going to accept  
 18 your recall.  
 19 MR. MIRAKIAN: Thank you.  
 20 CHAIRMAN FERGUSON: Yes?  
 21 Name and address?  
 22 MR. TOOMAYAN: Richard Toomayan, 429  
 23 Highland Avenue. I am on the south side of Highland.  
 24 So I just want to make an observation,  
 25 visual observation, having lived here such a long

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1 time. I'm not directly affected by the water runoff  
 2 as my neighbors are on Hillside Avenue, because  
 3 they're on the down side. I'm on the side.  
 4 But I do see outside the window when it  
 5 rains and in my yard, and in his mother's yard, 433,  
 6 it's lawn. And the lawn and the dirt currently does  
 7 not absorb water very well. It's a poor absorber.  
 8 It pools up.  
 9 And, especially in the wintertime, like  
 10 now, when the vegetation doesn't absorb water, it  
 11 pools. My yard pools. And the apartment's yard  
 12 pools up too. And that is just a statement I want to  
 13 make, because it's just lawn area right now. So you  
 14 would think that when there's no driveway or no  
 15 building, the ground should drink up the water. It  
 16 just doesn't.  
 17 CHAIRMAN FERGUSON: It doesn't, yeah,  
 18 okay.  
 19 MR. TOOMAYAN: I have a question,  
 20 different subject. The pumping system for the  
 21 sanitation, is there a ventilator on this thing?  
 22 THE WITNESS: There will be some kind  
 23 of ventilation system typically that can be done  
 24 right through the pipes, which would then be vented  
 25 through the building system as well.

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1 MR. TOOMAYAN: So --  
 2 THE WITNESS: There will be -- there  
 3 would not be a -- typically a separate vent for the  
 4 system.  
 5 MR. TOOMAYAN: So some people I talked  
 6 to said that this type of unit has a ventilation,  
 7 atmosphere vent, is that true?  
 8 THE WITNESS: Not this particular one,  
 9 no.  
 10 MR. TOOMAYAN: Not this particular one?  
 11 THE WITNESS: Yes. Correct.  
 12 MR. TOOMAYAN: No further questions.  
 13 CHAIRMAN FERGUSON: Anybody else?  
 14 (No response.)  
 15 CHAIRMAN FERGUSON: Okay. I guess  
 16 we're going to take another five-minute break for the  
 17 court reporter.  
 18 And you have one more witness, Counsel?  
 19 MR. JENKINS: Right. All right,  
 20 five-minute break.  
 21 CHAIRMAN FERGUSON: We'll take a  
 22 five-minute break.  
 23 (Whereupon, a short recess is held.)  
 24 CHAIRMAN FERGUSON: Okay. Roll call  
 25 for attendance.

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1 MS. LAMBRINIDES: Mr. Ferguson?  
 2 CHAIRMAN FERGUSON: Here.  
 3 MS. LAMBRINIDES: Mr. Albanese?  
 4 VICE CHAIRMAN ALBANESE: Here.  
 5 MS. LAMBRINIDES: Mr. Terranova?  
 6 MR. TERRANOVA: Here.  
 7 MS. LAMBRINIDES: Mr. Kim? He's  
 8 abstained from this.  
 9 Mr. Nam?  
 10 MR. NAM: Here.  
 11 MS. LAMBRINIDES: Ms. Yoon?  
 12 MS. YOON: Here.  
 13 MS. LAMBRINIDES: Mr. Carnovale?  
 14 MR. CARNOVALE: Here.  
 15 MS. LAMBRINIDES: Ms. Tarabocchia?  
 16 MS. TARABOCCHIA: Here.  
 17 MS. LAMBRINIDES: Mr. Lefteriou is  
 18 here, but he's abstained.  
 19 CHAIRMAN FERGUSON: Thank you.  
 20 Counsellor, put your next witness on?  
 21 MR. JENKINS: Thank you very much.  
 22 Mr. Chairman, at this time I'd like to  
 23 bring up George Williams as our professional planner.  
 24 CHAIRMAN FERGUSON: Okay.  
 25 MS. TESTA: Please raise your right  
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1 hand. Do you swear that the testimony you will give  
 2 in this application will be the truth, the whole  
 3 truth and nothing but the truth?  
 4 MR. WILLIAMS: I most certainly do.  
 5 G E O R G E W I L L I A M S,  
 6 105 Grove Street, Suite 1, Montclair, New Jersey,  
 7 having been duly sworn, testifies as follows:  
 8 MS. TESTA: Please state your name and  
 9 spell it for the record.  
 10 MR. WILLIAMS: Good evening,  
 11 Commissioners. My name is George Wheatle Williams,  
 12 Willams with an "S."  
 13 I'm the principal of a planning firm in  
 14 Montclair, Nishuane Group, headquartered 105 Grove  
 15 Street, Suite Number 1.  
 16 CHAIRMAN FERGUSON: Okay. And you've  
 17 appeared before boards of zoning and planning before  
 18 or...  
 19 MR. WILLIAMS: Yes, I've appeared  
 20 before numerous boards throughout the State of New  
 21 Jersey including this board several years ago.  
 22 Also serve as board planner for a  
 23 number of communities. I've been accepted as an  
 24 expert in the field of planning.  
 25 CHAIRMAN FERGUSON: Okay. Well, then  
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1 we're going to accept you.  
 2 MR. WILLIAMS: Thank you, Mr. Chairman.  
 3 CHAIRMAN FERGUSON: Okay.  
 4 VICE CHAIRMAN ALBANESE: What do you  
 5 think of that?  
 6 MR. WILLIAMS: That's good.  
 7 CHAIRMAN FERGUSON: Go ahead, Counsel.  
 8 MR. JENKINS: Thank you very much.  
 9 DIRECT EXAMINATION  
 10 BY MR JENKINS:  
 11 Q. You know how this works, can you go  
 12 through what you've reviewed and your professional  
 13 opinion with respect to the application that's  
 14 currently before this board?  
 15 A. **Certainly.**  
 16 **We approach this application the way we**  
 17 **approach every single land use application and that**  
 18 **is with a review of the local land use documents.**  
 19 **In this case your 1993 master plan,**  
 20 **your 2000 reexamination report, as well as the**  
 21 **Palisades Park Zoning Code. All that in the context**  
 22 **of the Municipal Land Use Law.**  
 23 **Of course I reviewed the site plan and**  
 24 **side plan application that is before you this**  
 25 **evening, as well as the attending reports.**  
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1 **I visited the site on a number of**  
 2 **occasions, most recently this evening prior to this**  
 3 **public hearing.**  
 4 **During my June site visit I did have an**  
 5 **opportunity with my staff to do a photo survey of the**  
 6 **site and surrounding area. And I'll share a very**  
 7 **brief exhibit with you that includes some of the**  
 8 **photos from that -- from that site visit.**  
 9 Finally, I did review some of the case  
 10 law and planning literature in support of the relief  
 11 that we're seeking this evening. And I'll repeat  
 12 those in a moment.  
 13 And, lastly, I did have an opportunity  
 14 to review your board planner's report, dated November  
 15 15th of 2017.  
 16 In terms of a broad overview --  
 17 Q. Do you want to speak at this point to  
 18 the revisiting of the master plan or do you want to  
 19 just --  
 20 A. **I'll come back to that, yes.**  
 21 Q. I'll let you go.  
 22 A. **Okay, thank you, Counsel.**  
 23 **You've heard a lot of testimony**  
 24 **already, so I will do my best not to be redundant.**  
 25 **I would like, however, to repeat a few**  
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1 facts for the record, from a planning perspective,  
2 and then I'll go into the exhibit, which is a walk  
3 around the site and the surrounding area and then  
4 right into the proofs for the requested relief.

5 As you know, this is an application for  
6 the demolition of the existing structures on these  
7 lots, a consolidation of those lots, which gives us  
8 that rather large uniquely-shaped tract of land that  
9 you heard both the site engineer and the project  
10 architect discuss.

11 Upon completion of that if we were  
12 approved, we would develop six townhouse units or  
13 townhouses that you heard from both the prior  
14 witnesses, this is a reduction of one unit from our  
15 prior submission and that was in direct response to  
16 the comments we heard both from the public and the  
17 board.

18 We've also increased our parking  
19 on-site to address concerns that were expressed at  
20 the last public hearing that I attended about guest  
21 parking. So that brings us into full compliance with  
22 the Residential Site Improvement Standards.

23 The property, as you know, is roughly  
24 19,680 square feet. And the relief we're seeking as  
25 introduced by our counsel earlier will be the (d)(1)

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1 use variance for the proposed in-fill development of  
2 townhomes in this AA district that is not amongst the  
3 permitted uses. So we'll be seeking a (d)(1) use  
4 variance for that.

5 There are also a couple of bulk and  
6 area deviations for which we seek relief. The first  
7 is for the maximum building height. There was a fair  
8 amount of testimony about this height deviation from  
9 your standard at the last public hearing. Your code  
10 permits a maximum of 2-and-a-half stories, 28 feet  
11 and what is being proposed, as you've heard, is three  
12 stories with 33.97 feet.

13 Finally, minimum front yard, the  
14 requirement is 31.6 and as you've heard from both the  
15 prior witnesses, we're proposing 25 feet. The  
16 maximum building coverage -- let me just make sure it  
17 hasn't changed -- 40 percent is the max and we're  
18 proposing 40.07. Is that still correct?

19 Okay. So based on those reliefs I've  
20 just recited for the record and my review of the land  
21 use documents, the literature, visiting the site and  
22 the testimony I've heard and you've heard, it's my  
23 professional opinion that there are sufficient proofs  
24 to satisfy each of those reliefs. Again, the (d)(1)  
25 for the use, the height variance, (d)(6), and those

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1 two bulk and area deviations.

2 With that what I would like to do is  
3 share a very simple exhibit. It's the results and  
4 the photo survey.

5 As I always say, you all know this area  
6 as well as, if not better, than I, so you're not  
7 going to see anything earth shattering in these  
8 exhibits, but they will provide some extra context  
9 for the remainder of my testimony.

10 So with that --

11 Q. Okay, go ahead.

12 CHAIRMAN FERGUSON: Yes, absolutely.

13 THE WITNESS: I approach myself?

14 CHAIRMAN FERGUSON: Yes, you may  
15 approach.

16 THE WITNESS: All right. While I'm  
17 doing this, I'm going to offer an apology. We send  
18 our exhibits out to be produced at a local vendor. I  
19 left that package in my car. And I had to print  
20 these at my home office, so the quality is not what  
21 we're accustomed.

22 There's enough for the public as well.

23 MR. JENKINS: And, excuse me, which --  
24 this is -- what do you want to mark this?

25 MS. TESTA: We're probably up to A-4.

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1 MR. JENKINS: Okay.

2 MS. TESTA: With today's date.

3 MR. JENKINS: Yes.

4 (Whereupon, Photo Survey is received  
5 and marked as Exhibit A-4 for identification.)

6 CHAIRMAN FERGUSON: Okay, my friend.  
7 You can continue.

8 THE WITNESS: Thank you, Mr. Chairman.

9 And I just wanted to correct for the  
10 record, I've already consulted with our site  
11 architect, it's the maximum coverage is 37.5, so it's  
12 actually been reduced because we lost that unit. So  
13 I stand corrected.

14 CHAIRMAN FERGUSON: Okay.

15 THE WITNESS: And so that eliminates  
16 one of the variances we originally required.

17 CHAIRMAN FERGUSON: Right.

18 THE WITNESS: I should just state for  
19 the record also, I think I intimated -- intimated  
20 this, but just to reiterate, when I was going through  
21 the relief sought, one of the other reliefs that will  
22 be eliminated is that of the Residential Site  
23 Improvement Standards. So there's no de minimis  
24 exception that's required at this point.

25 Again, going to the exhibit, very

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1 straightforward. Hopefully a picture is worth a  
 2 thousand words, as the hour is late.  
 3 We looked at the aerial of this site.  
 4 Initially the aerial image you're seeing here is  
 5 provided by GoogleEarth.  
 6 Again, nothing earthshaking, but it  
 7 does give you a better sense of a land development  
 8 pattern in the surrounding area just by looking at  
 9 the rooftops and, again, your knowledge of this area  
 10 you can see that it is a uniquely characterized land  
 11 development pattern. You've got the single-family  
 12 smaller home and I'll show you each of these  
 13 pictorially in a moment, ranging from the in-fill  
 14 development of larger scaled townhomes and duplexes  
 15 to multi-family homes and townhouses.  
 16 The little orange dashed mark you see  
 17 at the middle of the page is on Highland Avenue. It  
 18 gives you a sense of where our properties are  
 19 located.  
 20 If you go to the left, you see the  
 21 in-fill development of townhouses along the  
 22 perpendicular street (indicating).  
 23 If you come to the right, the corner,  
 24 you see the two multifamily developments  
 25 (indicating).

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1 And if you look behind our site going  
 2 to the road to the rear (indicating), you see the  
 3 in-fill of townhouse developments similar to what is  
 4 being proposed here. One of those has access on  
 5 Palisades Avenue.  
 6 Turning quickly to the next page. It's  
 7 simply a copy of the site and zoning map that will be  
 8 part of our plan submission.  
 9 Again, just to underscore the unique  
 10 shape and size of the proposed -- of the property at  
 11 question this evening, and looked at it in comparison  
 12 to the lot sizes and shapes in the surrounding area.  
 13 All of this in AA zone district despite  
 14 the -- what I'll call -- characterized as unique land  
 15 development pattern that includes a number of uses,  
 16 other than one- or two-family homes.  
 17 On slide number four, and I'll start  
 18 moving a little quickly now, the -- shows some of  
 19 the -- what I would characterize as the original  
 20 subdivision homes in this area, the single-families  
 21 (indicating).  
 22 Slide number five is the more recent  
 23 housing typology (indicating) you see it change in  
 24 scale, height and design elements for these houses.  
 25 Similarly to slide number six, set back

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1 a bit with the same sort of design element  
 2 (indicating).  
 3 Slide number seven and eight just show  
 4 that on the this side of Highland Avenue (indicating)  
 5 we're anchored by apartment buildings.  
 6 And then going back to the other side,  
 7 opposite these apartment buildings, you see the  
 8 in-fill townhouse development, the duplexes that I've  
 9 mentioned in my introductory comments.  
 10 Finally, we added -- and I won't  
 11 belabor this point, we added a very brief demographic  
 12 profile and we thought that was important in  
 13 particular because of the date of the master plan and  
 14 re-examination and to actually validate some of the  
 15 testimony you heard from our real estate expert  
 16 during his testimony, and you'll see very plainly  
 17 that there's been a significant population trend in  
 18 Palisades Park. It has been on the upswing.  
 19 Parenthetically, the 2010 Master Plan,  
 20 re-examination report, I would assume, relied on the  
 21 2000 decennial data. The benefit of this very brief  
 22 demographic profile is we used research provided by  
 23 Claritas, it's a reputable firm that does demographic  
 24 projections and it was paid service. So we included  
 25 that data and hopefully that will benefit this board.

