

BOROUGH OF PALISADES PARK
 BOARD OF ADJUSTMENT
 MONDAY, MARCH 15, 2021
 7:00 P.M.

3	-----)	TRANSCRIPT OF
4	Case No. 20-02)	PROCEEDINGS
4	Garden Meadow Developers)	
5	265 Fourth Street)	
5	Block 318; Lot 12)	
6	Case No. 20-08)	
6	BBFIJ, LLC)	
7	203 Grand Avenue)	
7	Block 111; Lot 23)	
8	Case No. 20-07)	
8	Broad & Fairview LLC)	
9	28 Prospect Street)	
9	Block 503; Lot 4)	
10	Case No. 20-09)	
10	Jack Sung An)	
11	50 Broad Avenue)	
11	Block 614; Lot 23)	
12	Case No. 20-10)	
12	V & R Developers)	
13	311 E. Edsall Blvd.)	
13	Block 412; Lot 15)	
14	Case No. 20-11)	
14	Dong Nam NY LLC)	
15	550 Bergen Blvd.)	
15	Block 416; Lot 3)	
16	Case No. 20-12)	
16	GPC Homes, LLC)	
17	36 Brinkerhoff Terrace)	
17	Block 214; Lot 3)	
18	Case No. 21-03)	
18	S-Platform Investments)	
19	72 West Ruby Avenue)	
19	Block 617; Lot 3)	

B E F O R E:
 JOSEPH FERGUSON, CHAIRMAN
 PAUL ALBANESE, VICE CHAIRMAN
 VINCENT CARNOVALE, MEMBER
 ELEFTERIOS ELEFTERIOU, MEMBER
 DAVID TERRANOVA, MEMBER
 SEONGHYE YOON, MEMBER (REMOTE)
 JOHN GRALA, MEMBER
 STEVEN BROGNA, ALTERNATE MEMBER #1
 CHARLIE CHUNG, ALTERNATE MEMBER #2
 MICHAEL LEE, ALTERNATE MEMBER #3
 GYUHO CHO, ALTERNATE MEMBER #4 (REMOTE)

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 201-641-1812

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4	265 FOURTH STREET		
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5	CASE NO. 20-08		
6	BBFIJ, LLC		
7	203 GRAND AVENUE		
7	BLOCK 111; LOT 23		12
8	CASE NO. 20-07		
9	BROAD & FAIRVIEW LLC		
9	28 PROSPECT STREET		
10	BLOCK 503; LOT 4		14
10	CASE NO. 20-09		
11	JACK SUNG AN		
12	50 BROAD AVENUE		
12	BLOCK 614; LOT 23		15
13	CASE NO. 20-10		
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14	311 E. EDSALL BLVD.		
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 MICHAEL KAUKER, P.P., Board Planner
 STEVE COLLAZUOL, P.E., Board Engineer
 HAL SIMOFF, P.E., Board Traffic Engineer

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I N D E X (Continued)
E X H I B I T S

NO.	DESCRIPTION	IDENT.
3	CASE NO. 20-10 V & R Developers 311 E. Edsall Blvd. Block 412; Lot 15	
5	A-1 Key Map 12/04/20	23
6	A-2 Boundary and Topographic Survey, 12/04/20	24
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17	A-11 Top Floor Plan, 11/22/20	86
18	CASE NO. 20-11 DONG NAM NY LLC 550 BERGEN BLVD. BLOCK 416; LOT 3	
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23	A-3 Elevations Sheet, 9/23/20	135
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1 CHAIRMAN FERGUSON: I'd like to call
2 this meeting to order.
3 John, do you want to lead us in the
4 flag salute?
5 (Whereupon, all rise for a recitation
6 of the Pledge of Allegiance led by Mr. Grala.)
7 CHAIRMAN FERGUSON: Okay. Roll call.
8 MS. LAMBRINIDES: I'm sorry.
9 Mr. Ferguson?
10 CHAIRMAN FERGUSON: Yes, here.
11 MS. LAMBRINIDES: Mr. Albanese?
12 VICE CHAIRMAN ALBANESE: Here.
13 MS. LAMBRINIDES: Mr. Elefteriou?
14 MR. ELEFTERIOU: Yes.
15 MS. LAMBRINIDES: Ms. Yoon?
16 (No response.)
17 MS. LAMBRINIDES: I think I saw her
18 logged on.
19 Mr. Carnovale?
20 MR. CARNOVALE: Here.
21 MS. LAMBRINIDES: Mr. Terranova?
22 MR. TERRANOVA: Here.
23 MS. LAMBRINIDES: Mr. Grala?
24 MR. GRALA: Here.
25 MS. LAMBRINIDES: Mr. Brogna?

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1 MR. BROGNA: Here.
2 MS. LAMBRINIDES: Mr. Chung?
3 (No response.)
4 MS. LAMBRINIDES: Mr. Lee?
5 (No response.)
6 MS. LAMBRINIDES: And, Mr. Cho?
7 (No response.)
8 MS. LAMBRINIDES: Okay.
9 CHAIRMAN FERGUSON: So we've got one,
10 two, three, four, five, six, seven, eight.
11 Somebody is not voting tonight,
12 correct?
13 MS. TESTA: Correct. The alternate.
14 CHAIRMAN FERGUSON: Who -- well, he's
15 number one, right?
16 MS. TESTA: Yes.
17 MS. LAMBRINIDES: I just reached out to
18 the court reporting service. She's going to reach
19 out to Ronda and see where she is.
20 MS. TESTA: Okay, thank you. We are
21 recording. It is being recorded, so we can proceed.
22 CHAIRMAN FERGUSON: Okay. So first we
23 have some bills to pay.
24 We have The Record, \$192.63.
25 For Kauker & Kauker, our planners, it's
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1 \$2,360.00.
2 And for the borough or the board
3 attorney, it's \$2,100.00.
4 Can I get a motion to approve the
5 bills?
6 VICE CHAIRMAN ALBANESE: Motion.
7 MR. CARNOVALE: I second.
8 CHAIRMAN FERGUSON: There's a motion
9 and a second.
10 Roll call?
11 MS. LAMBRINIDES: Can you tell me who
12 motioned it, please?
13 VICE CHAIRMAN ALBANESE: Paulie.
14 MS. LAMBRINIDES: Okay.
15 Mr. Ferguson?
16 CHAIRMAN FERGUSON: Yes.
17 MS. LAMBRINIDES: Mr. Albanese?
18 VICE CHAIRMAN ALBANESE: Yes.
19 MS. LAMBRINIDES: Mr. Elefteriou?
20 MR. ELEFTERIOU: Yes.
21 MS. LAMBRINIDES: Mr. Carnovale?
22 MR. CARNOVALE: Yes.
23 MS. LAMBRINIDES: Mr. Terranova?
24 MR. TERRANOVA: Yes.
25 MS. LAMBRINIDES: Mr. Grala?

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1 MR. GRALA: Yes.
 2 MS. LAMBRINIDES: Mr. Brogna?
 3 MR. BROGNA: Yes.
 4 MS. LAMBRINIDES: Mr. Chung?
 5 MR. CHUNG: Yes.
 6 CHAIRMAN FERGUSON: Okay. Next we all
 7 got a copy of the minutes of the previous meeting.
 8 We all had an opportunity to review them.
 9 Can I get a motion to approve the
 10 minutes.
 11 VICE CHAIRMAN ALBANESE: Motion.
 12 MR. CARNOVALE: I second.
 13 CHAIRMAN FERGUSON: All right. Motion
 14 made by Paulie Albanese. Seconded by Vinnie.
 15 MS. LAMBRINIDES: Thank you.
 16 CHAIRMAN FERGUSON: Roll call.
 17 MS. LAMBRINIDES: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. LAMBRINIDES: Mr. Albanese?
 20 VICE CHAIRMAN ALBANESE: Yes.
 21 MS. LAMBRINIDES: Mr. Elefteriou?
 22 MR. ELEFTERIOU: Yes.
 23 MS. LAMBRINIDES: Mr. Carnovale?
 24 MR. CARNOVALE: Yes.
 25 MS. LAMBRINIDES: Mr. Terranova?

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1 CHAIRMAN FERGUSON: All right.
 2 VICE CHAIRMAN ALBANESE: I make a
 3 motion.
 4 CHAIRMAN FERGUSON: Second?
 5 I'll Second.
 6 Roll call?
 7 MS. LAMBRINIDES: I'm sorry.
 8 I was on the phone with the court
 9 reporter. She said she completely forgot about it.
 10 She's going to log on.
 11 Is that acceptable to the board?
 12 MS. TESTA: Yes.
 13 MS. LAMBRINIDES: Okay. I'm sorry.
 14 What was this motion for?
 15 MS. TESTA: This is a resolution Garden
 16 Meadow Developers LLC memorialize it.
 17 MS. LAMBRINIDES: The withdrawal?
 18 MS. TESTA: Yes.
 19 MS. LAMBRINIDES: Okay.
 20 CHAIRMAN FERGUSON: Okay. I made a
 21 motion second by Paulie.
 22 Roll call?
 23 MS. LAMBRINIDES: Okay. Mr. Ferguson?
 24 CHAIRMAN FERGUSON: Yes.
 25 MS. LAMBRINIDES: Mr. Albanese?

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1 MR. TERRANOVA: Yes.
 2 MS. LAMBRINIDES: Mr. Grala?
 3 MR. GRALA: Yes.
 4 MS. LAMBRINIDES: Mr. Brogna?
 5 MR. BROGNA: Yes.
 6 MS. LAMBRINIDES: Mr. Chung?
 7 MR. CHUNG: Yes.
 8 I think Scarlet is there, but she
 9 didn't answer because -- can you unmute Scarlet Yoon?
 10 She's a board member.
 11 And I think -- is that Mr. Cho, Gy oho
 12 Cho?
 13 CHAIRMAN FERGUSON: Okay.
 14 MS. LAMBRINIDES: Hold on, the reporter
 15 is calling me.
 16 (Whereupon, off-the-record discussion
 17 is held.)
 18 CHAIRMAN FERGUSON: Okay. We have a
 19 couple of memorializations.
 20 MS. TESTA: Right.
 21 CHAIRMAN FERGUSON: So first
 22 memorialization is for Garden Meadow Developers, LLC.
 23 MS. TESTA: This is a resolution,
 24 Garden Meadow Developers, LLC, 265 Fourth Street.
 25 This was for the withdrawal.

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1 VICE CHAIRMAN ALBANESE: Yes.
 2 MS. LAMBRINIDES: Mr. Elefteriou?
 3 MR. ELEFTERIOU: Yes.
 4 MS. LAMBRINIDES: Ms. Yoon?
 5 (No response.)
 6 MS. LAMBRINIDES: Somebody's got to
 7 unmute her.
 8 Mr. Carnovale?
 9 MR. CARNOVALE: Yes.
 10 MS. LAMBRINIDES: Mr. Terranova?
 11 MR. TERRANOVA: Yes.
 12 MS. LAMBRINIDES: Mr. Grala?
 13 MR. GRALA: Yes.
 14 MS. LAMBRINIDES: Mr. Brogna?
 15 MS. TESTA: That would be it.
 16 MS. LAMBRINIDES: I'm sorry?
 17 MS. TESTA: That's it, it just the
 18 members, right, at that meeting.
 19 MS. LAMBRINIDES: Okay.
 20 MS. TESTA: Okay.
 21 Next resolution?
 22 CHAIRMAN FERGUSON: Okay. The next one
 23 is Case Number 20-08, which is 203 Grand Avenue,
 24 memorialization.
 25 This was the denial last week --

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1 MS. TESTA: Correct.
 2 CHAIRMAN FERGUSON: --- last month.
 3 MR. ALAMPI: I make a motion for
 4 denial.
 5 MS. TESTA: Right.
 6 This was for the three-family, and the
 7 board voted to deny the application.
 8 CHAIRMAN FERGUSON: Okay.
 9 So you got a motion -- you made a
 10 motion?
 11 MS. TESTA: By Albanese.
 12 CHAIRMAN FERGUSON: Second?
 13 MR. CARNOVALE: I'll second.
 14 CHAIRMAN FERGUSON: Okay.
 15 MS. TESTA: Carnevale.
 16 CHAIRMAN FERGUSON: Roll call?
 17 MS. LAMBRINIDES: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. LAMBRINIDES: Mr. Albanese?
 20 VICE CHAIRMAN ALBANESE: Yes.
 21 MS. LAMBRINIDES: Mr. Elefteriou?
 22 MR. ELEFTERIOU: Yes.
 23 MS. LAMBRINIDES: Ms. Yoon?
 24 MS. YOON: Yes.
 25 MS. LAMBRINIDES: Mr. Carnovale?

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1 CHAIRMAN FERGUSON: Roll call?
 2 MS. LAMBRINIDES: Mr. Ferguson?
 3 CHAIRMAN FERGUSON: Yes.
 4 MS. LAMBRINIDES: Mr. Albanese?
 5 VICE CHAIRMAN ALBANESE: Yes.
 6 MS. LAMBRINIDES: Mr. Elefteriou?
 7 MR. ELEFTERIOU: Yes.
 8 MS. LAMBRINIDES: Ms. Yoon?
 9 (No response.)
 10 MS. LAMBRINIDES: Ms. Yoon?
 11 We can't hear her now.
 12 Mr. Carnovale?
 13 MR. CARNOVALE: Yes.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Yes.
 16 MS. YOON: Yes.
 17 MS. LAMBRINIDES: Okay, good.
 18 Mr. Grala?
 19 MR. GRALA: Yes.
 20 CHAIRMAN FERGUSON: Okay.
 21 MS. TESTA: Very good.
 22 CHAIRMAN FERGUSON: So the first case
 23 is 50 Broad Avenue.
 24 It's a continuation. Counselor, do you
 25 want to...

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1 MR. CARNOVALE: Yes.
 2 MS. LAMBRINIDES: Mr. Terranova?
 3 MR. TERRANOVA: Yes.
 4 MS. LAMBRINIDES: Mr. Grala?
 5 MR. GRALA: Yes.
 6 MS. LAMBRINIDES: Is that it, Diane?
 7 MS. TESTA: That would be it, yes.
 8 CHAIRMAN FERGUSON: Okay.
 9 And then last, but certainly not least,
 10 20-07 Broad and Fairview, LLC, 28 Prospect Street.
 11 MS. TESTA: Right.
 12 And this was on the vote -- the board
 13 voted to approve this application. It's for the
 14 two-family. It's an undersized lot.
 15 And there's a height variance pursuant
 16 to the (d) variance 70- --
 17 VICE CHAIRMAN ALBANESE: Motion.
 18 MR. CARNOVALE: Second.
 19 CHAIRMAN FERGUSON: There's a motion by
 20 Paulie.
 21 MS. TESTA: Okay.
 22 CHAIRMAN FERGUSON: Second?
 23 MR. CARNOVALE: Me.
 24 CHAIRMAN FERGUSON: Vinnie.
 25 MS. TESTA: Carnovale.

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1 MR. MACRI: This is going to be carried
 2 to serve proper notice.
 3 MS. LAMBRINIDES: The attorney needs to
 4 speak up a little bit.
 5 MR. MACRI: This is going to be carried
 6 to the April meeting.
 7 MS. TESTA: That would be April 19th.
 8 MR. MACRI: April 19th?
 9 Thank you.
 10 CHAIRMAN FERGUSON: Okay.
 11 MS. TESTA: And you waive all time
 12 constraints.
 13 MR. MACRI: Yes, I do.
 14 MS. TESTA: We just need a motion to
 15 approve the --
 16 CHAIRMAN FERGUSON: I make a motion.
 17 VICE CHAIRMAN ALBANESE: I make a
 18 motion we approve.
 19 MR. CARNOVALE: I second.
 20 CHAIRMAN FERGUSON: Okay.
 21 Roll call?
 22 MS. LAMBRINIDES: Can you just give me
 23 one minute, because I'm trying to communicate with
 24 the court reporter as well.
 25 This is going to April, right?

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1 MS. TESTA: Yes.
 2 MS. LAMBRINIDES: April 19th.
 3 Marc Macri was the attorney, right?
 4 MS. TESTA: Yes.
 5 MS. LAMBRINIDES: Thank you.
 6 And who made the motion?
 7 VICE CHAIRMAN ALBANESE: I did, Paulie.
 8 MS. LAMBRINIDES: And who seconded?
 9 MR. ALAMPI: Vinnie.
 10 MS. LAMBRINIDES: Thank you.
 11 Okay, roll call.
 12 Mr. Ferguson?
 13 CHAIRMAN FERGUSON: Yes.
 14 MS. LAMBRINIDES: Mr. Albanese?
 15 VICE CHAIRMAN ALBANESE: Yes.
 16 MS. LAMBRINIDES: Mr. Elefteriou?
 17 MR. ELEFTERIOU: Yes.
 18 MS. LAMBRINIDES: Ms. Yoon?
 19 (No response.)
 20 MS. LAMBRINIDES: Mr. Carnovale?
 21 MR. CARNOVALE: Yes.
 22 MS. LAMBRINIDES: Mr. Terranova?
 23 MR. TERRANOVA: Yes.
 24 MS. LAMBRINIDES: Mr. Grala?
 25 MR. GRALA: Yes.

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1 MS. TESTA: -- to proceed.
 2 MR. SOKOLICH: Thank you, Diane.
 3 With the appropriate Zoom information.
 4 And thank you to Counsel for working us through that,
 5 because it gets complex, and it gets complicated.
 6 And we're appreciative of the time and the assistance
 7 along the way.
 8 With that, with jurisdiction now being
 9 vested with this board, Chairman and Members of the
 10 Board, as I point out, my name is Mark Sokolich. I
 11 am the attorney for the applicant V&R.
 12 This is an application for 311 East
 13 Edsall Boulevard to construct a total of eleven
 14 townhome units consisting of the two separate
 15 buildings.
 16 Building 1 consisting of five, and
 17 Building 2 proposed to consist of six attached
 18 townhomes units.
 19 My client is a contract purchaser.
 20 Owner consent is part of the application.
 21 And I just want to point out for the
 22 record that the record owner is present and available
 23 were the board to have any questions or concerns.
 24 It's the applicant's proposal to
 25 present three witnesses this evening. Number one is

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1 MS. LAMBRINIDES: Do I keep going,
 2 Diane?
 3 MS. TESTA: No. That's good. Thank
 4 you.
 5 MS. LAMBRINIDES: Okay.
 6 CHAIRMAN FERGUSON: Okay.
 7 I guess that takes care of all the
 8 business.
 9 So we now we're going to move onto V&R
 10 Developers, 311 East Edsall Boulevard.
 11 MR. SOKOLICH: Thank you, Mr. Chairman.
 12 For the record, Mark Sokolich on behalf
 13 of the first application before you this evening.
 14 As the Chair points out, my client is
 15 V&R Developers, Inc. The property that serves as the
 16 subject matter of this application is 311 East Edsall
 17 Boulevard, designated as Lot 15 in Block 412.
 18 Just by way of housekeeping, Counsel, I
 19 believe we presented an Affidavit of Service. I'm
 20 hoping that's in a form acceptable to you.
 21 MS. TESTA: Yes, it is.
 22 MR. SOKOLICH: Thank you.
 23 MS. TESTA: And the newspaper, all
 24 within the time period prescribed by statute --
 25 MR. SOKOLICH: Thank you.

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1 Mark Martins to provide site plan and engineering
 2 testimony.
 3 On deck is Raymond Virgona to provide
 4 architectural testimony, which would include
 5 elevations and floor plans.
 6 And then, finally, David Spatz, a
 7 licensed planner, who will provide planning testimony
 8 and present and get with more specifics --
 9 specificity the variances that are being sought and
 10 the standards that are required to be met.
 11 So unless the Chair had any questions
 12 of I or any Board Member, or any engaged professional
 13 of the board, we would ask Mr. Martins to be sworn
 14 in, if that's acceptable.
 15 CHAIRMAN FERGUSON: I only have one
 16 quick question.
 17 MR. SOKOLICH: Sure.
 18 CHAIRMAN FERGUSON: Who owns this
 19 property?
 20 MR. SOKOLICH: Ms. Tront, and she is
 21 present.
 22 CHAIRMAN FERGUSON: She knows about
 23 this application?
 24 MR. SOKOLICH: Yes, she does.
 25 CHAIRMAN FERGUSON: And the developer

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1 is the contract purchaser.
 2 MS. TESTA: Yes, contract purchaser.
 3 MR. SOKOLICH: Correct.
 4 CHAIRMAN FERGUSON: So he's going to
 5 buy the property if the approvals are given, correct?
 6 MR. SOKOLICH: Correct.
 7 CHAIRMAN FERGUSON: Okay. Bing your
 8 first witness on.
 9 MR. SOKOLICH: Thank you.
 10 MS. TESTA: Raise your right hand.
 11 Do you swear that the testimony you're
 12 about to give will be the truth, the whole truth, and
 13 nothing but the truth, so help you God?
 14 MR. MARTINS: I do.
 15 M A R K M A R T I N S, P.E., L.S.
 16 55 Walnut Street, Norwood, New Jersey, having
 17 been duly sworn, testifies as follows:
 18 MS. TESTA: State your name for the
 19 record please.
 20 MR. MARTINS: Mark Martins,
 21 M-A-R-T-I-N-S, 55 Walnut Street, Norwood, New Jersey.
 22 I'm a licensed professional engineer
 23 and a licensed land surveyor in the State of New
 24 Jersey.
 25 MR. SOKOLICH: Thank you.

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1 MS. TESTA: Yes, please.
 2 (Whereupon, Engineering Plan, Key Map,
 3 Prepared by Mark Martins, P.E., Dated
 4 December 4, 2020 is marked as Exhibit A-1 for
 5 identification.)
 6 BY MR. SOKOLICH:
 7 Q. I'm going to mark your first plan as
 8 A-1, and then we'll mark it as you go along.
 9 A. Sure.
 10 Q. A-1 is entitled your cover sheet, which
 11 has a one and only date of December 4 of 2020.
 12 If you would just describe the property
 13 referring to A-1 as the cover sheet, and then we'll
 14 move along to your plan.
 15 A. Certainly, my -- so the cover sheet was
 16 really the key map for the property in terms of
 17 radius around it, the hatched area is the location of
 18 property, as you mentioned is 311 East Edsall
 19 Boulevard. It's located on the northerly side of
 20 East Edsall between Bergen Boulevard and 8th Street,
 21 and designated as Lot 15 in Block 412 on the
 22 Borough's Tax Map.
 23 The next sheet is the Existing
 24 Conditions Survey, Sheet 2.
 25 MR. SOKOLICH: Counsel, A-2, with your

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1 CHAIRMAN FERGUSON: We accept him.
 2 He's been here before.
 3 MR. SOKOLICH: Great.
 4 So he's accepted as an expert --
 5 CHAIRMAN FERGUSON: Yes.
 6 MR. SOKOLICH: -- expert in the field of
 7 engineering.
 8 CHAIRMAN FERGUSON: Absolutely.
 9 MR. SOKOLICH: Thank you.

10 DIRECT EXAMINATION

11 BY MR. SOKOLICH:

12 Q. Mark, before we approach these plans,
 13 if you could, just for the benefit of the record, the
 14 board and the public, the scope of your engagement in
 15 connection with this application?

16 A. Yes.

17 I was engaged by the applicant to
 18 prepare a land survey of the property, and also a
 19 site plan for an 11-unit townhouse development.

20 Q. Okay. So I'm going to ask you, if you
 21 would, to come on over to your plans that are on the
 22 tripod.

23 MR. SOKOLICH: And, Counsel, I'll start
 24 with A-1.

25 Is that acceptable?

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1 permission?
 2 MS. TESTA: Yes.
 3 (Whereupon, Engineering Plan, Boundary
 4 and Topographic Survey, Prepared by Mark
 5 Martins, P.E., Dated December 4, 2020 is
 6 marked as Exhibit A-2 for identification.)
 7 BY MR. SOKOLICH:
 8 Q. Mark, just bear with me?
 9 A. Sure.
 10 Q. Let me identify it.
 11 So we're marking as A-2 your plan
 12 entitled, "Boundary and Topographic Survey," which
 13 has an initial date of December 4, 2020, no last
 14 revised date.
 15 A. Correct.
 16 Q. If you would describe the existing
 17 conditions on the site, which would include existing
 18 improvements, whether there are any extraordinary
 19 conditions, things of that nature?
 20 A. Sure. Absolutely, Mark.
 21 I'll just start off with the size of
 22 the property.
 23 Q. Please.
 24 A. So it is a large parcel. It has a
 25 frontage of 125 feet along East Edsall Boulevard.

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1 And it has a depth of 192 feet.
 2 It also has a -- kind of a strange
 3 little additional area of 10-by-40 feet on the
 4 westerly side. The total lot area of the property is
 5 24,400 square feet.

