

1

BOROUGH OF PALISADES PARK
BOARD OF ADJUSTMENT
MONDAY, APRIL 19, 2021
7:00 P.M.

Case No. 20-09)	TRANSCRIPT OF
Jack Sung An)	PROCEEDINGS
50 Broad Avenue)	
Block 614; Lot 23)	
Case No. 20-10)	
V & R Developers)	
311 E. Edsall Blvd.)	
Block 412; Lot 15)	
Case No. 20-11)	
Dong Nam NY LLC)	
550 Bergen Blvd.)	
Block 416; Lot 3)	
Case No. 20-12)	
GPC Homes, LLC)	
36 Brinkerhoff Terrace)	
Block 214; Lot 3)	
Case No. 21-03)	
S-Platform Investments)	
72 West Ruby Avenue)	
Block 617; Lot 3)	
Case No. 21-01)	
George & Lolis Giannoula)	
22 West Washington Place)	
Block 218; Lot 1)	
Case No. 21-02)	
In Chang Chung Hae Jang)	
139 -145 Morningside Lane)	
Block 717; Lots 10, 11, 23)	

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 (ABSENT)
JOHN GRALA, MEMBER
STEVEN BROGNA, ALTERNATE MEMBER #1
CHARLIE CHUNG, ALTERNATE MEMBER #2
MICHAEL LEE, ALTERNATE MEMBER #3 (ABSENT)
GYUHO CHO, ALTERNATE MEMBER #4 (ABSENT)

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

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1	I N D E X	SWORN	TESTIMONY
2	WITNESS	SWORN	TESTIMONY
3	CASE NO. 20-11		
4	DONG NAM NY LLC		
5	550 BERGEN BLVD.		
6	BLOCK 416; LOT 3		13
7	CASE NO. 20-10		
8	V & R DEVELOPERS		
9	311 E. EDSALL BLVD.		
10	BLOCK 412; LOT 15		14
11	CASE NO. 20-09		
12	JACK SUNG AN		
13	50 BROAD AVENUE		
14	BLOCK 614; LOT 23		16
15	STEVEN KOESTNER, P.E.	18	
16	Direct Examination by Mr. Macri		18
17	Board/Professional Questions		22
18	Mr. Simoff	22	
19	Mr. Collazuol	23	
20	PETER CHANGSOO, AIA	26	
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27	Mr. Simoff	45	
28	Mr. Carnovale	51	
29	DAVID SPATZ, P.P.	57	57
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1 A P P E A R A N C E S:

2 DIANE TESTA, ESQUIRE

3 -and-

4 MARC D. MACRI, ESQUIRE

5 Counsel for the Board of Adjustment

6 MARC D. MACRI, P.C.

7 BY: MARC D. MACRI, ESQUIRE

8 2160 North Central Road

9 Fort Lee, New Jersey 07024

10 Attorney for Applicant, Jack Sung An;

11 GPC Homes, LLC; S-Platform Investments;

12 and George & Lolis Giannoula

13

14 BASILE, BIRCHWALE & PELLINO, LLC

15 BY: STEPHEN F. PELLINO, ESQUIRE

16 865 Broad Avenue

17 Ridgefield, New Jersey 07657

18 Attorney for the Applicant

19 In Chang Chung

20

21

22

23

24

25

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

15 ELENI LAMBRINIDES, Board Secretary (REMOTE)

16 MICHAEL KAUKER, P.P., Board Planner (REMOTE)

17 STEVE COLLAZUOL, P.E., Board Engineer (REMOTE)

18 HAL SIMOFF, P.E., Board Traffic Engineer (REMOTE)

19

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5	36 BRINKERHOFF TERRACE		
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1 I N D E X (Continued)

2 WITNESS SWORN TESTIMONY

3 CASE NO. 21-02

4 IN CHANG CHUNG HAE JANG

5 139 -145 MORNINGSIDE LANE

6 BLOCK 717; LOTS 10, 11, 23 115

7 DAVID SPATZ, P.P. 118

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9 Board/Professional Questions 124

10 Mr. Grala 124

11 Vice Chairman Albanese 125

12 Mr. Collazuol 127

13 SEAN KIM, AIA 128

14 Direct Examination by Mr. Pellino 129

15 Board/Professional Questions 136

16 Chairman Ferguson 136

17 Mr. Collazuol 139

18 Mr. Simoff 140

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1 CHAIRMAN FERGUSON: I call the

2 meeting to order.

3 Paulie, do you want to lead us in the

4 flag salute?

5 VICE CHAIRMAN ALBANESE: Yes, sir.

6 (Whereupon, all rise for a recitation

7 of the Pledge of Allegiance as led by Vice

8 Chairman Albanese.)

9 CHAIRMAN FERGUSON: All right. Roll

10 call.

11 (No response.)

12 CHAIRMAN FERGUSON: Eleni, you with us?

13 (No response.)

14 CHAIRMAN FERGUSON: Eleni, you with

15 us?

16 IT MODERATOR: She's on there.

17 MS. TESTA: We're waiting to do the

18 roll call.

19 IT MODERATOR: Just checking.

20 CHAIRMAN FERGUSON: While we're waiting

21 I might as well do this.

22 In accordance with the Open Public

23 Meetings Act, notice of this meeting of the Borough

24 of Palisades Park Zoning Board of Adjustment -- the

25 meeting has been posted on the Borough bulletin board

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1 I N D E X (Continuing)

2 E X H I B I T S

3 NO. DESCRIPTION IDENT.

4 CASE NO. 20-09

5 JACK SUNG AN

6 50 BROAD AVENUE

7 BLOCK 614; LOT 23

8 A-1 Site Plan Prepared by Steven

9 Koestner, P.E., Last Revised

10 March 1, 2021 19

11 A-2 Architectural Plan Prepared by

12 Peter Changsoo Park, AIA, Last

13 Revised March 16, 2021 27

14 A-3 Photographs 57

15 CASE NO. 20-12

16 GPC HOMES, LLC

17 36 BRINKERHOFF TERRACE

18 BLOCK 214; LOT 3

19 A-1 Architectural Plan Prepared by

20 Vassilios Cocoros, AIA 66

21 A-2 Photo Exhibit Prepared by David

22 Spatz, P.P. 73

23 CASE NO. 2L-03

24 S-PLATFORM INVESTMENTS

25 72 WEST RUBY AVENUE

BLOCK 617; LOT 3

A-2 Photo Exhibit Prepared by David

Spatz, P.P. 99

CASE NO. 21-02

IN CHANG CHUNG HAE JANG

139 -145 MORNINGSIDE LANE

BLOCK 717; LOTS 10, 11, 23

A-1 Architectural Plans 134

A-2 Mock-up Prepared by Sean Kim, AIA 134

A-3 Architectural Plan Dated

October 16, 2020 135

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1 and also provided to the official newspaper and filed

2 with the Borough Clerk's office.

3 Due to the current conditions involving

4 the COVID-19 virus and the directive of the state and

5 local governments of New Jersey, this meeting will be

6 held remotely.

7 MS. LAMBRINIDES: Can you hear me.

8 IT MODERATOR: I can hear you.

9 MS. LAMBRINIDES: I'm just testing

10 my...

11 CHAIRMAN FERGUSON: Okay. You with us,

12 Eleni? Okay.

13 Can you give us a roll call?

14 UNIDENTIFIED SPEAKER: Can you hear me?

15 MS. LAMBRINIDES: Yes.

16 MS. TESTA: Does Eleni know to do the

17 roll call?

18 CHAIRMAN FERGUSON: Eleni, are you

19 going to do the roll call?

20 MS. LAMBRINIDES: Good evening,

21 everybody.

22 CHAIRMAN FERGUSON: Good evening.

23 MS. LAMBRINIDES: Did you all call the

24 meeting to order?

25 We can't see anything on the screen.

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1 CHAIRMAN FERGUSON: We called the
 2 meeting to order.
 3 MR. CONDON: I don't know what's going
 4 on here with my computer, but I'm here, Thomas
 5 Condon.
 6 MS. LAMBRINIDES: Mr. Condon, we're
 7 talking about the borough.
 8 Mr. Ferguson?
 9 CHAIRMAN FERGUSON: Here.
 10 MS. LAMBRINIDES: I can't hear anybody
 11 at the borough.
 12 Can anybody else hear them?
 13 IT MODERATOR: You guys have to speak
 14 louder.
 15 MS. LAMBRINIDES: No.
 16 They're texting me they're waiting for
 17 the roll call.
 18 But we can't hear or see them, right?
 19 UNIDENTIFIED SPEAKER: No, we can't.
 20 CHAIRMAN FERGUSON: Can you hear me
 21 now?
 22 MS. LAMBRINIDES: I can hear you now,
 23 but we can't see you.
 24 Mr. Ferguson?
 25 CHAIRMAN FERGUSON: Here.

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1 have two. One from our borough attorney for
 2 \$2,000.00, and one from our parking expert -- or two
 3 for a total of \$2,800.00.
 4 Can I get a motion to pay the bills?
 5 MR. CARNOVALE: I make a motion.
 6 VICE CHAIRMAN ALBANESE: I second.
 7 CHAIRMAN FERGUSON: Okay. We got a
 8 first and a second.
 9 Roll call?
 10 MS. LAMBRINIDES: Who did the second,
 11 please?
 12 MR. CARNOVALE: Paulie.
 13 MS. LAMBRINIDES: Thank you.
 14 Mr. Ferguson?
 15 CHAIRMAN FERGUSON: Yes.
 16 MS. LAMBRINIDES: Mr. Albanese?
 17 VICE CHAIRMAN ALBANESE: Yes.
 18 MS. LAMBRINIDES: Mr. Elefteriou?
 19 MR. ELEFTERIOU: Yes.
 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. LAMBRINIDES: Mr. Albanese?
 2 VICE CHAIRMAN ALBANESE: Here.
 3 MS. LAMBRINIDES: Mr. Elefteriou?
 4 MR. ELEFTERIOU: Here.
 5 MS. LAMBRINIDES: Ms. Yoon?
 6 (No response.)
 7 MS. LAMBRINIDES: Mr. Carnovale?
 8 MR. CARNOVALE: Here.
 9 MS. LAMBRINIDES: Mr. Terranova?
 10 MR. TERRANOVA: Here.
 11 MS. LAMBRINIDES: Mr. Grala?
 12 MR. GRALA: Here.
 13 MS. LAMBRINIDES: Mr. Brogna?
 14 MR. BROGNA: Here.
 15 MS. LAMBRINIDES: Mr. Lee?
 16 (No response.)
 17 MS. LAMBRINIDES: And, Mr. Cho?
 18 (No response.)
 19 MR. CHUNG: Yes, here.
 20 MS. LAMBRINIDES: Mr. Cho?
 21 MS. TESTA: Yeah, Mr. Cho [sic] is
 22 here.
 23 MR. CHUNG: No. Chung.
 24 CHAIRMAN FERGUSON: Okay.
 25 First we have to pay the bills. We

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1 MS. LAMBRINIDES: Mr. Brogna?
 2 MR. BROGNA: Yes.
 3 MS. LAMBRINIDES: Mr. Cho?
 4 (No response.)
 5 CHAIRMAN FERGUSON: No. It's Chung.
 6 MR. CHUNG: Yes.
 7 CHAIRMAN FERGUSON: Next we have -- we
 8 all have copies of the minutes of the previous
 9 meeting.
 10 Is there any corrections to the
 11 minutes?
 12 (No response.)
 13 CHAIRMAN FERGUSON: Seeing none, I make
 14 a motion to approve the minutes.
 15 Can I get a second?
 16 VICE CHAIRMAN ALBANESE: Second.
 17 CHAIRMAN FERGUSON: Roll call?
 18 MS. LAMBRINIDES: Mr. Ferguson?
 19 CHAIRMAN FERGUSON: Yes.
 20 MS. LAMBRINIDES: Mr. Albanese?
 21 VICE CHAIRMAN ALBANESE: Yes.
 22 MS. LAMBRINIDES: Mr. Elefteriou?
 23 MR. ELEFTERIOU: Yes.
 24 MS. LAMBRINIDES: Mr. Carnovale?
 25 MR. CARNOVALE: Yes.