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1 But you can see the increases of --  
 2 between 2000 and 2010, 14.9 percent increase.  
 3 Another increase between 2010 and 2017 of 8.7 percent  
 4 and then just a couple of notes about those  
 5 increases.  
 6 Bear with me one second. There is also  
 7 corresponding growth in a number of households and  
 8 housing units within the same period, and this growth  
 9 outpaced that of the growth within the county.  
 10 Again, I think this is significant  
 11 particularly when the borough undertakes it's next  
 12 re-examination report. The -- this data will inform,  
 13 most likely, some of the policy changes, some of the  
 14 regulation changes, et cetera. So I did want to  
 15 share that with this board.  
 16 In terms of the reliefs, as this board  
 17 knows for the granting of a (d)(1) use variance we  
 18 have to demonstrate the negative -- the affirmative  
 19 and the negative criteria.  
 20 The affirmative criteria are  
 21 demonstrated through the showing of special reasons.  
 22 Special reasons can be demonstrated by either: The  
 23 use as inherently beneficial; the purposes of zoning  
 24 would be advanced if you were to grant our request;  
 25 the site is particularly suitable for a proposed use;

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1 and last, but not least, if you were to deny our  
2 application, it would be an undue hardship on the  
3 applicant.

4 All that has to be balanced with what's  
5 called, as you know, the negative criteria. And  
6 that's a two-prong test. First we have to show there  
7 will be no substantial detriment to the public good.  
8 The second prong is that there's going to be no  
9 substantial impairment to the zone plan. And the  
10 zone plan is the land use element of your master plan  
11 and the zoning ordinance.

12 In my opinion, there are special  
13 reasons that can be articulated through the  
14 advancement of the purposes of zoning and this use is  
15 particularly suitable for the site.

16 It was interesting, however, to listen  
17 to our real estate expert's testimony as he spoke  
18 about the trends in the real estate market and how  
19 difficult it might be to utilize this property for a  
20 permitted use, and I'm not going to go down the  
21 economic inutility argument or the hardship argument.  
22 I, instead, will focus on the purposes of zoning and  
23 particular suitability, but I did appreciate the  
24 testimony offered by our real estate expert in that  
25 context.

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1 In terms of the special -- the purposes  
2 of zoning, in my professional opinion, if this board  
3 were to grant our relief, our request for the  
4 permission to build townhomes in the AA residential  
5 district, Subsection A of purposes of zoning would be  
6 advanced.

7 Now, as this board knows,  
8 Subsection A is not only the first of the purposes of  
9 zoning, but it's kind of the catchall. And it reads:

10 "To encourage municipal action to guide  
11 the appropriate use or development of all  
12 lands in this state in a manner which will  
13 promote the public health, safety, morals and  
14 general welfare."

15 In this case, if you were to grant our  
16 relief, it's my professional opinion that it would be  
17 an appropriate use or development of this property.

18 Subsection G:

19 "To provide sufficient space in  
20 appropriate locations for a variety of  
21 agricultural, residential, recreational,  
22 commercial and industrial uses and open space,  
23 both public and private, according to their  
24 respective environmental requirements in order  
25 to meet the needs of all New Jersey citizens."

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1 Again -- bless you.  
2 Again, in my opinion, if this board  
3 were to grant our request for the (d)(1) use  
4 variance, you would advance that purpose of zoning by  
5 providing sufficient space at an appropriate location  
6 for a variety of housing, and this all ties into both  
7 my comments coming up about your master plan, but  
8 also the demographic profile that I shared with you.

9 Last, but not least, Section I:  
10 "To promote a desirable visual  
11 environment through creative development  
12 techniques and good civic design and  
13 arrangement," coupled with Subsection C, which  
14 is: "To provide adequate light, air and open  
15 space."

16 Usually I don't couple them, but in  
17 this particular instance I think it makes sense.

18 Again, you've heard a fair amount of  
19 testimony from our design team. They focused  
20 particularly on how to be creative with the site  
21 design, site layout with an eye towards making sure  
22 that there was a continuation of light and air and  
23 low impact on the surrounding neighbors and that's  
24 why they chose very specifically the setbacks and the  
25 site layout.

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1 In terms of particular suitability, as  
2 this board knows, again, that is a special reason and  
3 we're able to discuss unique characteristics of the  
4 site, itself, that make it appropriate for a proposed  
5 use, rather than a permitted use.

6 And I think that's been established  
7 both by our project engineer and architect, but I'd  
8 like to just highlight a few of the things that they  
9 mentioned.

10 Most of it comes down to the unique  
11 size and shape of this property. Again, wide  
12 property, with extremely -- extreme depth and size,  
13 much larger than the surrounding properties. And it  
14 lends itself, for whatever reason, because of that  
15 unique size and shape, to the type of development and  
16 housing topology that we are proposing.

17 More importantly, given its context in  
18 the surrounding land development pattern, I think --  
19 it's my professional opinion rather that is  
20 particularly suitable for the proposed development.

21 And last, but not least, if you later  
22 on the testimony you heard from Bruce, our realtor,  
23 again, he spoke about how this site is particularly  
24 suitable for this type of housing development as  
25 well.

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1 So those would be the affirmative  
2 criteria in my opinion.

3 In terms of the negative criteria, the  
4 first prong, no substantial detriment to the public  
5 good.

6 Let me just preface my comments by  
7 saying that the discussion that you've had between  
8 the applicant, the applicant's team, the public and  
9 yourselves, goes to the issue of minimizing any  
10 substantial detriment to the public good and that  
11 word "substantial" comes directly from the statute.

12 My point is, and you heard from counsel  
13 that -- after one of the recesses, that it's the  
14 applicant's intent to minimize any possible detriment  
15 and willingness to work with your board engineer and  
16 this board to, again, minimize any potential  
17 detriment.

18 That being said, it's my professional  
19 opinion that already that the site design and layout  
20 is done purposefully so that there is no substantial  
21 detriment to the public good.

22 Adding the open space in the  
23 background, adding the guest parking so there's no  
24 on-street impact caused by this development, adding  
25 the fencing and the screenings, all intended to make

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1 that the re-examination -- excuse me -- the  
2 re-examination report also offers that there's a  
3 desire to retain the detached single- and two-family  
4 residential community character while also  
5 identifying areas that can be redeveloped to serve  
6 residents' changing needs.

7 This is subtle, but important. In my  
8 opinion as a planner, I think your -- the authors of  
9 your re-examination report knew that there is going  
10 to be a shift in the demographics for Palisades Park  
11 and they contemplated a market change that might  
12 swing you in the direction of the profile I shared  
13 with you. And lo and behold you have testimony from  
14 our realtor and a demographic -- demographic profile  
15 that I share with you that also validates the fact  
16 that there have been a shift in your population and  
17 households on the increase.

18 That being said, it's the opinion -- my  
19 opinion that this proposed development would actually  
20 satisfy the new demands for housing in this area.

21 That takes us to the (d)(6) variance.  
22 You heard testimony from both our project architect  
23 and project engineer about how the measurements are  
24 calculated for the height. We are looking for a  
25 variance for the increase above your height standard,

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1 sure that there is no detriment to the public good  
2 and certainly no substantial detriment to the public  
3 good.

4 Counsel asked me about the master plan.  
5 So the second prong is no substantial impairment to  
6 the zone plan. In my professional opinion, there's  
7 certainly no substantial impairment to the zone plan.  
8 And here's where it gets a bit interesting, as this  
9 board knows, the re-examination report date is, what  
10 did I say, 2010. The Municipal Land Use Law requires  
11 periodic updates of the master plan and that's  
12 intentional. And so this master plan is beyond its  
13 periodic update. I'm sorry -- 2000 re-examination  
14 report.

15 So that has certain issues, but  
16 certainly -- and I won't go into those issues too  
17 much, but certainly it makes it almost impossible for  
18 this application to have a substantial impairment to  
19 the zone plan, because the zone plan is outdated.

20 The re-examination report, however,  
21 does offer a couple of things, and certainly your  
22 board planner, Mr. Kauker, captured sections of that  
23 in his report and we don't disagree. It's comes  
24 directly from your re-examination report.

25 I would just offer one other thing,  
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1 2-and-half stories permitted. We are proposing three  
2 stories again. 28 feet is the maximum permitted and  
3 we are proposing slightly more, 33.97, but as you  
4 heard from our site architect, that's measured to the  
5 roof peaks and so the actual massing is a little bit  
6 less. Nevertheless, we are here for that variance.

7 For a (d)(6) variance, as this board  
8 knows, there's a landmark court case, it's the Grasso  
9 court case and that court found that a (d)(6)  
10 variance requirement, showing that the height  
11 restriction prohibits the use of the property for a  
12 conforming structure or in the alternative by  
13 demonstrating that the increased height of the  
14 building does not offend the purpose of the height  
15 restriction, which the court characterized as being  
16 focused primarily on the light and air concerns,  
17 which I discussed earlier, and you've heard from our  
18 project architect, as well as being another method of  
19 controlling density.

20 Further, the Grasso court found that to  
21 the extent that a particular style of house would  
22 promote a harmonious, consistent visual environment  
23 that might be considered as a special reason for the  
24 granting of a (d)(6) variance and that is the  
25 testimony you heard from our project architect is

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1 attention to design elements and trying to make -- to  
 2 compliment the land development and architectural  
 3 styles in the surrounding area.  
 4 Finally, as this board knows, the  
 5 standard for granting the (d)(6) height variance is  
 6 akin to the standard for granting the FAR approval,  
 7 which is an applicant has to show that the site will  
 8 accommodate the problems associated with the increase  
 9 in the height standard. And we've had that  
 10 discussion both through our site engineer and site  
 11 architect discussing the grade of this area and how  
 12 the height is stepped. And, again, measuring the  
 13 height to the highest point being the peak and not  
 14 necessarily the massing.

15 In my professional opinion, based on  
 16 all of that, I think -- I submit to this board that  
 17 there are sufficient proofs to grant the height  
 18 variance.

19 Finally, no substantial detriment to  
 20 the public good would accrue if you were to grant  
 21 that height variance.

22 Turning now to the bulk and area  
 23 relief. Again, the minimum front yard and we have --  
 24 we have eliminated the maximum building coverage. In  
 25 my opinion, this could be viewed by this board under

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1 the (c)(2) variance and as this board knows, (c)(1)  
 2 is the hardship variance to show the unique shape,  
 3 size, topography of the property, which certainly  
 4 applies here or the flexible (c)(2) which allows this  
 5 board to consider if, on the whole, granting the  
 6 setback variance is a better zoning alternative than  
 7 a strict application of the code, and rather that the  
 8 benefits exceed the detriments.

9 You've heard testimony through both the  
 10 cross examination and direct testimony from the  
 11 project engineer that the setback actually makes this  
 12 site function better.

13 So in my opinion, under the (c)(2)  
 14 standard, this is a better zoning alternative than a  
 15 strict application of the code. And we would have --  
 16 the benefits would outweigh the detriments and there  
 17 would be no substantial detriment to the public good  
 18 if you were to grant that front yard setback.

19 Those are the reliefs. Again, we've  
 20 eliminated the maximum coverage and the RSIS. And so  
 21 that would cover my direct testimony.

22 MR. JENKINS: Thank you very much, Mr.  
 23 Williams. I have --

24 It's getting late.

25 CHAIRMAN FERGUSON: Yeah, I know it's  
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1 getting late. I just got two and then kick it over.

2 The -- it's a one- and two-family zone?

3 THE WITNESS: Yes.

4 CHAIRMAN FERGUSON: So just run this  
 5 real quick for me, why would it be beneficial to the  
 6 town to put six units on an area that ordinarily  
 7 would require get, you know, two, two and two?

8 THE WITNESS: Mr. Chairman, it's a very  
 9 good question. It's the (d)(1) question of the day.  
 10 So -- and my answer would be and forgive me if I did  
 11 not capture this in my direct, piggybacking on what  
 12 you heard from the realtor, the difficulty in marking  
 13 a site like this to -- for the permitted uses, but,  
 14 more importantly, looking at the change in trends for  
 15 your population and your household demand, this in my  
 16 -- and the surrounding development pattern this, in  
 17 my opinion, would be a benefit, because you're going  
 18 to make the property -- if you increase the utility  
 19 of the property, you're going to make sure that it  
 20 meets the needs of Palisades Park citizens and  
 21 citizens of the state at large.

22 CHAIRMAN FERGUSON: Okay. Well, I  
 23 don't know if I agree with that, but I just want to  
 24 go -- real briefly go over the -- the variances.

25 Now, I counted nine variances on the  
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1 original. And now we're down to five. Do you just  
 2 want to real quickly just go through the five  
 3 variances?

4 THE WITNESS: Sure. I'm going to turn  
 5 to our exhibit --

6 MR. JENKINS: Which exhibit we didn't  
 7 mark it.

8 THE WITNESS: Okay. Sheet 3 of 7.

9 For the use, the townhouse is not  
 10 amongst permitted uses in your AA district, minimum  
 11 front yard, required 31.6, averaged at 25 proposed.  
 12 Side yard, minimum side yard depth -- is that still  
 13 -- I'm sorry, I omitted that one.