6 On the property currently there is an
 7 existing single-family home, which is this outline of
 8 the building (indicating) that I'm going over right
 9 here.

10 As you can see, it's a pretty sizable
 11 structure. It's a single-family home. It has an
 12 attached garage with a driveway leading out to East
 13 Edsall Boulevard.

14 There's also a number of pertinent
 15 structures on the property, sidewalks leading to the
 16 front of the building, and also a number of patios in
 17 the rear as well.

18 In terms of other improvements, there's
 19 a retaining wall along the right side, and also a
 20 retaining wall on the left side as well.

21 We do have some topographic constraints
 22 to the property, Mark. We have a slope on East
 23 Edsall Boulevard from the right side or the east side
 24 sloping down about 10 feet towards the west side.

25 It's also about 8 feet higher in the
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1 Counsel's permission.

2 Counsel, I'm marking as A-3 a document
 3 entitled, "Site Plan," with a one and only date of
 4 December 4, 2020.

5 (Whereupon, Site Plan Dated December 4,
 6 2020, is marked as Exhibit A-3 for
 7 identification.)

8 BY MR. SOKOLICH:

9 Q. So, Mark, we've gone through a general
 10 description of the property on your cover sheet.
 11 We've gone through existing conditions on your
 12 topographic survey that was just marked as A-2.
 13 A-3 now is the first time that we're
 14 actually looking at what's being proposed on 311 East
 15 Edsall; is that a fair statement?

16 A. Yes, it is.

17 Q. And I don't want to interrupt you
 18 during the course of your testimony, so I'm going to
 19 ask you, start wherever you deem most appropriate and
 20 I trust that that will include the layout for the
 21 buildings, ingress, egress, parking, so forth and so
 22 on. And I'll interrupt you along the way.

23 A. Certainly.

24 Thank you.

25 Yeah, I'll start out with that just
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1 back of the property as well.

2 Q. And you would characterize that as
 3 relatively significant, even though it's a large
 4 piece of property?

5 A. Yes, it is.

6 Q. And that's to be taken into
 7 consideration when buildings are designed: Drainage,
 8 utilities, things of that nature?

9 A. Correct.

10 Q. And I trust that the engineering
 11 approach that you'll get into along the way is
 12 different is different than if the property were, for
 13 example, perfectly flat?

14 A. Correct.

15 Q. Any environmental constraints? Any
 16 wetlands we need to disclose to the board, or any
 17 other adverse constraints, contamination, things of
 18 that the nature on the site, if you know?

19 A. Yes, there's none that I'm aware of.

20 Q. Okay.

21 But wetlands for sure, we're not aware
 22 of?

23 A. No wetlands, definitely not.

24 MR. SOKOLICH: I'm going to now turn
 25 you to what we're going to mark as A-3, with

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1 initial layout for the board and all of you what
 2 we're proposing.

3 So as you mentioned before, Mark, is a
 4 total of eleven townhouse units separated into two
 5 buildings.

6 So on the left side of the drawing here
 7 in this hashed area (indicating) is what we're
 8 designating Building Number 1, and it contains five
 9 units.

10 And on the right side, we're
 11 designating this as a Building Number 2. That
 12 contains six units for a total of eleven.

13 It's separated by an access driveway
 14 being 24 feet in width going basically right down the
 15 center of the property towards the rear. Where we
 16 also have a visitor parking area in that location,
 17 including a handicapped parking spot and a trash area
 18 as well.

19 In terms of other improvements on the
 20 property, and, again, we'll be looking at the
 21 architect's drawings next up, but just to go over in
 22 general terms, the two end units that are facing East
 23 Edsall Boulevard, those entrances will be fronting
 24 East Edsall.

25 So when you look at these structures

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1 from the front they'll look like a building, the
 2 front of a building, and not a side of building.
 3 The other units will have their
 4 entrances facing the driveways.
 5 Each unit will have a two-car garage.
 6 Other improvements are patios and decks
 7 along the rears of each unit.
 8 Again, in terms of access, we have a
 9 24-foot driveway. We have 35 feet between the two
 10 buildings so we don't have the buildings right up to
 11 the driveway aisle, so there's a sufficient
 12 pedestrian access.
 13 The cars that are parked in the garage,
 14 the total parking spaces will meet and exceed RSIS
 15 requirements so there's no parking variances with
 16 this particular piece of property.
 17 Q. There is separate and segregated
 18 visitor parking, correct?
 19 A. Yes, there is.
 20 Q. And I believe, because the visitor
 21 parking isn't connected to the units themselves, the
 22 ratio -- and correct me if I'm wrong -- is half a
 23 space per unit?
 24 A. Yes. That is --
 25 Q. Under the Residential Site Improvement

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1 particular units?
 2 A. Right.
 3 So the walkways that we have designated
 4 right now will be accessing the ingress-egress
 5 driveway, as will all the other units for those
 6 pedestrian access points.
 7 Q. Now, as I asked you in the beginning,
 8 there's a topographical limitation on the property --
 9 or not limitation, but condition on the property that
 10 you've had to take into consideration when designing
 11 the site plan, designing the layouts, correct?
 12 A. Yes.
 13 Q. And I presume you worked with
 14 Mr. Virgona in that regard?
 15 A. We did.
 16 Q. But on your site plan, if you could
 17 just describe, again, what the topographic conditions
 18 are on the site and how that might impact --
 19 A. Sure.
 20 Q. -- the way you design this?
 21 A. So as we mentioned before, we do have
 22 -- and if you want, Mark, I can just briefly go to
 23 that Sheet No. 3 which is the grading --
 24 Q. Please, if that's where it better
 25 explains it.

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1 Standards, so rounding up half of a eleven would be
 2 five-and-a-half or six, and we have those six
 3 segregated spaces to the rear of the property?
 4 A. Correct.
 5 Q. Okay.
 6 A. And what's kind of unique about this
 7 particular project, in most cases, in the ones that I
 8 have been in Palisades Park, we don't have the
 9 ability to have a separate parking area, but in this
 10 case we do. And we can meet that onsite visitor
 11 parking.
 12 Q. And, Mark, you indicated that the
 13 primary or sole vehicular ingress and egress to the
 14 site is off of East Edsall through the two-way
 15 driveway, correct?
 16 A. That's correct.
 17 Q. And that's a 24-foot-minimum width,
 18 likewise, per RSIS?
 19 A. Correct.
 20 Q. As far as pedestrian access, pedestrian
 21 access to the two units that are the beginning at
 22 each of the buildings, both of them face East Edsall,
 23 correct?
 24 A. And they are, yes, that's true.
 25 Q. And there will be a walkway to those

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1 A. Yeah, just because that is related to
 2 the building height and those are some of the
 3 variances that we are seeking.
 4 Q. But the -- the layout of the buildings
 5 that we showed on A-3, your site plan, in fact, are
 6 also on A-4?
 7 A. Yes.
 8 MR. SOKOLICH: So I'm going to,
 9 Counsel, with your permission, A-4.
 10 MS. TESTA: Yes.
 11 MR. SOKOLICH: And this is entitled,
 12 "Grading & Utilities Plan," one and only date of
 13 December 4, 2020. No last revised date.
 14 (Whereupon, Grading & Utilities Plan
 15 Dated December 4, 2020, is marked as Exhibit
 16 A-4 for identification.)
 17 BY MR. SOKOLICH:
 18 Q. So --
 19 A. All right.
 20 Q. Go ahead, Mark.
 21 A. Yeah, this is the same layout with
 22 additional details for drainage, grading, utilities,
 23 et cetera.
 24 So as you mentioned, Mark, we do have
 25 some topographic constraints. We have a side slope

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1 across East Edsall. And we also have a rise in the
 2 property from the front towards the rear.
 3 So to accommodate that by putting the
 4 driveway in the center, we can, kind of, flatten out,
 5 so to speak, the -- the lot.
 6 So we have a driveway that's going to
 7 be about a 5-percent slope going from the street up
 8 to the rear. And the back about the same.
 9 So what we've done to accommodate that
 10 slope is to step each individual unit so they're not
 11 in one level plane, but each unit would be stepped up
 12 16 inches from the other.
 13 So the back units then, obviously, that
 14 are higher than the front.
 15 So in terms of talking about the
 16 building height, Mark?
 17 Q. Right.
 18 Well, that's why I brought that up,
 19 because we do need to identify the variances.
 20 So, unfortunately, I'm going to bring
 21 everybody back to a A-3 in a second.
 22 A. Yeah, yeah.
 23 Q. But I just wanted to at least have that
 24 testimony for the benefit of the board and the public
 25 so that they understood the distinction between

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1 to be much bigger and larger than the minimum lot
 2 size of the AA Zone, correct?
 3 A. Correct.
 4 Q. Would you, for the benefit of the
 5 record, identify the variances that are being sought
 6 and also advise the compliance as well?
 7 A. Certainly, Mark.
 8 So, again, as Mark mentioned, the
 9 zoning schedule in the upper right-hand corner of the
 10 plan here --
 11 Q. And I'm going to interrupt --
 12 A. -- we're in the AA Zone.
 13 Q. -- you again --
 14 A. Okay.
 15 Q. -- I'm so sorry.
 16 We identify it through you as the
 17 engineer because we want the variances out there
 18 right in the beginning.
 19 A. Right.
 20 Q. And we just always ask everyone to take
 21 into consideration that there is an architect and a
 22 planner that will be focusing on those variances as
 23 well after you.
 24 But, go ahead, Mark.
 25 A. So one- and two-family zone, so

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1 height from the front where folks would see it off of
 2 East Edsall versus height from the rear.
 3 A. Right.
 4 Q. And I think that that's impacted,
 5 correct me if I'm wrong, by the topographic condition
 6 on site.
 7 A. Correct.
 8 Q. Anything else you want to add here?
 9 Otherwise, we're going to come back to it.
 10 A. We can come back to it.
 11 MR. SOKOLICH: I'm going to bring you
 12 back, board, I'm sorry, back to A-3.
 13 And in the upper right-hand -- you can
 14 actually stay on A-4 if you like, but we're going to
 15 talk on A-3.
 16 BY MR. SOKOLICH:
 17 Q. In the upper right-hand corner of what
 18 we've marked as A-3, Mark, is a zoning schedule,
 19 correct?
 20 A. Yes.
 21 Q. And this property is in Palisades
 22 Park's AA Zone, correct?
 23 A. Correct.
 24 Q. And we know that to be the one- and
 25 two-family residential zone. We also know this lot

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1 obviously the first variance we talk about is -- is
 2 the use variance for the multifamily. The lot area
 3 requirements in the zone will be a minimum 5,000
 4 square feet.
 5 our existing lot, as I mentioned
 6 before, is 24,400 square feet. So it's a -- it's a
 7 sizable lot. It's a very unusually-sized lot for
 8 Palisades Park.
 9 The lot width requirement -- the
 10 minimum lot width requirement is 50.
 11 And, again, we have a 125-foot-wide
 12 lot. So we have a very large width to our lot as
 13 well.
 14 Number of buildings, obviously on a
 15 single-family home we would only have on a
 16 single-family lot, we would only have one home on it.
 17 In this case, because of the size, the
 18 width of the lot, the depth of the lot, and the
 19 layout we have two buildings. So that is a variance
 20 condition as well.
 21 Q. But, again, we're comparing this
 22 because we have to by law, I'm not suggesting
 23 otherwise, but we're comparing this to the AA Zone?
 24 A. Yeah. We really have no choice, Mark.
 25 That's the zone that pertains to this particular

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1 piece of property, so we have to compare what we're
 2 proposing to the zone requirements.
 3 Obviously in many of these cases they
 4 don't apply because it's not a single-family home.
 5 Q. Understood.
 6 A. Right.
 7 So -- But I'll just go through them
 8 again --
 9 Q. Please.
 10 A. -- so the front yard setback
 11 requirement would be 25 feet. We are proposing 20
 12 feet to the building.
 13 The side yard, there's a porch actually
 14 as well, which is a little bit closer, which is 15
 15 feet. The side yard requirements are 5 feet in this
 16 particular zone. We're proposing 10 feet to each of
 17 the buildings 1 and 2. So on the westerly side we'll
 18 have 10 feet, and on the easterly side we'll have 10
 19 feet as well.
 20 The rear yard setback requirement is 25
 21 feet. We're proposing 20 feet, which would be the
 22 Building No. 2, towards the northeast corner of the
 23 property.
 24 We also have some decks on these
 25 properties, which will be closer. The decks on

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1 from the front to the back, again, the back unit is
 2 much higher than the front units.
 3 But when we're talking about the
 4 building height, we're taking our measurements at the
 5 grade plane, which is the grade all around the
 6 building. And to be conservative what we did was we
 7 took the height from that grade plane to the highest
 8 unit in the back.
 9 So the 36.8 and the 36.77 feet
 10 represent the height from the average grade plane to
 11 the highest unit.
 12 The lowest unit, I believe, it's units
 13 -- what do you call this?
 14 Q. A and J?
 15 A. A and J, I actually call them something
 16 different, A and J, which are the front ones will
 17 actually be less.
 18 So I actually have that noted here. So
 19 Building Number 1, the height to the first unit will
 20 be 31.46 feet.
 21 On Building Number 2, that height
 22 will be 30.1. So you can see this consideration
 23 amount of difference between the front units and the
 24 rear units.
 25 So that number sounds like a big

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1 Building No. 1 will be 4 feet. The decks on
 2 Building 2 will be 3 feet to the side property line,
 3 which will be the easterly and westerly property
 4 lines.
 5 In terms of lot coverage, the maximum
 6 required coverage is 40 percent. We're actually
 7 under that. We're at 39.78 percent. So there's no
 8 variance for that.
 9 In terms of the building height, as we
 10 started to talk about before, Mark, in this zone,
 11 because we're not a duplex, we're comparing our
 12 heights to two-and-a-half stories, so it's a 25-foot
 13 requirement, which is really a small structure.
 14 Our height will be -- because of the
 15 nature of this type of development, it's a townhouse
 16 development, there's really no basement per se. The
 17 ground level is your garage level, basement level.
 18 And then your living levels and whatnot are above.
 19 So it's a three-story structure. And
 20 the height will be 36.8 feet for Building Number 1,
 21 which is the left side, and 36.77 feet for Building
 22 Number 2.
 23 Now, we started to talk about the
 24 grading a little bit before. And the reason
 25 for that is because our units are stepped as we go

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1 number. But in reality it's much less. It's about 4
 2 feet less, if you took those averages and just
 3 averaged it out.
 4 Q. But the front units -- just to make
 5 sure I understood you, the front units that service
 6 the face of these buildings, the ones that folks will
 7 look at from the street --
 8 A. Uh-huh.
 9 Q. -- whether it's pedestrian, whether
 10 you're walking or driving on East Edsall, will be the
 11 heights of what you refer to as the units which are
 12 proposed to be the beginning of both Building 1 and
 13 2, correct?
 14 A. Correct.
 15 Q. Now, logically speaking, those would
 16 have the lowest heights because they're at the higher
 17 point of the mean average; is that a fair way of
 18 saying it?
 19 A. They are at the -- well, they're lower
 20 than the mean -- mean average.
 21 Q. Correct.
 22 A. Right? So --
 23 Q. Excuse me. I said that the other way
 24 around.
 25 And their heights were already

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1 addressed on your A-3 --
 2 A. Yes.
 3 Q. -- correct?
 4 A. Yes.
 5 Q. And that's considerably lower than the
 6 heights that are in our zoning schedule?
 7 A. Correct.
 8 Q. Okay.
 9 Mark, I'm going to flip you back over
 10 --
 11 A. Sure.
 12 Q. -- and again, there's going to be a lot
 13 more testimony on that with Mr. Virgona and
 14 Mr. Spatz?
 15 A. Yes.
 16 Q. But I just want to --
 17 A. Mark, I just want to --
 18 Q. Please?
 19 A. -- I just want to just touch base, as I
 20 mentioned parking quickly before, but I just want to
 21 just emphasize that.
 22 Q. Yep.
 23 A. That the requirement for these eleven
 24 units, total spaces required is 26, and we have 28
 25 spaces.

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1 trust, to look at the engineering report that was
 2 prepared by Collazuol Engineering & Surveying
 3 Associates, P.C. dated March 3 of 2021.
 4 And I'm not going to beleaguer neither
 5 you, or the board, or the public with this, but is
 6 there anything in this review letter, Mark, that you
 7 don't think you can comply with or reasonably satisfy
 8 in the eyes of Mr. Collazuol?
 9 A. No. We will comply fully.
 10 Q. Okay, thank you. I interrupted you.
 11 Go ahead?
 12 A. That's quite all right.
 13 So we talked about the grading on this
 14 sheet already, Mark, a little bit --
 15 Q. We did.
 16 A. -- about the driveways and whatnot. So
 17 the rest of the information on this sheet pertains to
 18 drainage and utilities.
 19 Q. And is there a stormwater condition
 20 that exists now? Is there any type of system on the
 21 site now, that you're aware of?
 22 A. There's no stormwater system on the
 23 site, to my knowledge, Mark
 24 Q. Okay.
 25 A. So we are providing an extensive system

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1 So we have more than sufficient
 2 parking.
 3 And, again, that's also somewhat
 4 unusual for a lot of these types of developments as
 5 well.
 6 Q. Excellent. Thank you.
 7 And parking stall dimension and area?
 8 A. Nine -- 9-by-18 --
 9 Q. Great.
 10 A. -- RSIS standard.
 11 Q. Perfect.
 12 Back to A-4 for the record --
 13 A. Yes.
 14 Q. -- which represents your Grading and
 15 Utilities Plan.
 16 First and foremost, any comments that
 17 the board engineer has, were this board to act
 18 favorably on this or any other iterations of this
 19 plan, in fact we would agree to comply with any
 20 reasonable condition imposed upon us, whether it's
 21 more engineering, less engineering, better drainage,
 22 more drainage, relocating drainage, whatever that
 23 reasonable request would be, correct?
 24 A. Yes, we will.
 25 Q. And you've also had the opportunity, I

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1 now to handle all the runoff from not only the
 2 driveway areas, but also the roof areas as well.
 3 And we've broken it up into different segments.
 4 So what we're doing is capturing the
 5 roof drainage and piping it to underground seepage
 6 pits located in the front of each unit.
 7 In the driveway areas, we have two
 8 separate drainage areas for that as well. We have a
 9 system in the back consisting of seepage pits.
 10 We have catch basins in that area which
 11 will collect the overflow of the runoff and pipe it
 12 into those seepage pits.
 13 There will be overflow from those pits
 14 into another system, which will be in the center of
 15 the driveway.
 16 And this will be what we call the
 17 detention system. It will be solid-wall pipes. And
 18 the point of this system is to meter out slowly the
 19 rate of runoff coming off of the property and into
 20 the borough system, so we will have no net increase
 21 in the runoff
 22 And, in fact, we will meet and exceed
 23 the reduction as required in the RSIS requirements.
 24 We also have, obviously, sanitary
 25 sewers to service all the units, water lines, gas

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1 lines, electric lines, as well which will all be
 2 underground.
 3 Q. Sidewalks, curbing, is that proposed to
 4 be new?
 5 A. Yes.
 6 We'll be replacing all of the
 7 sidewalks, all of the curbing along East Edsall.
 8 There are no current sidewalks on East Edsall as it
 9 exists right now, but we are proposing to place new
 10 concrete sidewalks in East Edsall Boulevard.
 11 Q. There is a retaining wall that
 12 separates this property and the property to the
 13 right; is that not the case, Mark?
 14 A. Yes, there is.
 15 Q. Any intentions on what's happening with
 16 that retaining wall? We're keeping it where it is?
 17 A. The intention is to leave it as is.
 18 Q. Is there anything else that you want to
 19 add with regard to the grading and utilities?
 20 A. No.
 21 Q. Again, bearing in mind, that were
 22 Mr. Collazuol to make a reasonable suggestion or
 23 condition, we, in fact, would comply with it?
 24 A. We will.
 25 MR. SOKOLICH: With Counsel's

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1 side of the entrance driveway.
 2 We also have some flowering shrubs,
 3 rhododendrons and azaleas, along the frontage to
 4 provide an aesthetic curbside appeal.
 5 In addition to that, we have some
 6 plantings on the right side which are lower
 7 plantings, junipers, more of a ground cover in
 8 between the two walls.
 9 Continue along that side, we do have a
 10 little bit of a rear yard in the northeast quadrant
 11 of the property. So we'll have some arborvitae
 12 around there, grouped, again, to provide screening.
 13 And also some additional trees. We
 14 have a flowering dogwood and a Redbud tree back
 15 there.
 16 We have more junipers along the area of
 17 the parking spaces, which is the northerly side and
 18 the westerly side.
 19 We also have some additional plantings
 20 to the north of Building Number 1, which will be
 21 Meyer's Yews.
 22 And then again that funky little
 23 bump-out, Mark, we provided some additional
 24 arborvitae where we have some additional room for
 25 more height.

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1 permission, I'm going to mark our last plan as A-5,
 2 which is entitled, "Landscape Plan."
 3 And this has a one and only date of
 4 December 4, 2020 also, Diane.
 5 (Whereupon, Landscape Plan Dated
 6 December 4, 2020, is marked as Exhibit A-5
 7 for identification.)
 8 BY MR. SOKOLICH:
 9 Q. So, A-5, again, Mark, we see the layout
 10 like we saw in site plan. We see the eleven units
 11 contained within two buildings, five and six
 12 respectively.
 13 We see the parking layout, visitor
 14 parking, ingress and egress.
 15 But A-5 is a focus on landscaping,
 16 correct?
 17 A. Yes, it is.
 18 Q. I'd ask you to take it wherever you
 19 deem most appropriate.
 20 A. Certainly, Mark.
 21 So I'm going to start out with street
 22 here, along the frontage.
 23 Q. Please.
 24 A. So we have a number of street trees
 25 that we're replacing Zelkovas, we have two on either

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1 And then again, we will have -- I'm not
 2 really showing it, but there's little planters on
 3 each side of the walkway areas of each of the units.
 4 So those will be some perennials or annual plantings
 5 in those particular beds as well.
 6 In addition to that we are proposing a
 7 six-foot-high fence along the side and rear to
 8 provide additional screening and buffer to the
 9 neighbors.
 10 Q. And I think landscaping is a perfect
 11 example of if there is a suggestion of either a
 12 different type of species, a different height or age
 13 of species, a different location, whether for
 14 sight triangle or aesthetic purposes, in fact, that's
 15 something the applicant will be more than willing to
 16 comply with, correct?
 17 A. Absolutely. Absolutely.
 18 Q. And I believe I misspoke. We have one
 19 more after this?
 20 A. Correct.
 21 Q. I'm sorry.
 22 And that's A-6. And that is going to
 23 be entitled your lighting plan, Mark?
 24 A. Yes.
 25 MR. SOKOLICH: And I'm going to, with

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1 Counsel's permission, mark it as A-6, entitled,
 2 "Lighting Plan."
 3 It has the one and only date of
 4 December 4, 2020.
 5 (Whereupon, Lighting Plan Dated
 6 December 4, 2020, is marked as Exhibit A-6
 7 for identification.)
 8 BY MR. SOKOLICH:
 9 Q. Again, you see the layout for the
 10 buildings but now with an emphasis on lighting,
 11 wherever you think most appropriate, please, Mark.
 12 A. Again, I'm going to start in the front.
 13 And our intention here is to light up the driveway
 14 aisles and the parking aisles.
 15 In addition to that, I'm sure the
 16 architect will have some kind of house light
 17 fixtures, typical porch fixtures.
 18 But these are a -- we have a
 19 Pole-mounted fixture 14-feet high to illuminate the
 20 entrance driveway.
 21 In each unit there will be a
 22 building-mounted fixture pointed in, which will
 23 illuminate the driveway.
 24 And then finally we have one
 25 14-foot-high mounted pole fixture in the rear to

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1 the house is now so it comes up -- the driveway comes
 2 up where the house is? You're going to build a house
 3 -- a six-family house on one side, five families on
 4 the other side, and if you go to the end, you have
 5 the parking at the end.
 6 MR. MARTINS: Correct.
 7 CHAIRMAN FERGUSON: Is that -- because
 8 I understand you're putting an expert on. But you're
 9 going to do this in a one- and two-family zone.
 10 MR. MARTINS: Yes.
 11 CHAIRMAN FERGUSON: Again, Mark, you're
 12 going to make the photographs for us to answer the
 13 question.
 14 MR. SOKOLICH: Chairman, we don't want
 15 to be evasive, so give it a shot.
 16 CHAIRMAN FERGUSON: Yes. Okay.
 17 MR. SOKOLICH: Respectfully, if they're
 18 better and more equipped to answer, I'll politely
 19 suggest that.
 20 CHAIRMAN FERGUSON: So I was going to
 21 ask a question about shields, but the lights in the
 22 back are going to have shields, correct?
 23 MR. MARTINS: Correct.
 24 CHAIRMAN FERGUSON: Okay.
 25 Now, if you're on 8th Street, which is

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1 illuminate the rear parking area.
 2 All of the fixtures will be shielded to
 3 prevent glare onto any adjoining properties. They
 4 will all have cut-out fixtures -- cut-off fixtures
 5 rather, down-lit fixtures. They won't be flood
 6 lights, you know, facing neighbors to prevent glare
 7 And, again, spillage on the neighboring properties.
 8 Q. Mark, anything else? I've interrupted
 9 you 40 or 50 times so I apologize. Is there anything
 10 that you can recollect that you would like to add,
 11 whether it be A-1 to A-6 or anywhere else?
 12 A. No. I think we've covered it, Mark.
 13 Q. And you'll be and remain available for
 14 the board or any member of the public who had
 15 additional questions after your testimony is
 16 completed, correct?
 17 A. Yes.
 18 MR. SOKOLICH: Thank you.
 19 Chairman, I offer Mr. Martins.
 20 CHAIRMAN FERGUSON: Okay. I think I
 21 have it.
 22 There's a large property there now.
 23 MR. MARTINS: Yes.
 24 CHAIRMAN FERGUSON: What you're
 25 proposing is, you're going to put a driveway where

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1 the street on the site plan, the view there
 2 (inaudible) the house in the back.
 3 MR. MARTINS: Correct.
 4 CHAIRMAN FERGUSON: So they're now
 5 going to see these buildings.
 6 MR. MARTINS: Sure.
 7 So I'll just point out a key map of
 8 that is Lot 2 on the key map, which is basically in
 9 the back left corner of our property.
 10 So let's go back to the site plan now.
 11 This is Sheet 3, Mr. Chairman.
 12 So this is that house on Lot 2, 516.
 13 So if you can see the staggering of the units here
 14 now. So the five units in Building Number 1 really
 15 end pretty much right at their property line.
 16 So the first building they're going to
 17 see is Building Number 2, which is going to be -- if
 18 I can find my scale here, if I have it with me -- is
 19 quite a distance from that structure.
 20 CHAIRMAN FERGUSON: Okay.
 21 MR. MARTINS: So it's going to be
 22 approximately 110 feet from that building.
 23 CHAIRMAN FERGUSON: So, but right now
 24 if you're looking at that -- if that person is
 25 looking out his backyard, right.