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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. Cho [sic]?
 8 MR. CHUNG: Yes.
 9 CHAIRMAN FERGUSON: Okay. We're going
 10 to do a memorialization of 20-11, Dong Nam New York,
 11 LLC; 550 Bergen Boulevard.
 12 Can I get a motion?
 13 VICE CHAIRMAN ALBANESE: I make a
 14 motion we accept the memorialization.
 15 MR. CARNOVALE: I second.
 16 CHAIRMAN FERGUSON: Okay. We've got a
 17 first and second.
 18 Roll call?
 19 MS. LAMBRINIDES: Mr. Ferguson?
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. LAMBRINIDES: Mr. Albanese?
 22 VICE CHAIRMAN ALBANESE: Yes.
 23 MS. LAMBRINIDES: Mr. Elefteriou?
 24 MR. ELEFTERIOU: Yes.
 25 MS. LAMBRINIDES: Mr. Carnovale?

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1 There will be no further notice.
 2 CHAIRMAN FERGUSON: No further notice.
 3 So I'll make that motion.
 4 Can I get a second?
 5 VICE CHAIRMAN ALBANESE: Second.
 6 CHAIRMAN FERGUSON: Roll call?
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Yes.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Elefteriou?
 12 MR. ELEFTERIOU: Yes.
 13 MS. LAMBRINIDES: Mr. Carnovale?
 14 MR. CARNOVALE: Yes.
 15 MS. LAMBRINIDES: Mr. Terranova?
 16 MR. TERRANOVA: Yes.
 17 MS. LAMBRINIDES: Mr. Grala?
 18 MR. GRALA: Yes.
 19 MS. LAMBRINIDES: Mr. Brogna?
 20 MR. BROGNA: Yes.
 21 MS. LAMBRINIDES: Mr. Chung?
 22 MR. CHUNG: Yes.
 23 CHAIRMAN FERGUSON: Okay. So we're now
 24 going to call our first --
 25 MS. TESTA: I'll just make the

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1 MR. CARNOVALE: Yes.
 2 MS. LAMBRINIDES: Mr. Terranova?
 3 MR. TERRANOVA: No.
 4 MS. LAMBRINIDES: Mr. Grala?
 5 MR. GRALA: Yes.
 6 MS. LAMBRINIDES: Mr. Brogna?
 7 MR. BROGNA: Yes.
 8 MS. LAMBRINIDES: Mr. Cho [sic]?
 9 MS. TESTA: Chung.
 10 MR. CHUNG: Not Cho, Chung?
 11 MS. LAMBRINIDES: Chung. Sorry.
 12 So Mr. Cho is not in?
 13 MR. CHUNG: No.
 14 CHAIRMAN FERGUSON: Cho is not in, no.
 15 The next thing we have is a request for
 16 adjournment.
 17 This is Case 20-10. V&R Developers,
 18 311 East Edsall Boulevard, he's requesting an...
 19 MS. TESTA: Well, we requested because
 20 we didn't have plans in time, yeah, for the board to
 21 review.
 22 So it was at our request.
 23 CHAIRMAN FERGUSON: At our request.
 24 MS. TESTA: He's waiving any time
 25 constraints.

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1 announcement then for Case 20-10, 311 East Edsall
 2 Boulevard, Block 412, Lot 15 is going to be carried
 3 until the May 17, 2021 meeting at 7 p.m.
 4 There will be no further notice to the
 5 public. This is the notice. Anybody who has any
 6 interest in that case, again, it's being carried to
 7 May 17, 2021 at 7 p.m.
 8 CHAIRMAN FERGUSON: Okay. Before we
 9 get going tonight, we have a very full agenda. I'm
 10 hoping get through it, but I think it's going to be
 11 hard.
 12 But, however, so for all of those
 13 lawyers out there, I know you have to put your case
 14 on, but we would like to expedite as much as we can.
 15 Experts, the same thing. You've got to put your case
 16 on. We're looking to expedite it.
 17 So the first case is going to be Jack
 18 Sung An, 50 Broad Avenue.
 19 Counselor, do you want to put your
 20 appearance in?
 21 MR. MACRI: Do you want me to stand on
 22 that side.
 23 CHAIRMAN FERGUSON: You can do anything
 24 you want to do, Marc.
 25 MR. MACRI: Good evening, Mr. Chairman,

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1 members of the board.
2 My name is Marc Macri. I represent the
3 applicant, Jack An, who is the owner of the property
4 we're dealing with, 50 Broad Avenue here in the
5 Borough of Palisades Park.

6 We've been here before. Based on the
7 board's recommendations, we've submitted a revised
8 plan which reduced the number of units, increased the
9 number of parking spaces, and opened up the facade so
10 you can actually see vehicles ingressing and
11 egressing from the property.

12 I have with me this evening four
13 experts. I have Mr. Peter Park, our architect; Steve
14 Koestner, our engineer; Lou Luglio, our traffic
15 expert; and David Spatz, our Professional Planner.

16 I'd like to begin by having
17 Mr. Koestner sworn in.

18 MR. CARNOVALE: Mr. Chairman, we never
19 got that certificate that we asked for three times.

20 MR. MACRI: Excuse me, Mr. Carnovale, I
21 e-mailed in on April 3rd.

22 MR. CARNOVALE: Oh, okay.

23 I don't have a copy of it. Sorry. Who
24 did you e-mail it to.

25 MR. MACRI: I e-mailed it to...

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1 MR. MACRI: Counsel, we'll mark this as

2 A-1.

3 MS. TESTA: Yes, please. And the date,
4 please? Can you just give us the date of the plans.

5 MR. MACRI: The last revised date is
6 March 1st, 2021.

7 MR. KOESTNER: March 1st.

8 MS. TESTA: Thank you.

9 (Whereupon, Site Plan Prepared by
10 Steven Koestner, P.E., Last Revised March 1,
11 2021, is marked as Exhibit A-1 for
12 identification.)

13 BY MR. MACRI:

14 Q. Mr. Koestner, if you could just
15 describe to the Board what exists on Sheet A-1?

16 A. Sheet A-1 is the site plan sheet.
17 Basically it shows what we had before
18 with the exception that now the parking area will be
19 lower to the -- more towards the center of the
20 building. And then the upper parking area, which
21 will be more towards the easterly side of the
22 building.

23 So there will be two ramps. One going
24 nearly through the middle and then another one going
25 upstairs to the second floor.

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1 MR. CARNOVALE: The lawyer.

2 MR. MACRI: The lawyer.

3 MR. CARNOVALE: Okay, fine.

4 MR. MACRI: Ms. Lambrinides.

5 I believe the Chairman as well.

6 MS. TESTA: Please raise your right
7 hand.

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

11 MR. KOESTNER: I do.

12 S T E V E N K O E S T N E R,
13 61 Hudson Street, Hackensack, New Jersey, having
14 been duly sworn, testifies as follows:

15 MS. TESTA: State your name for the
16 record, please.

17 MR. KOESTNER: Steven L. Koestner,
18 S-T-E-V-E-N, K-O-E-S-T-N-E-R. 61 Hudson Street,
19 Hackensack, New Jersey.

20 DIRECT EXAMINATION

21 BY MR. MACRI:

22 Q. Mr. Koestner, the plans on the easel
23 are the same plans I submitted to the Board except
24 these are colorized, correct?

25 A. Correct.

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1 Basically, that's the major change. Of
2 course a number of views architecturally has changed
3 as well as the number of parking spaces. The number
4 of views have been reduced, and the number of parking
5 spaces have been increased.

6 Q. If you could just turn to Sheet 2 of 8.

7 Please explain the grading and draining
8 to the board?

9 A. The draining?

10 Q. Yes.

11 A. Sure.

12 Sheet 2 of 8 is the Grading, Drainage &
13 Utilities Plan. It does show the parking layout on
14 the lower level as well as the drainage proposed,
15 which is an underground system with detention pipes.

16 It shows one, two, three, four, five
17 different 24-inch, I believe they are, pipe. That
18 would run under the building, be collected in a pit,
19 then be pumped out eventually to a catch basin at the
20 northeasterly corner of Broad and East Ruby Avenue.

21 In between where an outlet and inflow,
22 there is a collection structure, a weir-type
23 structure, and an orifice that will hold the water
24 back, allow those pipes to fill up, and then let it
25 slowly drain out into the catch basin at the corner

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1 of Broad and Ruby.

2 Q. Okay, thank you. Have you had an
3 opportunity to review the April 12, 2021 report
4 prepared by Steven Collazuol?

5 A. I have.

6 Q. Are you able to comply with all of his
7 requirements?

8 A. Yes.

9 He has requirements in there regarding
10 the pump. He talks about the entrance and exit. The
11 trees slightly being proposed along Broad Avenue as
12 shown on the landscaping plan. As well as the
13 sidewalk being removed to provide greater dis --
14 visibility that is for the pedestrians traversing
15 East Ruby Avenue.

16 MR. MACRI: All right. Thank you. I
17 have no further questions.

18 CHAIRMAN FERGUSON: Okay. I just have
19 one.

20 Is he done?

21 MR. MACRI: Yes.

22 CHAIRMAN FERGUSON: I'm just having a
23 little -- our parking expert has given us a
24 three-page, you know. And part of that was he's
25 concerned that you can't back a truck into -- in

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1 CHAIRMAN FERGUSON: Okay.

2 MR. MACRI: Chairman, our architect
3 will be answer that question.

4 CHAIRMAN FERGUSON: My friend, you've
5 got to speak up.

6 MR. MACRI: Our architect will be able
7 to answer regarding the design of the building. Our
8 architect is up next. He will be able to answer.

9 CHAIRMAN FERGUSON: Okay, no problem.

10 MR. KOESTNER: It's shown on the site
11 plan as well.

12 CHAIRMAN FERGUSON: Steve, are you on.
13 Mr. Collazuol?

14 MR. COLLAZUOL: Can you hear me now.

15 CHAIRMAN FERGUSON: Very good.

16 MR. COLLAZUOL: Okay. I thought I was
17 unmuted. I apologize.

18 We updated our report April 12th.

19 Basically the stormwater system has been modified, as
20 Mr. Koestner has indicated.

21 And, Mr. Koestner, if the board were to
22 approve the plans, would you be providing further
23 pump details regarding the outlet control structure
24 in the basement?

25 MR. KOESTNER: Yes.

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1 other words, the garage is only 4 foot and the truck
2 won't be able to get in there.

3 Can you...

4 MR. KOESTNER: I think I have to defer
5 to the architect. As to the height, I think you're
6 speaking about height of the clearance going in and
7 out of the garage.

8 CHAIRMAN FERGUSON: Right.

9 MR. KOESTNER: This plan,
10 unfortunately, does not show that ceiling height.

11 We'll get that information to you later this evening.

12 CHAIRMAN FERGUSON: Hal, are you with
13 us?

14 (No response.)