14 CHAIRMAN FERGUSON: Okay. Stay awake,  
 15 Paul.

16 VICE CHAIRMAN ALBANESE: I'm trying.

17 CHAIRMAN FERGUSON: We're almost done.

18 THE WITNESS: I'm trying. I'm trying.

19 CHAIRMAN FERGUSON: I understand.

20 VICE CHAIRMAN ALBANESE: Not you, me.

21 THE WITNESS: Maximum building height,  
 22 we discussed that. And then maximum coverage, we  
 23 removed that and the RSIS deviation, we removed as  
 24 well.

25 CHAIRMAN FERGUSON: Okay. So there's  
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1 -- as I count, there's five?  
 2 THE WITNESS: If you include the (d)(1)  
 3 use variance -- let me just get a number of them.  
 4 Yes.  
 5 CHAIRMAN FERGUSON: Okay. Any board  
 6 members have anything?  
 7 (No response.)  
 8 CHAIRMAN FERGUSON: Seeing none.  
 9 Mr. Kauker, do you have any comments?  
 10 I'm sure you do.  
 11 MR. KAUKER: Yes, I do have some  
 12 comments, a number of comments and questions --  
 13 CHAIRMAN FERGUSON: Sure, fire away.  
 14 MR. KAUKER: -- regarding the  
 15 testimony.  
 16 Let me start from the beginning.  
 17 Obviously, just with respect to this  
 18 application, as Mr. Williams mentioned, there are --  
 19 the two primary variances that are required, the (d)  
 20 variance, there's a (d)(1) use variance and then  
 21 there's a (d)(6) variance for the height.  
 22 With respect to his testimony  
 23 specifically on the proofs, he talked about a number  
 24 of different issues.  
 25 Specifically, you initially talk about  
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1 how the application advances many of the purposes of  
 2 zoning. You -- for example, in Purpose A, you did  
 3 cite the purpose, but -- and you mentioned that it  
 4 did advance the purpose, but specifically how so did  
 5 it advance it in your opinion? You didn't really  
 6 provide any details.  
 7 THE WITNESS: Okay.  
 8 So Subsection A, encourage municipal  
 9 action and guide the appropriate use or development  
 10 of all lands in the state in a manner which will  
 11 promote public health, safety, morals and general  
 12 welfare.  
 13 My testimony was that if this board  
 14 were to grant our application, that purpose of zoning  
 15 would be advanced by guiding appropriate use or  
 16 development.  
 17 In my opinion, specifically it would be  
 18 guiding the appropriate use for development of this  
 19 site, which is unique and irregular and all of that  
 20 in the context of the discussion regarding the  
 21 changes in this neighborhood specifically and the  
 22 trends in population and housing demand in the  
 23 borough generally.  
 24 BY MR. JENKINS:  
 25 **Q.** Because it's particularly suitable,  
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1 correct?  
 2 **A. Correct.**  
 3 **Q.** And it's particularly suitable because  
 4 of the size of the lot, correct?  
 5 **A. Correct.**  
 6 **Q.** Correct?  
 7 And it's particularly suitable because  
 8 it's potentially filling a need that has been  
 9 addressed in Palisades Park; is that correct?  
 10 **A. All of that is correct.**  
 11 **Q.** Okay.  
 12 MR. KAUKER: Now, just touching on  
 13 those two, the need and the size of the property for  
 14 a moment, with respect to the size of the property,  
 15 you are combining the two separate properties that  
 16 exist currently, right?  
 17 THE WITNESS: Currently, yes, that is  
 18 correct.  
 19 MR. KAUKER: All right.  
 20 THE WITNESS: We will be consolidating  
 21 the two lots.  
 22 MR. KAUKER: So would it be safe to say  
 23 that there may be other properties that could also be  
 24 joined that would lead to a condition such as this?  
 25 THE WITNESS: Possibly. I didn't  
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1 analyze --  
 2 MR. KAUKER: So --  
 3 THE WITNESS: -- that, but possibly,  
 4 yes.  
 5 MR. KAUKER: Right.  
 6 So, essentially, there are other  
 7 properties that can be combined, that could be large.  
 8 So, in essence, this property really  
 9 isn't unique because you're combining the two  
 10 properties.  
 11 THE WITNESS: I see what you're saying  
 12 now.  
 13 So even if I were to accept the proffer  
 14 that there are other sites that could be combined,  
 15 let's say, other two lots that can be combined to be  
 16 larger, that part would be true.  
 17 But when you look at the Sanborn in our  
 18 site plan submission, there are not many lots the  
 19 same -- that have the same dimensions as ours. Most  
 20 of those lots -- so you got our two, then the two  
 21 next to it going towards Ackerman are relatively  
 22 similar, but the rest of the lots in the surrounding  
 23 area are smaller.  
 24 So even if you combine two lots in the  
 25 surrounding area, they would not be the same size as  
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1 this lot.  
 2 So in that sense, yes, we are unique.  
 3 Is it possible to combine other lots? I would assume  
 4 so.  
 5 MR. JENKINS: And if I may, just on the  
 6 point, the Supreme Court had actually specifically  
 7 stated in Price versus Himeji that you don't have to  
 8 -- when speaking of particular suitability, you don't  
 9 have to say that the site in question is the only  
 10 spot available and that you have examined other  
 11 places. So there may be something else in town.  
 12 There may be other properties that might be  
 13 developed.  
 14 However, that is not the consideration  
 15 that needs to be before this board. It's talking  
 16 about this specific site at this particular time,  
 17 regardless of the development of other sites.  
 18 MR. KAUKER: Okay. So -- so just to  
 19 sum up, other than the size of the site, is there  
 20 anything else that makes this particular property  
 21 suitable for the development?  
 22 THE WITNESS: It's primarily the size  
 23 and shape of this particular property.  
 24 MR. KAUKER: And then you spoke about  
 25 -- talked about a need before that.

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1 Did you do an analysis of any of the  
 2 other multiple family developments that exist that  
 3 currently supply this type of housing for residents  
 4 of Palisades Park.  
 5 THE WITNESS: By "analysis," do you  
 6 mean --  
 7 MR. KAUKER: In terms of other -- other  
 8 areas that -- that can accommodate this type of  
 9 density or permit this density by right?  
 10 THE WITNESS: I'm not sure I understand  
 11 the question.  
 12 Are there other districts in the  
 13 Borough of --  
 14 MR. KAUKER: What I'm saying is did you  
 15 look at other areas that currently accommodate higher  
 16 density housing or that could accommodate higher  
 17 density housing?  
 18 THE WITNESS: Other zone districts in  
 19 the borough that could?  
 20 MR. KAUKER: Yes.  
 21 THE WITNESS: Yes. There --  
 22 MR. KAUKER: We're talking about need.  
 23 THE WITNESS: Right.  
 24 MR. KAUKER: There are a number of  
 25 multiple family homes that exist within Palisades

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1 Park.  
 2 THE WITNESS: Right.  
 3 MR. KAUKER: So that's essentially my  
 4 point. I mean, you're talking about the fact that  
 5 there is a need for multiple family or higher density  
 6 housing.  
 7 So, obviously, you know, the board's  
 8 aware, they just approved an application a few months  
 9 ago -- I think it was a few months ago -- for a much  
 10 higher density residential building --  
 11 THE WITNESS: Right.  
 12 MR. KAUKER: -- the Aquaterra  
 13 specifically.  
 14 So my point is, is that you indicate  
 15 that, I guess, one of the special reasons is that  
 16 there is a need for this use.  
 17 My point is that there are other  
 18 opportunities within the Borough of Palisades Park  
 19 that do provide this type of higher density housing.  
 20 The areas where it's permitted and areas where it  
 21 exists currently.  
 22 THE WITNESS: Correct.  
 23 So now I think I understand the  
 24 question better. I would offer that, yes, there are  
 25 other areas in the borough that permit higher

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1 density.  
 2 I think my testimony, however, was,  
 3 again, piggybacking on the testimony you heard from  
 4 our real estate expert and spoke directly to the  
 5 issue of need, but, more importantly, the walk around  
 6 this block, you see in-fill development that happens  
 7 around the corner on Palisades and on the -- on  
 8 Hillside -- on Hillside, excuse me, behind the site  
 9 where you have very similar development to what we're  
 10 proposing already there, that in my opinion goes to  
 11 the need for this housing typology in this specific  
 12 area, again, all within the AA district.  
 13 MR. JENKINS: And if I may, as part of  
 14 the analysis, our real estate expert spoke to not  
 15 only the need for the site, but also the location of  
 16 it in conjunction with transportation; is that  
 17 correct?  
 18 THE WITNESS: Yes.  
 19 MR. JENKINS: Is the site that we have  
 20 here located close to public transportation within  
 21 Palisades Park?  
 22 THE WITNESS: Yes.  
 23 FEMALE AUDIENCE MEMBER: Everything is  
 24 close to transportation.  
 25 THE WITNESS: I heard a comment in the

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1 back, everything's close. I mean that is the intent  
2 of current planning is to make communities more  
3 walkable, take advantage of public transportation and  
4 I think that's where our real estate expert was going  
5 with his testimony. He spoke at length and  
6 eloquently about that.

7 MR. KAUKER: Okay.

8 So putting the particular suitability  
9 aside, obviously that's something that the board is  
10 going to have to make a determination on, but with  
11 respect to the particular suitability and the  
12 positive criteria, the board has to weigh that  
13 against the negative criteria.

14 THE WITNESS: Correct.

15 MR. KAUKER: And any impacts to the  
16 surrounding area, the two components that you talked  
17 about.

18 THE WITNESS: Right.

19 MR. KAUKER: Earlier, the impacts to  
20 the surrounding area or impacts to the zone plan or  
21 master plan.

22 Now, so with respect to that we -- you  
23 know, we have to look at the site as a whole and  
24 obviously you talked about a few things with respect  
25 to light, air and open space, you know, and impacts

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1 attractive, but I think in our current design  
2 offering we achieve exactly that.

3 MR. KAUKER: What other alternatives  
4 did you guys look at that you're talking about?

5 THE WITNESS: I would defer to the site  
6 engineer, but we looked at how -- how the site can be  
7 laid out differently, perhaps, you know, orienting  
8 the building on this side (indicating), further that  
9 way.

10 So the design team looked at all the  
11 available options and found this was the best site  
12 layout for the site.

13 MR. KAUKER: So I mean, in this  
14 particular layout, obviously whether or not you put  
15 the building on, I'll call it, the southerly property  
16 line --

17 THE WITNESS: Right.

18 MR. KAUKER: -- the northerly property  
19 line, the impacts would be different.

20 It would just be different and you  
21 would be trading off impacts from one neighbor to the  
22 other so to -- so to speak.

23 But, you know, I guess the question I'm  
24 going to ask is in your opinion do you think that  
25 there would be a significant visual impact resulting

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1 that would result from this proposed development on  
2 the site.

3 So, namely, can the site -- where I'm  
4 really going at is can the site -- I think what the  
5 board has to think about is can the site accommodate  
6 the development that's proposed.

7 What I think is one of the most  
8 critical elements, and I was asking questions to the  
9 architect about this before, is really the deviation  
10 on the side yard setback and that fact that you have  
11 149-foot building that's really located 6 feet from  
12 the property line, from an adjoining single-family  
13 property.

14 So in that context, I mean, you've  
15 testified that it was your opinion that there would  
16 not be any impact with respect to light, air and open  
17 space.

18 But how does that condition really  
19 promote proper light, air and open space.

20 THE WITNESS: Well, the site plan  
21 approach was to consider a trade off in site layout  
22 and it's our -- the team's opinion and I would concur  
23 that this particular site layout does the best job of  
24 promoting that light, air and open space.

25 The alternative would be less

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1 from 149, almost 150-foot long building, that's more  
2 than 30 feet in height that actually exceeds the  
3 permitted height in the zone and which requires a  
4 (d)(6) variance.

5 So, essentially, in your opinion would  
6 there be a visual impact as a result of the massing  
7 of that structure on the adjoining property?

8 THE WITNESS: Yeah. In my opinion no.  
9 I think the project architect spoke to this as well.  
10 Given the design pattern in this area, where you have  
11 similar site layouts, in my opinion there would be no  
12 substantial detriment to the public good given the  
13 site layout.

14 And that's why I did the walk around in  
15 my exhibit looking at some -- some of the in-fill  
16 juxtapose on existing and the variety of housing  
17 typologies kind of cheek to jowl with smaller units.

18 MR. KAUKER: Okay. This term has been  
19 thrown around a lot, but I would respectfully  
20 disagree.

21 THE WITNESS: Understood.

22 MR. KAUKER: Just for the reason, as I  
23 said before, I think what the board really has to  
24 consider is the impact on the adjoining property as a  
25 result of the massing of the building and its

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1 relationship to that structure.  
 2 CHAIRMAN FERGUSON: Right.  
 3 MR. KAUKER: Just briefly touching on  
 4 the height.  
 5 You talked about the (d)(6) variance.  
 6 Did you take a look at any other buildings in the  
 7 area and the existing heights of those buildings and  
 8 how this proposed building height would compare to  
 9 those structures?  
 10 THE WITNESS: Yes, I did. And some of  
 11 them are captures in our exhibit. You can see some  
 12 of the -- like at 444 Highland Avenue, the two story  
 13 over a garage, the massing of that building. I won't  
 14 even mention the multi-family dwellings with  
 15 significantly more height, and they're only three or  
 16 four lots displayed from where we are.  
 17 So, again, the land development pattern  
 18 in this area is -- is admittedly unique. You got the  
 19 existing structure on the lot with a relatively low  
 20 height, but then as you walk around or drive around,  
 21 the heights vary significantly ranging from a very  
 22 similar from what we are proposing to higher.  
 23 MR. KAUKER: One last question. The  
 24 two examples that you just cited, I believe they were  
 25 five and six in your exhibit, correct?