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1 MR. MARTINS: Right.
 2 CHAIRMAN FERGUSON: He's looking at the
 3 back yard. He can basically look right to Bergen
 4 Boulevard from the house.
 5 Is that correct?
 6 MR. MARTINS: I don't believe so
 7 because of the topography. So where he is he's
 8 lower. There's about a 6-foot-high existing wall in
 9 the back of his property.
 10 Then we're going to have a fence, you
 11 know, 6-foot-high fence on top of that.
 12 So the visibility is not like you're
 13 standing here and you can look straight through to
 14 Bergen Boulevard.
 15 CHAIRMAN FERGUSON: How about the first
 16 house, number one house.
 17 MR. MARTINS: Sure. Lot 1 which is
 18 this one at 8th --
 19 CHAIRMAN FERGUSON: Right.
 20 MR. MARTINS: -- and East Edsall.
 21 CHAIRMAN FERGUSON: Right.
 22 MR. MARTINS: That house is actually
 23 facing -- that's a parcel large too. It has
 24 approximately 100 feet on East Edsall and 140 feet on
 25 8th Street.

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1 MR. MARTINS: No, I don't believe so.
 2 There is access from East Edsall Boulevard. It's not
 3 -- it's more than 300 feet off, the RSIS requirement
 4 requires you have a (inaudible) but we don't have
 5 meet that.
 6 MR. CARNOVALE: Okay. And I'm assuming
 7 -- I didn't look -- is there a storm sewer going down
 8 Edsall.
 9 MR. MARTINS: Yes, there is.
 10 MR. CARNOVALE: Okay. And then with
 11 all of these units -- I didn't count -- is there
 12 approximately, like, over 40 bathrooms? I guess
 13 Collazuol can answer that. I was wondering if you've
 14 got at least 40.
 15 MR. MARTINS: This is probably 3 bath
 16 -- I could have the architect -- I didn't really --
 17 MR. SOKOLICH: There's 33. But I'm
 18 going the get a number for you.
 19 MR. CARNOVALE: Okay. So I was just
 20 curious. I don't know. Maybe Collazuol knows. Can
 21 the sanitary handle that.
 22 MR. MARTINS: Yeah. You know, we have
 23 eleven units. When you talk about sanitary flows and
 24 we look at the average daily rates of flows it ends
 25 up being --

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1 And that house I'll show it on the site
 2 plan, I'm tracing it with my finger, is facing East
 3 Edsall Boulevard.
 4 CHAIRMAN FERGUSON: Right. So if they
 5 were to look out the side of that building now, they
 6 are going to look at part of that five-family house?
 7 MR. MARTINS: Yes, they would, right.
 8 CHAIRMAN FERGUSON: Right. All right.
 9 I don't know. I -- To me being in a one- and
 10 two-family zone, I mean I'll be willing to listen to
 11 all the experts, but it just seems to be putting
 12 eleven units in a one- and two-family zone, just
 13 seems to be a tad overkill. And I don't think it's
 14 fair to the people on the side of it that they should
 15 have to look at a house now -- you know, a six- or
 16 five-family house. But that's just me.
 17 Does any of the board members have
 18 any questions?
 19 MR. CARNOVALE: Yeah, I've got a couple
 20 questions.
 21 CHAIRMAN FERGUSON: Go ahead.
 22 MR. CARNOVALE: Mark, I'm not too
 23 familiar, but the long driveway in the middle, do you
 24 need, like, a turnaround for a fire truck, or I'm
 25 totally off?

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1 (Background Conversation.)
 2 MR. CARNOVALE: I will just take a look
 3 at it, I'm not an engineer, but I thought you brought
 4 up you need a certain amount -- Collazuol is.
 5 Whatever, you got to calculate for the diameter of
 6 the pipe going into -- I'm not an engineer. I'm
 7 just, kind of, wondering if you looked at that or...
 8 MR. MARTINS: Yeah. So there's
 9 actually a couple different ways, actually more,
 10 there's a mechanical way. From a civil engineering
 11 perspective we just use basically the rate per -- per
 12 bedroom and calculate the flow based on that.
 13 And typically, again, you know,
 14 compared to one -- the size of the unit, the volume
 15 of flow that we'd be introducing is -- is not -- it's
 16 typically not going to be a problem.
 17 MR. CARNOVALE: So there's only an
 18 8-inch main on -- on --
 19 MR. MARTINS: There is, on the top of
 20 the hill here, I believe it's an 8, but I can double
 21 check that.
 22 MR. CARNOVALE: So -- so I don't know
 23 if I'm asking the right person.
 24 So you think the sanitary sewer can
 25 carry, according to your calculations, using the

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1 bedroom trickle flow, whatever, versus what I thought
2 was plumbing code, but I'm not sure. But that's not
3 my business.

4 MR. MARTINS: Yes. I'm confident that
5 the pipe has more than enough capacity for our
6 additional purposes.

7 MR. CARNOVALE: All right. And one
8 more question, when you did your height calculations.
9 Real quick. I don't want to bother you too much.
10 What did you use again? You really lost me on the
11 height calculation.

12 MR. MARTINS: Sure. So we did the
13 grade plane, which is basically a -- here it is.
14 Yeah, sure, that's fine -- which is the grades around
15 the perimeter of the building -- -

16 MR. CARNOVALE: Right.

17 MR. MARTINS: Right?

18 And then we measured it to the mean
19 roof of the highest unit, okay.

20 But, again, because they're stepped up

21 --

22 MR. CARNOVALE: Right.

23 MR. MARTINS: -- all right -- the
24 highest unit would be the unit on the northerly side
25 of the structure.

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1 point is getting at, you know, could you look at each
2 unit and determine the height for that?

3 And you -- you probably could, but
4 that's really -- you know, looking at a strict
5 interpretation of the ordinance and how it reads --

6 MR. CARNOVALE: Right.

7 MR. MARTINS: -- the building height is
8 the highest roof surface.

9 So in this case because this -- you
10 need to step up, the highest roof surface is the
11 highest unit, or in this case the northerly unit.

12 And that's how we calculated those numbers --

13 MR. CARNOVALE: All right. Then the
14 Chairman mentioned one thing, I just want to ask you
15 a question.

16 MR. MARTINS: Sure.

17 MR. CARNOVALE: I think you said when
18 you're on 8th Street, which I'm going to pretend I'm
19 on 8th Street, if you look up --

20 MR. MARTINS: Yes.

21 MR. CARNOVALE: -- already you said you
22 have a 6-foot wall and a fence, right?

23 MR. MARTINS: Um-hm.

24 MR. CARNOVALE: So I don't know if his
25 question was, you won't be able to see the building

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1 MR. CARNOVALE: No, normally wouldn't
2 you, in a regular house, average grade of plane in
3 the four corners of the building and do some sort of
4 magical formula?

5 Maybe I'm confusing it.

6 MR. MARTINS: It's the same -- it's the
7 same thing. The mean grade to the mean roof height.

8 MR. CARNOVALE: And -- and don't you do
9 the four corners of the units themselves, whether you
10 use -- because you did two calculations, one for the
11 building on the right, one for the one on the left,
12 right.

13 MR. MARTINS: Right.

14 MR. CARNOVALE: So do you take corner
15 shots on -- on the one thing, or you did it a
16 different way. I don't know. I'm not an engineer,
17 obviously.

18 MR. MARTINS: Yeah, sure. So we did
19 two separate calculations, one for Building Number 1
20 and one for Building Number 2.

21 And since it's all considered to be all
22 one structure because they're all attached units
23 so --

24 MR. CARNOVALE: Right, I understand.

25 MR. MARTINS: -- I think what your

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1 but you'll be able to see the building, you're going
2 to see this big massive building there?

3 MR. MARTINS: Well, I think what I said

4 --

5 MR. SOKOLICH: You're talking about
6 adjacent lots, correct?

7 MR. MARTINS: Right.

8 MR. SOKOLICH: Correct?

9 This is 8th Street right here --

10 MR. CARNOVALE: Right.

11 MR. SOKOLICH: -- yes, and you're
12 talking these two lots.

13 MR. CARNOVALE: Well, the --

14 MR. MARTINS: Well, in particular

15 you're talking to lot -- you're referring to lot --

16 MR. CARNOVALE: Well, the corner one I
17 think was a double and then the one next door I think
18 you're putting whatever --

19 MR. MARTINS: Right.

20 MR. CARNOVALE: -- but you go back,
21 what, 100 --

22 MR. MARTINS: Well, again the site plan

23 --

24 MR. CARNOVALE: -- 190 --

25 MR. MARTINS: We're at 192 feet deep.

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1 MR. SOKOLICH: But at existing
2 conditions, Mark -- I have to interrupt -- we're
3 looking at a house here also, correct?
4 MR. MARTINS: Yes.
5 MR. CARNOVALE: Right. But it's not --
6 MR. SOKOLICH: It is not.
7 MR. CARNOVALE: It's not --
8 MR. SOKOLICH: It is not.
9 MR. CARNOVALE: -- what do we got, six
10 across there or whatever...
11 MR. SOKOLICH: As long, as deep.
12 Understood.
13 MR. CARNOVALE: Yeah.
14 That was my only comment.
15 And like I said, I was just concerned
16 about the flow with the bathrooms and stuff, if -- if
17 our sewer could handle it. And what happened if you
18 only made it five -- you know, like I said, I'm not
19 an engineer, but I though the (inaudible).
20 That's all I got, Mr. Chairman.
21 CHAIRMAN FERGUSON: Okay. Thank you,
22 Vinnie. Okay.
23 Mr. Collazuol, are you on?
24 MR. COLLAZUOL: I am.
25 Can you hear me?

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1 CHAIRMAN FERGUSON: We can.
2 Do you want to take it away?
3 MR. COLLAZUOL: Brilliant, brilliant.
4 Good evening.
5 In addition to our report, I have a few
6 questions of Mr. Martins.
7 Mark, I did make some notes that there
8 were some walls that were greater than 4 feet in
9 height.
10 Could you point them out to the board
11 if there any, as proposed?
12 MR. MARTINS: As proposed, we have a
13 wall -- we have a little corner, Mr. Collazuol, here
14 towards that little bump-out in the property that I
15 referred to.
16 So right at the end of the back unit on
17 Building Number 1 we'll have a wall that I believe is
18 5-and-a-half. I believe that will be the tallest
19 proposed wall.
20 MR. COLLAZUOL: Okay.
21 So that would then, indeed, either
22 require a variance or a change in the design.
23 MR. MARTINS: I'm sorry. It's
24 4-and-a-half feet.
25 MR. COLLAZUOL: It's 4-and-a-half feet.

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1 MR. MARTINS: It's actually, though,
2 not along the property line. I don't know if that
3 makes a difference, Mr. Collazuol. It's actually
4 right at the building corner where that maximum
5 height is occurring. And if that is a variance, then
6 obviously we seek to amend...
7 MR. COLLAZUOL: Okay. Thank you.
8 In addition to that, you have two notes
9 about existing walls to remain. And that was
10 dependent on if the walls were intact. And then if
11 not, they would have to be replaced.
12 Are any of those walls greater than 4
13 feet in height, either existing, or if they were to
14 be replaced greater than 4 feet in height?
15 MR. MARTINS: Yes. They're each about
16 6 feet in height at their maximum points. They vary,
17 but the maximum will be 6 feet.
18 MR. COLLAZUOL: So if those walls were
19 structurally unstable, they would have to be
20 replaced, a variance would have to be requested for
21 those walls as well?
22 MR. MARTINS: Yes, that will be
23 correct.
24 MR. COLLAZUOL: Okay. Okay.
25 With respect to the -- the sanitary

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1 sewer, I note that the plan shows that there was a
2 vacation or the vacated portion of 9th Street. It
3 appears that there's a sanitary manhole at the --
4 what appears to the -- the former center line of 9th
5 Street which was vacated.
6 Do you know if the sanitary sewer
7 traverses this property along the easterly property
8 line?
9 MR. MARTINS: I do not believe it does,
10 Mr. Collazuol.
11 There is a sanitary sewer, as you
12 mentioned, there on the front right of the property
13 opposite the center line.
14 And to my knowledge, there's nothing in
15 that vacated section.
16 MR. COLLAZUOL: So the answer is no.
17 MR. MARTINS: To the best of my
18 knowledge yes.
19 MR. COLLAZUOL: Okay.
20 MR. MARTINS: No, to the best of my
21 knowledge, no.
22 MR. COLLAZUOL: If there was a sanitary
23 sewer in the vacated portion of 9th Street, how would
24 you address that.
25 MR. MARTINS: Well, that would be

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1 interesting because that would be going right down
2 the center or right down the property line.
3 So I don't think it's there, Steve,
4 because right -- that's kind of where the wall is.
5 So it would be hard to believe that
6 they did it. But if it is, obviously we would have
7 to take a look at that and we make certain revisions
8 to the plan, but I don't believe that exists.

9 MR. COLLAZUOL: Thank you.

10 With respect to the sanitary sewer,
11 would this -- with respect to the number of the
12 buildings or the flows, since you haven't provided
13 any sanitary flow calculations, and it is a sanitary
14 sewer extension, I believe, require Bergen County
15 Utilities Authority approval and a TWA.

16 MR. MARTINS: Since we are making a
17 connection to the sewer we do absolutely need BCUA
18 approval.

19 It does not -- it will not exceed the
20 8,000 gallons per day in additional flow so there
21 won't be any need for any DEP approvals.

22 But whatever connection permits and
23 approvals, we will certainly seek that.

24 MR. COLLAZUOL: Isn't it a requirement
25 that because it -- the site proposes more than one

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1 certainly look at that.

2 MR. COLLAZUOL: All right. I have
3 nothing further, Chairman, thank you, at this time.

4 CHAIRMAN FERGUSON: Okay. Mr. Kauker,
5 are you on.

6 MR. KAUKER: I am on.

7 Yeah, I just have one question, Mr.
8 Martins. Could you just identify for the board and
9 for the record what are the lengths of both of the
10 buildings?

11 MR. MARTINS: Let me see if I can get
12 that, it's definitely on the architect's plan. I'm
13 not quite sure, Mr. Kauker, if I have it on my plans.

14 So Building Number 1, has a total
15 length of 122.25 feet. The building width is 35.
16 Building Number 2 has the same width, 35 feet. It's
17 actually the depth of the units, but it's also the
18 width, 35. And the overall length is 152 feet.

19 MR. KAUKER: Okay. So you have two
20 structures that are 122 feet and 152 feet, and both
21 of those structures are set back approximately 10
22 feet from each property line and the side.

23 MR. MARTINS: Yes, correct.

24 MR. KAUKER: And there are -- in
25 addition, there are decks that, I believe, encroach 3

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1 building, it would require a TWA?

2 MR. MARTINS: I don't believe so.

3 We're looking at this as a lateral connection,
4 Mr. Collazuol.

5 If you think otherwise, then,
6 obviously, of course we will seek whatever you would
7 deem as...

8 MR. COLLAZUOL: Okay. All right. The
9 last question I had for tonight so far is, Edsall
10 Boulevard is 75-foot wide with respect to its
11 right-of-way.

12 This portion of Edsall Boulevard
13 curb-to-curb is 30-foot wide.

14 The site is somewhat close to the
15 traffic light at Bergen Boulevard. And I'll push
16 aside any traffic responses.

17 But if -- if it was warranted, or based
18 on sight distances, or based on traffic counts, would
19 a widening be possible on the northerly side of East
20 Edsall Boulevard?

21 MR. MARTINS: Certainly, it would be
22 possible. There's probably about 20 feet from the
23 curb to the property line there.

24 So, yes, it would be possible if that
25 was something that you deemed necessary, we'd

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1 feet from the property line, correct?

2 MR. MARTINS: Correct.

3 MR. KAUKER: Okay, that's all I had,
4 Mr. Chairman.

5 CHAIRMAN FERGUSON: Okay. Thank you.
6 Counsel, do you want to call your next
7 witness?

8 Oh, residents -- anybody on -- any
9 residents have question for this expert?

10 MR. SIMOFF: Mr. Chairman?

11 CHAIRMAN FERGUSON: Yes.

12 MR. SIMOFF: Hal Simoff, I have a
13 couple questions.

14 CHAIRMAN FERGUSON: Okay, Hal.

15 MR. SIMOFF: The layout has the -- the
16 trash enclosure in the northwest corner of the
17 property. Is -- how does the trash vehicle get there
18 and turn around and come back out?

19 MR. MARTINS: We're going to have a
20 private pickup. And then we'll have a vehicle that
21 will have sufficient -- it will be a small enough
22 vehicle, Hal, to be able to get in there and maneuver
23 in or out, whether that's backing in or whatnot.

24 But we're not going to have a
25 regular-sized garbage pickup truck. Obviously that

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1 doesn't work. We do not have enough sufficient room.
 2 So we'll have a smaller vehicle will be able to get
 3 in there and out and to remove the garbage.
 4 And, again, it would be private pickup.
 5 MR. SIMOFF: And the other concern, or
 6 the other issue -- the only other issue I had was in
 7 that Edsall Boulevard is rather a heavily trafficked
 8 road, especially going up the hill eastbound.
 9 I'd like to see the turning templates
 10 of the -- of the vehicles that would be entering and
 11 exiting to make sure that they don't cross over the
 12 center line with the driveway design.
 13 MR. MARTINS: Sure, sure.
 14 We have our standard 24-foot-wide aisle
 15 and a 34-foot drop curb. I'll put those templates on
 16 there, if we need to widen, it's not a big deal. We
 17 will provide that information to you.
 18 MR. SIMOFF: And would also the -- and
 19 then I think we have to run this by the fire
 20 department to make sure they're satisfied with the
 21 layout and the access for emergency vehicles.
 22 MR. MARTINS: Certainly.
 23 MR. SIMOFF: Those are my only
 24 comments, Mr. Chairman.
 25 CHAIRMAN FERGUSON: Okay, thank you.

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1 only one we have?
 2 That's a beautiful thing.
 3 MS. TESTA: We just want to have it
 4 opened at the end for the public.
 5 CHAIRMAN FERGUSON: Yes.
 6 MS. TESTA: That might be easier.
 7 CHAIRMAN FERGUSON: We can do that.
 8 MS. TESTA: It's easier than going back
 9 and forth.
 10 CHAIRMAN FERGUSON: Okay. Counsellor,
 11 we're going to put your next witness --
 12 MR. SOKOLICH: Oh, I apologize,
 13 Chairman, you are ready for he next witness?
 14 CHAIRMAN FERGUSON: Yes, we are --
 15 MS. OSSO: Hello.
 16 IT MODERATOR: We have one more person.
 17 CHAIRMAN FERGUSON: Okay. I'm sorry.
 18 MS. OSSO: Hi, I'm sorry. I just asked
 19 some questions in the chat. I was unable to unmute
 20 myself previously. I just had to get some okay, I
 21 guess, from the host was not letting me unmute
 22 myself.
 23 I live at 305 East Edsall Boulevard.
 24 And, again, thank you to whoever stated that this is
 25 a monstrosity.

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1 Anybody -- any residents want to address the board?
 2 MS. BRAUER: Hello.
 3 Can you hear me?
 4 CHAIRMAN FERGUSON: Yes.
 5 MS. BRAUER: It's Susan Brauer.
 6 CHAIRMAN FERGUSON: Hi.
 7 MR. BRAUER: Hi. Good. I hope
 8 everyone's good.
 9 Just from what Mr. Martins has
 10 presented this far, this is a monster.
 11 MS. TESTA: At this point --
 12 MR. BRAUER: And I also feel that it's
 13 spot zoning. And I think it's too much.
 14 MS. TESTA: At this point --
 15 MR. BRAUER: Pardon?
 16 MS. TESTA: At this point it's just
 17 questions of the engineer. There will be a later
 18 time that you can make comments.
 19 But right now we just want to keep it
 20 questions.
 21 MS. BRAUER: Okay. It will still be a
 22 monster later.
 23 But thank you.
 24 MS. TESTA: Okay.
 25 CHAIRMAN FERGUSON: Okay. That's the

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1 This is a single-family zone.
 2 MS. TESTA: Excuse me. Excuse me.
 3 At this time we're just taking
 4 questions of the engineer.
 5 MS. OSSO: Okay. So --
 6 MS. TESTA: At the end of the
 7 application you'll be able to come back on and it's
 8 any comments or concerns --
 9 MS. OSSO: I did state --
 10 MS. TESTA: -- to the board at that
 11 point.
 12 MS. OSSO: -- my questions.
 13 I did state my questions in the chat.
 14 And Mr. Hal actually answered or asked the same
 15 question as well.
 16 I also wanted to know, what about all
 17 the rock that are under that home?
 18 How is the blasting going to affect
 19 everybody around that home?
 20 MR. SOKOLICH: Mark, the blasting --
 21 MR. MARTINS: Well, we don't know if
 22 there's rock or how much rock there is.
 23 Obviously if there is rock, perhaps we
 24 won't have to blast it, we could hammer it out.
 25 If we do, we will take all the

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1 precautions that are required by state and local
 2 codes.
 3 MS. OSSO: Okay.
 4 How about, how many fire hydrants are
 5 going to be on the property? How -- like, you said
 6 that the fire truck is not going to be able to pull
 7 in and pull out.
 8 So God forbid there is a fire, how is
 9 the fire truck going to access all eleven units?
 10 MR. MARTINS: Correct, so there is no
 11 vehicular truck -- fire truck access, but there is
 12 access from the street.
 13 MS. OSSO: So how will a fire truck get
 14 in there to put out a fire, God forbid.
 15 MR. MARTINS: Well, I'm not a
 16 firefighting expert so I can't answer that question.
 17 I can only say that there is sufficient access in the
 18 driveways and in the frontage for -- for ingress to
 19 the property.
 20 MR. SOKOLICH: But, Mark, if there was
 21 an emergency event at the end of either proposed
 22 Building 1 or Building 2, a vehicle could, if it
 23 elected to, drive down that --
 24 MR. MARTINS: Absolutely.
 25 MR. SOKOLICH: -- 35-foot width

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1 CHAIRMAN FERGUSON: Okay.
 2 Thank you.
 3 Anybody else? No.
 4 MR. SOKOLICH: Chairman, thank you. We
 5 call Mr. Virgona.
 6 CHAIRMAN FERGUSON: Thank you, Mark.
 7 MR. SOKOLICH: You're welcome.
 8 Diane, I think we're up to A-7.
 9 Right? Are we up to A-7?
 10 MS. TESTA: Yes.
 11 MR. SOKOLICH: Wow. Thank you.
 12 MS. TESTA: Do you swear to tell the
 13 truth and nothing but the truth, so help you God?
 14 MR. VIRGONA: I do.
 15 R A Y M O N D V I R G O N A, AIA
 16 125 River Road, Suite 201, Edgewater, New Jersey,
 17 having been duly sworn, testifies as follows:
 18 MS. TESTA: State your name.
 19 MR. VIRGONA: Ray Virgona,
 20 V-I-R-G-O-N-A.
 21 Virgona & Virgona Architects, 125 River
 22 Road, Edgewater, New Jersey.
 23 MR. SOKOLICH: Mr. Chairman, with your
 24 permission.
 25 CHAIRMAN FERGUSON: Go ahead.