15 CHAIRMAN FERGUSON: Wait a minute.

16 Okay. Hal?

17 MR. SIMOFF: Yes.

18 CHAIRMAN FERGUSON: Okay. I don't know
19 if you were with us.

20 But I just -- I got your report, and
21 there was a question on the report about the
22 height of the entrance to get in. You didn't think
23 it was high enough.

24 MR. SIMOFF: Well, it depends on what
25 kind -- also where is the trash picked up.

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1 MR. COLLAZUOL: I think that for the
2 most part by agreeing to accommodate those points in
3 the report, aside from the fact that the sidewalk was
4 moved on East Ruby Avenue to provide more typical
5 sidewalk curb dimensions, I think helps the plan
6 nominally, not significantly.

7 I would defer to Hal, Mr. Simoff,
8 though, with respect to comments made by the Planning
9 Board regarding sight distance, et cetera.

10 Other than that, what's contained on
11 the report will remain.

12 Thank you, Joe.

13 CHAIRMAN FERGUSON: Okay. Mr. Kauker,
14 I assume you're going to hold your questions until
15 later?

16 You're on mute.

17 Mr. Kauker, you're going to wait until
18 your planner gets on?

19 MR. KAUKER: Can you hear me.

20 CHAIRMAN FERGUSON: There you go. Do
21 you have any questions for this witness?

22 MR. KAUKER: Our revised report
23 reflects the fact that -- can you hear me?

24 CHAIRMAN FERGUSON: Yeah.

25 MR. KAUKER: Thank you.

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1 That there's been a reduction of 13
 2 units from the initial application, from 39 to 26,
 3 which I think is a positive aspect of the
 4 application.
 5 The need for a height variance is still
 6 related to the application as well as --
 7 MS. TESTA: Who is speaking.
 8 MR. KAUKER: -- a number of (c)
 9 variances.
 10 So we need testimony on that. If I
 11 have any comment, I'll certainly pick up at that
 12 time.
 13 MS. TESTA: Michael Kauker, Sr.
 14 CHAIRMAN FERGUSON: Okay. So, Counsel,
 15 let me --
 16 MR. MACRI: If you have no further
 17 questions of Mr. Koestner, I'd like to have our
 18 architect sworn in.
 19 CHAIRMAN FERGUSON: Okay.
 20 MR. MACRI: Mr. Chairman, at this time
 21 I'd like to have Mr. Peter Park sworn in as our
 22 expert.
 23 CHAIRMAN FERGUSON: Is this microphone
 24 working?
 25 Can we get it over to him?

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1 (Whereupon, Architectural Plan Prepared
 2 by Peter Changsoo Park, AIA, Last Revised
 3 March 16, 2021, is marked marked as Exhibit
 4 A-2 for identification.)
 5 BY MR. MACRI:
 6 Q. Mr. Park, can you please explain to the
 7 board the major changes that were made from the last
 8 time we were here?
 9 A. I'm sorry?
 10 Q. Can you please explain to the board the
 11 major changes in the plan from the last time we were
 12 here?
 13 A. So, actually, the major change is that
 14 we are including the two interior views from the cars
 15 that exit out.
 16 At the previous meeting, it was pointed
 17 out that there's some potential, you know,
 18 dangerousness with pedestrians.
 19 So we're creating a 16-foot-wide, you
 20 know, big open spaces so visually it is connected
 21 with the outside and inside. And also at another
 22 entrance going to the second floor, we're creating
 23 almost, like, an 8-foot wide open spaces. So it
 24 really helped.
 25 And then we put, you know, the exit

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1 MS. TESTA: Please raise your right
 2 hand.
 3 Do you swear that the testimony you
 4 will give with respect to this application will be
 5 the truth, the whole truth, and nothing but the
 6 truth, so help you God?
 7 MR. PARK: Yes, I do.
 8 P E T E R C H A N G S O O P A R K,
 9 having been duly sworn, testifies as follows:
 10 MS. TESTA: State your name for the
 11 record, please.
 12 MR. PARK: Peter Changsoo Park.
 13 MS. TESTA: Yeah, we're good to go.
 14 Mr. Park testified at the last meeting.
 15 MR. MACRI: Thank you.
 16 DIRECT EXAMINATION
 17 BY MR. MACRI:
 18 Q. Mr. Park, to our right is your most
 19 recent plan?
 20 A. Yes, it is.
 21 Q. When is the last date of revision?
 22 A. It was March 16, 2021.
 23 MR. MACRI: Counsel, we'll mark this as
 24 A-2.
 25 MS. TESTA: Yes.

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1 stop sign on the floor, and also a speed bump, and
 2 also, you know, another flashing, you know, stop
 3 sign. The rendering is showing all the information
 4 to how we took the comments from the previous
 5 meeting.
 6 And also, elevation-wise we
 7 incorporated the engineer's drawing into our
 8 architectural drawing. So that is the minor stuff.
 9 And then the unit number -- parking
 10 number is all staying the same, as we showed on the
 11 February meeting.
 12 Q. Okay. So on page 1, on the first
 13 sheet, what does this top picture depict?
 14 A. I'm sorry?
 15 Q. What does this photo depict?
 16 A. Oh, this is one is pick up -- when you
 17 look at the plan, Z-103 -- Z-103 and Drawing Number
 18 2, when you look at that, one shot is pulling from
 19 the parking exit from the ground level parking, which
 20 means this location.
 21 And then the second rendering, the
 22 bottom rendering is from the entry -- I mean, the
 23 exit point from the second floor, you know, this
 24 point. So here and there is showing the location.
 25 Q. Okay. And the purpose was to give both

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1 the driver as well as the pedestrians the ability to
 2 see one another when exiting the building.
 3 Is that correct?
 4 A. Yes, it is.
 5 Q. Okay.
 6 If you could turn to page Z-103. You're
 7 already there?
 8 A. Yeah.
 9 Q. Okay.
 10 So we reduced the number of units by
 11 13.
 12 Can you explain how we're assigning the
 13 parking spot to the units?
 14 A. Yeah.
 15 So NJ RSIS requires 1.8 parking spaces
 16 for a one-bedroom. They don't have any requirements
 17 for a studio. So we are -- anyway we calculated 1.8
 18 for the entire thing.
 19 So actually for the one-bedroom
 20 apartments, so we are creating the sum of tandem
 21 parking spaces. It covers the entire
 22 one-bedroom-apartment units so there is no problem.
 23 So they would get two parking spaces.
 24 And then the studio ones, studio units
 25 cover, you know, one-single-parking units.

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1 rental apartments, we have 12 one-bedroom and 14
 2 studios total. So when they require 1.8 spaces, they
 3 require 47, but we are providing 44 parking spaces.
 4 CHAIRMAN FERGUSON: Okay. So as I said
 5 previously -- and I guess I'll say it again tonight
 6 -- it's hard to believe 20 parking -- I think the
 7 only -- as I said before, I appreciate you took a
 8 level parking -- you know, apartments out. You added
 9 a park -- you know, a parking deck. I get all that.
 10 I appreciate all that.
 11 But I don't believe that the board can
 12 give -- or at least I can't give a variance for 20
 13 parking spots.
 14 MR. PARK: So can I ask -- can I tell
 15 you one thing.
 16 CHAIRMAN FERGUSON: Yes.
 17 MR. PARK: Actually, NJ RSIS requires
 18 for a one-bedroom, 1.8 parking requirement.
 19 But some other New Jersey towns
 20 requires one parking space for the studio. But we're
 21 calculating a studio as 1.8.
 22 So as our parking consultant, you know,
 23 engineer mentioned that this is a highly organized
 24 area.
 25 So kind of being 1.8 parking for a

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1 That is our major parking concept.
 2 Q. Okay. So just so I'm clear, if you
 3 have a one-bedroom unit, you would get two parking
 4 spaces but they're tandem?
 5 A. Tandem, yes.
 6 Q. If you have a studio apartment you
 7 would get one single parking spot?
 8 A. Yes. Also, each floor has handicap
 9 parking as well.
 10 Q. Okay. Those are the major differences
 11 from the last time we were here, correct?
 12 A. Yes, it is.
 13 MR. MACRI: Thank you.
 14 I have no further questions.
 15 CHAIRMAN FERGUSON: I've just got one.
 16 As it stands now, how many cars are you looking to
 17 park?
 18 MR. PARK: How many parking?
 19 CHAIRMAN FERGUSON: Yeah.
 20 I think it said 20.
 21 MR. PARK: Yeah, 44 parking spaces.
 22 So as you see on the Z-101, we are splitting out, you
 23 know, the unit number and also parking, off-street
 24 parking requirement.
 25 So as you see at the bottom one, the

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1 studio is a little much than, you know, the other
 2 towns in New Jersey.
 3 So that's why in this kind of case when
 4 we are calculating the one parking space for the
 5 studio, we only require 11 -- 11 parking, you know,
 6 variance -- I'm sorry -- nine parking variances.
 7 CHAIRMAN FERGUSON: Well, your plan --
 8 your plan said 20, no.
 9 MR. MACRI: Correct, 17 for retail.
 10 CHAIRMAN FERGUSON: That's 20, right?
 11 Unless you want to put your parking expert on, my
 12 friend.
 13 MR. MACRI: Mr. Chairman, I think we
 14 can reduce the number of units, which would reduce
 15 some of the required parking spaces.
 16 CHAIRMAN FERGUSON: Correct.
 17 MR. MACRI: If we reduced...
 18 CHAIRMAN FERGUSON: Well, let me give
 19 you my number, so you know. In addition to what you
 20 already reduced, I'd like to see you reduce four more
 21 -- four more units.
 22 MR. PARK: Okay.
 23 CHAIRMAN FERGUSON: Now, I don't think
 24 -- you know, but that would be my recommendation.
 25 MR. MACRI: Okay. We can reduce it by

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1 four. We can reduce four studio apartments.
 2 CHAIRMAN FERGUSON: Yeah. It would be
 3 two on each floor.
 4 MR. MACRI: Yeah. We'll remove two on
 5 each floor.
 6 CHAIRMAN FERGUSON: So, obviously, I
 7 would like to see the plans. You can provide them to
 8 if the board votes on it tonight. But I'd like to
 9 see the plans by next meeting so we know what we're
 10 approving, you know.
 11 MR. MACRI: Okay. So if the board
 12 votes favorably, it would be subject to submission of
 13 the plans before the resolution is adopted.
 14 CHAIRMAN FERGUSON: Yes.
 15 MR. MACRI: Yeah, we can do that.
 16 CHAIRMAN FERGUSON: Okay.
 17 Hal, are you with us?
 18 MR. SIMOFF: Yes, I'm here.
 19 CHAIRMAN FERGUSON: Okay. Did you hear
 20 the -- did you hear the testimony, Hal?
 21 MR. SIMOFF: The other issue that has
 22 to be talked about is the parking for the retail.
 23 The ordinance requires 17 spaces for
 24 retail. I recognize that that's a little bit more
 25 than reality in Palisades Park.

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1 MR. MACRI: Correct.
 2 MR. SIMOFF: And then how is the -- and
 3 if you have one parking space for the studio --
 4 MR. PARK: No. It's 1.8.
 5 We calculated the worst situation.
 6 MR. SIMOFF: No. What I'm saying is,
 7 if the provision is one -- if you're providing --
 8 well, what do you propose to provide? Because the
 9 other question that has to be addressed is the
 10 stacked parking.
 11 MR. MACRI: We're seeking a variance
 12 for the tandem parking, but those are going to be
 13 specifically assigned to every one-bedroom.
 14 MR. SIMOFF: Well, so the one-bedroom
 15 will have --
 16 MR. MACRI: Two parking spaces.
 17 MR. SIMOFF: Let me just -- well, how
 18 many stacked parking spaces.
 19 MR. PARK: Stacked parking.
 20 MR. SIMOFF: There's one, two, three...
 21 MR. MACRI: It's 28 spots total, but
 22 it's 14 tandem.
 23 MR. SIMOFF: So there's 14 tandem.
 24 So the 12 one-bedrooms will get the 14
 25 tandem.