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1 THE WITNESS: 444 Highland Avenue is  
 2 slide number five and then the multi-families are  
 3 seven and eight.  
 4 MR. KAUKER: Notwithstanding the  
 5 multiple family, but the other townhome type  
 6 development that's similar, is that oriented toward  
 7 the street or is it oriented towards the interior of  
 8 the lot?  
 9 THE WITNESS: So for slides five and  
 10 six they're oriented towards the street.  
 11 But if you look at the aerial  
 12 photograph that I made reference to earlier, the  
 13 townhomes with ingress/egress to Palisades, they are  
 14 not fronting towards the street.  
 15 Similarly, the townhomes in-fill from  
 16 Hillside does not front on Hillside Avenue.  
 17 MR. KAUKER: I have no other questions  
 18 at this time.  
 19 CHAIRMAN FERGUSON: Okay. Anybody in  
 20 the audience have anything? Yes?  
 21 Just keep in mind it's getting late --  
 22 MR. TOOMAYAN: I will keep in mind this  
 23 --  
 24 CHAIRMAN FERGUSON: -- and we'd like to  
 25 move this along.

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1 Thank you.  
 2 MR. TOOMAYAN: Thank you, Mr. Chairman.  
 3 My name is Richard Toomayan. Once again, 429  
 4 Highland Avenue.  
 5 I appreciate what we just heard from  
 6 our expert who basically gave a very good opinion.  
 7 Okay. I want to very quickly read, and  
 8 I'll read it very clearly, Section 167.22, Paragraph  
 9 B of the Palisades Park Zoning Board of Adjustment:  
 10 "No variance or other relief may be  
 11 granted under the provisions of this section,  
 12 unless such variance or other relief can be  
 13 granted without substantial detriment to the  
 14 public good and will not substantially impair  
 15 the intent and purpose of the zone plan and  
 16 zoning ordinance."  
 17 I cannot see how that would be  
 18 accomplished because -- in my personal opinion.  
 19 Now, to Mr. --  
 20 CHAIRMAN FERGUSON: Well, Richard,  
 21 before we go down this road.  
 22 MR. TOOMAYAN: Yes.  
 23 CHAIRMAN FERGUSON: Those comments are  
 24 for after.  
 25 Now we're asking questions.

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1 MR. TOOMAYAN: I'll wait until after.  
 2 CHAIRMAN FERGUSON: Thank you.  
 3 Any other -- yes?  
 4 MS. SCHOR: Marsha Schor, 50 Henry  
 5 Avenue.  
 6 When you speak about demographics,  
 7 don't you think that's a bit -- I don't know how to  
 8 put it, i mean, I never heard of an architect coming  
 9 in and saying: Oh, we're going to build this for the  
 10 Italians, this for the Jews, this for the Irish. I  
 11 mean, it's ridiculous. You build for what's there --  
 12 this town was built, there were not Koreans here at  
 13 that time and I think somewhere in the future there  
 14 probably won't be Koreans either.  
 15 But the point is you don't build -- you  
 16 build for the mass people, the people that will come  
 17 in. You're making it sound like we're only building  
 18 for a specific ethnic group and that's very wrong.  
 19 MR. JENKINS: No. First off --  
 20 THE WITNESS: I can correct that one.  
 21 MR. JENKINS: Yeah.  
 22 THE WITNESS: So I appreciate your  
 23 comments and so, perhaps, I should not use the  
 24 nomenclature "demographics."  
 25 The chart I handed out was just a

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1 section of what's normally referred to as a  
 2 demographic analysis. It's focused almost entirely  
 3 on population without regard to ethnicity, race, age  
 4 or anything, just by numbers and household.  
 5 And that trend showed an increase,  
 6 generally speaking, it had nothing to do with --  
 7 MS. SCHOR: An increase in what?  
 8 THE WITNESS: Population, the number of  
 9 people and the household.  
 10 MS. SCHOR: But does it take in their  
 11 ethnic backgrounds? In other words --  
 12 THE WITNESS: I didn't -- yes. If you  
 13 wanted to do a demographic analysis --  
 14 MS. SCHOR: Yes, that's what I'm  
 15 saying.  
 16 THE WITNESS: -- you could; mine did  
 17 not.  
 18 MS. SCHOR: That's what I'm saying.  
 19 THE WITNESS: Mine was strictly  
 20 population and household.  
 21 MS. SCHOR: But you went by it. This  
 22 is what I'm saying. I mean, there are a lot of  
 23 Koreans living in town now. In five or ten years  
 24 maybe they'll find another town that they like better  
 25 and then we won't have any Koreans here, we'll have

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1 blacks. The houses will still be here. You build  
 2 what anybody can live in, not just for a specific  
 3 demographic.  
 4 THE WITNESS: I agree 100 percent.  
 5 It's just about population at large if you would.  
 6 MS. SCHOR: Well, it stinks.  
 7 CHAIRMAN FERGUSON: Yes. Name and  
 8 address.  
 9 MS. BRAUER: Susan Brauer, B-R-A-U-E-R.  
 10 My opinion is that the word  
 11 "demographic" is a bit inappropriate, because  
 12 unfortunately -- and we've had that word shoved down  
 13 our throats.  
 14 When you look at the population in this  
 15 town -- I'm sorry, you mentioned the company that did  
 16 it. Unless they're going door to door, I would  
 17 approximate a third of that number are illegal  
 18 apartments.  
 19 So anything that's built in this town  
 20 that has, you can call it a family room with  
 21 plumbing, you can call it an attic space, you can  
 22 call it a den --  
 23 FEMALE AUDIENCE MEMBER: Or a bedroom.  
 24 MS. BRAUER: -- are being rented out  
 25 illegally. The town doesn't see tax dollars.

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1 However, along with this development and those  
 2 illegal apartments, all of our infrastructure is  
 3 stressed and it produces children that go to our  
 4 schools. Those children may or may not be here  
 5 legally. No one is paying for those children.  
 6 FEMALE AUDIENCE MEMBER: It's a  
 7 disgusting area.  
 8 MS. BRAUER: So using those figures, I  
 9 think it's inappropriate and I don't think it's  
 10 correct.  
 11 This town is maxed out on population.  
 12 We have a constant and ongoing parking problem.  
 13 We have a constant problem with, not  
 14 sinkholes exactly, but our sewers are going. They're  
 15 over 100 years old.  
 16 For 2-and-a-half decades, I've been  
 17 coming to these meetings and builders reign. I don't  
 18 know why. I can guess at it.  
 19 But the numbers that you call  
 20 demographics, regardless of group, in my opinion are  
 21 incorrect. I lived here going on 44 years. I've  
 22 seen the change. It is not good. There is no green  
 23 space left. No one has any property they're donating  
 24 to the town for green space. The little bit of green  
 25 space we have is not taken care of by this town, even

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1 with grants. We're very near Overpeck Park. The  
 2 facilities there, from what I understand from school  
 3 kids, is in disrepair. The town does not need any  
 4 more population. I don't care who, what, when,  
 5 where. We are maxed out.  
 6 And doing something as, again, in my  
 7 opinion, as inappropriate as something like this is  
 8 stuffing 10 pounds of something in a 5-pound bag. It  
 9 would be much easier to put up one or two duplexes,  
 10 that's it.  
 11 You'd get your monies worth out of  
 12 that. This is just going way overboard. And I don't  
 13 live behind this property the way these people do.  
 14 I'd be furious, furious.  
 15 It is very inappropriate, as are some  
 16 other things that have come before this board, that  
 17 the board's turned down.  
 18 But, demographics, I think they are --  
 19 they are not correct. This town is way, way  
 20 overpopulated.  
 21 Our school system is going to explode.  
 22 We have to now invest a fortune in it. But we're not  
 23 seeing it in the tax dollars because of illegal  
 24 apartments.  
 25 And we are stressed out beyond belief.

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1 CHAIRMAN FERGUSON: My only -- my only  
 2 comments would be I sense that the people in the area  
 3 are outraged, just my gut feeling on this one.  
 4 MS. BRAUER: Just saying we're  
 5 recognized, you know what I'm saying, that is a key  
 6 word.  
 7 CHAIRMAN FERGUSON: And I might be  
 8 wrong, but I get that.  
 9 Any other question? Any other  
 10 question? Yes?  
 11 Just questions, that's all we're on.  
 12 Then we make the comments later.  
 13 Any questions?  
 14 MS. GIACOBONE: I'll be good. I won't  
 15 say a word.  
 16 CHAIRMAN FERGUSON: Oh, I appreciate  
 17 that.  
 18 Any questions?  
 19 MS. GIACOBONE: Thank you, Mr.  
 20 Chairman.  
 21 CHAIRMAN FERGUSON: Any questions at  
 22 all in the back? Questions only?  
 23 MS. GIACOBONE: It was related to what  
 24 you said.  
 25 CHAIRMAN FERGUSON: Questions only?

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1 (No response.)  
 2 CHAIRMAN FERGUSON: Nothing? Fine.  
 3 We're done.  
 4 Now, what we're going to do is we're  
 5 going to open it up to -- oh, Cindy, go ahead.  
 6 MS. PIRRERA: Oh, I'm sorry, not a  
 7 question.  
 8 CHAIRMAN FERGUSON: No questions?  
 9 Okay.  
 10 MS. PIRRERA: You're going to open it  
 11 up to comments?  
 12 CHAIRMAN FERGUSON: Now what we're  
 13 going to do is we're going to open it up to the  
 14 residents.  
 15 Any comments that you would like to  
 16 make, right, this would be the time. Then we're  
 17 going to sum up. You'll sum up.  
 18 And, hopefully, we'll take a vote.  
 19 So who's going to start? These are  
 20 general questions -- not questions, comments.  
 21 Go ahead.  
 22 Go, someone, go ahead.  
 23 MS. PIRRERA: I can do it. Okay. So  
 24 from a common standpoint, a couple of things in my  
 25 opinion.

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1 CHAIRMAN FERGUSON: Okay.  
 2 MS. PIRRERA: Our quality of life is  
 3 absolutely detrimentally affected by this proposed  
 4 complex. That's one.  
 5 Two, every time I have to sit here and  
 6 listen, and I don't want to get emotional, but I  
 7 will, about how cooperative Mr. Testino is going to  
 8 be, it reminds me of a couple of years ago when a  
 9 tree that my mother, who's passed on, planted over 60  
 10 years ago was on his side of the fence. And he  
 11 climbed over the fence and cut down this cherry tree.  
 12 My mom and dad -- excuse me -- that my mom and dad  
 13 had planted. And I was more than a little upset. I  
 14 called the police department. I filed a report.  
 15 So somebody who's going to be  
 16 cooperative has never really been cooperative in the  
 17 past.  
 18 So when I sit here and I listen to  
 19 that, again, I'm very concerned about the quality of  
 20 my life and what's going to happen on my property.  
 21 CHAIRMAN FERGUSON: Right.  
 22 MS. PIRRERA: And that's all. That's  
 23 my only comment.  
 24 So when the board does consider, this  
 25 isn't just about do you meet the laws, do you meet

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1 the rules, the Supreme Court said this, code this,  
 2 code that. It's about our lives. You're going to  
 3 affect, detrimentally, all of my neighbors and  
 4 myself's lives.  
 5 Thank you.  
 6 CHAIRMAN FERGUSON: Yes? Name and  
 7 address.  
 8 MS. GIACOBONE: May I?  
 9 CHAIRMAN FERGUSON: Yes, absolutely.  
 10 This is your chance.  
 11 MS. GIACOBONE: Thank you.  
 12 To reiterate what I believe --  
 13 THE COURT REPORTER: Name again please?  
 14 MS. GIACOBONE: -- Marsha and --  
 15 MS. TESTA: Your name, please.  
 16 CHAIRMAN FERGUSON: Your name?  
 17 MS. GIACOBONE: Susan Giacobone.  
 18 To reiterate what Marsha wanted to say,  
 19 I don't understand why it's incumbent upon this board  
 20 to grant five variances based on projected  
 21 demographics.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 MS. GIACOBONE: All right? The point  
 24 was made about light, air, and open space, but that  
 25 should not be restricted only to the projected

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1 project for Highland Avenue.  
 2 What about the rest of us?  
 3 I'm done, Joe.  
 4 CHAIRMAN FERGUSON: You're done?  
 5 MR. TOOMAYAN: Okay.  
 6 CHAIRMAN FERGUSON: Richard.  
 7 MR. TOOMAYAN: I won't repeat what I  
 8 said --  
 9 CHAIRMAN FERGUSON: Name and address.  
 10 MR. TOOMAYAN: -- a few minutes ago.  
 11 CHAIRMAN FERGUSON: Yes, thank you.  
 12 MR. TOOMAYAN: But I -- I do not  
 13 believe that this can be shown as not substantially  
 14 impairing the intent and purpose of the zone plan.  
 15 Furthermore, in a zoning case before  
 16 this board, like Kim International for 11 West and 17  
 17 West Washington on April 18, 2016, this board was  
 18 told by Peter Steck, a licensed planner, that  
 19 incompatible land use in residential neighborhoods,  
 20 if approved, is an open invitation for more  
 21 development.  
 22 The other thing I think the board  
 23 should be aware of, there was some mention here about  
 24 this kind of a property, a townhouse property, on  
 25 Hillside Avenue, another one on Palisade.

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1 Every application for a variance stands  
 2 on its own merit. Just because there was one three  
 3 blocks away that looked a little like this one,  
 4 doesn't mean that I, as a property owner, have an  
 5 entitlement to build one that looks like it.  
 6 Each variance request has to be  
 7 approved on its own merit, and I don't think there's  
 8 any hardship either.  
 9 The only -- and if Mr. Testino has a  
 10 hardship and he wants to develop his property, I'm  
 11 not against that. Build two nice duplexes facing the  
 12 street like everybody else.  
 13 MALE AUDIENCE MEMBER: And lose more  
 14 parking and lose a lot of parking.  
 15 MR. TOOMAYAN: That will be an  
 16 improvement, rather than now I'm going to look a  
 17 146-foot wall on my north side, with patio and  
 18 probably air conditioners whirling away.  
 19 What about my property? What about my  
 20 quality of life?  
 21 Thank you.  
 22 CHAIRMAN FERGUSON: Yes. Name and  
 23 address.  
 24 MR. MIRAKIAN: Michael Mirakian, 432  
 25 Hillside Avenue.