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1 driveway.
 2 MR. MARTINS: It's 35 feet between --
 3 there's 35 feet between to the buildings, 24-foot
 4 driveway aisle. So, yeah, you can pull in. You
 5 can't obviously make a turnaround but you can --
 6 MR. SOKOLICH: Understood.
 7 MR. MARTINS: -- but you can certainly
 8 pull --
 9 MR. SOKOLICH: Understood.
 10 MS. OSSO: And the retaining rocks
 11 around the -- the retaining walls around the property
 12 you said are going to stay as is?
 13 MR. MARTINS: Yes.
 14 We also stated, as Mr. Collazuol and as
 15 noted on out plans, that we will have a structural
 16 engineer take a look at that however and determine
 17 the structural feasibility. And if it needs to be
 18 replaced, we will.
 19 MS. OSSO: Okay. And another question
 20 you -- just remind me again. You said that there's
 21 going to be decks that are over the property line?
 22 MR. MARTINS: No, no. No, theres decks
 23 are behind each of the units, and they will be 3 to 4
 24 feet in front of them.
 25 MS. OSSO: Okay.

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1 DIRECT EXAMINATION
 2 BY MR. SOKOLICH:
 3 Q. So, Mr. Virgona, just a couple
 4 preliminary questions.
 5 A. Am I accepted?
 6 Q. Yeah, I'm going to ask you that.
 7 A. Thank you.
 8 CHAIRMAN FERGUSON: You're accepted as
 9 an expert.
 10 MR. SOKOLICH: Thank you.
 11 MR. VIRGONA: Thank you.
 12 BY MR. SOKOLICH:
 13 Q. You're accepted as an expert. As I
 14 asked -- well, you were present during Mr. Martins'
 15 testimony?
 16 A. Yes.
 17 Q. And if you would just describe for the
 18 benefit of the record and the public your scope of
 19 your engagement. What was your purpose in this
 20 project?
 21 A. My engagement was to, you know, review
 22 the site and to come up with a -- a townhouse project
 23 that would fit and made sense and that the site could
 24 accommodate.
 25 Q. And you worked in conjunction with

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1 Mr. Martins in laying out the residences, the
2 townhomes, where they're to be located, and to make
3 the best use of the property, correct?

4 A. That's correct.

5 Q. And what characteristic really struck
6 you first as to the characteristics of this property?

7 A. Well, it's a extremely large property
8 for the area. It's -- it's almost five times larger
9 than the required lot size.

10 So that was the predicate --

11 Q. Is that a common condition?

12 A. It's a very uncommon condition. That
13 was the first thing that struck us, of course, we had
14 the survey, we worked from that.

15 It also had excessive depth, which is
16 another important factor in the planning.

17 By positioning two buildings we were
18 abl to -- with parking at the rear, we were able to
19 create a K-type turn at the back so that there's
20 really no dead-end. You can go back there and make a
21 K-turn and come back out as opposed to a site that
22 just has a driveway that goes straight back with no
23 ability to make a turn at the end.

24 MR. SOKOLICH: Understood.

25 So I'm going to mark as A-7 -- and

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1 Q. So I'm going to interrupt you one
2 second, Ray. I'm just referring to A-3 when we
3 testified with Mark.

4 When you say Building 1, East Edsall is
5 on the bottom of this page?

6 A. It is.

7 Q. And Building 1 is to the left?

8 A. Yes.

9 It's the westerly building.

10 Q. And Building 2, when we get to it, will
11 be to the right?

12 A. Correct.

13 Q. And what you have depicted on A-7, this
14 front right here (indicating) is actually this front
15 right here (indicating)?

16 A. That's correct.

17 Q. Okay.

18 And then the length of this building is
19 on this side, just so that the board can put it into
20 perspective?

21 A. Yes.

22 Q. Thank you.

23 A. Exactly.

24 So just to reiterate, the elevation on
25 the lower left side corner is the -- actually what

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1 we'll mark these plans as we go along.

2 This is entitled, "Building
3 Elevations." You denote it as SK-1. It's dated --
4 only dated November 22 of 2020.

5 (Whereupon, Building Elevations,
6 Building 1, Dated November 22, 2020, is
7 marked as Exhibit A-7 for identification.)

8 BY MR. SOKOLICH:

9 Q. If you would, Ray, describe your
10 layouts, your elevations, in conjunction with the
11 proximity of the size of this property, if you would.

12 A. Yes.

13 This drawing shows the building
14 elevations for Building 1. We have two buildings, an
15 easterly and a westerly building.

16 This is the westerly building. We call
17 it building 1. It has five units.

18 Both buildings are very similar. The
19 difference being that one building has one additional
20 unit.

21 And Building 2 has slightly wider units
22 than Building 1.

23 But the interior layout, the
24 architecture and the heights are, essentially, the
25 same. Both buildings are 35 feet in depth.

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1 you would see from the East Edsall Boulevard
2 frontage.

3 And the buildings are a mirror image of
4 each other, so the Building Number 2 would have the
5 same appearance on the street as Building 1,
6 obviously opposite.

7 What I've colored in is the typical
8 elevation for this building, which shows the siding.
9 We're proposing a combination of HardiePlank siding
10 and stone for the base. We've got pitched roofs,
11 dormers, architectural features, panels and so on to
12 create some interest in the architecture.

13 So this is the front of the building
14 from the driveway. This is the left side. The left
15 drawing is the front of the building from East
16 Edsall.

17 On the upper left is the rear elevation
18 of the building.

19 And upper right is the rear elevation,
20 meaning the opposite side of the driveway --

21 Q. So that would be --

22 A. -- of Building 1.

23 Q. Sorry.

24 So that upper right, this is the rear
25 and that would be here?

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1 A. That's correct.
 2 Q. Okay. And then this rear would be
 3 facing the rear line of our property line?
 4 A. Yes.
 5 Q. But that whole A-7 relates to the
 6 Building 1?
 7 A. That's right, so these are the -- all
 8 the elevations for that building.
 9 Q. Yes, sir.
 10 A. If we go to SA-2, which is not colored,
 11 but it's the same, in terms of the architecture.
 12 Q. Review that whole proximity -- I'm
 13 interrupting you again. I'm sorry, Ray.
 14 MR. SOKOLICH: So this is Building 2.
 15 Counsel I'm going to mark it as A-8, with your
 16 permission.
 17 MS. TESTA: Sure.
 18 MR. SOKOLICH: Again, Building
 19 Elevations, last dated or only dated, November 22,
 20 2020.
 21 Ray refers to it as SK-2.
 22 MR. VIRGONA: That's correct.
 23 (Whereupon, Building Elevations,
 24 Building 2, Dated November 22, 2020, is
 25 marked as Exhibit A-8 for identification.)
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1 BY MR. SOKOLICH:
 2 Q. This is Building 2 now, Ray.
 3 So, again, looking at the site plan
 4 A-3, Building 2 is to the right. The front of
 5 Building 2 faces Edsall Boulevard, which is in your
 6 lower right-hand corner. And the elevations are the
 7 interior faces.
 8 So these elevations actually face
 9 directly Building 1?
 10 A. That's correct.
 11 Q. Okay.
 12 A. They're a match architecturally.
 13 Q. Understood.
 14 I'm not interrupting you anymore. I'm
 15 sorry.
 16 A. Okay.
 17 Obviously this is the rear.
 18 And this is the side which faces the --
 19 there's a dashed line on this elevation which shows
 20 the grade on the adjacent property, which is higher
 21 than this building.
 22 The buildings have three stories.
 23 There is a ground level with a garage. So we're not
 24 really excavating here.
 25 One of our main issues is that this
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1 site slopes from the front to the rear approximately
 2 8 feet or more.
 3 In addition to sloping side to side on
 4 East Edsall, we have the 8-foot difference to make up
 5 for front to back.
 6 And so what we've done is we've stepped
 7 each of the buildings so that they are 16 inches, one
 8 above the other, in order to make up for that in a
 9 gradual manner with a -- with a 5 percent slope on
 10 the driveway.
 11 It also adds interest to the
 12 architecture, because now instead of having a long
 13 flat roof line, the buildings vary in height. And
 14 you can see that both front and back.
 15 As far as the layout goes --
 16 Q. I'm just going to -- this is A-9, Ray.
 17 You entitled it "Floor Plan," you denote it as SK-3.
 18 MR. SOKOLICH: We're, Counsel, calling
 19 it A-9. It's entitled again "Floor Plan."
 20 (Whereupon, Ground Floor Plan, is
 21 marked as Exhibit A-9 for identification.)
 22 THE WITNESS: That's it. These are the
 23 ground floor plans for both buildings.
 24
 25 BY MR. SOKOLICH:
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1 Q. And I presume A refers to Building 1?
 2 A. A refers to Building 1 and it's an A
 3 type, they're all the same units in Building 1, with
 4 the exception of the end unit, because it's entered
 5 from the Edsall Boulevard side, rather than the
 6 driveway side, it's slightly different unit.
 7 Q. Hence the comma?
 8 A. Right, hence -- right, hence, the
 9 comma.
 10 So our typical units consist of a
 11 two-car garage on this level.
 12 There's a recreation room and a utility
 13 room and powder room on this level.
 14 The -- in Building 2, which we call a B
 15 type unit, it's essentially the same arrangement.
 16 These units are slightly wider. They're 25-foot-2
 17 versus the units in Building 1 being 24-foot-3.
 18 Q. And these are first floor? Or ground
 19 floor.
 20 A. These are the ground floor.
 21 Q. Got it. We're going to flip you to
 22 A-10, if I may. And, Ray, before you go any further.
 23 Again, you entitle it, "Floor Plans." Your internal
 24 pagination is SK-4.
 25 The only date, November 22, 2020.
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1 We've marked it as A-10.
2 (Whereupon, First Floor Plans, Dated
3 November 22, 2020, is marked as Exhibit A-10
4 for identification.)

5 THE WITNESS: That's true.
6 So the first floor of the units, which
7 you come up a flight of steps from the ground level
8 to, consists of a kitchen -- kitchen,
9 living-dining-family room combination, open floor
10 plan with a fireplace, a powder room.

11 Again, these are similar one building
12 to the other. The buildings have bays, and so on for
13 architectural interest. There are decks in each
14 unit.

15 BY MR. SOKOLICH:

16 Q. Mr. Virgona, I believe the last page,
17 correct, A-11.

18 We're marking your last architectural
19 drawing as A-11. Again entitled, "Floor Plans." You
20 call it SK-5. One and only date, November 22, 2020?

21 This is the second floor plan, actually
22 the top floor plan?

23 MR. VIRGONA: The top floor, the
24 bedroom floor.

25 (Whereupon, Top Floor Plan, Dated

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1 A. Yes.

2 Q. And you did that for this particular
3 parcel of property as well?

4 A. I did.

5 Q. You also had the opportunity to take
6 note of the uses that were adjacent to this property
7 also and how they would be affected by this project,
8 correct?

9 A. Yes.

10 Q. Do you have an opinion as to whether or
11 not, if this board were to act favorably on the
12 application, would it have a very substantial
13 detriment on the area or the zone plan or the
14 adjacent -- and, again, staying within your
15 expertise as an architect?

16 A. Right.

17 I think in terms of the height, the
18 building height is going to appear to be very similar
19 to what you'd expect in the new two-family type
20 dwellings that are being built in the entire area.

21 Q. Especially off of East Edsall, correct?

22 A. Especially there.

23 And, especially, in Building 2, which
24 has a higher grade elevation adjacent to it.

25 Q. So what is meant if there's an inverse

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1 November 22, 2020, is marked as Exhibit A-11
2 for identification.)

3 MR. SOKOLICH: Yes, sir.

4 MR. VIRGONA: And this consists of
5 three bedrooms, two full baths and a laundry
6 room/closet, walk-in closets, open stairway, et
7 cetera. And this again is typical for both of the
8 buildings?

9 BY MR. SOKOLICH:

10 Q. Now, if you were present during -- you
11 indicated that you were -- I'm going to flip you back
12 to your initial drawing of A-7, Ray.

13 But you -- you indicated that you were
14 present during the course of Mr. Martins' testimony,
15 correct?

16 A. Yes.

17 Q. And in conjunction with your assignment
18 as an architect that's being doing this for many
19 years, part of your due diligence would be a site
20 visitation, correct?

21 A. Yes.

22 Q. An analysis of the ordinance to know
23 what's there and what's not there, what you can do,
24 what you can't do, and also take into consideration
25 the characteristics of each property, correct?

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1 relationship between the steeper the grade than the
2 higher the building technically under the definition
3 of the Palisades Park Ordinance?

4 A. Yes.

5 Q. And that's where Building 2 is a bit
6 higher --

7 A. That's correct.

8 Q. -- because of that grade change.

9 A. And as I said, we're working with the
10 grade, stepping the building so that we're not
11 carving in -- we're not anticipating any substantial
12 blasting, if at all, because we're working with the
13 natural topography of the site.

14 Q. Understood.

15 A. The back flattens out. And that's
16 where our parking area occurs. And so these grades
17 work well with the site.

18 Q. And, architecturally, do you have an
19 opinion as to whether or not this proposal, this
20 cluster of -- these two buildings, Building 1 and
21 Building 2, five units and six units, on this size
22 property, work well from an efficiency, from an
23 effectiveness, from an architectural standpoint?

24 A. I think they work well.

25 As I said, we have five times the land

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1 area almost of what would be required in the zone.
 2 And so our density -- and the planner
 3 will address this, our density is somewhat in line
 4 with what you might expect for the area of the
 5 property.
 6 **Q.** And I trust that you -- last question
 7 -- you took into account, for example, the Hardie
 8 board and the exterior facade and materials that you
 9 are proposing to utilize here, you took into account
 10 the residential -- the residential nature of the
 11 neighborhood, correct?
 12 **A.** Yes.
 13 This has a residential feel to it. We
 14 use double hung windows. We've got the lower roofs.
 15 So it's definitely a residential
 16 structure that would fit in.
 17 **Q.** Is there anything else that you would
 18 like to add?
 19 **A.** We covered most.
 20 **MR. SOKOLICH:** I think we have also.
 21 Thank you, Ray.
 22 Chairman, I would offer Mr. Virgona.
 23 **CHAIRMAN FERGUSON:** These are going to
 24 have three bedrooms, if I heard it that way.
 25 **MR. VIRGONA:** That's correct.

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1 **MR. VIRGONA:** Yes.
 2 **CHAIRMAN FERGUSON:** -- do you have any
 3 bathrooms on that floor?
 4 **MR. VIRGONA:** We have a powder room in
 5 there.
 6 **CHAIRMAN FERGUSON:** And what's in the
 7 powder room?
 8 **MR. VIRGONA:** We have a -- it's just a
 9 toilet and a sink.
 10 **CHAIRMAN FERGUSON:** Just a toilet and a
 11 sink? Okay.
 12 **MR. VIRGONA:** Toilet and sink.
 13 **CHAIRMAN FERGUSON:** That's it.
 14 **MR. VIRGONA:** I'm sorry. Actually --
 15 I'm sorry. I -- I misspoke. We don't even have --
 16 we don't have that here because we don't quite have
 17 the space down there. We have a utility room.
 18 **MR. SOKOLICH:** No bathroom on the
 19 ground room, Chairman.
 20 **MR. VIRGONA:** I stand corrected.
 21 **CHAIRMAN FERGUSON:** Okay.
 22 **MR. VIRGONA:** And there's --
 23 **CHAIRMAN FERGUSON:** So no -- no
 24 bathroom.
 25 **MR. VIRGONA:** And -- no. There's a

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1 **CHAIRMAN FERGUSON:** So they're all on
 2 the top floor.
 3 **MR. VIRGONA:** Yes.
 4 **CHAIRMAN FERGUSON:** So on the bottom
 5 floor you're going to have a kitchen and living room,
 6 is that what you --
 7 **MR. VIRGONA:** Well, on our -- on our
 8 ground level, which is the garage level --
 9 **CHAIRMAN FERGUSON:** Right.
 10 **MR. VIRGONA:** You'll have an entry, a
 11 garage, a recreation room, a utility room, and a
 12 powder room. It's a small rec room. And the --
 13 **CHAIRMAN FERGUSON:** There's no
 14 bathroom?
 15 **MR. VIRGONA:** Above that --
 16 **CHAIRMAN FERGUSON:** I'm talking about
 17 the ground floor.
 18 **MR. VIRGONA:** -- I think is your main
 19 -- your main living floor, you're on the second
 20 level. It's a --
 21 **CHAIRMAN FERGUSON:** I'm talking about
 22 the ground floor.
 23 **MR. VIRGONA:** The ground floor. Okay.
 24 **CHAIRMAN FERGUSON:** Where your garage
 25 is --

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1 13-by-15 --
 2 **CHAIRMAN FERGUSON:** Now, The second --
 3 the first floor there's going to be a kitchen and
 4 living room?
 5 **MR. VIRGONA:** A kitchen,
 6 dining-living-family. A Kitchen-family combination.
 7 **CHAIRMAN FERGUSON:** All right. Are
 8 there any bathrooms on that floor?
 9 **MR. VIRGONA:** There's a powder room.
 10 **CHAIRMAN FERGUSON:** On the -- on the --
 11 **MR. VIRGONA:** On that main floor.
 12 **CHAIRMAN FERGUSON:** -- on the second
 13 floor.
 14 On the third floor you're going to have
 15 three bedrooms.
 16 **MR. VIRGONA:** Three bedrooms. There's
 17 a master bath and another full bath. And that's the
 18 extent of the bathrooms.
 19 **CHAIRMAN FERGUSON:** Okay.
 20 Any other board members have anything?
 21 **MR. CARNOVALE:** Yes.
 22 Sir, where are your air conditioner
 23 compressors? I don't see them.
 24 **MR. VIRGONA:** Good question.
 25 I'm sorry. That's on the site plan.

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1 MR. SOKOLICH: So I'm going to pull
 2 that up, if you don't mind.
 3 MR. VIRGONA: Yes.
 4 MR. CARNOVALE: Are they in the rear of
 5 the building?
 6 MR. SOKOLICH: They are.
 7 MR. VIRGONA: Yes.
 8 MR. SOKOLICH: Can I bring -- Mark, may
 9 I, just so I can give you accurate answers. This is
 10 the -- the question was the location of the
 11 condensers.
 12 MR. MARTINS: So in the rear of the
 13 units it's on -- the side we have a location shown
 14 for each unit. There's these little boxes with the
 15 AC symbols.
 16 MR. CARNOVALE: So on the -- so on the
 17 six units you would have six of them back there; am I
 18 wrong?
 19 MR. MARTINS: Yes, six.
 20 MR. CARNOVALE: So, I mean, from a -- I
 21 don't know if you call it a noise issue, of the
 22 house, get back to that, the one on Bergen or on 8th,
 23 they would hear the whining of six units or five
 24 units?
 25 MR. MARTINS: Well, they're spread out,
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1 Mr. Collazuol?
 2 MR. COLLAZUOL: I don't have any
 3 questions or comments with respect to the
 4 architectural plans or Mr. Virgona.
 5 Thank you.
 6 CHAIRMAN FERGUSON: Okay, thank you.
 7 Mr. Kauker?
 8 MR. KAUKER: Yeah. Just a couple
 9 questions, Mr. Virgona.
 10 You had been asked a question and
 11 opined with respect to, I guess, the height of the
 12 building and its consistency with other structures in
 13 the area.
 14 And you had indicated that it was
 15 consistent with the height of the newer two-family
 16 homes that were being constructed.
 17 But what about in terms of the size of
 18 the structures that are being proposed, and
 19 specifically their length, would you say that they
 20 are consistent with the other buildings that exist
 21 within the neighborhood.
 22 MR. VIRGONA: Well, of course, you
 23 know, our buildings are longer than a typical
 24 two-family structure on a site. The site area, of
 25 course, is much greater. So these are not two-family
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1 but also buffered by the landscaping, by the fences.
 2 I note that those houses on Bergen
 3 Boulevard, these are in their rear yards of those
 4 structures, so they're set back a bit further.
 5 MR. SOKOLICH: And, Mark, is there any
 6 -- if I may, is there any other additional sound
 7 attenuation that you can do, whether it be a special
 8 type of sound attenuation pad or any type of other
 9 blockage so in addition to the landscaping, in
 10 addition to whatever else, in addition to the
 11 distance to the rear of the residence, we can make it
 12 that much lower?
 13 MR. MARTINS: Yes. I believe theres's
 14 sound panels, Ray, that could be provided --
 15 MR. VIRGONA: We could use fencing,
 16 some type of fence, yes.
 17 MR. MARTINS: So the answer would be
 18 yes.
 19 MR. CARNOVALE: That's all I have,
 20 Mr. Chairman.
 21 CHAIRMAN FERGUSON: Okay. Any other
 22 board members have anything?
 23 (No response.)
 24 CHAIRMAN FERGUSON: Okay, we'll go to
 25 our experts.
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1 dwellings. I didn't mean to give that impression.
 2 But I think in terms of, like, street
 3 appearance so on, they have the scale of the
 4 two-family.
 5 As a matter of fact, the width at 35
 6 feet is close to the width of the two-families in
 7 that zone.
 8 MR. KAUKER: Although I would point out
 9 that the length of the buildings are much -- as you
 10 mentioned, much longer than a two-family home.
 11 And my concern really is the impact on
 12 the neighboring properties that are, you know, one-
 13 and two-family all in the area that back up to the
 14 subject property on the north and the east and the
 15 westerly side.
 16 MR. VIRGONA: Yes.
 17 Well, the north, of course, you know
 18 you will see the short side of the buildings again
 19 and they're set back considerably in Building 1 from
 20 that rear property so...
 21 MR. KAUKER: Right. And the one -- one
 22 other -- one other question, I don't know if this
 23 maybe should have been for the engineer or maybe for
 24 the planner, but I think, you know, you might be able
 25 to opine on it.
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1 But when you designed the property, it
 2 doesn't appear that there is any open space that was
 3 provided. Was there any consideration to providing
 4 open space on the site?
 5 MR. VIRGONA: We have a small area to
 6 the rear of Building 2. There are front yards of
 7 course. We have an extra wide right-of-way on East
 8 Edsall Boulevard.
 9 So we're seeking a variance for the
 10 front yard. But in reality these buildings are going
 11 to seem much farther set back than a typical home
 12 here.
 13 MR. KAUKER: I have nothing further,
 14 Mr. Chairman.
 15 CHAIRMAN FERGUSON: Okay.
 16 Hal, you don't have anything for this
 17 witness, do you?
 18 MR. SIMOFF: Nothing for me.
 19 CHAIRMAN FERGUSON: Okay.
 20 So I think what we're going to do is
 21 take a five-minute break.
 22 MR. SOKOLICH: Thank you, Chairman.
 23 CHAIRMAN FERGUSON: And then --
 24 VICE CHAIRMAN ALBANESE: Do you want to
 25 hear the people first before the break.