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1 But all the employees plus some of
 2 the visitors have to have the opportunity to park.
 3 So the 3,400, or approximately 3,400 parking spaces
 4 -- I'm sorry -- square feet on the retail has to have
 5 some accommodation for a minimum of employee parking,
 6 because that's all-day parking and it has to be
 7 coordinated with the stacked parking.
 8 MR. MACRI: Yeah, we're not going to
 9 reduce -- we'll reduce the number of units, but we're
 10 not going to reduce the number of parking spaces.
 11 So that will free up additional parking
 12 spaces for the employees of the retail
 13 establishments.
 14 MR. SIMOFF: But you're still -- so the
 15 reduction proposed is -- just give me the numbers
 16 again.
 17 MR. MACRI: We're going to remove two
 18 studio apartments on each floor. We're going to
 19 remove four units in total.
 20 MR. SIMOFF: So it will be 12
 21 one-bedroom and 12 studios.
 22 MR. MACRI: Hold on.
 23 MR. PARK: So 10 studios and 12
 24 one-bedroom, right?
 25 MR. SIMOFF: Ten studios.

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1 MR. MACRI: Right.
 2 MR. SIMOFF: Then the studios will get
 3 the -- I see two, four...
 4 So you're proposing basically the
 5 one-bedrooms will get the unstacked.
 6 MR. MACRI: Correct.
 7 MR. SIMOFF: The studios would get the
 8 unstacked.
 9 MR. MACRI: Correct. And there will be
 10 six spots available.
 11 MR. SIMOFF: But I also had a question.
 12 There's two spaces, one space on each floor that's
 13 very difficult to get in and out of.
 14 On the upper level, there's the one
 15 right at the top of the ramp.
 16 And at the lower level there's the one
 17 as you just pull in to the right. If you pull in,
 18 once you pull in, how do you get out?
 19 MR. MACRI: You make a K-turn.
 20 MR. PARK: Yeah. That's a K-turn. I
 21 mean, we have 24-foot dimension, so that's enough for
 22 the maneuvering of a car.
 23 MR. SIMOFF: Well, it's not clear to me
 24 how that would occur. Let's take the one at the
 25 upper level. I highlighted it in my memo.

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1 So you would pull in. Then you would
2 pull into the aisle and you'd head west. Then how do
3 you make -- how do you make the U-turn to get out and
4 go down the ramp?

5 MR. PARK: So you're talking about the
6 next parking space next to the storage.

7 MR. SIMOFF: Yes.

8 MR. PARK: So when we were doing that,
9 they can do kind of a U-turn first then, you know,
10 backside, you know, drive away.

11 MR. SIMOFF: Well, there's not enough
12 room to make a U-turn there. So there's two spaces
13 that they can either pull in or pull out, but they
14 can't do both.

15 MR. PARK: When we are looking at, you
16 know, the -- you know, the trying up in the CAD, I
17 mean, possibly we can try to park in here.

18 And then with this parking space it's a
19 little bit different because it's parallel parking.
20 So as you see the drawing, it's a little bit larger
21 size than the regular 9-by-18, you know, size.

22 MR. SIMOFF: Yeah.

23 But a passenger car has a turning
24 radius of about 30 feet. They can't do it in the
25 aisles. I'm saying, how would -- let's talk about

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1 I don't have a problem with your parking quantities
2 for the -- that you're proposing for the studios and
3 the one-bedrooms; you're right on the mark. Then you
4 need parking for the employees of the stores.

5 MR. MACRI: Yeah. We could assign the
6 first five parking spaces on the left to the
7 employees in the store once those stores are
8 occupied.

9 MR. SIMOFF: Then what do you do for
10 the residents.

11 MR. MACRI: They'll use the ones on the
12 second floor. Once we eliminate the four units, we
13 have four additional parking spaces available to us
14 plus two extra.

15 So if we eliminate one on the second
16 floor, we have five extra parking spots. We're
17 eliminating four units.

18 MR. SIMOFF: If you're talking about
19 two for the one-bedroom, that's 24. And plus one for
20 the studios, that's 34.

21 MR. PARK: 1.8 parking for a
22 one-bedroom.

23 MR. SIMOFF: I thought you just said
24 that the stacked parking is going to be for the
25 one-bedroom.

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1 the one space against the western -- I'm sorry
2 -- the eastern wall at the top of the ramp. You
3 would pull in. I have it highlighted on my -- on my
4 memo.

5 You would pull in. And how would you
6 get out?

7 MR. MACRI: You know, if that's a major
8 concern, we can eliminate that parking space.

9 MR. SIMOFF: Then you would eliminate
10 the one on the lower ramp to the right of the
11 entrance?

12 MR. MACRI: I believe the lower ramp is
13 manageable.

14 MR. SIMOFF: When you pull in, you
15 would go forward and you would back into that space
16 like a parallel space.

17 MR. MACRI: We could relocate that
18 parking space to the immediate left when you pull
19 into the parking lot.

20 MR. SIMOFF: Well, you have -- you have
21 parking on the left side of the aisle.

22 MR. PARK: Yeah.

23 That's one empty spot there so we can
24 move the parking there.

25 MR. SIMOFF: I'm just concerned that --

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1 MR. MACRI: Hold on. Excuse me.
2 Just so there's no confusion, we're
3 eliminating four studio apartments. We're not
4 eliminating any single -- we're not eliminating any
5 one-bedroom apartments.

6 MR. SIMOFF: Correct.

7 MR. MACRI: Every studio apartment is
8 assigned one parking space. So if we're eliminating
9 four units, that means there are four additional
10 parking spaces that are now available that can be
11 used by the commercial tenant.

12 MR. SIMOFF: But it doesn't -- it
13 doesn't jive with the way the parking lays out. If
14 you're going to assign the stacked parking to the
15 one-bedrooms.

16 MR. MACRI: Right.

17 MR. SIMOFF: The back space has to be
18 the same user.

19 MR. MACRI: Yeah. There's 14 tandem
20 parking spots. They each -- they all get assigned to
21 the one-bedroom units.

22 MR. SIMOFF: You have 12 one-bedrooms.

23 MR. MACRI: No. We have 14
24 one-bedrooms.

25 No, I'm sorry.

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1 MR. SIMOFF: You just said 12.
 2 MR. MACRI: Excuse me, excuse me.
 3 Yeah, we have 12.
 4 MR. SIMOFF: So you have to have 12
 5 stacked parking spaces and 10 single parking spaces
 6 for the residents.
 7 MR. MACRI: Okay. We can assign the
 8 stacked parking spaces to the commercial tenants.
 9 CHAIRMAN FERGUSON: Are you going to
 10 put a parking expert on.
 11 MR. MACRI: Yes.
 12 CHAIRMAN FERGUSON: Why don't we wait
 13 for the parking expert, give him a chance to try to,
 14 you know.
 15 MR. MACRI: All right.
 16 CHAIRMAN FERGUSON: Okay. Hal, we're
 17 going to wait for the parking expert to come on.
 18 MR. SIMOFF: You have 14 spaces that
 19 are stacked.
 20 MR. PARK: Yeah. We have 14 spaces
 21 for the stacked.
 22 So it covers all the one-bedroom
 23 apartments.
 24 MR. SIMOFF: Yeah, one-bathroom.
 25 MR. PARK: But the two stacks are

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1 The containers going to be going to the
 2 East Ruby Avenue side.
 3 MR. SIMOFF: And then the trash truck
 4 would have to --
 5 MR. PARK: Pick that up.
 6 MR. SIMOFF: -- park on the street.
 7 MR. MACRI: That's correct.
 8 MR. SIMOFF: While the trash is -- the
 9 trash for the 30 -- 23, 22 units would be carried
 10 down?
 11 MR. PARK: And then as you see
 12 previously on the plan, one parking -- parallel
 13 parking, you pointed out that there's some problems
 14 moving.
 15 So if we're moving out one parallel
 16 parking to the other side, the side is empty spaces
 17 so we can put the -- maybe temporary, you know, put
 18 it into the...
 19 MR. SIMOFF: Then the other question
 20 that I have, in your graphic on --
 21 CHAIRMAN FERGUSON: Hal, before you go
 22 on, he's going to put a parking expert on. Why don't
 23 we wait for the parking expert.
 24 MR. SIMOFF: Okay. I see Mr. Luglio
 25 waiting in the balcony.

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1 available, but the two stacks normally can go to
 2 employee parking on the ground level.
 3 CHAIRMAN FERGUSON: Okay.
 4 MR. MACRI: Yeah, thank you.
 5 MS. TESTA: I think there was a
 6 question Hal had with regards to the height of the
 7 parking, for the architect.
 8 MR. PARK: Yeah. We are using the
 9 trash compactors. So, you know, all the trash is
 10 going to be very small size. It's going out to the
 11 -- as you see on the plan, there is a reusable room
 12 here. So the containers are going to be located --
 13 two containers are going to be located in the
 14 reusable room.
 15 And then it leaves out there, or the
 16 small truck is going to pull into the inside of the
 17 parking spaces.
 18 And then the parking height is going to
 19 be around -- I guess each -- if I my memory is
 20 correct, it's going to be around 10 foot.
 21 MR. SIMOFF: So you're going to carry
 22 the trash from the north side of the building to the
 23 south side of the building.
 24 MR. PARK: It's going on to be on the
 25 -- yeah, yeah.

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1 CHAIRMAN FERGUSON: Is he? Okay.
 2 MR. MACRI: Thank you.
 3 MR. PARK: Thank you.
 4 MR. MACRI: Have a seat.
 5 CHAIRMAN FERGUSON: Does any board
 6 members have any questions?
 7 (No response.)
 8 CHAIRMAN FERGUSON: Anyone in the
 9 audience have any questions?
 10 (No response.)
 11 CHAIRMAN FERGUSON: Okay, call your next
 12 witness.
 13 MR. MACRI: At this time I'd like to
 14 have Mr. Lou Luglio sworn in. He's on Zoom.
 15 MS. TESTA: Okay. Mr. Luglio, if you
 16 could just raise your right hand.
 17 Do you swear the testimony you will
 18 give this application will be the truth, the whole
 19 truth, and nothing but the truth, so help you God?
 20 MR. LUGLIO: Yes, I do.
 21 L O U I S L U G L I O, P.E.,
 22 30 Montgomery Street, Jersey City, New Jersey
 23 having been duly sworn, testifies as follows:
 24 MS. TESTA: Can you state your name for
 25 the record, please.