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1 Again, I have to reiterate this --  
 2 CHAIRMAN FERGUSON: Sure.  
 3 MR. MIRAKIAN: -- where is the  
 4 hardship?  
 5 If you just follow the rules, we don't  
 6 have a hardship. Any hardship here is brought upon  
 7 himself by Mr. Testino and his lawyer and his --  
 8 CHAIRMAN FERGUSON: Team.  
 9 MR. MIRAKIAN: -- merry band of  
 10 developers here.  
 11 You are my neighbors, like these people  
 12 are my neighbors. Counsel doesn't live here. Does  
 13 he really care the quality of life in Palisades Park?  
 14 I believe the planner, the other  
 15 gentleman, he doesn't live here. The engineer  
 16 doesn't live here. The architect doesn't live here.  
 17 Mr. Testino lives here, but once this  
 18 is built, he's not going to be living here. We're  
 19 going to be left with the aftermath.  
 20 My golly, I -- I -- as bad as I feel  
 21 with this thing coming and encroaching on my -- my  
 22 quality of life, I dread for Mr. Toomayan, whom I've  
 23 known five decades, how would you -- how would you  
 24 like 149-foot wall to look at every morning, every  
 25 evening, blocking your sunlight, blocking your air?

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1 That's not fair. That's not fair at all. And as  
 2 neighbors, I ask: Would you like this next to you?  
 3 I doubt that very much.  
 4 A variance for use where one- and  
 5 two-family detached homes are permitted and now six  
 6 townhomes are proposed. We have a master plan.  
 7 Now, they don't like the master plan,  
 8 they have no business telling you to change it,  
 9 that's your decision. This is a Palisades Park  
 10 decision.  
 11 And if the town wants to revise the  
 12 master plan, so be it. I don't have a problem with  
 13 that. But we do have a master plan. Why don't we  
 14 just junk it and let's just everybody do whatever the  
 15 hell they feel like it. That's crazy.  
 16 You have three one-family and a  
 17 two-family house detached, and now you want to put up  
 18 six. That -- in my book, I don't know, that -- that  
 19 doubles the number of families in town. Doubles the  
 20 number of families, doubles the infrastructure  
 21 problems, doubles the number of kids in -- in -- in  
 22 the schools. Hey, pretty expensive to teach those  
 23 kids. I know. I've been an educator all my life.  
 24 It's pretty expensive. Nobody wants to cheat kids  
 25 out of what they should be getting, but you can't

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1 load the school system down with all of this.  
 2 Thank God we haven't had the problems  
 3 that they've had around the rest of the country.  
 4 Just keep loading up the school and you're going to  
 5 get it.  
 6 They want a height variance. There was  
 7 a -- code says 2-and-a-half stories. Why do we need  
 8 three? Can somebody answer why we need three, three  
 9 stories? That's about 5-and-a-half feet more than  
 10 what the code asks for. What, 2-and-a-half stories  
 11 is not enough?  
 12 The front yard, you want a 25-foot  
 13 setback where 31.6 is the code.  
 14 So in other words, we're going to have  
 15 this thing jutting out in front of everybody else's  
 16 house.  
 17 I heard the counsellor speak on the  
 18 very first meeting that we had, and I took notes on  
 19 it, very eloquent, spoke about this town being very  
 20 desirable.  
 21 CHAIRMAN FERGUSON: Yup.  
 22 MR. MIRAKIAN: What -- yeah, that's why  
 23 I moved here five decades ago.  
 24 Now, the town has changed over the five  
 25 decades, but my whole family came here. We own five  
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1 properties in town here. Why? Because, yes,  
 2 Palisades Park was a desirable area. I don't want it  
 3 to be any less desirable by putting this kind of  
 4 stuff over here and taking away the quality of life.  
 5 Hey, I've lived in the city all my life. I came  
 6 here, it was Shangri-La. Actually, my sister moved  
 7 first. And I saw her Shangri-La and we all wanted a  
 8 piece of Shangri-La too.  
 9 Now, if you are putting up six -- a  
 10 monstrosity like this here, and Shangri-La is going  
 11 down the toilet very quickly.  
 12 Now, I have serious reservations about  
 13 the snow removal, about the drainage, about the  
 14 walls, about encroaching on our privacy and most of  
 15 all my quality of life is going to be affected.  
 16 The quality of life of my neighbors is  
 17 going to be affected.  
 18 And I don't care how many experts you  
 19 bring up here, "in my opinion," "in my professional"  
 20 this, or professional that, I don't care what you  
 21 say, my quality of life is going to be changed  
 22 dramatically, and so will my neighbors.  
 23 I don't think that's very fair, because  
 24 remember when this is all over, we're still going to  
 25 be here, they're not.  
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1 I ask you all, please, put yourself in  
 2 our position. Would you want something like this  
 3 next door to you? Would you want something like this  
 4 in your backyard?  
 5 I ask you to reject this proposal.  
 6 (Applause.)  
 7 CHAIRMAN FERGUSON: Counsel, do you  
 8 want to sum up?  
 9 MR. JENKINS: Very, very quick.  
 10 It was stated that your town has a  
 11 master plan and you go by that.  
 12 As stated, it's updated. It has not  
 13 been reviewed. It's statutorily required that it be  
 14 reviewed. It has not.  
 15 So in terms of what the lay of the land  
 16 is effectively, there is none.  
 17 And as has been pointed out, what was  
 18 left in the last re-examination was the potential for  
 19 new development, for different development, to meet  
 20 what is necessary.  
 21 As was stated, people moved here -- he  
 22 moved here because it was a place he wanted to go,  
 23 because it was desirable.  
 24 What's going on right now is many other  
 25 people are looking to come here because it is  
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1 desirable. And their desire to have homes like the  
 2 ones that are being proposed here.  
 3 And the reason that -- yes, this stands  
 4 on its own, but the reason it's relevant that we look  
 5 at other townhomes around town is to -- as an  
 6 indication of what, in fact, is being requested of  
 7 the housing stock here. What is being required?  
 8 What is being asked for? What is necessary are  
 9 townhome developments like this.  
 10 A neighbor spoke about hardship.  
 11 Again, we're not speaking about hardship.  
 12 As I stated in the first hearing on  
 13 this matter, what we're talking about is particular  
 14 suitability. We're talking particular suitability,  
 15 because what is being proposed at this location fits.  
 16 It fits this size development and what we've done.  
 17 It fit the one we had before. It fits this one now  
 18 that we've reduced. We reduced it. We have improved  
 19 what is going to be there with respect --  
 20 particularly with regard to the drainage. Otherwise,  
 21 we could leave it alone and have that fountain, have  
 22 the waterfall go onto every other property  
 23 unmitigated. This is addressing it.  
 24 So what we have here is squarely within  
 25 the walls of particular suitability. It is  
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1 necessary, it fits.  
 2 With regard to the negative impact,  
 3 we've spoken about that and we've spoken that as  
 4 proposed we have minimized the impact to any  
 5 adjoining properties. Any development, you can  
 6 argue, is -- has an impact. The question is:  
 7 Substantial. We don't have that here. It is  
 8 providing adequate light. It is providing room along  
 9 the back. It is providing an improvement to the  
 10 existing conditions that were there now.  
 11 If we were as to -- as was suggested,  
 12 that we just put up two townhome units, what happens  
 13 is that actually broadens the streetscape and  
 14 actually eliminates the parking. In terms of --  
 15 you've eliminated not one, if not two additional  
 16 parking spaces. Here we're actually adding one,  
 17 because we're only talking one curb cut.  
 18 At the end of the day, this fits. It  
 19 fits squarely within the legal requirements and that  
 20 is what this board is supposed to be looking at, but  
 21 at the end of the day this is going to be a benefit  
 22 and this is going to be a useful and needed and  
 23 welcome and productive addition to this town.  
 24 Thank you.  
 25 CHAIRMAN FERGUSON: All right. The

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1 hour is late, so I'll try to be brief.  
 2 I -- the development is in a one- and  
 3 two-family zone. They obviously want to put six  
 4 units in it. I'm particularly swayed by our planner  
 5 when he talked about impact on surrounding  
 6 properties, but I guess at the end of the day it's  
 7 all about quality of life.  
 8 And so I'm going to make a motion to  
 9 deny the application.  
 10 MR. CARNOVALE: I second the motion.  
 11 CHAIRMAN FERGUSON: Is there any  
 12 comments from the board?  
 13 (No response.)  
 14 CHAIRMAN FERGUSON: Roll call vote.  
 15 MS. LAMBRINIDES: Mr. Ferguson?  
 16 CHAIRMAN FERGUSON: Yes, for the  
 17 denial.  
 18 MS. LAMBRINIDES: Mr. Albanese?  
 19 VICE CHAIRMAN ALBANESE: Yes, for  
 20 denial.  
 21 MS. LAMBRINIDES: Mr. Terranova?  
 22 MR. TERRANOVA: Yes.  
 23 MS. LAMBRINIDES: Mr. Nam?  
 24 MR. NAM: Yes.  
 25 MS. LAMBRINIDES: Ms. Yoon?

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1 MS. YOON: Yes.  
 2 MS. LAMBRINIDES: Mr. Carnovale?  
 3 MR. CARNOVALE: Yes, for denial.  
 4 MS. LAMBRINIDES: Ms. Tarabocchia?  
 5 MS. TARABOCCHIA: Yes, for denial.  
 6 CHAIRMAN FERGUSON: Thank you, Counsel.  
 7 Okay. We're going to -- we have one  
 8 more case.  
 9 MS. LAMBRINIDES: Do you need a break?  
 10 THE COURT REPORTER: Like two minutes.  
 11 CHAIRMAN FERGUSON: We'll be brief,  
 12 five minutes and get ready to go.  
 13 VICE CHAIRMAN ALBANESE: Okay.  
 14 CHAIRMAN FERGUSON: Okay.  
 15 (Whereupon, a brief recess is taken.)  
 16 CHAIRMAN FERGUSON: Okay. Let's get  
 17 going. Roll call for attendance.  
 18 MR. CARNOVALE: Are we all here?  
 19 MS. LAMBRINIDES: Almost.  
 20 MR. CARNOVALE: Here we go.  
 21 CHAIRMAN FERGUSON: Steve, we're ready  
 22 to proceed.  
 23 Go ahead.  
 24 MS. LAMBRINIDES: Mr. Ferguson?  
 25 CHAIRMAN FERGUSON: Here.

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1 MS. LAMBRINIDES: Mr. Albanese?  
 2 VICE CHAIRMAN ALBANESE: Here.  
 3 MS. LAMBRINIDES: Mr. Terranova?  
 4 MR. TERRANOVA: Here.  
 5 MS. LAMBRINIDES: Mr. Kim?  
 6 MR. KIM: Yes.  
 7 MS. LAMBRINIDES: Mr. Nam?  
 8 MR. NAM: Here.  
 9 MS. LAMBRINIDES: Ms. Yoon will be here  
 10 shortly.  
 11 Mr. Carnovale?  
 12 MR. CARNOVALE: Here.  
 13 MS. LAMBRINIDES: Ms. Tarabocchia?  
 14 MS. TARABOCCHIA: Here.  
 15 MS. LAMBRINIDES: Mr. Lefteriou?  
 16 MR. LEFTERIOU: Here.  
 17 CHAIRMAN FERGUSON: Okay. Counsellor,  
 18 proceed.  
 19 MR. LANZA: Good evening, Mr. Chairman,  
 20 Board Members, my name is Guy Lanza, Jr., of Lanza  
 21 and Lanza for the applicant Guy Saban.  
 22 I have the mailing receipts,  
 23 publication notice to satisfy the jurisdiction  
 24 requirements.  
 25 We're proposing a two-family dwelling

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1 at the premises of 330 3rd Street. The existing  
2 property is an undersized lot. It's 37-and-a-half by  
3 100. We submit that what we're proposing is a vast  
4 improvement over the existing structure, which is  
5 built basically to the front end of the property and  
6 presents on 3rd Street with an 8-foot retaining wall  
7 in concrete.

8 So, aesthetically, our proposal is a  
9 vast improvement over what's there in addition to  
10 providing parking, which the current structure  
11 provides none.

12 The variances that we're seeking, two  
13 of which are lot area and width, pertain to the  
14 preexisting undersized lot condition. The other ones  
15 for one side, the requirement is 5 feet. We're  
16 proposing 4-and-a-quarter feet, a difference of 9  
17 inches. And the total size required 14 feet, we're  
18 proposing 8-and-a-half feet, a difference of  
19 5-and-a-half feet.

20 In addition to building coverage, we  
21 are 2.53 percent over the required 40 percent.

22 That being said, I will have our  
23 architect, Mr. Joseph Donato briefly describe the  
24 project.

25 CHAIRMAN FERGUSON: Okay.  
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1 property is a set of steps to the right of the  
2 property.

3 So from the curb, this wall goes up 8  
4 feet and then another 7 feet towards the back of the  
5 property. So a total of 15 feet from the curb to the  
6 back of the property.

7 Our proposal is to remove the existing  
8 structure, which is nonconforming. It's  
9 nonconforming in the front yard. It's currently --  
10 on one side it's 7.9 feet and on the other side it's  
11 7.85 feet. So it's a front yard that's very close to  
12 the street.

13 And there's also a side yard, which is  
14 to the left side of the property. It's currently  
15 2.95 feet to the property line.

16 So we're proposing to remove those two  
17 items and also the height. When you're standing at  
18 the sidewalk, it's about 38 feet to the roof -- to  
19 the roof of the structure. It looks actually like  
20 almost a four-story -- 3-and-a-half, four-story  
21 structure when you compare it to the neighboring  
22 two-story structures.