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1 MS. LAMBRINIDES: Mr. Grala?
 2 MR. GRALA: Here.
 3 MS. LAMBRINIDES: Mr. Brogna?
 4 MS. TESTA: He's recused.
 5 MS. LAMBRINIDES: Did everybody else
 6 leave after that, Diane? Is that it?
 7 Mr. Chung?
 8 MR. CHUNG: Here.
 9 MS. TESTA: Yes, okay.
 10 And Ms. Yoon is still on, right?
 11 MS. LAMBRINIDES: Mr. Lee?
 12 MS. TESTA: Did you call Ms. Yoon in
 13 the roll call?
 14 MS. LAMBRINIDES: I did.
 15 CHAIRMAN FERGUSON: She doesn't answer.
 16 MS. TESTA: Oh, okay.
 17 CHAIRMAN FERGUSON: Okay, Counselor.
 18 MR. SOKOLICH: Chairman, I'd like to
 19 apply to the board for a formal request to carry the
 20 application to your next date of April 19, without
 21 the necessity of renote.
 22 With my applicants and the way we
 23 conduct ourselves, comments don't fall on tin ears.
 24 We've heard some comments that we'd like to go back
 25 and consider --

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1 CHAIRMAN FERGUSON: No.
 2 MS. TESTA: No. We're going to do it
 3 at the end.
 4 VICE CHAIRMAN ALBANESE: I'm sorry.
 5 CHAIRMAN FERGUSON: We're going to do
 6 people at the end.
 7 VICE CHAIRMAN ALBANESE: All right.
 8 CHAIRMAN FERGUSON: So we're going to
 9 take a five-minute break. Then we'll be back.
 10 (Whereupon, a brief recess is held.)
 11 CHAIRMAN FERGUSON: All right.
 12 We're back in session. Roll call for
 13 attendance.
 14 MS. LAMBRINIDES: Mr. Ferguson?
 15 CHAIRMAN FERGUSON: Here.
 16 MS. LAMBRINIDES: Mr. Albanese?
 17 VICE CHAIRMAN ALBANESE: Here.
 18 MS. LAMBRINIDES: Mr. Elefteriou?
 19 MR. ELEFTERIOU: Here.
 20 MS. LAMBRINIDES: Ms. Yoon?
 21 (No response.)
 22 MS. LAMBRINIDES: Mr. Carnovale?
 23 MR. CARNOVALE: Here.
 24 MS. LAMBRINIDES: Mr. Terranova?
 25 MR. TERRANOVA: Here.

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1 CHAIRMAN FERGUSON: Okay.
 2 MR. SOKOLICH: -- and see if there is
 3 anything that we can do to accommodate.
 4 No assurances or promises, but that's
 5 what we will try to do in the intervening period.
 6 CHAIRMAN FERGUSON: All right.
 7 MR. SOKOLICH: If we do amend our
 8 plans, they'll be filed in advance and complied,
 9 Counsel, with, I believe, is the ten-day rule on new
 10 plans.
 11 MS. TESTA: Yes.
 12 MR. SOKOLICH: And we'll certainly have
 13 them uploaded.
 14 CHAIRMAN FERGUSON: I'll make that
 15 motion for us to carry it to the next meeting.
 16 Can I get a second?
 17 VICE CHAIRMAN ALBANESE: I second.
 18 MS. TESTA: No further notice.
 19 CHAIRMAN FERGUSON: No further notice.
 20 MR. MARTINS: Yes. Thank you.
 21 MS. TESTA: Counsel --
 22 MR. SOKOLICH: And we waive. We do,
 23 Counsel.
 24 CHAIRMAN FERGUSON: Roll call?
 25 MS. LAMBRINIDES: Okay.

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1 Mr. Ferguson?
 2 CHAIRMAN FERGUSON: Yes.
 3 MS. LAMBRINIDES: Mr. Albanese?
 4 VICE CHAIRMAN ALBANESE: Yes.
 5 MS. LAMBRINIDES: Mr. Elefteriou?
 6 MR. ELEFTERIOU: Yes.
 7 MS. LAMBRINIDES: Ms. Yoon?
 8 (No response.)
 9 MS. LAMBRINIDES: Mr. Carnovale?
 10 MR. CARNOVALE: Yes.
 11 MS. LAMBRINIDES: Mr. Terranova?
 12 MR. TERRANOVA: Yes.
 13 MS. LAMBRINIDES: Mr. Grala?
 14 MR. GRALA: Yes.
 15 MS. LAMBRINIDES: Mr. Brogna? Is not
 16 -- you said recused.
 17 Mr. Chung?
 18 MR. CHUNG: Yes.
 19 MS. LAMBRINIDES: Mr. Lee?
 20 (No response.)
 21 MS. LAMBRINIDES: Mr. Cho?
 22 CHAIRMAN FERGUSON: Okay.
 23 MS. TESTA: So Case No --
 24 MR. SOKOLICH: Mr. Chairman --
 25 MS. TESTA: Case Number 20-10, V&R

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1 CHAIRMAN FERGUSON: Yes.
 2 MR. MACRI: So I'm asking that my
 3 application be carried to the next meeting without
 4 the necessity of further notice.
 5 CHAIRMAN FERGUSON: Okay.
 6 MS. TESTA: And you'll waive time.
 7 MR. MACRI: I'll waive time.
 8 CHAIRMAN FERGUSON: You'll waive the
 9 time.
 10 All right, I make that motion to grant
 11 the adjournment.
 12 Can I get a second?
 13 VICE CHAIRMAN ALBANESE: Second.
 14 MR. CARNOVALE: Second.
 15 CHAIRMAN FERGUSON: Roll call?
 16 MS. LAMBRINIDES: Mr. Ferguson?
 17 CHAIRMAN FERGUSON: Yes.
 18 MS. LAMBRINIDES: Mr. Albanese?
 19 VICE CHAIRMAN ALBANESE: Yes.
 20 MS. LAMBRINIDES: Mr. Elefteriou?
 21 MR. ELEFTERIOU: Yes.
 22 MS. LAMBRINIDES: Ms. Yoon?
 23 (No response.)
 24 MS. LAMBRINIDES: Mr. Carnovale?
 25 MR. CARNOVALE: Yes.

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1 Developers, 311 East Edsall Boulevard will be carried
 2 to the April 19th, 2021 hearing, at 7 p.m.
 3 No further notice will be provided to
 4 property owners or to the newspaper.
 5 MR. SOKOLICH: Thank you.
 6 MS. TESTA: This is the official
 7 notice.
 8 CHAIRMAN FERGUSON: Okay. Thank you.
 9 MR. SOKOLICH: Thank you, Counsel.
 10 MS. TESTA: Thank you.
 11 MR. SOKOLICH: Mr. Chairman, Members of
 12 the Board, Goodnight.
 13 Thank you.
 14 MS. TESTA: Goodnight. Have a good
 15 evening.
 16 CHAIRMAN FERGUSON: Okay.
 17 Now, we're going to have -- are you
 18 going to -- Case Number 20-12, GPC Homes, 36
 19 Brinkerhoff Terrace.
 20 MR. MACRI: Good evening, Mr. Chairman,
 21 Members of the Board, my name is Marc Macri. And I
 22 represent GPC Homes, LLC.
 23 Mr. Chairman, my application is third
 24 on the agenda. I understand Mr. Alampi has an
 25 application that will take us past 10 p.m.

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1 MS. LAMBRINIDES: Mr. Terranova?
 2 MR. TERRANOVA: Yes.
 3 MS. LAMBRINIDES: Mr. Grala?
 4 MR. GRALA: Yes.
 5 MS. LAMBRINIDES: Mr. Brogna?
 6 MR. BROGNA: Yes.
 7 MS. LAMBRINIDES: Mr. Chung?
 8 MR. CHUNG: Yes.
 9 MS. LAMBRINIDES: Mr. Lee?
 10 (No response.)
 11 MS. LAMBRINIDES: Mr. Cho?
 12 (No response.)
 13 MS. LAMBRINIDES: So that's carrying
 14 20-12, right?
 15 CHAIRMAN FERGUSON: Yes.
 16 MS. TESTA: Right, 20-12, GPC Homes,
 17 LLC, 36 Brinkerhoff Terrace, Block 214, Lot 3, will
 18 be carried to the April 19th, 2021 Board of
 19 Adjustment meeting at 7 p.m.
 20 No further notice will be provided by
 21 the applicant to either the property owners of the
 22 newspapers. And the applicant waives all time
 23 constraints.
 24 MR. MACRI: That's correct.
 25 CHAIRMAN FERGUSON: Okay. Now you want

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1 to put your next --
 2 MR. MACRI: Yes, Mr. Chairman. I have
 3 a similar --
 4 CHAIRMAN FERGUSON: -- case -- Case
 5 Number 21-03, which is 17 [sic] West Ruby Avenue --
 6 MS. TESTA: It's 72.
 7 MR. MACRI: Yes, 72.
 8 CHAIRMAN FERGUSON: It's 72 West Ruby
 9 Avenue.
 10 MR. MACRI: Chairman, Marc Macri on
 11 behalf of S-Platform Investments, LLC.
 12 Similar application, your Honor, excuse
 13 me, I'm asking that this matter be carried to the
 14 April 19th meeting for the reasons set forth in the
 15 prior application.
 16 CHAIRMAN FERGUSON: Okay.
 17 I'll make a motion.
 18 VICE CHAIRMAN ALBANESE: Second.
 19 CHAIRMAN FERGUSON: Second?
 20 Paulie seconds.
 21 Roll call on the adjournment.
 22 MS. LAMBRINIDES: Can you please give
 23 me a moment?
 24 This is 21-03, right, West Ruby Avenue.
 25 CHAIRMAN FERGUSON: Yes.

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1 617, Lot 3 will be carried at the request of the
 2 applicant to the April 19th, 2021 meeting at 7 p.m.
 3 No further notice will be provided to
 4 the property owners within 200 feet or newspapers.
 5 MR. MACRI: Waive all time.
 6 Thank you.
 7 MS. TESTA: Very good.
 8 Thank you.
 9 MR. MACRI: Thank you, everybody. Have
 10 a good evening.
 11 CHAIRMAN FERGUSON: All right. Thank
 12 you. Okay.
 13 MS. TESTA: Okay. We just need
 14 Mr. Alampi.
 15 CHAIRMAN FERGUSON: Can we get
 16 Mr. Alampi in here?
 17 Take one and pass it down.
 18 MS. TESTA: Yes.
 19 Okay, take one and pass it down. Take
 20 one.
 21 CHAIRMAN FERGUSON: Take one, pass it
 22 down.
 23 Counsel, we're ready for you.
 24 MR. ALAMPI: Thank you.
 25 MS. TESTA: This is for tonight's

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1 MS. TESTA: Yes.
 2 MR. MACRI: Yes.
 3 MS. LAMBRINIDES: Mr. Ferguson?
 4 CHAIRMAN FERGUSON: Yes.
 5 MS. LAMBRINIDES: Mr. Albanese?
 6 VICE CHAIRMAN ALBANESE: Yes.
 7 MS. LAMBRINIDES: Mr. Elefteriou?
 8 MR. ELEFTERIOU: Yes.
 9 MS. LAMBRINIDES: Mr. Carnovale?
 10 MR. CARNOVALE: Yes.
 11 MS. LAMBRINIDES: Mr. Terranova?
 12 MR. TERRANOVA: Yes.
 13 MS. LAMBRINIDES: Mr. Grala?
 14 MR. GRALA: Yes.
 15 MS. LAMBRINIDES: Mr. Brogna?
 16 MR. COLLAZUOL: Yes.
 17 MS. LAMBRINIDES: Mr. Chung?
 18 MR. CHUNG: Yes.
 19 MS. LAMBRINIDES: Mr. Lee?
 20 (No response.)
 21 MS. LAMBRINIDES: Mr. Cho?
 22 (No response.)
 23 MS. LAMBRINIDES: Okay.
 24 MS. TESTA: Case Number 21-03,
 25 S-Platform Investments, 72 West Ruby Avenue, Block

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1 hearing.
 2 CHAIRMAN FERGUSON: Let me --
 3 MS. TESTA: This is all 550.
 4 MR. ALAMPI: Chairman Ferguson you're
 5 ready for me?
 6 CHAIRMAN FERGUSON: Yes, you want to
 7 state your appearance please?
 8 MR. ALAMPI: I do.
 9 CHAIRMAN FERGUSON: This is 550 Bergen
 10 Boulevard.
 11 MR. ALAMPI: My name is Carmine Alampi,
 12 A-L-A-M-P-I.
 13 Hopefully I can be heard through the
 14 muffle.
 15 I'm representing the applicant on the
 16 property that everybody probably knows as the old
 17 Ramundo Construction property. This is 550 Bergen
 18 Boulevard.
 19 Before I get into the presentation, I
 20 just wanted to put on the record, Ms. Testa, that we
 21 did provide notice to the public within 200 feet,
 22 including residents in the Borough of Fort Lee, as
 23 well as the Clerk of the Borough of Fort Lee since
 24 it's going within 200 feet of the municipal boundary.
 25 We provided publication in The Record and notice by

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1 certified mail to all appropriate parties.
 2 I did provide you an Affidavit of
 3 Service for your review. And, essentially, we
 4 notified the public that we are constructing a
 5 mid-rise, multi-residential building, 40 units. We
 6 gave the height, the dimensions, and the location.
 7 It's very clear that it's in the MC Commercial Zone.
 8 And we are applying for a residential use that
 9 triggered the use variance before the Zoning Board of
 10 Adjustment.

11 With that notice, I want to bring to
 12 the board's attention, you may recall that I did
 13 represent the then owner of this property, Mr. Park,
 14 who unfortunately passed away two years ago. But the
 15 Park family bought the property from the Ramundo
 16 family. They bought the Fort Lee section and the
 17 Palisades Park section.

18 And with that, they developed the Fort
 19 Lee sections. As we all know, it has the 7-Eleven
 20 and the commercial shopping center.

21 So Mr. Park was very successful with
 22 that property. But he became very ill and died at
 23 the young age of 62 years. His two sons operated
 24 their business. They were in the importing leather
 25 business. And when they lost their dad -- their

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1 garage layout.
 2 Also, with the idea that eventually we
 3 would use Oakdene Avenue as the route -- as a ramp
 4 coming into the building.

5 The only thing that's changed are
 6 improvements we've made to the plan. That 2011
 7 application has expired.

8 So I'm not going to say to you, you
 9 gave me 50 units so now you have to give me
 10 40 units.

11 What I'm going to say to you is, we
 12 justified 50 units on that project, so I know we'll
 13 justify 40 units. But that application is stale.
 14 It's expired.

15 What we were going to do then, we were
 16 going to ask to vacate part of 9th Street -- 11th
 17 Street that came into the side of the property. It's
 18 a paper street. And we were going to do something
 19 with Oakdene.

20 We've abandoned that. And we
 21 determined that we could reconstruct Oakdene.
 22 Oakdene is an existing right-of-way street, but it's
 23 unimproved. It's what we call a paper street.

24 We intend to reconstruct it in its
 25 exact location. But instead of it dipping down with

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1 mother was also ill, they decided to liquidate this
 2 property. And they sold the property to a Dr. and
 3 Mrs. Oh, who I came to meet about a year-and-a-half
 4 ago. And Dr. Oh has his Ph.D. so we refer to him as
 5 a doctor. He's not a medical doctor. But he is the
 6 son of a very prominent construction company in
 7 Korea. He is a very large-scale developer in Korea.

8 But he moved to the United States many
 9 years ago. And his wife is an educator. And their
 10 adult children were educated here.

11 Mr. Oh returns back to Korea four or
 12 five times a year to attend to the family businesses.
 13 It's a multimillion dollar construction business. So
 14 this man knows how to build a project. Whether it's
 15 in Korea or the United States, engineering is
 16 engineering; architectural is architectural.

17 So he decided that he would like to do
 18 a development project here in Palisades Park.

19 He was introduced to Mr. Park, who did
 20 pass away, bought the property, understood that I
 21 represented Mr. Park, and he asked me to represent
 22 him in this application.

23 Now, we appeared here ten years ago and
 24 secured an approval on this site to build 50 units
 25 and with the same physical footprint and the same

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1 a severe pitch -- if you all remember when Chick
 2 Ramundo had his garage and his equipment, that you
 3 basically came in the driveway and it, kind of,
 4 sloped down in a sweeping manner.

5 And, you know, Chick was a little bit
 6 on the heavy side. He couldn't walk up and down that
 7 thing. So he'd have to have a little golf cart to go
 8 up and down for him.

9 But what we intend to do is soil
 10 connect that incline and straighten it out somewhat.

11 Now, we also have neighbors. Those
 12 neighbors on Boulevard East, Anthony Severino and
 13 several of his partners, who had ownership of the
 14 medical facility next door to us and around us.

15 And they also were before this board
 16 when they built the, I think, 18- or 20-unit
 17 apartment building behind us.

18 CHAIRMAN FERGUSON: Right.

19 MR. ALAMPI: They are our neighbors.
 20 They're our friends.

21 They have a piece of property that's
 22 triangular in shape that's probably the size of half
 23 this room that's down at the bottom of that driveway.
 24 That's their property.

25 We have been meeting with them and
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1 talking to them about giving us the opportunity, if
 2 this board should review our application favorably,
 3 and the Mayor & Council allows us to reconstruct
 4 Oakdene, that not only are we going to install nine
 5 parking spaces on the Fort Lee border -- Palisades
 6 Park with Fort Lee border, that's the north side of
 7 Oakdene, but we would lift their property up. The
 8 section that they have is a triangular shape,
 9 something less than half of the size of this room,
 10 where they park a few cars. It was always
 11 unimproved. Last year they paved it and
 12 cleaned it up so they can use it, because their
 13 tenants needed more parking. And it was their
 14 property. And we had no objection to the fact that
 15 they came around our property and did that. It's
 16 clean. It's nice looking.
 17 We've been meeting with them. We don't
 18 have a formal agreement, but we expect that we will
 19 come to an agreement. And their attorney is Joe
 20 Basralian. And Mr. Basralian is monitoring this
 21 meeting. And in our conversations, we discussed the
 22 fact that we will attempt to work with each other so
 23 that we can reconstruct Oakdene and lift that
 24 triangular piece of property so that it's flush with
 25 the rest of their parking. And we hope that in the

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1 firm, who is our traffic consultant.
 2 I know that we received comment and
 3 review letters from Collazuol Associates as your
 4 engineer, Kauker & Kauker as your planner, and Hal
 5 Simoff as your traffic. We've reviewed those
 6 letters. I don't see anything problematic.
 7 Obviously they have some questions. I think we're
 8 going to be able to answer them all.
 9 So we're going to start with the
 10 architectural presentation, and then we'll go to the
 11 engineering.
 12 One last comment, after we got the
 13 approval before the Board of Adjustment, we went to
 14 the State DOT. And I obtained from the DOT, because
 15 it's a State roadway, an accommodation or occupancy
 16 permit, because Oakdene is an existing legal street.
 17 And when one street goes into a state highway, you
 18 need a certain type of permit.
 19 So we don't need what's called an
 20 access permanent. We needed an occupancy permit.
 21 We secured that permit. And then I was
 22 required to file a deed with the language that
 23 embodied the details of that permit. And I did
 24 record that deed back in 2013.

25 So my variance and site plan may have
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1 end they actually will gain two or three more parking
 2 spaces besides the six spaces they have below, but
 3 that they'll pick up a few parking spaces.
 4 So this application could result in
 5 their property and their tenants getting a few more
 6 parking spaces. It will be much more convenient and
 7 will improve Oakdene.
 8 And what we did as a result of this
 9 design, we also changed our approach going into the
 10 building and under the building.
 11 The old design was laid out in such a
 12 way that we would just go right into the building.
 13 The new design allows us to make a
 14 90-degree right angle, and it gives us better
 15 circulation of the cars that will be parked in there.
 16 So I'm going to start firstly with the
 17 architect to show you the building and the beauty of
 18 the building and the design. We -- we upgraded and
 19 made it more modern.
 20 But then we'll have the engineer, who
 21 will go into great detail about Oakdene, the entryway
 22 and the engineering design. He's also our planning
 23 consultant.
 24 And the third witness, if necessary, is
 25 Brian Intindola from the same Neglia Engineering

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1 expired, but my State Highway Permit is still viable.
 2 That's a good thing.
 3 Obviously no matter what we do here,
 4 the Mayor & Council have to weigh in on the control
 5 of Oakdene. That's a governing body control.
 6 We intend to go to them if we receive a favorable
 7 review.
 8 So that's the background. The previous
 9 application is lapsed. The State Highway Permit is
 10 still in existence. The municipal governing body
 11 will be involved in Oakdene. We're going to put nine
 12 new parking spaces on Oakdene that didn't exist
 13 before. And we're going to add some parking to our
 14 neighbors next door.
 15 And if the details are worked out,
 16 they're going to negotiate with us, at our cost, a
 17 retaining wall, any drainage inlets and any other
 18 improvements.
 19 And I think it's always nice when
 20 neighbors get along with each other.

21 CHAIRMAN FERGUSON: Okay. Just --
 22 counsel, I just got a couple of comments and a
 23 question.
 24 MR. ALAMPI: Sure.
 25 CHAIRMAN FERGUSON: Just for a point of
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1 interest there's two current board members that were
2 on that approval those years ago. That would be me
3 and Mr. Grala, who sat on it.

4 The other thing, I'm just reading
5 through your application. And I'm not a lawyer.

6 Is the person have an New York -- a New
7 York...

8 MR. ALAMPI: It's a New York LLC --

9 CHAIRMAN FERGUSON: Correct.

10 MR. ALAMPI: -- authorized to do
11 business in New Jersey. I have the authorization
12 document file.

13 CHAIRMAN FERGUSON: Yes. You have
14 that.

15 MR. ALAMPI: Yes.

16 CHAIRMAN FERGUSON: Okay.

17 MR. ALAMPI: If I haven't sent it, I'll
18 send it to Ms. Testa tomorrow.

19 CHAIRMAN FERGUSON: I would appreciate
20 that.

21 MR. ALAMPI: But it is a New York
22 created LLC with an authorization to do business in
23 New Jersey. That authorization is what you call a
24 foreign -- Foreign Corporation Authorization.

25 CHAIRMAN FERGUSON: Okay. We're going
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1 Basralian. I'm an attorney in Hackensack with Winne,
2 Banta, Basralian and Kahn and represent Boulevard
3 East Associates.

4 Mr. Alampi did properly represent that
5 we have discussed what he proposes to do.

6 The next-door neighbor, Boulevard East,
7 has no objections to the plan -- pardon me -- subject
8 to -- pardon me -- subject to working out an
9 agreement for the improvement of our property and
10 access for the building of a retaining wall and such
11 other things that are necessary, along with the
12 approvals, if they're required, from Palisades Park
13 for the improvement to our parking lot.

14 But I'd like to put my name on the
15 record for that purpose.

16 Again, we're not objecting to the
17 application subject to working out an agreement with
18 the applicant before you, if the board should approve
19 this application, either tonight or in the future.

20 Thank you.

21 MR. ALAMPI: Thank you, Mr. Basralian.

22 CHAIRMAN FERGUSON: I'm getting another
23 lawyer, just so I understand it.

24 You don't own the property, you own the
25 property that you're going to develop, where you're

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1 to see if you send that to Ms. Testa.

2 MR. ALAMPI: I thought that I did.

3 But, Diane, if I didn't, I happen to
4 have those papers because I assisted them in their
5 paperwork when they bought the property.

6 And I thought I filed them with the
7 application. If it's my oversight, they are
8 authorized to do business.

9 CHAIRMAN FERGUSON: That's fine. We
10 can proceed --

11 MS. TESTA: You can submit it to me
12 tomorrow.

13 CHAIRMAN FERGUSON: -- and just print it
14 up. I would just --

15 MR. ALAMPI: As a matter of fact, it's
16 here in my dirty little hands. This is the
17 authorization.

18 I'll just let Diane take a look at
19 these.

20 CHAIRMAN FERGUSON: Okay. We'll take a
21 look at these.

22 MR. BASRALIAN: Mr. Chairman, could I
23 put my appearance on the record?

24 CHAIRMAN FERGUSON: Sure.

25 MR. BASRALIAN: Yes, my name is Joseph

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1 going to build the building.

2 MR. ALAMPI: Correct.

3 CHAIRMAN FERGUSON: There's another
4 piece of property next door to it, and you're going
5 enter into an agreement to improve that piece of
6 property, that triangular piece of property, right.

7 MR. ALAMPI: Absolutely, yes.

8 CHAIRMAN FERGUSON: Now, the question I
9 have though is, does the board -- the board is just
10 going to be voting on your application. That
11 triangular piece next door, does the board have to
12 vote on that?

13 MR. ALAMPI: The board does in an
14 indirect way as part of the site plan but not as part
15 of the use variance, but the site plan. Because we
16 are going to illustrate for you what we intend to do
17 on Oakdene.

18 CHAIRMAN FERGUSON: Okay.

19 MR. ALAMPI: And so you don't have
20 jurisdiction per se over that triangle, but you want
21 to be aware and be told by sworn testimony what we
22 plan to do.