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1 MR. LUGLIO: My name is Louis Luglio.
 2 It's L-U-G-L-I-O.
 3 CHAIRMAN FERGUSON: Okay. Good to have
 4 you with us, Lou. All right.
 5 MR. LUGLIO: Thank you.
 6 CHAIRMAN FERGUSON: We're having this
 7 conversation with our parking expert, which is
 8 Mr. Hal Simoff.
 9 Hal, do you want to take it away, and
 10 maybe you can come to some type of understanding with
 11 Lou?
 12 MR. SIMOFF: Yeah.
 13 MR. LUGLIO: Hi, Hal.
 14 How you doing?
 15 MR. SIMOFF: Good, Lou.
 16 MR. LUGLIO: I'm thinking that the 12
 17 units would be assigned two spaces, and then the
 18 other two tandem spaces would be assigned to the
 19 retail employees. And they could be tandem because,
 20 you know, they have the ability basically to move one
 21 car to get the other car out.
 22 Theoretically they would be there, you
 23 know, a good portion of the day.
 24 So we'd have two -- I'm sorry -- 12
 25 units, 12 one-bedroom units and two spaces for 24

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1 parking spaces; 10 studios at one space per 10. And
 2 then we would have two of the retail units having the
 3 other two tandem spaces. So that's four spaces.
 4 That's a total of 38 parking spaces in
 5 total. And that would leave an additional six spaces
 6 for the other part of the retail.
 7 So it would be, you know, 12 at two of
 8 the tandem spaces. The other two tandem spaces would
 9 go for the retail employees. That would leave six
 10 spaces for the rest of the retail, whether it be
 11 people that are employees -- but most employees would
 12 probably take public transportation to get there --
 13 or visitors or customers that would be able to still
 14 park there.
 15 Now, if we do need to lose a couple of
 16 spaces, the two spaces that you were talking about,
 17 then obviously we would only have four spaces that
 18 would be available for the retail besides the tandems
 19 instead of the six spaces.
 20 But I think one of the points that the
 21 architect was pointing out, especially either one of
 22 those spaces, Hal, that you pointed out, is that
 23 there's a lot of space around each one of those
 24 parking spaces, and they too could also be assigned
 25 to the retail tenant.

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1 But if we needed to get rid of those
 2 spaces, we certainly could, and still have enough
 3 parking on the site with respect to the residential
 4 and the retail.
 5 And, lastly, on the garbage, the trash,
 6 it is -- we have designed units like this, or
 7 buildings like this, where the trash is rolled out a
 8 number of days a week, and it's picked up. Or if we
 9 do lose that parking space on the ground floor, then
 10 that could also be an area that the management of the
 11 building can move the trash, the trash bin too for
 12 the days that it is picked up.
 13 And we'll probably have trash and
 14 recyclables. So we'll probably have, you know, two
 15 different bins and different days of the week.
 16 CHAIRMAN FERGUSON: Hal, comments.
 17 Mr. Simoff?
 18 MR. SIMOFF: Yes.
 19 CHAIRMAN FERGUSON: Did you hear that
 20 from Lou.
 21 MR. SIMOFF: Yeah. He was kind of
 22 broken up.
 23 MR. LUGLIO: Sorry.
 24 MR. SIMOFF: But maybe -- there's the
 25 one space on the -- on the lower level, the one right

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1 by the front door or by the access door, maybe that's
 2 a better place to store the trash.
 3 MR. LUGLIO: On the lower level.
 4 MR. SIMOFF: Yes.
 5 MR. LUGLIO: I agree.
 6 CHAIRMAN FERGUSON: Okay.
 7 That's what we'll do.
 8 MR. LUGLIO: We can definitely move it
 9 there.
 10 MR. SIMOFF: Because those ramps are 10
 11 or 15 percent.
 12 So you have to roll the dumpsters or
 13 move the trash up and down a 15 percent ramp rate.
 14 CHAIRMAN FERGUSON: Okay.
 15 MR. SIMOFF: The trash would only --
 16 the trash recyclables would only be on that lower
 17 level, if you follow my -- you know, to get the trash
 18 out to the road, you're talking.
 19 MR. LUGLIO: Yes, you right. There
 20 would be -- yes, you're right.
 21 MR. SIMOFF: Without moving it on those
 22 ramps.
 23 MR. LUGLIO: Yeah, I agree.
 24 We could move that to -- closer to the
 25 driveway exit point, entrance and exit point.

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1 MR. SIMOFF: Now, the last thing that
2 has to be addressed is the exit from the upper level,
3 which is shown on Z-101 on the lower left-hand
4 drawing, the rendering.

5 MR. LUGLIO: Yes.

6 MR. SIMOFF: The visibility has not
7 been addressed at that point.

8 MR. LUGLIO: We have not prepared a
9 line-of-sight diagram.

10 But we can certainly prepare that?

11 For this residential street,
12 theoretically it's 25 miles per hour.

13 It's pretty -- it's a pretty straight
14 street, Ruby is. I'm pretty sure that we could meet
15 the requirement.

16 But that requirement would have to be a
17 little bit further out onto East Ruby Avenue as
18 opposed to, you know, being calculated from within
19 the garage structure.

20 MR. SIMOFF: Well, the other -- the
21 other suggestion is, if you're going to take off
22 units -- I hadn't really paid attention to the layout
23 of the units.

24 But can some of the units be
25 cantilevered, the upper floors? So that you would

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1 open up a portion of that wall so that you could
2 actually see through that.

3 MR. MACRI: Yeah, that's exactly what
4 we'll do.

5 CHAIRMAN FERGUSON: Okay.

6 MR. LUGLIO: Good point, Hal.

7 CHAIRMAN FERGUSON: All right.

8 Now, any board members have any
9 questions?

10 MR. CARNOVALE: Yes.

11 Mr. Chairman, I'm a little confused
12 so...

13 We're taking off four parking spots.

14 So they don't need a variance for 20, now they need
15 one for 16?

16 Am I correct?

17 CHAIRMAN FERGUSON: They're reducing
18 the number of units.

19 MR. CARNOVALE: Right.

20 So they don't need 20 -- a variance for
21 20, they need a variance for 16.

22 CHAIRMAN FERGUSON: No.

23 MR. CARNOVALE: Then I'm confused.

24 Would you run that by me again? I'm a
25 little slow.

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1 you cut the building on the ground floor level or the
2 first floor level so that you can see to the left and
3 to the right? So that the exit is cut back a little
4 bit.

5 MR. LUGLIO: I think that is a
6 possibility, but I would defer to the architect.

7 Especially, you know, maybe in just
8 that corner, where I think that's a one-bedroom unit
9 in that corner, it's possible that there could move
10 the location there so that allows for additional line
11 of sight.

12 MR. MACRI: Mr. Chairman, on Z-101, on
13 the bottom left-hand corner is a depiction of exiting
14 the ramp from the second floor.

15 What we'll do is on that left-hand
16 wall, we'll open that up just like we did on the --
17 on the ground floor.

18 CHAIRMAN FERGUSON: Okay. Marc, if
19 that settles the discussion.

20 MR. LUGLIO: Yeah. I think -- I just
21 want to get that plan. Yeah. I mean, I think we
22 could actually open up without having to cut the
23 building back. We could still have that white column
24 there in the graphic in the lower left-hand corner of
25 Z-101. But instead of having a solid wall, we could

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1 You took four units off. So you gave
2 us four parking spots, right.

3 MR. MACRI: Yes.

4 MR. CARNOVALE: But didn't you need a
5 variance for 20, or I'm off base here.

6 MR. MACRI: No, you're correct.

7 MR. CARNOVALE: Okay. So what's 20
8 minus 4.

9 MR. MACRI: Sixteen.

10 MR. CARNOVALE: Okay. Then I just said
11 you need a variance for 16 spots, didn't I?

12 MR. MACRI: Correct.

13 MR. CARNOVALE: Okay. So I don't know.

14 MR. SIMOFF: If I might. That includes
15 the variance for the retail.

16 MR. CARNOVALE: Yes, sir. That's 17
17 spots. So all in all they needed 20, now they need
18 16. Of course if you were to take off four

19 one-bedrooms, you would have gained eight spots. But
20 that's not up to me.

21 MR. MACRI: We wouldn't be able to use
22 those effectively.

23 MR. CARNOVALE: Excuse me.

24 MR. MACRI: We wouldn't be able to use
25 it as effectively because at that point you're giving

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1 a studio apartment two parking spots.
2 MR. CARNOVALE: Well, no, you're giving
3 the studio one. You could have used the eight -- you
4 would have been down from 20 to 12.

5 MR. MACRI: We'd only be able to lose
6 four parking spots because they're tandem parking
7 spots.

8 MR. CARNOVALE: Yeah. But you guys
9 have been mumbling about giving a retail this, that,
10 and the other thing. At the end of the day you still
11 need -- you're missing now 16 spots.

12 MR. MACRI: That's correct.

13 CHAIRMAN FERGUSON: That's correct.

14 MR. CARNOVALE: Right. So you can't
15 say you're going to give retail parking spots because
16 then you're taking them away from your residential.

17 MR. MACRI: That's not true.

18 MR. CARNOVALE: If as I'm looking at
19 it, the 16 that you need, you need 17 for retail. So
20 16 out of the 17 are really for retail. You can't
21 retail residential spots, so you're taking away from
22 residential. Or maybe I'm not thinking straight.

23 CHAIRMAN FERGUSON: Yeah, you're
24 talking about the total amount of parking, right.

25 MR. CARNOVALE: Right.

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1 problem.

2 Is he still on, Steve?

3 MR. COLLAZUOL: Yes. In our report we
4 did note that they did move the sidewalk. So that's
5 about 2-and-a-half feet from the curb.

6 MR. CARNOVALE: Okay, yeah.

7 Because I measured it. Right now it's
8 4 feet from the inside of the curb to the beginning
9 of the sidewalk.

10 So I think there's plenty of room. So
11 you said they moved it 2-and-a-half feet.

12 MR. COLLAZUOL: Yes. It's more in
13 keeping with the way it's supposed to be.

14 MR. CARNOVALE: All right.

15 Then I heard these guys talking about
16 -- I'm wrong here moving the left wall.

17 Am I wrong to say the left wall, if I'm
18 looking at it, is coming into the building? Which
19 has got nothing to do with going out. The car was
20 going out -- which the architect did a pretty nice
21 job although I think it appears a little big.

22 I'm sorry, Mr. Macri, we're talking
23 about a left wall, moving a left wall?

24 MR. MACRI: Not moving it.

25 Opening the wall.

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1 CHAIRMAN FERGUSON: But we're reducing
2 four units.

3 MR. CARNOVALE: Yes. I understand,
4 Joe. But that's -- yeah, right. So you're saving
5 four spots.

6 But these gentlemen have been talking
7 about giving this, that and the other thing to
8 retail. They're taking away residential to say
9 they're giving it to retail, but at the end of the
10 day you're still short 16 spots. That's what it
11 comes down to.

12 CHAIRMAN FERGUSON: That's what it
13 comes down to.

14 MR. CARNOVALE: No matter which way you
15 slice and dice it.

16 CHAIRMAN FERGUSON: Right.

17 MR. CARNOVALE: Okay. And I had a
18 question for Mr. Collazuol. We had originally spoken
19 about -- I was a little confused. I didn't get a
20 chance to ask him.

21 Does he, or them, or somebody want to
22 move the sidewalk a little bit out towards the
23 street? Because right now the beginning of the
24 sidewalk is 4 feet away from the inside of the curb.

25 So maybe that would help with this visibility

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1 MR. CARNOVALE: Why would you be
2 opening a wall coming into the building?

3 MR. MACRI: You're still going to want
4 that visibility on the way out.

5 MR. CARNOVALE: Yeah. No, I
6 understand.

7 But it's the big, big problem was going
8 out on the right wall.

9 And do you think Mr. Architect could do
10 something with that pier, or no.

11 How wide is that pier; could you tell
12 me? There's a pier on both the upper and lower
13 levels. Could you tell me the size of the pier.