23 So, again, our proposal is to move that  
24 existing nonconforming house, which has not been  
25 lived in for over a year. It's been vacant. It was

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1 MS. TESTA: Please raise your right  
2 hand.

3 Do you swear that the testimony you  
4 will give in this application will be the truth, the  
5 whole truth and nothing but the truth?

6 MR. DONATO: I do.

7 J O S E P H D O N A T O,  
8 14 Route 4 West, River Edge, New Jersey, having  
9 been duly sworn, testifies as follows:

10 MS. TESTA: Please state your name,  
11 spell it for the record.

12 MR. DONATO: Joseph Donato, D-O-N-A-T-O.  
13 I'm located at 14 Route 4 West, River Edge, New  
14 Jersey.

15 CHAIRMAN FERGUSON: Mr. Donato's been  
16 here many times, we'll accept him.

17 MR. DONATO: Thank you.

18 I figured it out, I think it's been  
19 almost 20 years.

20 Good evening, everyone. The property  
21 that we're here for tonight is 330 3rd Street on the  
22 south side of 3rd Street.

23 The existing property has a 7- to  
24 8-foot-high wall right onto the -- adjacent to the  
25 sidewalk. The only access from the sidewalk to the

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1 purchased at auction.

2 But the property is 37-and-a-half-foot  
3 wide and it's 100-foot deep. And what we're  
4 proposing is a 2-and-a-half story two-family  
5 structure and the building would be 29-foot wide by  
6 53 -- 55-foot deep.

7 So the first sheet, Sheet A1 is my site  
8 plans, with the proposed building and the zoning  
9 schedule, which I'll go through very quickly.

10 We are in the AA, one- and two-family  
11 zone. We are proposing a two-family structure. It  
12 is proposed -- it is permitted, but because the lot  
13 is less than 4,000 square feet, it's considered a  
14 variance where 5,000 square foot is required. Our  
15 lot is 3750, an existing nonconforming item, but it  
16 is a variance that we're asking for.

17 The width is another existing variance  
18 that we're asking for where 50-foot is required. But  
19 we only have 37-and-a-half. The depth, 100 feet, we  
20 have, we meet that requirement. The front yard  
21 requirement is 25 feet in this zone. The setback or  
22 the average setback along the street permits us to go  
23 to 20 feet. Again, we are proposing to remove that  
24 7.85-foot front yard, which would allow for more air  
25 and light.

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1 On one side what's required is 5 feet.  
2 We are proposing 4.25 feet. It's a variance, but  
3 it's -- it's almost 1 foot 4 inches more than what's  
4 there existing.

5 The combination of the side yards that  
6 are required are a total of 14 feet. We have 4.25 on  
7 both sides, so that combination gives us 8-and-a-half  
8 feet, which is, again, another variance, but the air  
9 and light compared to what's there is a better  
10 condition from what we're proposing.

11 The rear yard of 25 feet, we do meet  
12 that requirement.

13 We do meet the height. Because this  
14 property goes up, we meet the 2-and-a-half stories.  
15 We're permitted to be 25 feet because it's a -- not a  
16 duplex, it's a six-over-six, we are 2-and-a-half  
17 stories, 24.83 feet, which is a big difference from  
18 what's currently existing. If you can see the  
19 picture of what's there on the bottom.

20 And building coverage, we're permitted  
21 40 feet, because of the undersized width, we -- the  
22 building is a little bit deeper, because we're  
23 permitted to go deeper with the average front yard.  
24 So the building coverage we're asking for is 42.53.  
25 And, again, because of the narrowness of the lot, we

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1 had to go a little bit deeper with the -- with the  
2 building.

3 Another item is the parking. The  
4 existing building provides for no access, vehicular  
5 access to the property. So our proposal is to remove  
6 that wall and bring it down and have a two-car  
7 driveway and a two-car interior, which I'll go  
8 through on Sheet A2, which are the architectural  
9 schematics, the ground floor plan. Again, the  
10 building is 29 by 55. We have a two-car driveway.  
11 So we provide for two exterior stalls and two  
12 interior stalls. So a total of four stalls. A set  
13 of stairs that would go to the next floor in the  
14 back. Behind the garage is an open basement with a  
15 bathroom. No doors are proposed to have access from  
16 the rear or the sides.

17 Then we go to the next floor, which is  
18 the first floor. We'll have a set of stairs that go  
19 into a landing. Each unit will have their own  
20 exterior door. And the first floor will be three  
21 bedrooms, two bathrooms, kitchen, living, dining, and  
22 with a set of stairs that would bring us to the  
23 basement. So the access to the basement would be  
24 from the first floor.

25 And then the second door from the  
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1 exterior has its own set of stairs that go upstairs  
2 and, typically, the same layout, three bedrooms, two  
3 baths, a kitchen, living, dining, on the top floor.  
4 So it's basically the same layout as the first and  
5 second floor.

6 What we're proposing would be a brick  
7 front with a stucco overhang, which basically almost  
8 mimics the one side of a duplex, which would, in my  
9 opinion, fit within the neighborhood.

10 Basically, that's the project.

11 CHAIRMAN FERGUSON: Just real quick.  
12 So there's no parking on the site now; that's  
13 correct? Right? So you're adding parking to the  
14 area?

15 MR. DONATO: Correct.

16 CHAIRMAN FERGUSON: Now, as I went to  
17 the area and it looks like the house now is on top of  
18 a hill.

19 MR. DONATO: Absolutely.

20 CHAIRMAN FERGUSON: So what you're  
21 going to do is dig out the hill, which is going to  
22 require a lot of dirt removal. I mean, I don't know.

23 MR. DONATO: Correct.

24 CHAIRMAN FERGUSON: Getting rid of this  
25 dirt is going to be a major -- so you're going to

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1 remove the dirt and you're going to stick the house  
2 --

3 MR. DONATO: Into the hill.

4 CHAIRMAN FERGUSON: In the hole?

5 MR. DONATO: Correct.

6 CHAIRMAN FERGUSON: Which is going to  
7 require the basement to be basically sub, right,  
8 because --

9 MR. DONATO: Correct.

10 CHAIRMAN FERGUSON: Right?

11 MR. DONATO: Our proposal is to have a  
12 patio in the back from the first floor.

13 CHAIRMAN FERGUSON: Right.

14 MR. DONATO: Correct.

15 CHAIRMAN FERGUSON: Right, so -- but  
16 the basement is going to be really below ground?

17 MR. DONATO: Absolutely.

18 CHAIRMAN FERGUSON: Right? I mean, so  
19 -- now, in the basement, when you walk into the  
20 garage, what are you going to have behind the garage?  
21 Are you going to have anything there or --

22 MR. DONATO: What we're proposing is a  
23 set of steps that go right to upstairs.

24 CHAIRMAN FERGUSON: No, I don't care  
25 about upstairs. I'm talking about behind the garage.

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1 What's behind the garage? Is there anything there?  
 2 MR. DONATO: Just the open basement.  
 3 CHAIRMAN FERGUSON: So there's no  
 4 bathrooms, no --  
 5 MR. DONATO: We -- we do have one  
 6 bathroom, but, there -- again, there's no outside  
 7 door or access from the sides --  
 8 CHAIRMAN FERGUSON: Right.  
 9 MR. DONATO: -- or the rear to get into  
 10 it. It's really for the first floor use only.  
 11 CHAIRMAN FERGUSON: What's the --  
 12 what's in the bathroom?  
 13 MR. DONATO: A shower, toilet and a  
 14 sink.  
 15 CHAIRMAN FERGUSON: A shower?  
 16 Well, let me ask you a question, and  
 17 continue to roll this over. Why do you need a  
 18 shower, a bath in the basement?  
 19 I mean, isn't there enough to -- you  
 20 know, the rest of the floors.  
 21 I mean, what do you need it for? I  
 22 mean, is it -- you're going to have a garage there.  
 23 What do you need -- I get very -- and I always --  
 24 wasn't like this, believe me.  
 25 MR. DONATO: Right.

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1 CHAIRMAN FERGUSON: I used to approve  
 2 these things --  
 3 MR. DONATO: I understand where the  
 4 possibility --  
 5 CHAIRMAN FERGUSON: -- I'm telling you.  
 6 But, you know, now I -- you know, I got  
 7 converted --  
 8 MR. DONATO: Right.  
 9 CHAIRMAN FERGUSON: -- that -- and  
 10 because of these two girls over here, they -- you  
 11 know, what do you need it for? I mean, really.  
 12 MR. DONATO: Right. I can understand  
 13 where the opportunity is if someone had access from  
 14 the outside --  
 15 CHAIRMAN FERGUSON: Right.  
 16 MR. DONATO: -- that this can become  
 17 either another apartment -- typically if a worker  
 18 comes home and take a shower before you go up, it  
 19 allows for that opportunity.  
 20 CHAIRMAN FERGUSON: Yes.  
 21 MR. DONATO: But I could understand  
 22 that the concerns of where --  
 23 CHAIRMAN FERGUSON: Yes, it's a  
 24 stretch.  
 25 MR. DONATO: Right, I understand. And

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1 that's why we --  
 2 CHAIRMAN FERGUSON: And that's because  
 3 in my mind, this is just Joe Ferguson's mind, the  
 4 plans don't show a door now and the door comes later,  
 5 you know, I'm not saying that you're doing anything.  
 6 MR. DONATO: Right.  
 7 CHAIRMAN FERGUSON: You know, so I -- I  
 8 think it would be prudent --  
 9 MR. DONATO: Right.  
 10 CHAIRMAN FERGUSON: -- if we remove the  
 11 bathroom in the basement.  
 12 MR. DONATO: How about just the shower  
 13 or the whole bathroom?  
 14 Again, this --  
 15 CHAIRMAN FERGUSON: Well, I -- you  
 16 know, I don't have -- I don't have a problem with  
 17 like a toilet, but I have a problem with a shower.  
 18 MR. DONATO: Shower.  
 19 The -- probably, the thinking behind it  
 20 was the grade just went up so much that there are no  
 21 openings to walk around and get in, but if that's the  
 22 --  
 23 CHAIRMAN FERGUSON: Okay. Well, that's  
 24 a --  
 25 MR. CARNOVALE: May I, Joe?

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1 CHAIRMAN FERGUSON: Yeah.  
 2 MR. CARNOVALE: Mr. Donato, aside from  
 3 that, so what I'm reading here is that actually the  
 4 basement will be buried.  
 5 If somebody illegally wanted to cut a  
 6 door in, it would be almost impossible, because this  
 7 garage goes back, what, 20-some-odd feet.  
 8 MR. DONATO: Twenty feet -- 24 feet.  
 9 MR. CARNOVALE: Right. So the back --  
 10 the back of the house, if I was there and I wanted to  
 11 cut a hole, you'd have to make a well going down, et  
 12 cetera, et cetera.  
 13 MR. DONATO: Right.  
 14 MR. CARNOVALE: But my question to you  
 15 was: This property is elevated. I went by there.  
 16 It's higher than the two adjoining properties.  
 17 MR. DONATO: Correct.  
 18 MR. CARNOVALE: Even in the back.  
 19 So are you going to -- is the applicant  
 20 going to totally -- what are you going to do about  
 21 walls to hold up any existing dirt, because the  
 22 property just does go up like this (indicating).  
 23 MR. DONATO: Right. Well, there are  
 24 existing walls on each side of the property.  
 25 MR. CARNOVALE: Right. Do you think

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1 that they're sufficient enough to maintain there  
 2 during everything else or...  
 3 MR. DONATO: Right.  
 4 The only area that was probably more of  
 5 a concern is the wall --  
 6 MR. CARNOVALE: On this --  
 7 MR. DONATO: -- on the left side where  
 8 the driveway would be exposed.  
 9 MR. CARNOVALE: Okay.  
 10 MR. DONATO: -- and we have an -- it  
 11 says "saw cut existing wall" as an option.  
 12 MR. CARNOVALE: Right.  
 13 MR. DONATO: That's only an option if  
 14 this got approved they would talk to the neighbor.  
 15 There's no reason to have an 8-foot-high wall --  
 16 MR. CARNOVALE: Right.  
 17 MR. DONATO: -- when the properties are  
 18 almost level.  
 19 MR. CARNOVALE: Right.  
 20 MR. DONATO: You can cut it down to 4  
 21 feet.  
 22 MR. CARNOVALE: All right. What about  
 23 the back of the property? Because I think the house  
 24 behind it is lower than that house.  
 25 MR. DONATO: We're going to leave the

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1 backyard as is.  
 2 MR. CARNOVALE: Okay. So --  
 3 MR. DONATO: There's a -- there's a  
 4 tree in the backyard. The grades are going to stay.  
 5 We're not proposing to build a wall.  
 6 MR. CARNOVALE: Fine. So I guess that  
 7 everybody's aware during construction should  
 8 something happen to the wall, it's got to be higher  
 9 than 4 feet, you'd have to submit engineering  
 10 drawings --  
 11 MR. DONATO: Correct.  
 12 MR. CARNOVALE: -- to the building  
 13 department and to the town engineer.  
 14 MR. DONATO: Absolutely. Absolutely.  
 15 MR. CARNOVALE: Okay. And that's  
 16 basically what I have, Joe.  
 17 CHAIRMAN FERGUSON: Okay.  
 18 So you realize, if I read the plans  
 19 right, when you talk about a potential saw cut, if  
 20 that isn't your wall -- correct.  
 21 MR. DONATO: It's not our wall.  
 22 CHAIRMAN FERGUSON: It's not your wall?  
 23 MR. DONATO: No.  
 24 CHAIRMAN FERGUSON: So --  
 25 MR. DONATO: When we bring our dirt