23 CHAIRMAN FERGUSON: Right.

24 MR. ALAMPI: So it will be part of the
25 presentation, but your only concern is Oakdene and

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1 our property.
 2 CHAIRMAN FERGUSON: Correct.
 3 MR. ALAMPI: Again, the neighboring
 4 property owner will see a slight improvement to their
 5 parking situation.
 6 And we wanted to make a full
 7 disclosure.
 8 CHAIRMAN FERGUSON: I appreciate that,
 9 but I -- I'm just trying to get an opinion.
 10 And I guess I should direct this to the
 11 counsel, our counsel.
 12 What happens if we approve your
 13 application and you don't come to an agreement with
 14 that piece of property next door.
 15 MR. ALAMPI: Well, they can always file
 16 a lawsuit to block our application. They can do a
 17 lot of things. But we will come to an agreement.
 18 MR. BASRALIAN: Mr. Chairman, this is
 19 Joseph Basralian.
 20 My -- my statement to you just a few
 21 minutes ago, and to Mr. Alampi as well, is we don't
 22 object subject to coming to an agreement. If we
 23 don't come to an agreement, we put our objection on
 24 the record.
 25 Part of our access to the property is
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1 over Oakdene now, which was sought to be a change so
 2 that we wouldn't have access to that triangular piece
 3 from Boulevard East.
 4 So that's we don't object so long as
 5 this agreement comes to pass and Mr. Alampi's client
 6 does what he says he's going to do. So it's a
 7 combination of things.
 8 MR. ALAMPI: So I can tell you this --
 9 CHAIRMAN FERGUSON: Yes, please.
 10 MR. ALAMPI: -- thank you, Joe, for
 11 that.
 12 We will come to terms.
 13 What Mr. Basralian says, if we can't
 14 figure out the retaining wall and the infrastructure,
 15 then he would be against it because then he couldn't
 16 get down to his six parking spaces down there.
 17 CHAIRMAN FERGUSON: Okay.
 18 MR. ALAMPI: So in other words --
 19 CHAIRMAN FERGUSON: So in other words,
 20 he's got -- he's got --
 21 MR. ALAMPI: He -- well, remember this,
 22 when we were here last there was an issue as to
 23 whether or not I had to get their approval in the
 24 resolution.
 25 And I objected to that. We wanted our

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1 approval to be standing on its own merits.
 2 CHAIRMAN FERGUSON: Right.
 3 MR. ALAMPI: The difference today is
 4 we redesigned how we're going to use Oakdene.
 5 So I do need them.
 6 CHAIRMAN FERGUSON: Okay.
 7 MR. ALAMPI: And I need to cooperate
 8 with them. And they are cooperating with us.
 9 So I believe that since it's mutually
 10 beneficial -- and, again, that's up to the Mayor &
 11 Council.
 12 CHAIRMAN FERGUSON: Correct.
 13 MR. ALAMPI: But the board will be
 14 aware that the reconstruction of Oakdene is subject
 15 to the Mayor & Council and, of course, subject to not
 16 cutting off Mr. Basralian's clients from their five
 17 or six parking spaces they have down there.
 18 CHAIRMAN FERGUSON: Yeah.
 19 MR. BASRALIAN: Yes.
 20 We're both saying the same thing, that
 21 the approval for this application will be subject to
 22 working out an agreement with Boulevard East.
 23 Mr. Alampi probably correctly
 24 represented that we are likely -- very likely to work
 25 out an agreement. Our clients are amenable to do it,
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1 as is his.
 2 But it still should be subject to our
 3 -- you know, our agreement between the two parties.
 4 CHAIRMAN FERGUSON: Okay.
 5 MR. ALAMPI: Mr. Chairman, you have a
 6 good remember, because that was a little bit of an
 7 issue the last time around.
 8 CHAIRMAN FERGUSON: I don't remember
 9 last month, but 11 years.
 10 MR. ALAMPI: You know, sometimes it's
 11 like that. You can remember something 20 years ago,
 12 like this --
 13 CHAIRMAN FERGUSON: Yeah.
 14 MR. ALAMPI: -- but I can't remember
 15 what I had for breakfast this morning.
 16 So with that, can I start the
 17 presentation.
 18 MS. TESTA: I'll state again --
 19 CHAIRMAN FERGUSON: We'll put this --
 20 MS. TESTA: Right.
 21 CHAIRMAN FERGUSON: We're going to
 22 start --
 23 MS. TESTA: If this board acts
 24 favorably on this application there can to be a
 25 condition, again, so he can get the approval of the

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1 governing body and then the approval --
 2 MR. ALAMPI: Right. And, Diane, the
 3 last time I was objecting that it be a condition that
 4 my property be controlled by the adjacent property
 5 owner. But since we redesigned it -- -
 6 MS. TESTA: Right.
 7 MR. ALAMPI: -- I do need their approval
 8 anyway.
 9 MS. TESTA: Yes.
 10 MR. ALAMPI: So I'm okay with that.
 11 MS. TESTA: Okay. Very good.
 12 CHAIRMAN FERGUSON: Yes. You want to
 13 put your witnesses on?
 14 MR. ALAMPI: Yes. I'm going to call
 15 Mr. Virgona, who is not as skilled as his dad, but
 16 he's going to try to do a good job.
 17 MR. VIRGONA: I'll make an attempt.
 18 CHAIRMAN FERGUSON: Okay.
 19 MS. TESTA: Please raise your right
 20 hand.
 21 Do you swear that the testimony you
 22 give for this application will be the truth, the
 23 whole truth, and nothing but the truth, so help you
 24 God?
 25 MR. VIRGONA: I do.

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1 A. That is correct.
 2 MR. ALAMPI: And, Chairman, will you
 3 accept Mr. Virgona?
 4 CHAIRMAN FERGUSON: Yes.
 5 MR. ALAMPI: Thank you.
 6 CHAIRMAN FERGUSON: You're welcome.
 7 DIRECT EXAMINATION
 8 BY MR. ALAMPI:
 9 Q. Mark, your family, you were involved
 10 with the Boulevard East Partners project directly
 11 behind us, the building?
 12 A. Yes, I was.
 13 Q. That was also a multi-dwelling built in
 14 that same zone, correct?
 15 A. That's correct, yes.
 16 Q. And that's directly behind the subject
 17 project?
 18 A. That's correct.
 19 Q. And you've dealt with this property
 20 back in the earlier part with Mr. Park and his
 21 family, correct?
 22 A. No. We didn't really get involved with
 23 that project.
 24 Q. Okay, my mistake.
 25 But you were engaged then by Dr. Oh and

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1 M A R K V I R G O N A, AIA
 2 125 River Road, Suite 201, Edgewater, New Jersey,
 3 having been duly sworn, testifies as follows:
 4 MS. TESTA: State your name for the
 5 record.
 6 MR. VIRGONA: It's Mark Virgona.
 7 The address is 125 River Road, Suite
 8 201 in Edgewater, New Jersey.
 9 CHAIRMAN FERGUSON: Yes, if he wants to
 10 -- have you appeared before this board before?
 11 MR. VIRGONA: I have. It's been a long
 12 time, though, it's probably...
 13 MR. ALAMPI: You may not recognize him
 14 with the mask on.
 15 MR. VIRGONA: Yes.
 16 VOIR DIRE EXAMINATION
 17 BY MR. ALAMPI:
 18 Q. Mark, you're a licensed architect in
 19 the State of New Jersey, correct?
 20 A. Yes, I am.
 21 Q. And You have been for several years?
 22 A. Yes.
 23 Q. And You're now the third generation of
 24 architects in your family tree of architects,
 25 correct?

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1 his wife --
 2 A. Yes.
 3 Q. -- about two years ago they came to
 4 you?
 5 A. That's correct.
 6 Q. And they had understood that there was
 7 an earlier approval of 50 units permitted, but that
 8 that had expired, correct?
 9 A. That is correct.
 10 Q. And then with your input, you
 11 redesigned the building some what. You put a new
 12 look to it and you helped them to articulate the
 13 parking deck entrance.
 14 You had some suggestions, right?
 15 A. Yes.
 16 Q. So just bring us through -- I'm going
 17 to mark -- is that a rendering you have up there?
 18 A. Yes. This is --
 19 Q. Why don't you mark it as A-1?
 20 A. This is Sheet A-1 of the architectural
 21 set.
 22 Q. Okay.
 23 MS. TESTA: Give us the date please.
 24 MR. VIRGONA: It's September 23rd,
 25 2020.

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1 MS. TESTA: Thank you.
 2 MR. VIRGONA: This is the same image
 3 you have on your --
 4 MS. TESTA: Yes.
 5 (Whereupon, Architectural Plan Dated
 6 September 23, 2020, is marked as Exhibit A-1
 7 for identification.)
 8 BY MR. ALAMPI:
 9 Q. Now, these exhibits are all part of the
 10 package that we submitted.
 11 But some of these are colorized and
 12 such. But for general purposes --
 13 MR. ALAMPI: And, Diane, for the
 14 record, we had made an initial submission, I think,
 15 back in November.
 16 And we received comment review letters
 17 with regard to completeness.
 18 And then we received a more
 19 comprehensive letter from Collazuol Associates, first
 20 for the review of completeness, then for the
 21 critiquing of the application.
 22 So we made a resubmission of plans,
 23 February 22nd, 2021 was our latest resubmission.
 24 We made some adjustments based on the
 25 comments that are made by the consulting

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1 property, their parking lot, along Bergen Boulevard
 2 to what's currently the backside of Oakdene.
 3 Maybe it would hope, if you don't mind,
 4 I'm going to -- can we look at the...
 5 Q. We're going to mark that as you're
 6 testifying. That's the engineering site plan from
 7 Neglia?
 8 A. Yes.
 9 Q. Which will be testified to in a few
 10 minutes, But mark that as A-2.
 11 A. Okay.
 12 (Whereupon, Site Plan Prepared by
 13 Neglia Engineering, September 24, 2020, is
 14 marked as Exhibit A-2 for identification.)
 15 MR. VIRGONA: Okay, just to get our
 16 bearings.
 17 In this image -- in this drawing --
 18 BY MR. ALAMPI:
 19 Q. Just give us the date of that --
 20 A. This is --
 21 Q. -- the revision date, please?
 22 A. -- September 24, 2020.
 23 So in this drawing to the right on this
 24 sheet is Bergen Boulevard, which is to the west.
 25 And the property, which you see is

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1 professionals.
 2 My letter is misdated. It says
 3 February 23rd, 2020. It's actually February 23rd,
 4 2021.
 5 That was our submission. That of
 6 course would be noted
 7 BY MR. ALAMPI:
 8 Q. So, Mark, A-1 your rendering, just show
 9 us what that depicts.
 10 A. Yes, So that is a depiction of the
 11 front view of the building from Bergen Boulevard.
 12 In this image you can see that the
 13 immediate -- the lower left of it is the actual
 14 entry, which is Oakdene, which is the new Oakdene.
 15 Currently Oakdene slopes downward
 16 towards the east.
 17 In the new proposal Oakdene slopes
 18 slightly upward.
 19 And part -- the reason -- one of the
 20 reasons for doing that is that the adjacent property
 21 to the -- to the south, which is the -- which is the
 22 Boulevard Partners piece, is higher significantly
 23 than that Oakdene driveway.
 24 As this Oakdene street goes down, there
 25 is almost a 10-foot-grade differential from their

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1 this, sort of, square-shaped property, is located
 2 between three other buildings. And in the end of
 3 Oakdene you have -- you can see here Oakdene is a --
 4 - is a right-of-way, comes along the side of the
 5 Boulevard Partners' property.
 6 So just for purposes of information,
 7 the Boulevard Partners property, is the larger parcel
 8 extends further to the south.
 9 And it's got a small portion of it that
 10 comes in front of this property when looking at it
 11 from Bergen Boulevard.
 12 So that's the portion that you can see
 13 on this drawing.
 14 And on this site plan on this Sheet 2,
 15 you can see there's a -- it looks like a picture of
 16 the parking and the cars. That's a picture of the
 17 existing conditions on that -- on that site, on the
 18 Boulevard Partners.
 19 So our -- our property is to the east
 20 of that property. And it's this sort of
 21 square-shaped property (indicating).
 22 And the Oakdene piece is further north.
 23 The Oakdene street access here, Oakdene Avenue access
 24 is -- is on the northern side of that Boulevard
 25 Partners' property. So --

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1 Q. Mark, with your hand just show us where
 2 Fort Lee is.
 3 A. So Fort Lee is -- is that way
 4 (indicating) well, it's kind of --
 5 Q. It's on both sides?
 6 A. -- on both, yup.
 7 It's -- it's down. It would be this
 8 way --
 9 Q. Yeah, on the bottom?
 10 A. -- and this way.
 11 Right.
 12 The building that we were discussing
 13 that we had worked on previously, the multifamily,
 14 is right here (indicating). You can see it's -- you
 15 can see the edge of it right here.
 16 Q. Right. That was recently constructed
 17 within the last two years?
 18 A. Yeah. Maybe -- yeah, two, three years.
 19 Q. Three?
 20 A. Yeah.
 21 To the -- to the south is a -- is a
 22 commercial building with existing commercial tenants.
 23 It's a one-story building.
 24 And then to the north here is --
 25 immediately adjacent to our building is the senior

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1 property.
 2 To the left here would be the senior
 3 building and the commercial building. And this is
 4 the new Oakdene Avenue -- what's it called --
 5 rebuild.
 6 Q. Okay. Turning to your other exhibits.
 7 A. Sure. So one of the --
 8 Q. We'll mark this A-3.
 9 A. Yes.
 10 Q. Everything that you mount, that you
 11 testify to we'll mark, A-3?
 12 A. Yes.
 13 (Whereupon, Elevations Sheet, Dated
 14 September 23, 2020, is marked as Exhibit A-3
 15 for identification.)
 16 BY MR. ALAMPI:
 17 Q. Just tell us what it is and the date of
 18 last revision.
 19 A. Yeah, so A-3 is a -- is a Elevation
 20 Sheet, Drawing A-2 of architectural set. And it's
 21 also dated September 23rd.
 22 MR. VIRGONA: So, Mr. Alampj, mentioned
 23 that when we -- when we redesigned this, one of the
 24 -- one of the changes that occurred was originally
 25 when -- the only -- the only actual street access to

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1 housing building.
 2 I think it's the Fort Lee Senior
 3 Housing.
 4 And then to the -- closer to Bergen
 5 Boulevard to the south is more -- is more retail.
 6 You can see the corner of that building. I believe
 7 this is the one you were referring to.
 8 Q. So the retail stores are in Fort Lee
 9 along Bergen Boulevard?
 10 A. Correct.
 11 Q. And directly behind that retail is the
 12 Fort Lee Senior Center 40-unit?
 13 A. That's correct.
 14 Q. -- on Theresa Drive, correct?
 15 A. That's correct. There's access from
 16 the other street. Correct.
 17 And there's a parking lot in front of
 18 the -- in front of this retail, well, to the driveway
 19 on -- off of the boulevard, Bergen Boulevard.
 20 So the view -- back to the view, just
 21 the view was taken as you enter both and look
 22 directly at the building this was. That's what that
 23 view is.
 24 So to the right here, this is the
 25 Oakdene. And this is the Boulevard Partners'

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1 this property is the part along Oakdene here.
 2 The remainder of this building is
 3 adjacent to the neighboring property. So in the
 4 original scheme, though, this was the driveway
 5 entrance to the building. So when you drove up the
 6 street, the only thing that was visible on the ground
 7 level from Oakdene was the garage. The lobby was off
 8 to the right. Then you had to kind of -- you
 9 couldn't really see it. It didn't give a very nice
 10 presence to the building. And the entry was a little
 11 bit hidden and up some steps.
 12 So by reconfiguring it, what we did was
 13 we made it so that you drive up the street then you
 14 turn into the garage, to the right.
 15 And you start your decent, because the
 16 garage is sloping downwards. And you slope in a
 17 spiral way to get underneath that lobby.
 18 So as you come up Oakdene, you turn
 19 right to get into the garage. And then the garage
 20 continues to slope to a point in the rear where it's
 21 under the lobby. Then it continues to descend to
 22 contain all of the parking below the ground.
 23 Q. You recommended that adjustment to the
 24 original approach to the garage to the clients,
 25 correct?

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1 A. We did.

2 Q. Why -- why do you feel that's a better

3 design?

4 A. Well, for a few reasons. One is that

5 the -- the garage is now much less visible from the

6 street. So when you look at this building, you're

7 looking at the lobby, you're looking a nice glass

8 wall, an entry and a canopy, and you're not looking

9 at just an open parking structure.

10 Q. So you were concerned with the

11 aesthetics and the appearance of the building?

12 A. That's correct.

13 The garage also didn't function as well

14 in terms of actually making the headroom as you go

15 down that ramp. It was -- it was very tight for we

16 improved the functional working of the garage.

17 Q. That gain -- you gained some headroom?

18 A. We gained some headroom because we had

19 more length to get down, to get under that lot,

20 right.

21 So by doing that we extended the

22 garage, making the slope a little bit more gentle and

23 gaining headroom in the back of the garage.

24 And, again, from -- as you can see from

25 the rendering, you don't really see that much of it

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1 So we took exactly, you know, ten units

2 off of 50 and made the building a full-story shorter.

3 And that's how we got to this plan.

4 Q. How many levels of residential units

5 are there above the parking?

6 A. There's four stories of residential and

7 then one level of lobby and garage. And then below

8 that there's more parking.

9 So the parking, kind of, spirals

10 around. And the property has a -- has a significant,

11 sort of, grade change.

12 So as you go down, the amount of

13 parking visible varies based on the existing grade

14 against the building.

15 Q. So you studied the -- the topography of

16 the site, even though you're not an engineer, you

17 looked at it?

18 A. Yes.

19 Q. And looking at your design of the

20 parking garage and the profile of Oakdene, did you

21 collaborate with the engineer and determine a way

22 to get more headroom yet make the garage disappear

23 more and keep the same full amount of parking even

24 though there are less units?

25 A. That's correct, we did.

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1 from -- from the street because -- by -- by doing

2 so.

3 Q. Now, Mark --

4 A. Yes.

5 Q. -- when you say that you've improved

6 the headroom, does that accommodate, under ADA

7 standards, handicapped vehicles?

8 A. It does -- it does -- it does allow us

9 to get handicap vehicles down. We have a -- we also

10 have a van accessible space, which is a taller

11 requirement. But that exists in the front of the

12 building, so you don't even have to go in the garage

13 to get to that space.

14 But the -- but the remainder -- yes,

15 you can -- yes, we have ADA spaces within the

16 building with the full height.

17 So as you can -- as -- as Mr. Alampi

18 mentioned, the original building was similar in

19 shape, but a full-story taller and ten units more.

20 And so what -- when we did this, we --

21 we kept the same number of parking spaces, the same

22 general configuration with the garage starting from

23 this level and going downward, but the remainder --

24 the number of spaces was the same, but the number of

25 units is what was reduced.

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1 Q. It took a little bit of work on your

2 part?

3 A. Yeah. It was -- yes, yes.

4 And it was little -- you know, part of

5 the issue here is that -- because this adjacent

6 property to the south is 10-feet higher than the

7 existing grade where our building -- our lot actually

8 is, we would have had a wall around our entire

9 building where we would be looking at the wall of

10 their property now, because there currently is a

11 retaining wall here (indicating) along these two

12 sides that hold up the parking lots on their

13 property.

14 So this is, essentially, in a hole when

15 you look at it from their side. We're about 10 feet

16 lower.

17 So it was the logical place to hide a

18 garage. And it was the logical place to -- and this

19 is how we get into this discussion of the triangle.

20 But it was the rational way to fit the

21 building in here and have it less impact.

22 Q. Okay.

23 A. So as you can see, we have four

24 residential floors and one lobby and garage level.

25 Q. So now we're looking at what we just

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1 marked as A-3, your elevations?
 2 A. That's correct.
 3 This is the Elevations Sheet A-3.
 4 Q. And that elevation first and foremost
 5 --
 6 A. Yes. That's the --
 7 Q. -- based on the ordinance how you
 8 measure height, et cetera. What it is height
 9 above --
 10 A. Okay. So the height as measured to the
 11 grade plane is 65-foot-9 approximately, a little more
 12 than 65-foot-8.
 13 So -- and that is measured to the
 14 average grade around the perimeter of the building.
 15 It won't appear that tall from the street or from
 16 this property to -- you know, the most visible part.
 17 From Bergen Boulevard it will appear
 18 -- it will appear much shorter than that because the
 19 grade along this whole side is much higher than that.
 20 And as I just indicated, that there's
 21 this, sort of, low, kind of, what's called a hole
 22 currently that's -- that's below the level of these
 23 -- these grades fronting Bergen Boulevard.
 24 So that -- the grade level is taken as
 25 an average; therefore, it's lower than the floor

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1 A. And hen behind us we have the Boulevard
 2 Partners.
 3 Q. And you designed the building behind
 4 it?
 5 A. Yes.
 6 Q. And so this building in context with
 7 some of the residential development, do you think
 8 this will be a good fit in that area?
 9 A. I do, I do.
 10 I think it seems like the multifamily
 11 is the logical -- the logical use among those
 12 particular uses.
 13 Q. Now, the MC Zone allows for warehouses
 14 and industrial-type of uses?
 15 A. Right. And -- and --
 16 Q. Besides the -- amongst the commercial
 17 uses?
 18 A. Correct.
 19 Q. Do you think an industrial use is -- on
 20 Bergen Boulevard is in keeping with what's been
 21 developing in the general area?
 22 A. No, I don't.
 23 I think that's -- I think that's what
 24 it used to be. And I think as time has gone by -- I
 25 mean we used to go to -- the Ramundo shop used to be

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1 level of our lobby.
 2 So the number is 65, but the number for
 3 the lobby is about 57.
 4 Q. Right.
 5 So the building, by definition, is a 60
 6 -- almost 66 feet?
 7 A. Right.
 8 Q. But from Bergen Boulevard, and looking
 9 at the approach, it will appear to be like 56 feet?
 10 A. That's correct, yes, 57, right. That's
 11 correct. Right.
 12 So in terms of the building, we have --
 13 we're using a variety of materials trying to give it
 14 some interest, not to make it, sort of, a bland, box.
 15 We understand that we're in between
 16 commercial buildings and residential buildings. And
 17 it's an unusual site in that regard.
 18 Q. But to give it some context, even
 19 though this is the MC Commercial Zone, you do have in
 20 Fort Lee -- I know it's Fort Lee, not Palisades Park
 21 -- a senior citizen building?
 22 A. Yes.
 23 Q. Which is a brick structure, correct?
 24 A. That's correct.
 25 Q. And --

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1 on this property where they stored their trucks. And
 2 -- and we used to have heir Christmas party with them
 3 there. So we know -- what it used to be. And it's
 4 changed. It's not -- it's not really appropriate
 5 now. Now there's nice commercial, there's
 6 residential. And we're trying to keep with the new
 7 trend.
 8 Q. And the continuation of a construction
 9 yard without outdoor storage, heavy equipment,
 10 certainly eliminating that is a good thing, isn't it?
 11 A. I think so.
 12 Q. All right. So let's go to your
 13 elevations and your plans.
 14 A. Sure.
 15 So this -- as far as the materials for
 16 the building, we're using a combination of metal,
 17 brick and some stucco. We're trying to use the
 18 materials to help --
 19 Q. Did the client have any input on what
 20 you would do on materials?
 21 A. He had -- he had some input. He's --
 22 he's interested in design. He's an architect also.
 23 Not that he designed it, but he did -- he did -- he
 24 wanted it to be something, kind of, special with his
 25 lot. So, you know, for what it's worth, that's what

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1 we tried to give him.

2 And we're trying to -- we're trying to
3 use the materials in a way that help reduce the
4 impact of the size of the building by breaking it up
5 with different surfaces to make it appear more,
6 almost like an assembly of smaller building.

7 **Q.** And based on your knowledge of these
8 materials and the applications on the facade, does
9 this help to make the building appear a little
10 smaller --

11 **A.** Yes.

12 **Q.** -- than it actually is?

13 **A.** That's -- that's the idea. And it also
14 starts to bring in materials from the different types
15 of buildings that are around it.

16 It has some of the brick, like the
17 brick building next door, that's -- the residential
18 building. It has some metal, like, the commercial
19 buildings. It has some stucco, which -- which exists
20 on those commercial buildings.

21 So we're, kind of, using that as a sort
22 of starting point, and that's how we sort of
23 developed this.

24 **Q.** Good.

25 **A.** So as you -- the top drawing here is
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1 starts at the top and you drive down all the way to
2 the bottom following the ground.
3 You can that what's confusing is
4 because the garage is about one-and-a-half stories
5 below grade, meaning we start at grade, we go down --
6 we continue down for another half-level. You can see
7 a little bit on the A-2 -- on the bottom -- on -- I'm
8 sorry -- on the south elevation here, you can see the
9 garage. This is actually two levels, one at the
10 grade level and one below that.

11 **Q.** I am going to ask the engineer in more
12 detail, but is there going to be some further
13 excavation at the site?

14 **A.** There will be some excavation, but --
15 yes, there will be some excavation. He can get into
16 more detail on that.

17 **Q.** Okay.

18 **A.** And I just wanted -- one other reason
19 for the -- for the raising of the street is because
20 of the -- the sewer line that exists here and -- and
21 the height of the existing sewer line to get -- to
22 get to out to street by driving.