14 MR. MACRI: Around 18 inches, 18
15 inches.

16 MR. CARNOVALE: Eighteen inches.

17 MR. PARK: Yeah, around 18 inches.

18 MR. CARNOVALE: All right. It looks
19 bigger here in the drawing.

20 CHAIRMAN FERGUSON: All right.

21 MR. CARNOVALE: That's all I had, Joe.

22 CHAIRMAN FERGUSON: Thank you.

23 MR. CARNOVALE: Thank you.

24 CHAIRMAN FERGUSON: Any other board
25 members have anything?

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1 (No response.)
 2 CHAIRMAN FERGUSON: Any people in the
 3 audience have anything?
 4 (No response.)
 5 CHAIRMAN FERGUSON: You've got your last
 6 witness.
 7 MR. MACRI: I do.
 8 Mr. Spatz, our planner.
 9 Counsel, I'm going to hand out
 10 photographs and mark them as A-3.
 11 MS. TESTA: Yes, please.
 12 (Whereupon, Photographs, are marked as
 13 Exhibit A-3 for identification.)
 14 MS. TESTA: Please raise your right
 15 hand.
 16 Do you swear the testimony you will
 17 give this application will be the truth, the whole
 18 truth, and nothing but the truth, so help you God?
 19 MR. SPATZ: Yes, I do.
 20 D A V I D S P A T Z, P.P.,
 21 60 Friend Terrace, Harrington Park, New Jersey,
 22 having been duly sworn, testifies as follows:
 23 MS. TESTA: State your name for the
 24 record, please.
 25 MR. SPATZ: David Spatz, S-P-A-T-Z.
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1 not, and that's why we need a use variance.
 2 There is also one more additional use
 3 variance for building height, and then several (c)
 4 variances. And I'll describe them in my testimony.
 5 Looking at the use and height
 6 variances, the property, I think, is particularly
 7 well suited for what we're proposing, mixed-use
 8 commercial and multifamily. The site is vacant. It
 9 formerly contained a commercial use. The surrounding
 10 properties contain a number of multifamily dwellings,
 11 including the four-story fully multifamily building
 12 directly to the north of us, as I noted. There are
 13 also mixed-uses and residential uses up and down
 14 Broad in this area.
 15 The site has frontage on two streets.
 16 And the proposed has curb cuts, as I indicated, on
 17 both Broad and East Ruby. As we're proposing it, the
 18 curb cut on Broad will be fully eliminated and they
 19 can pick up some additional spaces. The one on East
 20 Ruby is approximately in the same location, a little
 21 bit of modification.
 22 In terms of meeting the purposes of the
 23 Municipal Land Use Law, we meet Purpose A, promotion
 24 of public health, safety, morals and general welfare;
 25 Purpose E, the establishment of appropriate
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1 CHAIRMAN FERGUSON: Okay, we accept
 2 him. He's been here many, many times.
 3 MR. SPATZ: Thank you.
 4 The photo exhibit is coming around.
 5 And I can use it to describe where we're located.
 6 The top left-hand photograph is looking
 7 at the property, which is vacant, looking at it from
 8 Broad. The top right-hand photograph is of the
 9 property looking at it from East Ruby.
 10 It is a vacant piece of property. As
 11 you can see in the two photographs, our driveway is
 12 coming into the site both on Broad and on East Ruby.
 13 The bottom left-hand photograph is
 14 looking directly to the north of our property. It's
 15 a four-story fully multifamily building. You can see
 16 the side of it on the top right-hand photograph.
 17 And then the bottom right-hand
 18 photograph is looking the opposite side of East Ruby,
 19 just showing the mixture of commercial and some
 20 residential further to the south. Broad in this area
 21 has got a mixture of commercial, residential. There
 22 are mixed uses there. So what we're proposing, I
 23 think, fits in.
 24 The commercial uses in our project are
 25 permitted within the B-2 Zone. The multifamily is
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1 population density.
 2 We are consistent with the
 3 neighborhood, which has a lot of residential, even
 4 though they are all nonconforming. We've reduced the
 5 number of units. And we've come back before the
 6 board. It was initially reduced down to 22 units.
 7 So I think our density then is consistent with the
 8 neighborhood.
 9 We meet Purpose I for the promotion of
 10 a desirable visual environment. We're taking a
 11 property that has been a vacant in the middle of a
 12 vibrant commercial neighborhood and building a
 13 mixed-use. So you have the commercial downstairs,
 14 the apartments upstairs. It fits in very nicely with
 15 the development on Broad as well as on East Ruby.
 16 In terms of the height, we are similar
 17 in height to the four-story directly north of us.
 18 That is consistent for the multifamily development on
 19 Broad. So in terms of the height variance, I think
 20 we are consistent with the neighborhood.
 21 Looking at the bulk variances and the
 22 positive criteria. The setbacks, again, as we see
 23 from the photographs, are similar to what exists
 24 within the neighborhood. The properties are
 25 developed to the front yard and the side yards, as
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1 can be seen in the bottom two photographs, which are
2 on Broad on opposite sides of East Ruby.

3 We do exceed the coverage, both
4 impervious and building. But as was testified at an
5 earlier meeting, drainage improvements are being
6 provided on the site. There is some additional
7 landscaping. We can provide some street trees as
8 well.

9 In terms of parking, there's been a lot
10 of discussion tonight. Mr. Luglio, I think, put on
11 sufficient testimony to justify the parking variance
12 so I won't duplicate his efforts.

13 Lastly, looking at the negative
14 criteria, I don't believe there's anything that's
15 substantially negative. We are consistent with the
16 neighborhood in terms of development of the
17 residential use. No impacts on light, air and open
18 space, from what we're proposing. The setbacks are
19 consistent with the neighborhood.

20 And I believe that there's a sufficient
21 amount of parking, again, as Mr. Luglio indicated.
22 There are mass transit opportunities. There's
23 parking permitted on Broad. So I think that there is
24 sufficient parking onsite.

25 I think that there are a significant

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1 Counselor, do you want to sum up.

2 MR. MACRI: Mr. Chairman, when we first
3 appeared here, we came requesting 39 units. My
4 client has scaled it back now to 22. We've made
5 improvements to the visibility. We've taken all your
6 comments into consideration. I believe my client has
7 complied.

8 As Mr. Spatz has testified, he's
9 provided the board with special reasons to grant the
10 use and the height variances which we seek. This
11 application satisfies both the positive and negative
12 criteria test.

13 Based on that, I request that this Board
14 vote favorably on the application as amended this
15 evening.

16 CHAIRMAN FERGUSON: Okay. So I'll make
17 a motion to pass the -- or grant the 16 parking
18 variance. I'll make a motion to pass the overall
19 application with the proviso that you submit by next
20 meeting a complete plan of what we have talked about
21 tonight.

22 MR. MACRI: We will.

23 CHAIRMAN FERGUSON: So we can review
24 it. If you can get that to me quickly rather than the
25 night of the meeting, I would appreciate that.

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1 number of positive impacts on what we're proposing,
2 nothing that is substantially negative. And I
3 believe that that variances could be granted.

4 CHAIRMAN FERGUSON: Okay. I have
5 nothing.

6 Any board member has anything?
7 (No response.)

8 CHAIRMAN FERGUSON: Mr. Kauker, do you
9 have anything.

10 MR. KAUKER: No questions.

11 David Spatz's testimony covered all of
12 the important criteria points necessary for the board
13 to consider the variances.

14 CHAIRMAN FERGUSON: Okay. Counsel, do
15 you want to sum up.

16 MR. MACRI: Yes, Mr. Chairman.

17 CHAIRMAN FERGUSON: Wait a minute.
18 Wait. Open to the public anybody?

19 Anybody in the public like to have a
20 few words?

21 (No response.)

22 CHAIRMAN FERGUSON: Any questions from
23 the public?

24 (No response.)

25 CHAIRMAN FERGUSON: No? Okay.

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1 MR. MACRI: Yeah. We'll have it -- if
2 approved, it will be submitted within two weeks.

3 CHAIRMAN FERGUSON: Right. And I would
4 like to see our engineer get that, because I would
5 like Mr. Collazuol to review them for the meeting.

6 So it would be on you to get it to Mr. Collazuol.

7 MR. MACRI: Okay.

8 CHAIRMAN FERGUSON: All right? So I
9 make that motion.

10 Can I get a second?

11 VICE CHAIRMAN ALBANESE: Second.

12 CHAIRMAN FERGUSON: Oh, \$2,000.00 to
13 the Tree Preservation Fund.

14 MR. MACRI: Yes, we stipulate to that.

15 CHAIRMAN FERGUSON: Okay. So we've got
16 a first and a second. I need a 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 MR. TERRANOVA: No.
 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 MS. TESTA: We have seven.
 9 MR. MACRI: Thank you very much.
 10 CHAIRMAN FERGUSON: Okay. All right.
 11 We're going to call our next case. Moving right
 12 along. 13 Brinkerhoff Terrace.
 13 MS. TESTA: Thirty-six, right.
 14 CHAIRMAN FERGUSON: Thirty-six. I'm
 15 sorry, 36 Brinkerhoff.
 16 MR. MACRI: Good evening once again,
 17 members of the board. My name is Marc Macri. I
 18 represent the applicant, GPC Homes, LLC, located at
 19 36 Brinkerhoff Terrace here in Borough.
 20 We're here this evening seeking the
 21 Board's approval to construct a two-family dwelling.
 22 I have two experts this evening:
 23 Mr. Vassilios Cocoros, our architect, and Mr. David
 24 Spatz, our Professional Planner.
 25 I'd like to begin by having Mr. Cocoros
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1 A. Correct.
 2 Q. Can you please describe the dwelling to
 3 the board?
 4 A. Sure.
 5 The dwelling, which is located a 36
 6 Brinkerhoff Terrace, is located on the property
 7 that is 40-feet-wide-by-106-feet-deep. It's a
 8 preexisting nonconforming lot.
 9 The total lot area is 240 square feet.
 10 It's located on the south side of Brinkerhoff
 11 Terrace, 85 feet east of Highland Avenue.
 12 We're proposing to demolish the
 13 existing structure and the existing detached
 14 nonconforming garage at the rear of the property and
 15 construct a new 6-over-6 two-family dwelling on the
 16 property.
 17 The building, itself, will be 33-feet
 18 wide with a side yard of 3-and-a-half feet on each
 19 side.
 20 The building depth will be 57-feet
 21 deep, with a rear yard setback of 25 feet, and of
 22 front yard setback of 24 feet.
 23 The building entry will be located on
 24 the left side of the building. We'll have a two-car
 25 garage and a two-car driveway on the right side.
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1 sworn in.
 2 MS. TESTA: Mr. Macri submitted the
 3 proof of mailing and also to the newspaper.
 4 Do you swear the testimony you will
 5 give this application will be the truth, the whole
 6 truth, and nothing but the truth, so help you God?
 7 MR. COCOROS: I do.
 8 VASSILIOS COCOROS,
 9 467 Sylvan Avenue, Englewood, Cliffs New Jersey,
 10 having been duly sworn, testifies as follows:
 11 MS. TESTA: State your name for the
 12 record, please.
 13 MR. COCOROS: Vassilios,
 14 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S. 467
 15 Sylvan Avenue, Englewood, New Jersey 07632.
 16 MS. TESTA: Thank you.
 17 (Whereupon, Architectural Plan Prepared
 18 by Vassilios Cocoros, AIA, is marked as
 19 Exhibit A-1 identification.)
 20 DIRECT EXAMINATION
 21 BY MR. MACRI:
 22 Q. Mr. Cocoros, you were engaged by the
 23 applicant to prepare a plan for a two-family
 24 dwelling, which is typically known as a 6-over-6
 25 Is that correct?
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1 It's all brick structure; however, we do have bay
 2 windows in the front and the back that will be a
 3 panelized system.
 4 The layout is a 3-bedroom configuration
 5 for each floor. And the first floor is connected
 6 with the ground floor/basement, which is also
 7 accessed via the garage level.
 8 Q. Can you turn to Sheet 2?
 9 A. Sheet 2 is the floor plan. Starting
 10 from left to right, we have a basement plan, the
 11 first floor plan and second floor plan.
 12 The basement plan, we have the garage
 13 at the front. We also have a staircase that brings
 14 you up to the first floor. There's also a door from
 15 the garage to the utility room, a door into the
 16 basement and the hallway area. The staircase that
 17 brings you up to the first floor.
 18 At the back we have a recreation room,
 19 home offices. We have a powder room and a door out
 20 to the -- out to the right-hand side.
 21 The first floor, the first apartment,
 22 which is connected to the basement level, consists of
 23 a 3-bedroom configuration. The bedrooms are on the
 24 right-hand side. We have a master at the back, its
 25 own en suite master bedroom. Two secondary bedrooms
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1 that share a hall bathroom. We also have for
 2 convenience a powder room off the hallway.
 3 The left-hand side is the main living
 4 space. We have a living room at the front, which is
 5 also accessed by a door, an exterior door from
 6 covered entry platform that has steps to the sidewalk
 7 level. The dining room is connected to the kitchen.
 8 An eating area off the back that has a wood deck
 9 located in the rear of the property, which is
 10 10-feet-deep-by-12-feet-wide.