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1 down, their wall is --  
 2 CHAIRMAN FERGUSON: Going to high, yes,  
 3 I know right.  
 4 MR. DONATO: -- 7-foot high for 20  
 5 feet.  
 6 CHAIRMAN FERGUSON: So why would you --  
 7 so you would cut it so it would be --  
 8 MR. DONATO: Cut it 3 feet, 4 feet  
 9 down, right.  
 10 CHAIRMAN FERGUSON: Right. But you  
 11 would need --  
 12 MR. DONATO: Permission.  
 13 CHAIRMAN FERGUSON: -- permission of  
 14 the other --  
 15 MR. DONATO: Correct.  
 16 CHAIRMAN FERGUSON: Okay. Any other  
 17 board members?  
 18 (No response.)  
 19 CHAIRMAN FERGUSON: No? No questions?  
 20 MR. KIM: Looks good to me.  
 21 CHAIRMAN FERGUSON: Okay. We'll do our  
 22 experts now.  
 23 Steve, you're ready?  
 24 MR. COLLAZUOL: Yes.  
 25 Thank you, to the board, item number

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1 four in our report requires new curbs for the full  
 2 frontage, as well as the apron being constructed and  
 3 the sidewalk.  
 4 I don't think if the plan says that,  
 5 but that would be -- should the board act favorably  
 6 -- a condition that would be required normally,  
 7 normally required of the building department as well.  
 8 Just going back to this wall from the  
 9 front left corner. It says there's a new wall. That  
 10 new wall looks like it's going to be about 6 feet for  
 11 the dimension from the building corner to the lot  
 12 line.  
 13 MR. DONATO: Correct.  
 14 MR. COLLAZUOL: That wall being 6 feet,  
 15 we'll need a stability report, because usually it's  
 16 provided prior to the issuance of a building permit,  
 17 if this plan was approved.  
 18 MR. DONATO: Yes, we would do that.  
 19 MR. COLLAZUOL: The tree in the front  
 20 appears to be in front of the neighbor. So that  
 21 32-inch tree doesn't really look like it's the  
 22 responsibility of this -- this applicant.  
 23 So I can't ask you to remove that tree  
 24 from the right-of-way. But the tress in the back on  
 25 the left, 32-inch tree, what is the condition of that

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1 tree and if that tree had to be removed in the  
2 future, how would that tree get removed if this house  
3 was newly constructed? Wouldn't it not be better to  
4 remove the tree during construction.

5 MR. DONATO: We can -- yes. If it was  
6 -- we can have the tree looked at.

7 If it's in a bad condition, we can  
8 remove it before the start of the construction.

9 MR. COLLAZUOL: I mean, a 32-inch tree  
10 has got to be very old --

11 MR. DONATO: Right.

12 MR. COLLAZUOL: -- and may not live  
13 much longer, so it may be prudent to look into that  
14 now.

15 MR. DONATO: We could. If the project  
16 does get an approval, we can look at that, take it  
17 down and provide for some arborvitae in the back  
18 just for an additional screen.

19 MR. COLLAZUOL: I only think that  
20 because you would need a crane --

21 MR. DONATO: Right.

22 MR. COLLAZUOL: -- and to get a crane  
23 in the back after would be very difficult.

24 MR. DONATO: I agree, sure.

25 MR. COLLAZUOL: So I think the board

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1 should consider that.

2 The other item is on the left you're  
3 going to leave that 6-foot wall. On the right it  
4 looks like the neighbor's property is still higher in  
5 the front and yet the soil will be removed for the  
6 driveway.

7 Is it that the platform will serve as  
8 the retaining wall for the adjoining property?

9 Because you have the front right corner, 123.3.

10 So is the steps, the platform and the  
11 steps going to serve as a retaining wall for that  
12 area --

13 MR. DONATO: Correct, exactly, yes.

14 MR. COLLAZUOL: All right.

15 So in the front, what would -- what  
16 would that elevation of the plat, that you have  
17 there, P-L-A-T be?

18 MR. DONATO: Right.

19 MR. COLLAZUOL: It looks like it's  
20 about 6 or so steps up. So the front of that  
21 platform would be a wall.

22 MR. DONATO: Yes, correct.

23 MR. COLLAZUOL: And is that shown on  
24 your drawing? You really don't show it on your front  
25 elevation.

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1 MR. DONATO: I show it on the ground  
2 floor plan.

3 Well, yes, you're right, it's shown a  
4 little bit differently on mine than the site plan,  
5 but if I -- I have a picture of what that wall is  
6 existing.

7 Currently, this is the wall that Mr.  
8 Collazuol is talking about here (indicating). And  
9 our landing would be in this direction where if you  
10 look at the height (indicating), it would almost be  
11 in line with the existing wall. That's about  
12 3-and-a-half, 4 feet.

13 MR. COLLAZUOL: Yes. They show the top  
14 of the wall 1 -- almost 117.

15 MR. DONATO: Right, right.

16 MR. COLLAZUOL: But in any event,  
17 you're going to have that platform, will be a wall?

18 MR. DONATO: A wall.

19 MR. COLLAZUOL: So will that be a brick  
20 face to that platform?

21 MR. DONATO: Yes, it would match the  
22 building. Correct.

23 MR. COLLAZUOL: Well, so as long as the  
24 board sees -- sees that on the plan.

25 The front of that platform is going to

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1 be a brick wall.

2 CHAIRMAN FERGUSON: Okay.

3 MR. COLLAZUOL: The only other item is  
4 that typically a drainage report will be done for  
5 this --

6 CHAIRMAN FERGUSON: Right.

7 MR. COLLAZUOL: -- together with a soil  
8 report to prove that that seepage pit can be  
9 constructed there.

10 MR. DONATO: Yes. We -- it was  
11 proposed to have a seepage pit in the driveway --

12 MR. COLLAZUOL: Right.

13 MR. DONATO: -- and we can get that --  
14 the testing, soil testing done and --

15 CHAIRMAN FERGUSON: Right.

16 MR. DONATO: Correct.

17 MR. COLLAZUOL: Certainly with the last  
18 item is the saw cut of the wall, that's a horizontal  
19 cut in the wall, not a vertical cut at anyplace and  
20 that would go from the street line to the front of  
21 the building, correct?

22 MR. DONATO: Correct, the 20-foot back,  
23 correct.

24 MR. COLLAZUOL: And the 20-foot back,  
25 so that would be an -- if you didn't remove that, it

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1 be -- 4 feet of that wall would be freestanding?  
 2 MR. DONATO: Kind of freestanding.  
 3 MR. COLLAZUOL: It would almost be a  
 4 fence?  
 5 MR. DONATO: Correct.  
 6 MR. COLLAZUOL: Well, what would happen  
 7 if that neighbor didn't permit the saw cutting? I  
 8 think the board should consider that. Should there  
 9 be a fence in front of it or something?  
 10 CHAIRMAN FERGUSON: What would your  
 11 recommendation be?  
 12 MR. COLLAZUOL: Well, you're removing  
 13 soil from a wall that's formally going to be buried  
 14 unless you manage to take only the soil up to the lot  
 15 line, which I don't think you can do, so something  
 16 has to be --  
 17 CHAIRMAN FERGUSON: Well, you can make  
 18 those recommendation, Steve. We'll follow your  
 19 recommendation.  
 20 MR. DONATO: If we -- if -- if -- maybe  
 21 one option, we could build a 3-foot wall and leave  
 22 the dirt against the part of it.  
 23 MR. CARNOVALE: Like a planter, you  
 24 mean?  
 25 MR. DONATO: Right, right, if he  
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1 doesn't allow us to cut the wall.  
 2 MR. COLLAZUOL: I would suggest that  
 3 something like that be on the plan as the -- as the  
 4 plan and the option for the saw cut be shown as an  
 5 alternate.  
 6 MR. DONATO: Yeah, we could.  
 7 CHAIRMAN FERGUSON: Is that okay?  
 8 MR. DONATO: Yeah. We didn't -- we  
 9 didn't approach the neighbor just basically not  
 10 knowing if -- you know, what the outcome would be  
 11 here.  
 12 CHAIRMAN FERGUSON: Yes.  
 13 MR. COLLAZUOL: They may say no.  
 14 MR. DONATO: Absolutely, yes, they may.  
 15 MR. COLLAZUOL: They may say no.  
 16 CHAIRMAN FERGUSON: So his first thing  
 17 will be --  
 18 MR. COLLAZUOL: To place a small  
 19 planting-type wall in front of that should they say  
 20 no.  
 21 MR. CARNOVALE: That would be a  
 22 Keystone wall, Mr. Collazuol?  
 23 MR. DONATO: I would think, yes,  
 24 Keystone wall.  
 25 MR. CARNOVALE: Just not to play with  
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1 the existing footing of that wall.  
 2 MR. DONATO: Right.  
 3 And actually that would even not make  
 4 that proposed wall 6 foot, that would wind up being a  
 5 3-foot, 4-foot wall instead of 6-foot high.  
 6 MR. COLLAZUOL: Well, you haven't  
 7 discussed where that wall would be. If it would be  
 8 directly behind the Belgium block curb line in the  
 9 driveway --  
 10 MR. DONATO: Right.  
 11 MR. COLLAZUOL: -- or would it be  
 12 somewhere else.  
 13 MR. DONATO: Right. I would think -- I  
 14 would think -- I would think this whole area  
 15 (indicating) where the Belgium -- where it's called  
 16 out for Belgium block, that would be a wall and just  
 17 fill that in as a planter and landscaping.  
 18 MR. COLLAZUOL: I think that's very  
 19 good.  
 20 CHAIRMAN FERGUSON: Okay.  
 21 MR. COLLAZUOL: And if it's just shown  
 22 on the plan prior to anything at the building  
 23 department, would be fine.  
 24 CHAIRMAN FERGUSON: Right. Thank you.  
 25 Next?  
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1 MR. ROCCIOLA: No comment.  
 2 CHAIRMAN FERGUSON: No comment?  
 3 MR. KAUKER: No comment.  
 4 CHAIRMAN FERGUSON: No comment.  
 5 Girls? Name and address.  
 6 MS. SCHOR: Marsha Schor, 50 Henry  
 7 Avenue.  
 8 Do you have any bump out windows on  
 9 there?  
 10 MR. DONATO: Only in the front, not on  
 11 the sides or the back. There's no room. We only  
 12 have 4 feet 2 inches, so there's no bump out.  
 13 MS. SCHOR: Well, I was going to say  
 14 this is just in general, the town started out with 75  
 15 by 100, then we went to 50.  
 16 Now we have 40 -- and this is even less  
 17 than 40 feet.  
 18 Around the corner from us they built  
 19 six-over-six on a lot that's 40 feet. And you have  
 20 to walk sideways to get between the two buildings.  
 21 There's -- are you going to put an  
 22 apron or whatever you call it around the house? Like  
 23 --  
 24 MR. DONATO: A walkway? No, because we  
 25 don't have any doors going to the basement, so it's 4  
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1 feet 3 inches.  
 2 MS. SCHOR: To the property line?  
 3 MR. DONATO: Yeah, correct.  
 4 MS. SCHOR: Will it stay that or is it  
 5 somehow --  
 6 MR. DONATO: That's what we're  
 7 proposing.  
 8 CHAIRMAN FERGUSON: Yeah.  
 9 MS. SCHOR: Because the spaces are  
 10 getting smaller.  
 11 CHAIRMAN FERGUSON: And it's an  
 12 undersized house there now, correct?  
 13 MR. DONATO: It's nonconforming.  
 14 Actually, I mean, one of the options was to take this  
 15 house, which your zoning permits to keep a  
 16 nonconforming house and renovate it --  
 17 CHAIRMAN FERGUSON: Right.  
 18 MR. DONATO: -- and make it new, you  
 19 can change windows, a roof and siding and keep that  
 20 nonconforming for another 50 years, but, yeah, 2 foot  
 21 --  
 22 CHAIRMAN FERGUSON: We'd be still on  
 23 top of that hill.  
 24 MR. DONATO: Absolutely. And 8 feet,  
 25 no parking.

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1 CHAIRMAN FERGUSON: So that would be  
 2 50-feet high?  
 3 MR. DONATO: Yes, it's a two-family,  
 4 it's an undersized. I think it's a better  
 5 proposal --  
 6 CHAIRMAN FERGUSON: Right, better  
 7 option, yeah.  
 8 MR. DONATO: -- than keeping what's  
 9 there and making it new.  
 10 CHAIRMAN FERGUSON: I got you.  
 11 Yes, Susan?  
 12 MS. BRAUER: Susan Brauer.  
 13 You're talking about taking down a  
 14 nonconforming house. You're going to be putting up a  
 15 nonconforming house, essentially.  
 16 MR. DONATO: Right.  
 17 MS. BRAUER: All right. You got 3,750  
 18 square feet and you're talking about a house that's  
 19 55-feet deep?  
 20 MR. DONATO: Correct.  
 21 MS. BRAUER: My neighbor has 5,400  
 22 square feet. He was permitted to do 55 feet.  
 23 I think that's a little bit unusually  
 24 long. It's a small lot and that's a very long house.  
 25 And you knew going in, the size of the lot you had.