23 So that's something that our engineer
24 can address.

25 **Q.** Well, we'll bring that up with the
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1 the Bergen Boulevard elevation.

2 And the right drawing, this is the --
3 ist he right side of the south elevation. This is
4 the bottom drawing on A-2.

5 And we're trying to keep a consistent
6 language as we turn the building. The brick on this
7 side turns back, we have a few balconies on that
8 side.

9 The prior -- the prior building had a
10 rooftop amenity space and a roof deck on the
11 building. We've actually eliminated that in this
12 building. So there is no additional space above.

13 **Q.** So besides being a story taller, it
14 also had some activity on it?

15 **A.** It did. And --

16 **Q.** And you've eliminated that?

17 **A.** We've eliminated that. And in doing
18 that, we were able to keep the height, you know,
19 lower. You can see that amenity space before. And
20 it doesn't exist now in this.

21 So as you can see here, the garage --
22 on that on that Bergen Boulevard elevation, you can
23 see that there's two full stories of garage on the
24 left side of that elevation below grade. So you can
25 start to see how the garage is, sort of, you know,

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1 engineer.

2 **A.** Yes.

3 **Q.** But We did have the discussion at our
4 team meetings that we didn't want to pump the sewage.

5 **A.** That's right that's right.

6 **Q.** And so we needed to create all the
7 living space and all the plumbing so that it would be
8 gravity fed into Bergen Boulevard?

9 **A.** That's correct.

10 **Q.** The old plan didn't have it, did it?

11 **A.** I think it was similar, but it wasn't
12 exactly the same. But it -- it had some issues.

13 So we were trying to solve any of these
14 issues that we could see.

15 **Q.** Thank you.

16 Now, this is what sheet?

17 **A.** This is Drawing A-3 of the
18 architectural set.

19 This is kind of going around. This is
20 the -- this is the east elevation.

21 So this is the elevation that fronts
22 the existing 18-unit residential building behind
23 this.

24 **Q.** Right.

25 **A.** And you can see, we have sort of an
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1 open level garage on the lobby level that -- that
 2 slopes down.
 3 It continues another full level below
 4 grade.
 5 So we're basically one full story below
 6 grade in the back with the garage.
 7 So we're actually excavating to bury
 8 that garage so it's not visible. So there's no --
 9 basically, an entire story of it that won't be seen
 10 at all.
 11 And the next story is at the -- is at
 12 the, sort of, the gravel.
 13 Keep going to the elevation below that,
 14 to the north elevation. Again, the language of the
 15 building continues. There is a terrace along that
 16 north side which can be seen on the rendering on the
 17 left side here somewhat. That terrace is basically
 18 the roof of the garage. And it wraps
 19 around. It has a railing there. And it gives us
 20 The space to have some outdoor space for the
 21 residents to use. It's a narrow space, but it's a --
 22 it's a mutual amenity.
 23 Q. It's a walk-around?
 24 A. That's right.
 25 Q. Like a walkway?

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1 Q. How many elevators?
 2 A. We're proposing two elevators.
 3 Q. And the size of cab, do you meet the
 4 new IBC code as a stretcher --
 5 A. They're -- they're both --
 6 Q. -- they can accommodate a full
 7 stretcher like this table?
 8 A. They do.
 9 Q. As compared to a sit-up chair?
 10 A. That's correct.
 11 Q. That was a change made about ten years
 12 in the code?
 13 A. That's right.
 14 And New Jersey has a specific
 15 requirement, different than other states.
 16 But this is a 3,500 pound. And it fits
 17 a stretcher.
 18 Q. So that meets all the safety standards
 19 for evacuation and removal --
 20 A. That's correct.
 21 Q. -- of somebody who needs medical
 22 assistance?
 23 A. That's correct.
 24 And the garage is fully steel and
 25 concrete construction. And it will be fully

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1 A. Yeah. It kind of connects to the
 2 front, right.
 3 Q. Okay.
 4 A. The floor plan. This is starting at
 5 the bottom. This is the lowest level of the garage.
 6 You can see there's a central core in the building
 7 that contains the stairs, the elevator, some
 8 mechanical rooms, and a garage that kind of wraps
 9 around that -- that core. We have an additional
 10 stair in the lower left corner of that garage.
 11 And this lowest level has four -- has
 12 -- well, it's hard to see because of the ramp. The
 13 number of cars is not so easy to define per level
 14 because there's no flat level anywhere in the garage.
 15 So it just's -- it depends where you're starting and
 16 where you're ending.
 17 Q. Right. Because it's contiguous, right?
 18 A. It's continual spiral. It's a
 19 continual spiral. So the total amount of parking in
 20 the garage, you just did it, but it's 55 cars. And
 21 that includes -- they're basically evenly divided for
 22 the two.
 23 Q. You have, in that core, space you have
 24 the elevator shaft?
 25 A. Yes.

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1 sprinklered.
 2 We can flip to the next level, the T2
 3 level, this is what we call one level below the
 4 lobby.
 5 And the ramps, now you can start to see
 6 there's a -- if you went to the left and down, that's
 7 the down ramp. If you went to the bottom and to the
 8 left, that's the upper. So they're going in opposite
 9 directions basically. The ramp is spirally downward
 10 in this direction, towards -- let's say
 11 counterclockwise.
 12 Again, the core is in the center. We
 13 have a fire stair for the garage in that lower left
 14 corner. And at this level we have a meter room and a
 15 storage room here.
 16 That was another issue with the
 17 previous scheme. The previous scheme didn't have any
 18 real meter or utility space within the garage, which
 19 was a problem because all the services are entering
 20 the building at the garage level and there was
 21 nowhere to put it.
 22 So to build that scheme you actually
 23 end up losing parking because there was nowhere else
 24 to put it, but in the garage. You can't have a
 25 utility enter the building off the ground. So, in

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1 any case, this -- this is similar to the one below.
 2 Q. Now, that's a feature that you added
 3 when you looked at the old plan, you created the
 4 meter room and such; that doesn't exist before?
 5 A. That's correct. That's correct.
 6 And We didn't lose parking because of
 7 it, it was just the way that we rearranged the
 8 garage, it gave us the ability to do that.
 9 CHAIRMAN FERGUSON: Counsel, can I say
 10 something?
 11 MR. ALAMPI: Yes, sir.
 12 CHAIRMAN FERGUSON: I'm trying to move
 13 this along. We're at 9:30 now. How many more people
 14 do you have?
 15 MR. ALAMPI: I'm going to have the
 16 engineer. And we're going to also do planning.
 17 CHAIRMAN FERGUSON: So why don't we
 18 move this along.
 19 MR. ALAMPI: Okay.
 20 CHAIRMAN FERGUSON: So...
 21 MR. ALAMPI: Yes, Joe.
 22 BY MR. ALAMPI:
 23 Q. So finish up. Just give us the floor
 24 --
 25 A. So on this floor --

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1 Q. Spit it out. How many? How many units
 2 are there? There's 40 units.
 3 A. You have 10 -- there's -- you have 40
 4 units. There's 10 -- there's 10 units per floor.
 5 Q. Right?
 6 A. We've got seven one-bedroom and three
 7 studios --
 8 Q. That's it.
 9 A. -- per floor.
 10 The studios range in size from roughly
 11 500 square feet to 550 square feet.
 12 The one-bedrooms range in size from
 13 roughly 650 square feet to 800.
 14 So they're relatively modest unit
 15 sizes.
 16 The studios are just -- you know,
 17 they're decent for a studio. They have, you know...
 18 Q. Mark, the board is familiar.
 19 A. You got it.
 20 Q. So it's seven one-bedroom --
 21 A. Ten units. Yup.
 22 Q. -- and three studios on each floor --
 23 A. Yup.
 24 Q. -- four floors?
 25 A. Yes, that's it.

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1 Q. -- the -- the size of the apartments--
 2 A. Sure.
 3 Q. -- and the number of the apartments?
 4 A. Sure.
 5 Okay. We have -- we have a total of
 6 four residential floors. Each floor has seven
 7 one-bedroom units.
 8 Well, let me just... the lobby has an
 9 amenity space in the lobby at this level, it's about
 10 2,300 square feet total. So that includes any of the
 11 amenities. We have an open office area. We have a
 12 conference room. We have a building management
 13 office. There's a room for mail and packages and
 14 this kind of thing. That all occurs at the lobby.
 15 Then the ramp entrance to the right here to take you
 16 down underneath the lobby.
 17 The typical floor, though, is -- which
 18 is on Sheet A-7. You can see the typical floor has
 19 ten units.
 20 Of those ten units -- I'm sorry --
 21 eleven units. You have seven studios. I'm sorry,
 22 seven one-bedrooms.
 23 MR. ALAMPI: You got him nervous,
 24 Chairman.
 25 BY MR. ALAMPI:

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1 MR. ALAMPI: I have no further
 2 questions, Chair, for this witness.
 3 Do you have the board? Any questions
 4 from the board?
 5 CHAIRMAN FERGUSON: I have one. The
 6 walls that you have now, are they the same size --
 7 the building itself, the same size as the original.
 8 MR. VIRGONA: The floor plan is roughly
 9 the same size. Yes.
 10 CHAIRMAN FERGUSON: It's the same size.
 11 It's the same type of unit, number of units on each
 12 floor?
 13 MR. VIRGONA: Yes, roughly.
 14 CHAIRMAN FERGUSON: Basically you have
 15 one floor off of it.
 16 MR. VIRGONA: Yeah.
 17 CHAIRMAN FERGUSON: And the only issue
 18 really before the board now is the driveway, the
 19 entrance to the driveway.
 20 MR. ALAMPI: That's it.
 21 MR. VIRGONA: That's what changed,
 22 right, Chairman, right.
 23 CHAIRMAN FERGUSON: Right.
 24 MR. VIRGONA: The tower is very --
 25 CHAIRMAN FERGUSON: So I appreciate the

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1 board was -- this board was conceded, 11 years ago,
 2 right, but with the --
 3 MR. VIRGONA: Right.
 4 CHAIRMAN FERGUSON: -- there was the
 5 roof and one floor higher.
 6 MR. ALAMPI: Yes.
 7 MR. VIRGONA: Thank you.
 8 MR. ALAMPI: Thank you, Chairman.
 9 CHAIRMAN FERGUSON: Okay.
 10 MR. ALAMPI: I -- I understand.
 11 CHAIRMAN FERGUSON: Any board members
 12 have any questions?
 13 (No response.)
 14 CHAIRMAN FERGUSON: Okay.
 15 MS. TESTA: Board experts?
 16 CHAIRMAN FERGUSON: What?
 17 MS. TESTA: Board experts,
 18 Mr. Collazuol?
 19 CHAIRMAN FERGUSON: Yes, yeah.
 20 Steve, are you on?
 21 MR. COLLAZUOL: Yes.
 22 I have one question for Mr. Virgona.
 23 CHAIRMAN FERGUSON: Go ahead.
 24 MR. COLLAZUOL: On Sheet A-3 on your
 25 north elevation, Mark, you show the elevation of the
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1 Bergen Boulevard, that garage door is flat.
 2 The grade rises to some degree, so the
 3 cut would get deeper or there would be more cut as
 4 you approach Bergen Boulevard, right?
 5 MR. VIRGONA: The cut along -- yes, I
 6 think you're right.
 7 MR. COLLAZUOL: So I guess the question
 8 I have is, what would be the means of removal if it
 9 was rock?
 10 Is it going to be -- is blasting
 11 intended? There is that new building to the east.
 12 There is an existing building to the north in Fort
 13 Lee.
 14 MR. VIRGONA: That's correct.
 15 You know, if blasting is required,
 16 we'll have to do blasting. We're hoping that we
 17 don't. We actually have -- we have to do a geotech
 18 still at this point.
 19 MR. ALAMPI: Yeah.
 20 MR. VIRGONA: So we're not -- we're not
 21 100 percent.
 22 MR. ALAMPI: We'll coordinate that with
 23 Mr. Collazuol.
 24 MR. COLLAZUOL: Okay, thank you.
 25 I have nothing else.
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1 lobby garage as 311.
 2 And then Garage 2 is about 12-foot-4
 3 inches below that.
 4 And then Garage 3 is 10-foot-10-inches
 5 below that.
 6 Just by math, I come up with an
 7 elevation of about 288 then for the -- the lowest
 8 garage floor.
 9 Does that sound about correct?
 10 MR. VIRGONA: Right, okay. Yes.
 11 MR. COLLAZUOL: Right.
 12 MR. VIRGONA: Yes.
 13 MR. COLLAZUOL: Now, the survey shows
 14 that at the easterly property line the grade is
 15 currently approximately elevation 300.
 16 So that if you do the math again, that
 17 the lower garage door is going to be approximately 12
 18 feet below that grade.
 19 MR. VIRGONA: That's correct.
 20 MR. COLLAZUOL: So there is about a
 21 12-foot cut to the lowest garage --
 22 MR. VIRGONA: That's right.
 23 MR. COLLAZUOL: -- in that area.
 24 MR. VIRGONA: Yes.
 25 MR. COLLAZUOL: Now, as you approach
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1 CHAIRMAN FERGUSON: Thank you, Steve.
 2 Mr. Kauker, do you have anything?
 3 MR. KAUKER: Yeah. I have one quick
 4 question, just a point of clarification.
 5 The initial application that was
 6 approved, the units were proposed as live/work units.
 7 Are they still -- is the proposal the
 8 same?
 9 MR. ALAMPI: Pretty much.
 10 Pretty much, live/work is where it's
 11 going. These are smaller units. Then they have the
 12 amenity on the -- in the lobby for a business center.
 13 MR. KAUKER: Okay. Yeah, I guess that
 14 was my next question. So the office areas and, I
 15 guess, conference room are going to be utilized by
 16 the residents in the building.
 17 MR. ALAMPI: What we learned this past
 18 year, Mike, with the coronavirus, that you're going
 19 to see people working from their home units and, you
 20 know -- .
 21 MR. KAUKER: Right.
 22 MR. ALAMPI: Yes.
 23 MR. KAUKER: Yeah, understood. Okay.
 24 Yeah, so I get they're -- so they're going to -- so
 25 you're not renting it out to any other individuals
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1 who don't reside there then, correct?
 2 That was my question.
 3 MR. ALAMPI: No. No.
 4 MR. KAUKER: Yeah. Okay.
 5 Yeah, I have no other questions. Thank
 6 you very much.
 7 CHAIRMAN FERGUSON: Okay. Hal, are you
 8 on.
 9 MR. SIMOFF: Yeah. I just have one
 10 simple question: What is the -- what is clearance
 11 height of the garage, and how do you get access to
 12 the trash and service vehicles?
 13 MR. VIRGONA: The trash room is on the
 14 lobby level. The lobby has roughly a 10-foot ceiling
 15 height to the garage. There's a 10-foot ceiling
 16 height in the lobby level.
 17 It's 6 feet to the compactor room
 18 located behind the elevators, which is connected to a
 19 chute from above. Then the doors exit directly at
 20 the grade level there.
 21 So it will be wheeled -- the trash will
 22 be wheeled out or taken by bags. And we're assuming
 23 that this is a private -- private collection.
 24 MR. SIMOFF: So there's no need for
 25 trash or any service vehicles to enter the building.

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1 Can you please raise your right hand.
 2 Do you swear that the testimony you'll
 3 give this application will be the truth, so help you
 4 God?
 5 MR. KURUS: I do.
 6 ANTHONY KURUS, P.P., P.E.,
 7 34 Park Avenue, Lyndhurst, New Jersey, having
 8 been duly sworn, testifies as follows:
 9 MS. TESTA: Please state your name for
 10 the record.
 11 MR. KURUS: It's Anthony Kurus, spelled
 12 K-U-R-U-S.
 13 Business address: Neglia Engineering
 14 Associates, 34 Park Avenue in Lyndhurst.
 15 DIRECT EXAMINATION
 16 BY MR. ALAMPI:
 17 Q. Anthony, you're a licensed engineer and
 18 also a licensed professional planning consultant?
 19 A. I am.
 20 Q. And you did testify at the earlier
 21 application on this property?
 22 A. I did.
 23 Q. And you designed the engineering then
 24 as you have now upgraded the engineering?
 25 A. I have, yes.

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1 MR. VIRGONA: That's correct.
 2 MR. SIMOFF: Okay.
 3 CHAIRMAN FERGUSON: You're good, Hal?
 4 MR. SIMOFF: Yes.
 5 CHAIRMAN FERGUSON: Okay.
 6 Counsel you want to call your next
 7 witness?
 8 MR. ALAMPI: Thank you.
 9 CHAIRMAN FERGUSON: Oh, wait.
 10 Does anybody in the public have
 11 anything? No comments, just questions for this
 12 expert.
 13 (No response.)
 14 CHAIRMAN FERGUSON: Does anybody have
 15 anything?
 16 (No response.)
 17 CHAIRMAN FERGUSON: Next witness.
 18 MR. ALAMPI: The next witness is
 19 Mr. Kurus from Neglia Engineering.
 20 CHAIRMAN FERGUSON: I believe he's been
 21 before this board.
 22 MS. TESTA: Right. Correct.
 23 MR. ALAMPI: Yes.
 24 Would you swear him in?
 25 MS. TESTA: Yes.

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1 Q. So let's go to real issues, okay.
 2 Anthony, we've put your site plan, your
 3 engineering site plan, up as A-2 tonight. And it's
 4 dated September 23rd, 2020.
 5 So you've been on the site over the
 6 years. You took a ten-year break. You went back on
 7 the site.
 8 Did you do anything with regard to any
 9 changes to the topography and to the engineering and
 10 such at the site?
 11 A. The -- the main Oakdene Avenue design
 12 is generally the same.
 13 The only change being the treatment of
 14 that -- the triangular piece on the adjacent
 15 property.
 16 Q. So in the original application,
 17 Oakdene, which is a paper street, was designed, but
 18 haven't we change the profile a little bit with this
 19 new plan?
 20 A. We've changed it slightly. But,
 21 Generally, it's -- it's the same design as the prior.
 22 Q. And with regard to the undercarriage of
 23 the building, where there are the two levels of
 24 parking, you inputted with Mr. Virgona and made the
 25 change on the approach, right?

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- 1 A. Absolutely. So --
- 2 Q. What was the advantage of that?
- 3 A. Well, the prior approach had the
- 4 ingress and egress directly as you came in from
- 5 Oakdene Avenue.
- 6 As Mark had stated, you didn't see the
- 7 lobby from Bergen Boulevard. The change in the
- 8 entrance on the right-hand side allows us to create
- 9 more length to the garage to be able to get more
- 10 adequate sloping within the parking garage and also
- 11 to provide that lobby fronting Bergen Boulevard.
- 12 Q. Did that also increase the headroom
- 13 that you had?
- 14 A. Correct. Correct.
- 15 Q. And how much of a change in the
- 16 headroom did you pick up about a foot?
- 17 A. Approximately a foot, yeah.
- 18 Q. Okay. That's good thing, right?
- 19 A. Correct.
- 20 Q. So whatever was done is a slight
- 21 improvement over the previous design?
- 22 A. A slight improvement.
- 23 And really it was taking it from
- 24 approval drawing to construction.
- 25 There was coordination between our

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- 1 who is here tonight?
- 2 A. I have.
- 3 Q. He's a traffic consultant at Neglia?
- 4 A. Yes.
- 5 Q. You reviewed with him the efficacy and
- 6 the validity of the State DOT permit still being in
- 7 effect?
- 8 A. I have, yes.
- 9 Q. Okay. And so we go to really the
- 10 planning issue.
- 11 Anthony, you're also a planning
- 12 consultant, correct?
- 13 A. I am.
- 14 Q. And this is an application for a use
- 15 variance to develop a residential use in the MC
- 16 Commercial Zone?
- 17 A. Correct.
- 18 Q. And also, by implication, because of
- 19 the height of the building, we have the variance,
- 20 what's called the (d)(6) height variance?
- 21 A. Yes, we do.
- 22 Q. And I show you Mr. Kauker's report.
- 23 Did you have a copy of it? This is my copy.
- 24 A. Yes.
- 25 Q. You had a chance to review that?

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- 1 office and Virgona's office. And these -- you know,
- 2 these changes were really needed to take it to that
- 3 next level.
- 4 Q. Now, with regard to the drainage on
- 5 site and everything that you did in conjunction with
- 6 that, did you update your drainage reports and
- 7 calculations?
- 8 A. We did. We did.
- 9 Q. And that was part of the submission?
- 10 A. It was.
- 11 Q. And you had the opportunity to see the
- 12 review letters from Mr. Steve Collazuol, who is the
- 13 municipal engineer?
- 14 A. Yes, I have.
- 15 Q. And did you see any issues or have any
- 16 disagreement with his analysis and his review of the
- 17 engineering?
- 18 A. No. We -- we can address -- we can
- 19 address these comments. And no issues complying with
- 20 his report.
- 21 Q. Now, with regard to the state permit,
- 22 what's called the Occupancy Permit, I think?
- 23 A. Right.
- 24 Q. We've seen the paperwork on that, and
- 25 you conferred with your associate Brian Intindola,

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- 1 A. I did, yes.
- 2 Q. And would you just bring us through the
- 3 issues. I know that Mr. Kauker can speak for
- 4 himself.
- 5 But he noted that our variances are
- 6 primarily the (d) variance for residential in a
- 7 commercial zone, and the height variance. And then
- 8 of course he articulates, as you would, on the site
- 9 the setback and the coverage variances.
- 10 Can you run through that and give us
- 11 the analysis as to why this site is particularly well
- 12 suited for this development?
- 13 A. Sure.
- 14 Did you want me to go through the
- 15 variances or the...
- 16 Q. Let's go with the (d) variance, the
- 17 basis for requesting it and the justification?
- 18 A. So the -- we are requesting the (d)(1)
- 19 use variance for the proposed multifamily residential
- 20 use.
- 21 Q. Anthony, I'll make it easier for you.
- 22 This application came before this board, not the same
- 23 members all of them, two of the same members, ten
- 24 years ago.
- 25 It was approved for a greater density

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1 and height.

2 A. It was.

3 Q. And this is a reduction of 20 percent?

4 A. Correct.

5 Q. What is the basis, the authority, for
6 putting a residential in this MC Zone, that it's a
7 better use?

8 A. The use would inherently -- it would be
9 -- the use would serve the general welfare because
10 the proposed site is particularly suitable for the
11 proposed use.

12 Q. And under the Municipal Land Use
13 statute there are different sections, A through S, I
14 think, that justify.

15 For example, the prior use that was
16 continuous for 40 or 50 years was a construction
17 yard?

18 A. It was.

19 Q. Is a residential development an
20 improvement as a planner, as a substitute use, as
21 opposed to a construction yard?

22 A. It's a much cleaner and much better
23 use.

24 Q. Especially to the adjoining property
25 owners, correct?

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1 Q. Does that mitigate against the height

2 that we're requesting?

3 A. It does, in that the heights calculated
4 from the grade plane elevation, because of the sunken
5 nature of the existing topography, the grade plane --
6 the average grade plane is 302.64, whereas the street
7 elevation and the adjoining elevations are higher
8 than that.

9 So while we are -- while the calculated
10 height is approximately 66 feet, the actual visible
11 height is more on the lines of 57 feet.

12 Q. Now, with regard to the site, itself,
13 do you anticipate there will be further excavation in
14 order to install the lower parking? Will there be
15 more excavation?

16 A. Yes, there will.

17 Q. That will lower the structure itself,
18 the super-structure is going to be fitted into the
19 ground, correct?

20 A. Yes.

21 The garage will be subterranean.

22 Q. Now, did you note any buildings in the
23 immediate vicinity that have more than two stories
24 above grade?

25 How about right behind the subject

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1 A. Yes.

2 Q. And with regard to the position of the
3 building, and the location, does it have an aesthetic
4 benefit, as the statute requires?

5 A. It does, absolutely.

6 Q. And with regard to the light and air,
7 does it promote a better use, a more efficient use of
8 the site?

9 A. It does.

10 And with respect to the setbacks, the
11 building does meet the side yard and rear yard
12 setbacks to the main building so we're providing
13 adequate light and air and open space with the new
14 building.

15 Q. Now, when it comes to the height, the
16 height is 66 feet, as measured by the ordinance,
17 correct?

18 A. Correct.

19 Q. But you heard your colleague
20 Mr. Virgona testifying about the existing conditions,
21 the topography of the site, the fact that the
22 rectangular position of where the new foundation
23 would go was actually, like, a sunken tub inside this
24 property, correct?

25 A. It is.

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1 property, the new building?