11 The configuration is similar as far as
 12 the footprint goes. There are other 6-over-6s that
 13 have been built and approved in this area. So we're
 14 basically here for the nonconformity of the existing
 15 lot.

16 And given the fact that most of the
 17 houses there are either redeveloped or existing older
 18 houses, there is no opportunity to get any additional
 19 land to make this a conforming lot.

20 We also prepared a site plan that would
 21 be subject to the board's engineer's review and
 22 approval. As far as I know, the existing property
 23 does not have any drainage improvements. We are
 24 proposing a stormwater system, new sidewalks, new
 25 curbs on the property. And then whatever comments

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1 Bill, in our report we asked for
 2 additional grades to the side and the rear yard. A
 3 survey was provided to you to produce some additional
 4 information for you to prepare your S1 drawing. I
 5 would ask your surveyor to go back and get some more
 6 information on that.

7 MR. COCOROS: Okay.

8 MR. COLLAZUOL: The drainage should be
 9 directed away from putting drainage into that
 10 right-of-way in the rear.

11 MR. COCOROS: Okay.

12 MR. COLLAZUOL: I indicate in the
 13 miscellaneous on page 2, a new curb should be placed
 14 along the right-of-way line to differentiate the
 15 property lines and also curb that right-of-way on the
 16 property.

17 MR. COCOROS: That's in the back, you
 18 mean.

19 MR. COLLAZUOL: In the back, yes.

20 MR. COCOROS: Okay. The alleyway is
 21 back there.

22 MR. COLLAZUOL: We had other
 23 applications where we asked them to curb that
 24 right-of-way.

25 MR. COCOROS: Okay.

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1 that the Borough Zoning Board engineer has, we would
 2 incorporate them into any plans, based on the
 3 approval.

4 MR. MACRI: Thank you.

5 No further questions.

6 CHAIRMAN FERGUSON: Okay. I just have
 7 a couple quick ones really. In the basement -- which
 8 is always my favorite question -- is there a full
 9 bathroom in the basement?

10 MR. COCOROS: No.

11 CHAIRMAN FERGUSON: No. It's strictly
 12 a --

13 MR. COCOROS: A powder room.

14 CHAIRMAN FERGUSON: Okay.

15 And I see that -- you know, as I look
 16 at the plans, I don't see a whole lot that's not --
 17 it's a 6-over-6, correct.

18 MR. COCOROS: Yes.

19 MR. MACRI: Correct.

20 CHAIRMAN FERGUSON: Yeah, I don't see
 21 anything else. It looks pretty good to me.

22 Any board members have anything? Okay.

23 Does anybody in the audience have any questions?

24 I'm sorry. Mr. Collazuol, you're on.

25 MR. COLLAZUOL: Thank you, Joe.

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1 Now, as far as the drainage back there,
 2 would you want like an inlet or something that would
 3 catch whatever goes in that back corner.

4 MR. COLLAZUOL: Yes. And the last item
 5 would be under Sanitary Sewer.

6 We note that the little light on the
 7 survey, again if they could get that sanitary, you
 8 can put some inverts on the slope of the lines coming
 9 out of the house and out in the street, that would be
 10 very good.

11 MR. COCOROS: Okay.

12 MR. COLLAZUOL: If you have no problems
 13 with that, other than the other items in the report,
 14 we have no objections to this.

15 Thank you.

16 MR. MACRI: Thank you.

17 CHAIRMAN FERGUSON: Are you going to
 18 put a planner on.

19 MR. MACRI: I do.

20 CHAIRMAN FERGUSON: Any audience
 21 participation? No. All right.

22 Do you want to call your planner?

23 MR. MACRI: Yes.

24 MS. TESTA: A-2, right.

25 MR. MACRI: Yes.

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1 (Whereupon, Photo Exhibit Prepared by
2 David Spatz, P.P., is marked as Exhibit A-2
3 for identification.)

4 MS. TESTA: Mr. Spatz, you're under
5 oath from your previous testimony.

6 MR. SPATZ: Right.

7 Thank you.

8 D A V I D S P A T Z, P.P.,
9 60 Friend Terrace, Harrington Park, New Jersey,
10 having been previously sworn, testifies as
11 follows:

12 CHAIRMAN FERGUSON: Okay.

13 MR. SPATZ: Okay. The photo exhibit is
14 coming around. I'll get started on that to describe
15 the neighborhood.

16 The top left-hand photograph shows the
17 subject property. The top of right-hand photograph
18 is looking to the right of our property. There's a
19 newer two-family dwelling there. And then further
20 down the street is another two-family dwelling.

21 The bottom left-hand photograph is
22 looking to the left of our property. The older home
23 there has already been approved for a new two-family
24 home.

25 Then there are a series of two-family
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1 property conforming without making those
2 nonconforming.

3 In term of the setbacks, we conform.

4 The front yard setbacks are all a mixture on that
5 property. Again, as can be seen from the photograph,
6 we have a significant setback from the properties on
7 either side of us, including the newer two-family
8 home that is going to be built.

9 In terms of parking, we have a
10 conforming amount of parking. In order to get the
11 parking inside the garage, the building becomes a
12 little bit wider so that there's enough space for
13 that. That affects the side yards, but we are not
14 significantly off by that.

15 In terms of coverage, we exceed the
16 percentage coverage; however, when measured by in
17 terms of square foot, we're actually 619 square foot
18 under that coverage. So it's not significant.

19 Drainage facilities are being provided
20 on a property where there is no drainage improvements
21 being made. So I think that mitigates the slightly
22 larger building.

23 In terms of the negative criteria,
24 we're in character with the surrounding neighborhood.

25 We're a permitted use in the zone. As can be seen,
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1 homes going further to the left from there.

2 Then the bottom right is looking across
3 the street from our property, which there are a
4 mixture of one- and two-family homes.

5 The two-family is permitted within the
6 AA Zone. The lot is undersized in terms of lot area
7 and lot width. We do need one (d) variance for
8 building height and then (c) variances for building
9 coverage, side yard and lot area per unit.

10 Looking first at the height variance,
11 we are consistent with the development in the
12 neighborhood. We do exceed the height limitation by
13 less than 4 feet and one-half story. This is caused
14 primarily by the slope of the property, which goes
15 from west to east and then also from front to back.

16 As can be seen from the photographs,
17 two-family homes on our side of Brinkerhoff are all
18 three stories in height. We are similar in height to
19 those. The one on the building that was recently
20 approved is also similar in height. So we are
21 consistent with the neighborhood in terms of height.

22 Looking at the bulk variances, we are
23 undersized. As Bill mentioned, the properties on
24 either side of us and to the rear are fully developed
25 so we can't acquire additional property to make our

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1 there are a number of newer two-family homes in the
2 area. Our setbacks are consistent with the
3 neighborhood, including the newer two-family home.
4 We are providing some landscaping to buffer those
5 properties. We have a conforming amount of property.

6 There is already one driveway that goes
7 to that detached garage, which is being removed. Our
8 driveway, again is can be seen from the photograph,
9 is consistent with the way the neighborhood has been
10 developed.

11 So I believe on balance the positive
12 impact of what we're proposing substantially
13 outweighs anything that could be considered negative,
14 and I believe that those variances could be granted.

15 MR. MACRI: Thank you, Mr. Spatz.

16 CHAIRMAN FERGUSON: Okay. Do any board
17 members have anything?

18 (No response.)

19 CHAIRMAN FERGUSON: Mr. Kauker, do you
20 have anything?

21 MR. KAUKER: The height is the most
22 significant part of the deviations, and it only would
23 require an additional 3.92 feet.

24 And I think that the ability the
25 accommodate parking on the first floor certainly is a

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1 positive aspect of that part of the variance. And
 2 I'm in agreement with the remainder of David's
 3 testimony.
 4 CHAIRMAN FERGUSON: Okay. Would
 5 anybody in the audience like to hear anything?
 6 (No response.)
 7 CHAIRMAN FERGUSON: Any questions from
 8 the audience?
 9 (No response.)
 10 CHAIRMAN FERGUSON: No questions?
 11 Okay. Would you like to sum up,
 12 Counsel.
 13 MR. MACRI: That's our case.
 14 Mr. Chairman, I believe the variances
 15 which we're seeking can be granted by this Board.
 16 I'm relying upon the testimony of Mr. Spatz. And
 17 based upon his testimony, I'd ask this Board to vote
 18 favorably upon this application.
 19 CHAIRMAN FERGUSON: Okay. So I'll make
 20 a motion to accept the application with the proviso
 21 that you furnish \$2,000 to the Tree Preservation
 22 Fund, and that also those comments from Mr. Collazuol
 23 will be incorporated into the plan.
 24 MR. MACRI: Yes.
 25 CHAIRMAN FERGUSON: I'll make that

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1 MR. CARNOVALE: Yeah, could we take
 2 five minutes, Joe.
 3 CHAIRMAN FERGUSON: We're going to do a
 4 five-minute break.
 5 (Whereupon, a brief recess is held.)
 6 CHAIRMAN FERGUSON: Okay. Counsel, do
 7 you want to put your next one on.
 8 MR. MACRI: Yes. Mr. Chairman, Members
 9 of the Board --
 10 VICE CHAIRMAN ALBANESE: Roll call, no.
 11 MS. TESTA: Yes, roll call.
 12 CHAIRMAN FERGUSON: Roll call. Sorry.
 13 Thank you, Paul.
 14 Roll call?
 15 VICE CHAIRMAN ALBANESE: We've got to
 16 wait for the secretary to come back first.
 17 CHAIRMAN FERGUSON: Roll call?
 18 MS. LAMBRINIDES: Hello. The secretary
 19 has been here, just muted. I was waiting to be
 20 unmuted.
 21 Mr. Ferguson?
 22 CHAIRMAN FERGUSON: Here.
 23 MS. LAMBRINIDES: Mr. Albanese?
 24 VICE CHAIRMAN ALBANESE: Here.
 25 MS. LAMBRINIDES: Mr. Elefteriou?