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1 MR. DONATO: Absolutely.  
 2 MS. BRAUER: That's almost obscenely  
 3 long for a lot that small.  
 4 The other thing is with the --  
 5 CHAIRMAN FERGUSON: Well, let him  
 6 answer that one.  
 7 Go ahead.  
 8 MR. DONATO: And I can understand that.  
 9 We do meet the rear yard requirement. So the depth  
 10 is permitted.  
 11 With this proposal, we're providing  
 12 more air and light to the front, continuing the  
 13 continuity of residential, rather than having this  
 14 stick out 8 feet from the property line, so we're  
 15 providing more air and light to front and side from  
 16 what's there.  
 17 MS. BRAUER: But not the neighbors.  
 18 MR. DONATO: Absolutely the neighbors  
 19 we're 2 feet -- we're 2 feet --  
 20 MS. BRAUER: And they have a right to  
 21 air and light.  
 22 MR. DONATO: We're 2 feet away from the  
 23 neighbors on the --  
 24 MR. CARNOVALE: Mr. Donato -- I'm  
 25 sorry, Miss -- could you pick up that picture and

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1 please show the audience, because I don't think  
 2 they're -- I used to own a house down the block from  
 3 this house.  
 4 MR. DONATO: Yeah. This is the wall  
 5 (indicating) and the three stories, almost four --  
 6 3-and-a-half stories on top of the 8-foot-high wall.  
 7 MR. CARNOVALE: So you would clear 25  
 8 feet of that -- or 20 foot, I'm sorry?  
 9 MR. DONATO: We would be in line of the  
 10 neighboring homes --  
 11 MR. CARNOVALE: Existing homes.  
 12 MR. DONATO: -- and we would look like  
 13 2-and-a-half stories, rather than almost four  
 14 stories.  
 15 MR. CARNOVALE: Sorry.  
 16 MS. BRAUER: All right. So you're  
 17 going to have a 20-foot setback.  
 18 Are the other houses -- did you take  
 19 the average of the setback of the street.  
 20 MR. DONATO: We had the engineer done  
 21 -- do that average.  
 22 MS. BRAUER: All right. So you have --  
 23 the average. All right.  
 24 MR. DONATO: That will be submitted.  
 25 MS. BRAUER: I still think the house is

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1 a bit long for that size property.  
2 With your basement -- I'll call it your  
3 basement room behind the garage, there is a huge  
4 duplex side-by-side across the street from me. What  
5 they do is they go into the back room through the  
6 garage. There are rooms rented there and they rent  
7 the back room.

8 If you're going to sink the basement,  
9 and it's ever rented, because you're partially or  
10 totally below grade, it's illegal, you're going to  
11 get a hell of a fine.

12 MR. DONATO: Absolutely.

13 MS. BRAUER: And there's nothing to  
14 stop somebody from digging and putting a door on the  
15 back. So I think what the chairman said about  
16 removing the shower --

17 MS. SCHOR: Is a good idea.

18 MS. BRAUER: Is an excellent idea.

19 Let's see... do I have anything else  
20 to pick on you about?

21 Oh, you had said in the beginning you  
22 have 3,750 --

23 MR. DONATO: And 50.

24 MS. BRAUER: -- 3,750 square feet where  
25 4,000 is required. It's not 4,000, it's 5,000.

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1 And when we saw your ad in the paper,  
2 we called the building department. I think they must  
3 have called somebody's office.

4 CHAIRMAN FERGUSON: Right.

5 MS. BRAUER: It's 5,000 square feet.

6 So you're really deficient on the size. That's why I  
7 object to the house being quite so big. You're not  
8 leaving much space on the side and because you're  
9 that deep, because I've got that on one side of me,  
10 I've got an older home and another duplex on the  
11 other side that's not that deep. And the one on the  
12 other side that's not quite so deep gives us a little  
13 more air and space, because I don't think you're  
14 considering the neighbors. You're looking to  
15 maximize what you're building and I think you should  
16 consider that.

17 MR. DONATO: I think we did with the 4  
18 feet 4 inches versus 2 feet 9 inches of what's there.

19 MS. BRAUER: It's really close, it's  
20 really close.

21 CHAIRMAN FERGUSON: Okay. Counsel, do  
22 you have another witness?

23 I see him sitting behind you. He's  
24 going to be brief, because he doesn't like to talk, I  
25 know.

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1 MR. TUVEL: I'm sorry? I'm going to be  
2 brief because I think you want me to be brief.

3 MR. LANZA: Can Mr. Tuvel be sworn in?

4 CHAIRMAN FERGUSON: Right.

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

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

10 MR. TUVEL: I do.

11 H A R Y T U V E L,  
12 629 Ridge Court, Ridgefield, New Jersey, having  
13 been duly sworn, testifies as follows:

14 MS. TESTA: Please state your name,  
15 spell it for the record.

16 MR. TUVEL: Sure. It's Harry Tuvel,  
17 T-U-V-E-L, 629 Ridge Court in Ridgefield, New Jersey.

18 Okay. So I have here -- I have here --

19 CHAIRMAN FERGUSON: We'll accept you as  
20 a witness.

21 MR. TUVEL: Thank you. Thank you. I'm  
22 jumping the gun.

23 CHAIRMAN FERGUSON: I know.

24 MR. TUVEL: So we have this -- as I --  
25 this rather unusual house. This -- I guess this was

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1 somebody's good idea a long time ago.

2 And we plan to go, as the architect has  
3 described, to a conventional six-over-six two-family  
4 home, but as was also talked about, the reason we're  
5 here is because this is -- this is an undersized lot  
6 and we need a (c)(1) and a (c)(2), a (c)(2) variance.

7 And under the positive -- and one thing  
8 I do want to mention that -- what makes a -- it's  
9 sort of under the positive criteria that is, is that  
10 this is a -- this is a six-over-six going to be a  
11 non-duplex and what has been pointed on other  
12 applications for duplexes, duplexes are able to have  
13 projections into their side yards.

14 CHAIRMAN FERGUSON: Right.

15 MR. TUVEL: The stairs are a  
16 projection. They can have --

17 CHAIRMAN FERGUSON: Windows.

18 MR. TUVEL: -- windows that are a  
19 projection.

20 CHAIRMAN FERGUSON: Up to a certain --

21 MR. TUVEL: They can have chimneys.

22 Where in this case, the six-by-six,  
23 there will be no projections into the side yard.

24 So to some degree that mitigates, you  
25 know, the side -- the side yard -- the side yard

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1 variance.  
2 The -- you know, the fact is is that  
3 this undersized lot is an existing -- is a  
4 preexisting condition. The lot immediately to the  
5 south of it is also a 37-and-a-half foot lot. So  
6 these occur from time to time.

7 The -- you know, the (c)(2) variance is  
8 known as the flexible (c) variance.

9 As you heard earlier tonight, you know,  
10 the board has the discretion to balance the extent of  
11 the nonconformity. We believe that this is -- and  
12 the extent of any negative impact, we think that this  
13 is the better zoning -- the zoning alternative.

14 We are not increasing, really, any of  
15 the -- any of the variances, because the existing  
16 variances of lot width and lot area, of course, go  
17 with the property.

18 We certainly -- the front yard that the  
19 architect pointed out, I think that's a big plus that  
20 you're going to be going to a conforming -- to a  
21 conforming front yard.

22 You know, this thing looms 38 feet  
23 above the sidewalk and it's now going to be a  
24 conventional -- we are going to conform --

25 CHAIRMAN FERGUSON: It will be in line.

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1 it. No, you're a Star.

2 MR. TUVEL: But I don't want to -- but  
3 I don't want to gloss over anything.

4 CHAIRMAN FERGUSON: I understand.

5 MR. TUVEL: So if there are any  
6 questions or anything, please feel free.

7 CHAIRMAN FERGUSON: I understand.  
8 I have no questions for you.

9 MR. TUVEL: Okay.

10 CHAIRMAN FERGUSON: You covered  
11 everything. I tell you, it's frightening how you  
12 covered everything.

13 MR. TUVEL: Because you always put me  
14 in this position.

15 CHAIRMAN FERGUSON: You always come  
16 last, though. I noticed that.

17 MR. TUVEL: I don't know. I'm  
18 beginning to take it personally.

19 CHAIRMAN FERGUSON: No, you're not.  
20 Okay.

21 Anybody on the board have any  
22 questions?

23 (No response.)

24 CHAIRMAN FERGUSON: Any expert?

25 (No response.)

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1 MR. TUVEL: -- with the height  
2 restrictions. I think those are two big, very --  
3 very positive, very positive criteria.

4 So to sort of -- to sum up, you know, I  
5 think that the variance can be granted without any  
6 substantial detriment to the public good and will not  
7 substantially impair the intent and purpose of the  
8 zone plan.

9 Remember this is, you know, a AA zone  
10 for one- and two-family uses. It is permitted. It  
11 is consistent with the land use pattern on this  
12 street. There's only, I think -- I counted -- I  
13 think there's only two existing one-family homes.  
14 There's a bunch of new duplexes on this street and  
15 it's almost all two-family -- all two-family homes.

16 CHAIRMAN FERGUSON: Right. I'm sure of  
17 that.

18 MR. TUVEL: So I think that we -- you  
19 know, we have met the criteria for the granting of  
20 the variances.

21 CHAIRMAN FERGUSON: Okay. That  
22 concludes your --

23 MR. TUVEL: That -- that -- I rushed it  
24 because I --

25 CHAIRMAN FERGUSON: Well, I appreciate

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1 CHAIRMAN FERGUSON: People in the --  
2 yes?

3 MS. BRAUER: Yes.

4 MR. ROCCIOLA: I just have --

5 MS. BRAUER: Oh, go ahead.

6 MR. ROCCIOLA: Yeah, I have a quick  
7 comment.

8 CHAIRMAN FERGUSON: Sure.

9 MR. ROCCIOLA: I did a calculation --

10 MR. TUVEL: I did -- I did forget about  
11 that.

12 MR. ROCCIOLA: Yes.

13 MR. TUVEL: I do want to make --

14 Mr. Rocciola was kind enough to point out a de  
15 minimus exception that we do need to have granted as  
16 well as the variances and that is based on RSIS.

17 I didn't even know this until

18 Mr. Rocciola brought it out to me.

19 CHAIRMAN FERGUSON: That's why he's  
20 here.

21 MR. TUVEL: I mean that's why you have  
22 him.

23 CHAIRMAN FERGUSON: Right. That's why  
24 I have him.

25 MR. TUVEL: That a two-car -- a two-car

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1 driveway and a two-car garage, which adds up to four  
 2 cars, is only counted as 3.5 by RSIS.  
 3 CHAIRMAN FERGUSON: Really?  
 4 MR. TUVEL: How they came up with that?  
 5 I don't know. But we need a de minimus -- we need a  
 6 de minimus exception because even though in reality  
 7 there's going to be no half a car there --  
 8 CHAIRMAN FERGUSON: Right.  
 9 MR. TUVEL: -- it's going to be four  
 10 cars, the RSIS only counts it as 3-and-a-half.  
 11 CHAIRMAN FERGUSON: Okay.  
 12 MR. TUVEL: Thank you.  
 13 MR. ROCCIOLA: That's it.  
 14 MS. BRAUER: I just have --  
 15 MR. TUVEL: Thank you.  
 16 CHAIRMAN FERGUSON: Thank you.  
 17 MS. BRAUER: I just have one comment.  
 18 CHAIRMAN FERGUSON: Sure.  
 19 MS. BRAUER: I would as a perk really  
 20 appreciate it if you heard an application where  
 21 someone came in and said, "I have a site plan and it  
 22 is extremely detrimental to the town and will not add  
 23 anything, but we really want it."  
 24 MS. SCHOR: It's true.  
 25 MS. BRAUER: Because I think that would

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1 really make you sit up and just --  
 2 CHAIRMAN FERGUSON: Yeah.  
 3 MR. TUVEL: I think I have one on them  
 4 next week.  
 5 VICE CHAIRMAN ALBANESE: Oh, no, next  
 6 month.  
 7 MR. TUVEL: Next month.  
 8 VICE CHAIRMAN ALBANESE: Don't come  
 9 next week.  
 10 MR. CARNOVALE: You're going to be here  
 11 alone, you and her.  
 12 CHAIRMAN FERGUSON: Okay. We're done?  
 13 MR. CARNOVALE: Yes, Chairman.  
 14 CHAIRMAN FERGUSON: So I'll make a  
 15 motion that we accept this.  
 16 MR. CARNOVALE: I second the motion.  
 17 CHAIRMAN FERGUSON: Wait, well, let me  
 18 add some --  
 19 MR. CARNOVALE: No, no, you wouldn't  
 20 let me talk.  
 21 CHAIRMAN FERGUSON: You're too quick.  
 22 With the recommendations of our  
 23 engineer, the borough engineer, \$2,000.00 to the tree  
 24 preservation fund --  
 25 VICE CHAIRMAN ALBANESE: For the trees.

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1 CHAIRMAN FERGUSON: -- because we've got  
 2 to plant trees, people.  
 3 And we're going to get rid of the  
 4 shower in the basement, correct?  
 5 Okay, that's my motion. Second?  
 6 MR. CARNOVALE: I second, sir.  
 7 CHAIRMAN FERGUSON: Okay, good. Roll  
 8 call vote.  
 9 MS. LAMBRINIDES: Mr. Ferguson?  
 10 CHAIRMAN FERGUSON: Yes.  
 11 MS. LAMBRINIDES: Mr. Albanese?  
 12 VICE CHAIRMAN ALBANESE: Yes.  
 13 MS. LAMBRINIDES: Mr. Terranova?  
 14 MR. TERRANOVA: Yes.  
 15 MS. LAMBRINIDES: Mr. Kim?  
 16 MR. KIM: Yes.  
 17 MS. LAMBRINIDES: Mr. Nam?  
 18 MR. NAM: Yes.  
 19 MS. LAMBRINIDES: Ms. Yoon?  
 20 MS. YOON: Yes.  
 21 MS. LAMBRINIDES: Mr. Carnovale?  
 22 MR. CARNOVALE: Yes.  
 23 MS. LAMBRINIDES: Ms. Tarabocchia?  
 24 MS. TESTA: No, that's it.  
 25 MS. LAMBRINIDES: That's it?

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1 MS. TESTA: Yeah, we have the seven.  
 2 VICE CHAIRMAN ALBANESE: I'll make the  
 3 motion to adjourn.  
 4 CHAIRMAN FERGUSON: Thank you.  
 5 MR. CARNOVALE: I second it.  
 6 CHAIRMAN FERGUSON: All in favor?  
 7 (Whereupon, all Board Members respond  
 8 in the affirmative.)  
 9 (Whereupon, the meeting is adjourned.)  
 10 Time noted: 10:56 p.m.)

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C E R T I F I C A T E

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

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LAURA A. CARUCCI, C.C.R., R.P.R.  
License # XI02050, and Notary Public  
of New Jersey #15855, Notary  
Expiration Date March 1, 2019

Dated: \_\_\_\_\_

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