2 A. Yes. That's three stories over -- over
3 a lobby, so that's four stories.

4 Q. And what about the Fort Lee Housing
5 Authority property, isn't that a four-story building?

6 A. That's also four stories.

7 Q. Is that on a much higher grade
8 elevation, that Fort Lee building?

9 A. It is.

10 Q. So in the context of the surrounding
11 properties to the rear, to the northeast and such,
12 will this building stick out like a sore thumb, or
13 will it fit in as interim development?

14 A. We believe it will fit in. It will
15 blend.

16 Q. So with regard to the height, you're
17 familiar with the doctrine in the Grasso case that
18 talks about height variances and the justifications
19 for the height?

20 A. I am.

21 Q. Is it your understanding that the
22 height is looked at -- the justification of the
23 height is looked at as to whether the site can
24 accommodate it.

25 In the context with the development

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1 around regardless of whether it's a different zone or
2 in a different community, in the context with the
3 physical characteristics around it, would this fit in
4 with the development pattern immediately surrounding
5 the property?

6 A. It absolutely would.

7 Q. So does that meet the standard of the

8 Grasso case --

9 A. It does.

10 Q. -- doctrine?

11 That's the (d)(6) height variance?

12 A. Correct.

13 Q. Let's go to the (c) variances

14 implicated. The most significant one is the
15 coverage.

16 A. Okay. I don't think coverage is
17 regulated.

18 Q. It's not regulated in the MC.

19 A. The building coverage is.

20 Q. The building coverage.

21 A. Correct, impervious coverage.

22 Q. And the building coverage is what I'm
23 talking about.

24 A. Correct.

25 Q. What is the request here?

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1 opposite side yard, and also a 15 or 12.8 feet to the
2 front yard setback of Oakdene Avenue.

3 Q. So the two-level garage is actually a
4 platform, and the residential structure is a smaller
5 floor plate and cut back from the perimeter, correct?

6 A. Correct, yes.

7 Q. So that -- the building itself, the
8 residential building, doesn't cover 96 percent of the
9 site, it's the garage that does?

10 A. Correct.

11 Q. And the justification is to create the
12 additional parking, 55 parking spaces, correct?

13 A. Yes.

14 Q. Now let's talk about Oakdene itself.
15 Your site plan contemplates Oakdene is approved by
16 the body governing and approved, that we would be
17 adding nine parking spaces on the Fort Lee border
18 that would be perpendicular parking on the Oakdene?

19 A. Twelve parking spaces.

20 Q. Twelve, yeah. I'm sorry.

21 Now, those spaces are open to the
22 general public, correct?

23 A. Yes.

24 Q. Because that's a public street?

25 A. Yes.

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1 A. The requirement is 50 percent. We're
2 proposing 94 percent.

3 Q. So we're covering the entire property?

4 A. Generally.

5 Q. Is there any reason we shouldn't?

6 If we're sunken into the ground and we
7 have commercial properties on one side and a retail
8 shopping center on the other, a four-story Housing
9 Authority to the side and the multistory building
10 behind us, is there any reason we shouldn't cover the
11 site?

12 A. I don't see any reason.

13 It also should be noted that that
14 building coverage includes the parking structure. So
15 --

16 Q. I was just going to get to that. So
17 when we say 96 percent, we're talking about the --

18 A. Outer extents of the parking structure,
19 correct.

20 Q. Well, what about the building itself,
21 is that cut back?

22 A. It is. The -- the floors above are cut
23 back such that we have a 10-foot setback to the south
24 side, a 15-foot setback to the adjacent residential
25 property on 10th Street, a 10-foot setback on the

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1 Q. And although many of our visitors will
2 use it, other people will also use it, right?

3 A. Yes.

4 Q. Lastly, we talked about the east --

5 Boulevard East Partners who are our neighbors to the
6 south and wrapping around to the back of our
7 property, that there was a discussion regarding an
8 improvement to their triangular configured parcel
9 that's down on the lower grade by on our parcel,
10 correct?

11 A. Yes.

12 Q. And the proposal is to do what exactly?

13 A. The proposal is to, through the
14 construction of Oakdene Avenue, construct a retaining
15 wall so that that lower parking area that's used by
16 Boulevard East could be infilled to match the
17 existing grade of their existing parking area in
18 order to create additional parking spaces at their
19 existing level.

20 Q. If we didn't do that and we approved
21 Oakdene, we would be blocking them off from their
22 those spaces, correct?

23 A. We would be blocking them off from
24 their spaces or -- yeah.

25 Q. We have no right to do that?

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1 A. No.
 2 Q. So with their cooperation and for our
 3 benefit, that's the plan?
 4 A. Correct.
 5 Q. The differential from their parking
 6 spaces that are below the driveway now to where it
 7 would be, would you say it's like this flagpole
 8 behind you?
 9 A. Yes.
 10 Q. Would you say we're raising it to the
 11 height of the eagle?
 12 A. Approximately.
 13 Q. And that's doable, isn't it?
 14 A. Absolutely.
 15 Q. And you're going to help to design the
 16 retaining walls and drainage and improve all of that?
 17 A. We will.
 18 MR. ALAMPI: I have nothing further,
 19 Mr. Chairman.
 20 CHAIRMAN FERGUSON: Any board members
 21 have anything?
 22 (No response.)
 23 CHAIRMAN FERGUSON: Any experts?
 24 Steve, you got anything?
 25 MR. COLLAZUOL: Me?

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1 standards you're allowed to count off-street parking.
 2 Is that the way you're interpreting
 3 this?
 4 MR. ALAMPI: Well, we can count them to
 5 the RSIS standard.
 6 But the truth is, Steve, we are
 7 providing more than one parking space per unit.
 8 Under RSIS, there is no definition of
 9 studio apartments.
 10 So your colleague, Mr. Simoff, was
 11 saying since studios are not included in RSIS, treat
 12 all the apartments as one-bedrooms.
 13 And so he found us to be shy about 10
 14 parking spaces. And we recognize that. We're asking
 15 for that variance.
 16 But I'm not really concerned with the
 17 number because 55 parking spaces for 40 units, units
 18 that are only 5 and 600 square feet in size should be
 19 more than enough, especially with the 12 additional
 20 parking spaces available to the general public.
 21 MR. COLLAZUOL: Okay.
 22 I have -- on another topic. We made
 23 reference to Case Number 11-22 and those reports that
 24 we prepared by -- by our office and the approvals
 25 that you had to seek for construction.

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1 CHAIRMAN FERGUSON: Yes.
 2 MR. COLLAZUOL: Yes. I'm sorry, Joe, I
 3 can't hear you that well.
 4 I just have one question, Mr. Alampi,
 5 and, Mr. Kurus, the proposed on-street parking spaces
 6 count are 12 spaces.
 7 Now, you're counting them as part of
 8 the site count, and including 57.
 9 MR. KURUS: It's 55 spaces.
 10 MR. ALAMPI: Yes, 55 spaces are in the
 11 garage.
 12 MR. COLLAZUOL: Okay.
 13 MR. ALAMPI: The 12 spaces are extra.
 14 MR. COLLAZUOL: Yes.
 15 Those 12 spaces, if I understood you
 16 correctly, are going to be for public -- for the
 17 public.
 18 Is that correct?
 19 MR. ALAMPI: Including our people, but
 20 yes, open to the public, nonexclusive.
 21 MR. COLLAZUOL: Right. I'm just trying
 22 to understand and cooperate with the RSIS standards.
 23 If those are offsite, are you allowed to count them
 24 as part of your overall count for your project?
 25 I do recognize that in the RSIS

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1 Some of those included obtaining a TWA
 2 permit, a DOT permit, as you indicated earlier.
 3 But it also included permission, from
 4 what I recall, the Mayor & Council to use and improve
 5 Oakdene Avenue.
 6 MR. ALAMPI: Absolutely.
 7 Anything done here tonight, if there is
 8 an approval, will have to go to the Mayor & Council.
 9 MR. COLLAZUOL: And my last point was,
 10 the detention system that's within the bed of Oakdene
 11 Avenue, again, I'm not sure if those approvals that
 12 the Mayor & Council gave you at one time have expired
 13 or not.
 14 MR. ALAMPI: We never -- we never got
 15 Mayor & Council approval. We had zoning approval.
 16 And we have the State DOT permit in place.
 17 But we never did get to the Mayor &
 18 Council.
 19 So we'll be making an application, if
 20 this is approved, to the governing body.
 21 And I'm sure they'll ask for your input
 22 on that drainage and detention system.
 23 MR. COLLAZUOL: And, lastly, if I
 24 recall, there was a TWA application, wasn't there?
 25 MR. ALAMPI: Yes.

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1 MR. KURUS: Prior there was one, yes.
 2 MR. ALAMPI: Yes.
 3 MR. COLLAZUOL: Is there a time limit
 4 to that or did that expire?
 5 MR. KURUS: I believe that expired.
 6 MR. ALAMPI: I would take the position
 7 it's expired because they've changed the fees.
 8 And if you know anything about the
 9 BCUA, if they can get higher fees, they'll take the
 10 position that our permit expired.
 11 I'm only satisfied that we protected
 12 our DOT permit.
 13 MR. KURUS: Our flows are less, though,
 14 now.
 15 Our flows are less than 8,000 gallons
 16 per day now.
 17 MR. ALAMPI: So we may not --
 18 MR. KURUS: We've got to look into it.
 19 We may not need it.
 20 MR. ALAMPI: Steve, Neglia Engineering
 21 will confer with you. We may not need a TWA.
 22 If we need one, we'll apply for one.
 23 MR. COLLAZUOL: You are extending the
 24 sewers so we'll come to that.
 25 Thank you.

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1 presented.
 2 And then another question I had on the
 3 parking within Oakdene Avenue. Is there going to be
 4 a time limit on those parking spaces?
 5 MR. ALAMPI: No.
 6 RM. SIMOFF: You know, conceivably,
 7 that could be used by, you know, people using -- you
 8 know, parking there for the day and taking the bus to
 9 New York or...
 10 MR. ALAMPI: Oh, you mean -- there
 11 won't be a time limit as far as when you can park.
 12 But the duration, I'll leave that up to
 13 the governing body.
 14 MR. SIMOFF: Well, because if there's
 15 for transient parking --
 16 MR. ALAMPI: No.
 17 MR. SIMOFF: -- there may be -- maybe
 18 those parking spaces will be filled up first thing in
 19 the morning.
 20 MR. ALAMPI: Like they do outside the
 21 Neglia office on Park Avenue.
 22 MR. SIMOFF: Right.
 23 MR. ALAMPI: People park, and hop the
 24 bus on Route 3.
 25 So I would see the same thing. We'll

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1 I have no further questions.
 2 MR. ALAMPI: Thank you.
 3 CHAIRMAN FERGUSON: Thank you.
 4 Hal, do you have anything?
 5 MR. SIMOFF: Yes, I just wanted to
 6 bring up the point that, as Mr. Alampi was stating,
 7 that there is no RSIS requirement or suggestion for
 8 studio apartments.
 9 So at the maximum it would be 1.8.
 10 This application has suggested that's it's one for
 11 studio apartment.
 12 I just ask for confirmation or some
 13 reference that one parking space per studio is
 14 adequate because if you make the decision -- if the
 15 board makes the decision that it's 1.8, then they're
 16 short of the RSIS requirements.
 17 I also talked about DOT if -- I'd like
 18 to see the DOT permit and what it -- what it states
 19 and what it's for so that we don't have any
 20 misunderstanding.
 21 Nowadays they call it a street permit.
 22 It has to be signed by the municipality, by the
 23 borough.
 24 So that should be presented to the
 25 Council when the Oakdene Avenue material is

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1 take that up with the governing body.
 2 MR. SIMOFF: And then -- and then the
 3 other question I have, it's not clear as to what the
 4 net results of the parking quantity is on the
 5 adjacent parcel to the south. Is there an increase?
 6 A decrease? Or is it the same?
 7 MR. ALAMPI: We believe they'll pick up
 8 or two or three parking spaces.
 9 MR. SIMOFF: But I -- Yeah, because
 10 it's hard to fathom from the way it's laid out on top
 11 of the aerial photo.
 12 MR. ALAMPI: Right. Once the work is
 13 done, they'll have to restripe it and redo part of
 14 their parking lot.
 15 But we believe they'll pick up two or
 16 three spaces.
 17 MR. SIMOFF: And does that require this
 18 board or another board's approval? That's a
 19 question.
 20 MR. ALAMPI: They're not -- they're not
 21 changing anything. They're just restriping their
 22 parking.
 23 MR. SIMOFF: Okay. And then the other
 24 -- the other point is, since this was previously
 25 approved, would it be -- you know, previously

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1 approved by DOT, does the board feel -- and by this
 2 board -- is the board comfortable voting on this or
 3 reviewing this without a traffic study?
 4 I put that question to the board.
 5 And the other question I have is, I
 6 think that the applicant should plot some templates
 7 as to how the vehicles would get around some of these
 8 corners and how the trash truck would be able to pull
 9 in on Oakdene and then back -- then turn around to
 10 get back out to Bergen Boulevard.
 11 That's a question that I had.
 12 MR. ALAMPI: We'll provide the turning
 13 templates.
 14 CHAIRMAN FERGUSON: Okay.
 15 MR. SIMOFF: That's -- that's the basis
 16 of my analysis.
 17 CHAIRMAN FERGUSON: Okay. Do you have
 18 any more questions?
 19 MR. ALAMPI: Mike Kauker?
 20 CHAIRMAN FERGUSON: Oh, Mike, I'm
 21 sorry?
 22 Mike?
 23 MR. KAUKER: Yep, I'm here.
 24 CHAIRMAN FERGUSON: Do you have any
 25 questions?

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1 MR. KURUS: Yes.
 2 MR. KAUKER: Okay.
 3 And then just finally I think they
 4 covered the positive criteria related to the (d)(1).
 5 With respect to the height, I know you
 6 provided testimony that it's consistent with other
 7 buildings. And in truth, there are other buildings
 8 in the area that are taller.
 9 And then with respect to the other uses
 10 in the area, would you say that this area, which is
 11 located in the MC District, which historically had
 12 more industrial-type uses, but would you say there's,
 13 kind of, been a redevelopment of properties and a
 14 change in terms of the uses that exist in the area?
 15 MR. KURUS: Yes.
 16 MR. KAUKER: Okay.
 17 And then, finally, they did cover the
 18 (c) variances. And I would just point out to the
 19 board as well that when you're dealing with a (d)(1)
 20 use variance, the Puleio case basically indicates
 21 that those (c) variances are subsumed within the
 22 request for the (d)(1) use variance. And really what
 23 the board -- if they find that the site or the use of
 24 the building are appropriate and can accommodate, you
 25 can grant the (c) variances that are being requested

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1 MR. KAUKER: Yeah, just -- just a
 2 couple questions and clarifications.
 3 So from a planning standpoint, as
 4 Mr. Alampi mentioned, the applicant requires a
 5 (d)(1) use variance a (d)(6) height variance.
 6 Keeping in mind that variances were
 7 granted for this project previously, there is a
 8 reduction in the number of units and there is a
 9 reduction in the height of the building as well.
 10 But if I understand the testimony
 11 correctly, it's your opinion that the site is
 12 particularly suited for the proposed use; and
 13 therefore, the general welfare is promoted.
 14 And if I understood you correctly, the
 15 reasoning being for such was that it was consistent,
 16 I guess, with other uses in the area. Among other
 17 things, it also furthered other purposes of the
 18 zoning that you spoke about: Light, air and open
 19 space.
 20 And -- and also, I would think, is it
 21 -- you know, given the fact that you're redeveloping
 22 the property with a brand-new building, would you
 23 also agree that you'd be promoting a desirable visual
 24 environment with respect to the construction of a
 25 new, more visually pleasing building on the sight?

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1 as well, primarily because the variances or the bulk
 2 requirements are intended to control a permitted use
 3 in the zone, which this use is not.
 4 But I have nothing further. I think
 5 that they covered the bases with respect to variance
 6 relief.
 7 But I'd be happy to answer any
 8 questions if you do have any.
 9 CHAIRMAN FERGUSON: Okay.
 10 I just have one final thing about the
 11 COAH.
 12 MR. ALAMPI: We will comply with your
 13 -- we'll comply with your ordinances. I'm not sure
 14 what the requirement is, but we will contribute -- do
 15 you have a Housing Trust Fund in Palisades Park.
 16 MS. TESTA: Yes.
 17 MR. ALAMPI: All right. So we'll
 18 participate in the fund --
 19 CHAIRMAN FERGUSON: Okay.
 20 MR. ALAMPI: -- to the extent of the
 21 ordinance.
 22 CHAIRMAN FERGUSON: Okay.
 23 MR. ALAMPI: I think we have to open it
 24 to the public, Chairman?
 25 MS. TESTA: Right.

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1 Do you have a traffic witness?
 2 MR. ALAMPI: I'm not going to present
 3 traffic testimony. We have the DOT permit, which
 4 I'll -- I think I -- if I didn't send it to you, I'll
 5 send you a copy.
 6 MS. TESTA: Yes.
 7 MR. ALAMPI: And our traffic consultant
 8 is here.
 9 But I think that we all know what
 10 Bergen Boulevard is. It's a heavily trafficked
 11 arterial road that leads to the Bridge Plaza.
 12 So I don't think we're very interested
 13 in traffic volumes. It is what it is.
 14 The improvement of Oakdene will, I
 15 think, suffice.
 16 CHAIRMAN FERGUSON: Okay.
 17 MR. ALAMPI: And I say this
 18 respectfully because this issue will come up with the
 19 Mayor & Council and we proposed the improvements.
 20 So having said that, the hour is late.
 21 I'm going to hold back to having testimony from my
 22 traffic.
 23 CHAIRMAN FERGUSON: Okay.
 24 So you're done?
 25 MR. ALAMPI: I'm concluded,

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1 MS. TESTA: Marsha?
 2 CHAIRMAN FERGUSON: It's Marsha.
 3 MS. BRAUER: It's Susan Brauer.
 4 MS. TESTA: Oh, Susan, okay.
 5 CHAIRMAN FERGUSON: Oh, Susan. Okay.
 6 MS. TESTA: I'm sorry.
 7 Okay. Did you hear the answer to that?
 8 It was removed. They're not doing --
 9 VICE CHAIRMAN ALBANESE: Hey removed it
 10 -- they removed it from the plans.
 11 MS. BRAUER: It's removed?
 12 MS. TESTA: Yes.
 13 CHAIRMAN FERGUSON: Yes.
 14 MS. BRAUER: Okay. One other quick
 15 question, the studios are going to be live/work
 16 units.
 17 So I'd like to address the parking.
 18 And then if it's a live/work unit, you may very well
 19 have people coming in during the day to work and park
 20 there.
 21 And I hope that you have sufficient
 22 parking.
 23 MR. ALAMPI: Well, I can't answer that.
 24 I mean we're not bringing workers in,
 25 they're working between the people that live there

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1 Mr. Chairman.
 2 CHAIRMAN FERGUSON: Okay.
 3 Okay. So, we're going to open to the
 4 public.
 5 Anybody in the public have anything to
 6 say?
 7 (No response.)
 8 CHAIRMAN FERGUSON: Anybody in the
 9 public?
 10 MS. BRAUER: Hello, can you hear me?
 11 CHAIRMAN FERGUSON: Okay. Yes.
 12 MS. BRAUER: Yeah, hi, it's getting
 13 late.
 14 Just one thing I wanted to cover. In
 15 Mr. Alampi's notice he mentions a 5-story building
 16 plus a rooftop community room.
 17 What happened to that?
 18 MS. TESTA: Can you just state...
 19 CHAIRMAN FERGUSON: The rooftop amenity
 20 has been removed.
 21 MS. TESTA: Right.
 22 Just state your name for the record.
 23 Okay.
 24 MR. ALAMPI: The rooftop is going to be
 25 removed.

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1 are working from home.
 2 MS. TESTA: Right. It's not going to
 3 be a home office that they're going to have --
 4 MR. ALAMPI: It's not a home business.
 5 MS. TESTA: -- or a home business that
 6 they're going to have people coming to their --
 7 CHAIRMAN FERGUSON: Right.
 8 MS. TESTA: Right.
 9 CHAIRMAN FERGUSON: Okay, Sue?
 10 MS. BRAUER: Okay.
 11 (Feedback.)
 12 MS. SCHOR: Okay.
 13 Hi, this is Marsha Schor.
 14 Can I ask a question?
 15 Hello?
 16 MS. TESTA: Yes.
 17 CHAIRMAN FERGUSON: Hello.
 18 MS. SCHOR: Hi. This is Marsha Schor.
 19 May I ask one or two questions?
 20 MS. TESTA: Yes, Marsha.
 21 MS. SCHOR: First of all, what about
 22 affordable units or affordable housing?
 23 For each five apartments you need one
 24 affordable, which would make eight apartments.
 25 MS. TESTA: Right.

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1 The applicant stated he would comply
 2 with the borough's ordinance regarding COAH.
 3 MS. SCHOR: Also, Mr. Alampi always
 4 brings up what was. This is 2021. We have a new
 5 board.
 6 And I -- I, honestly, think new plans
 7 should have been submitted to the board. You're
 8 making changes and you're using old plans.
 9 MS. TESTA: No, no. These are new
 10 plans. They're dated September of 2020.
 11 And the engineering plans are dated
 12 September 24th, I think, of 2020.
 13 So they are new plans.
 14 MS. SCHOR: Oh, for the entire 40
 15 units?
 16 MS. TESTA: Yeah, for the 40, yes.
 17 MS. SCHOR: Okay. Thank you.
 18 MS. TESTA: You're welcome.
 19 CHAIRMAN FERGUSON: Anybody else?
 20 (No response.)
 21 CHAIRMAN FERGUSON: Okay. So I'm going
 22 to --
 23 MR. ALAMPI: Mr. Chairman, after a
 24 brief presentation, I'm not going to re-summarize. I
 25 think the board understands and I would ask that you

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1 CHAIRMAN FERGUSON: Okay. That --
 2 VICE CHAIRMAN ALBANESE: I'll second
 3 the motion.
 4 CHAIRMAN FERGUSON: Paulie seconds.
 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. Elefteriou?
 11 MR. ELEFTERIOU: Yes.
 12 MS. LAMBRINIDES: Mr. Carnovale?
 13 MR. CARNOVALE: Yes.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: No.
 16 MS. LAMBRINIDES: I'm sorry?
 17 MR. TERRANOVA: No.
 18 MS. LAMBRINIDES: No?
 19 MS. TESTA: Correct.
 20 MR. TERRANOVA: Correct.
 21 MS. LAMBRINIDES: Mr. Grala?
 22 MR. GRALA: Yes.
 23 MS. LAMBRINIDES: Mr. Brogna?
 24 MR. BROGNA: Yes.
 25 MS. LAMBRINIDES: Mr. Chung?

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1 take a vote on this application.
 2 CHAIRMAN FERGUSON: Okay.
 3 So I'm going to make a motion to accept
 4 the application as submitted.
 5 We'll grant all variances. I would
 6 like a \$5,000.00 donation to the Tree Preservation
 7 Fund for the borough.
 8 MR. ALAMPI: Will that be in the
 9 resolution?
 10 CHAIRMAN FERGUSON: Yes.
 11 MS. TESTA: Yes.
 12 CHAIRMAN FERGUSON: I want the nod that
 13 you're going to...
 14 MR. ALAMPI: We agree to, happily. And
 15 that will be at the discretion of the municipality
 16 where to -- -
 17 CHAIRMAN FERGUSON: That's correct.
 18 That's correct.
 19 So I'll make that motion again.
 20 MS. TESTA: And also the motion, you
 21 know, to gain the approval from the governing body,
 22 and then also the approval from your neighbor there
 23 that will be part of the resolution.
 24 CHAIRMAN FERGUSON: Okay.
 25 MS. TESTA: Okay.

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1 (No response.)
 2 MS. LAMBRINIDES: No?
 3 MS. TESTA: No, he's not here to vote.
 4 Ms. Yoon is not on. Correct?
 5 MS. LAMBRINIDES: All right. Then,
 6 that's it, right?
 7 CHAIRMAN FERGUSON: Six-to-one.
 8 MR. ALAMPI: Thank you.
 9 Thank you very much.
 10 CHAIRMAN FERGUSON: I need a motion we
 11 adjourn.
 12 MR. ALAMPI: Have a good evening.
 13 VICE CHAIRMAN ALBANESE: I make a
 14 motion we adjourn.
 15 CHAIRMAN FERGUSON: Second?
 16 MR. CARNOVALE: Second.
 17 CHAIRMAN FERGUSON: Thank you.
 18 Goodnight.
 19 MS. TESTA: Thank you.
 20 (Whereupon, the meeting is concluded.)
 21 Time noted: 10:05 p.m.)
 22
 23
 24
 25

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CERTIFICATE

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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. #50094914, 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.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: 04/08/2021

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