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1 motion.
 2 Can I get a second?
 3 MR. CARNOVALE: I second.
 4 CHAIRMAN FERGUSON: Roll call?
 5 MS. LAMBRINIDES: Who did the second?
 6 MR. CARNOVALE: I did, Vinnie.
 7 MS. LAMBRINIDES: Vinnie. Thank you.
 8 Mr. Ferguson?
 9 CHAIRMAN FERGUSON: Yes.
 10 MS. LAMBRINIDES: Mr. Albanese?
 11 VICE CHAIRMAN ALBANESE: Yes.
 12 MS. LAMBRINIDES: Mr. Elefteriou?
 13 MR. ELEFTERIOU: Yes.
 14 MS. LAMBRINIDES: Mr. Carnovale?
 15 MR. CARNOVALE: Yes.
 16 MS. LAMBRINIDES: Mr. Terranova?
 17 MR. TERRANOVA: Yes.
 18 MS. LAMBRINIDES: Mr. Grala?
 19 MR. GRALA: Yes.
 20 MS. LAMBRINIDES: Mr. Brogna?
 21 MR. BROGNA: Yes.
 22 MS. LAMBRINIDES: Mr. Chung?
 23 MR. CHUNG: Yes.
 24 CHAIRMAN FERGUSON: Okay. Next. Do we
 25 need a break.

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1 MR. ELEFTERIOU: Here.
 2 MS. LAMBRINIDES: Ms. Yoon?
 3 (No response.)
 4 MS. LAMBRINIDES: Mr. Carnovale?
 5 MR. CARNOVALE: Here.
 6 MS. LAMBRINIDES: Mr. Terranova?
 7 MR. TERRANOVA: Here.
 8 MS. LAMBRINIDES: Mr. Grala?
 9 MR. GRALA: Here.
 10 MS. LAMBRINIDES: Mr. Brogna?
 11 MR. BROGNA: Here.
 12 MS. LAMBRINIDES: Mr. Chung?
 13 MR. CHUNG: Here.
 14 MR. MACRI: Mr. Chairman, for the
 15 record, my name is Marc Macri.
 16 I represent S-Platform Investments,
 17 LLC, who is the owner of the property located at 72
 18 West Ruby Avenue here in the Borough of Palisades
 19 Park.
 20 I have two witnesses with me this
 21 evening. I have our architect, Peter Park, who
 22 stands to my right, and our Professional Planner,
 23 David Spatz.
 24 I'd like to have Mr. Park sworn in.
 25 MS. TESTA: Please raise your right

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1 hand.
2 Do you swear the testimony you'll give
3 this application will be the truth, the whole truth,
4 and nothing but the truth?

5 MR. PARK: Yes, I do.

6 P E T E R C H A N G S O O P A R K,
7 having been duly sworn, testifies as follows:

8 MS. TESTA: State your name for the
9 record.

10 MR. PARK: Peter Changsoo Park.

11 MS. TESTA: Very good. Thank you.

12 DIRECT EXAMINATION

13 BY MR. MACRI:

14 Q. Mr. Park, will you please explain the
15 proposed duplex, what we're proposing to construct on
16 West Ruby Avenue?

17 A. Yes.

18 This is 72 West Ruby Avenue. The site
19 is 5,000 square feet. The frontage is 50 feet.
20 And then the planned proposal is two duplex -- two
21 one-duplex houses as a two-family. And the lot area
22 for the unit is 2,500 square feet. And then the
23 proposed maximum coverage 2,166 square feet, which is
24 43.4 percent.

25 And the front yard, everything front

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1 living room and also dining and also breakfast, also,
2 you know, a kitchen area.

3 And then the second floor, there is one
4 master room with a master bathroom, and then the
5 three other bedrooms, including the one bathroom --
6 actually two bathrooms.

7 So the S-101 is showing that the houses
8 is working with the site plan.

9 And as you see the first page, there is
10 a seepage pit of almost like 950 gallons front side.
11 Then this is the sloped side that we are proposing
12 another nine hundred around 60 gallon seepage pit on
13 the backside with an inlet. So we want to avoid any
14 water bubbling, you know, into the site.

15 MR. MACRI: Okay. Thank you. I have
16 no further questions.

17 CHAIRMAN FERGUSON: Okay. So I've got
18 a couple quick things.

19 Number one, as I read the plans, I see
20 bathtubs in the basement. We don't allow bathtubs in
21 the basement.

22 MR. PARK: Yeah, we can remove that.

23 CHAIRMAN FERGUSON: You can do a powder
24 room.

25 MR. PARK: Yeah, a powder room.

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1 yard front setback is 19.04 feet, but the township
2 requires 20 feet as a minimum. So we are proposing
3 20 feet.

4 And then the side yard both -- and each
5 one is 16 each. So both are 12 feet.

6 And then minimum rear yard setback is
7 23 feet. And then maximum building height is
8 required 2-and-a-half stories then 28 feet. But
9 we're proposing the 2-and-a-half-story and 30.76
10 feet.

11 So when you see the site over the site
12 plan, over the surveyor's map, the site is a 6-foot
13 difference from the entry point, which means east and
14 west are from the 33 feet to 39 feet. So there's a
15 slope site. So that's why we are really seeking the
16 height variances and also other variances.

17 And then, as you see on the Drawing
18 Z-102, it is showing the floor plans. So as soon as
19 you enter into the site, there is a parking lot, then
20 the garage spaces. And then the each right and left
21 are going to be utility rooms. And then going to the
22 stairway to go into the ground level. And then they
23 consist of recreation rooms and also a home office
24 area and the one bathroom.

25 And then the first floor consists of a

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1 CHAIRMAN FERGUSON: But the two
2 bathtubs got to go.

3 MR. PARK: Yeah, yeah.

4 CHAIRMAN FERGUSON: All right.

5 MR. PARK: There's no problem with
6 that.

7 CHAIRMAN FERGUSON: The other thing is,
8 I see that you're looking for a height variance.

9 You're at 30 point -- almost 31 feet.

10 But I also noticed that on the first
11 floor you've got 10-foot ceilings.

12 MR. PARK: Right.

13 CHAIRMAN FERGUSON: So can we reduce
14 the 10-foot ceilings down to 9 feet? That would get
15 you, you know, another foot down.

16 MR. PARK: Actually, that is actually
17 -- yeah, it's possible. But the thing is that
18 normally we don't really use the ground level entry
19 height. Actually, these days we really want to avoid,
20 you know, the floor going -- sinking down. And then
21 it's going to be a lot of side effects, like, you
22 know, flooding issues going to be so...

23 But the client wants to keep it as low
24 as possible, which means close to the average height.

25 Then they want to create the really higher heights on

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1 the ground -- I mean, the first floor. So there is
 2 the -- If you reduce, you know, the ground -- I mean,
 3 the first floor levels, maybe that one foot is going
 4 to, you know, the garage level and then we can create
 5 -- we have to create somehow, you know, like high
 6 enough, I mean, for the entry.

7 CHAIRMAN FERGUSON: Yeah. Well, I
 8 mean, I'm not an architect but if you're showing
 9 10-foot ceilings, can't you just drop the ceiling
 10 down a foot.

11 I mean, I'm not an architect. I'm
 12 just...

13 MR. PARK: Yeah, okay. So, you know,
 14 the building height has got to be just less than the
 15 10 percent.

16 But, you know, in that case I mean, you
 17 know, as an architect, you know, I'd like to keeping,
 18 you know, the height variance as much as it can. And
 19 then we can raise up the entire, you know, height.

20 CHAIRMAN FERGUSON: But I don't know.
 21 I don't want to raise the height. I want to lower
 22 the height.

23 MR. MACRI: Chairman, can we bring it
 24 down to 9-and-a-half feet.

25 CHAIRMAN FERGUSON: Say again.

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1 MS. TESTA: What is it.

2 MR. MACRI: It's 18 feet.

3 MS. TESTA: Eighteen feet is what.

4 MR. PARK: I mean, the entire units --

5 both units is -- this site is 50-foot wide.

6 CHAIRMAN FERGUSON: Going back to the
 7 backyard.

8 MR. PARK: Oh, back to the backyard.

9 CHAIRMAN FERGUSON: Yeah. And I can
 10 tell you the reason why. Your back -- your rear

11 yard, according to your paperwork --

12 MR. PARK: Is 56 feet.

13 CHAIRMAN FERGUSON: What is it.

14 MS. TESTA: Fifty-six.

15 MR. MACRI: Fifty-six feet in length.

16 MS. TESTA: The building.

17 MR. PARK: Yeah. The total building

18 is 57 feet, yeah.

19 CHAIRMAN FERGUSON: Okay. So if we
 20 reduced -- if we reduced the length of the building
 21 down to 55.

22 MR. PARK: Fifty-five.

23 CHAIRMAN FERGUSON: Yeah. So that
 24 would get you -- that you would lose -- you would add

25 it to the rear yard. So that would lose that

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1 MR. MACRI: Can we bring the ceiling
 2 down to 9-and-a-half feet?

3 MR. CARNOVALE: Why not 9? Nine is
 4 pretty standard. I'm sorry, Marc.

5 MR. MACRI: Only because the client
 6 specifically wanted a higher ceiling.

7 MR. CARNOVALE: Well, but that ain't
 8 happening.

9 MR. PARK: The second floor, that's 8
 10 feet.

11 CHAIRMAN FERGUSON: Well, that's okay.

12 MR. PARK: Yeah.

13 CHAIRMAN FERGUSON: Eight feet is --

14 MR. MACRI: We'll do 9 feet on the
 15 first floor.

16 CHAIRMAN FERGUSON: You'll do 9.

17 MR. MACRI: Yeah.

18 CHAIRMAN FERGUSON: Okay. Now, the
 19 other thing is, what's the length of the house?

20 MR. PARK: I'm sorry.

21 CHAIRMAN FERGUSON: The length.

22 MR. PARK: The length is actually 50
 23 minus 12 so 38. So each unit has, you know -- how
 24 much? Yeah, 18 feet, yeah.

25 CHAIRMAN FERGUSON: What is it?

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1 variance, correct.

2 MR. PARK: Yes. So there is a no
 3 variance. I mean, we can keep --

4 CHAIRMAN FERGUSON: Yeah. So what you

5 do is you reduce the length of the building by 2 feet

6 and you add it to the backyard, and then you've got

7 your 25 feet. And you eliminate that variance. Yes?

8 MR. PARK: Yes.

9 CHAIRMAN FERGUSON: Okay. And then as

10 far as the height goes, that also helps you with the

11 -- with the coverage because you're eliminating 2

12 feet of the house.

13 MR. PARK: Two feet off the house,

14 yeah. Yeah, so that's going to be 2,000, I think, 16

15 -- no, 2,090 square feet, which means 4.5 percent

16 more than, you know, the required.

17 CHAIRMAN FERGUSON: So you're going to

18 reduce the height -- you're going to reduce the first

19 floor to 9 feet, and you're going to take 2 feet off

20 the length of the building, correct.

21 MR. MACRI: Correct, yes.

22 MR. PARK: Yes.

23 CHAIRMAN FERGUSON: Okay. Any other

24 board members have anything?

25 VICE CHAIRMAN ALBANESE: Yeah.

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1 MR. CARNOVALE: Go ahead, Paulie.
 2 VICE CHAIRMAN ALBANESE: The garage
 3 floor, does it have pitch.
 4 MR. PARK: Yeah, the garage floor is
 5 pitched.
 6 VICE CHAIRMAN ALBANESE: A positive
 7 pitch from the street.
 8 MR. MACRI: No.
 9 VICE CHAIRMAN ALBANESE: No. I want to
 10 see positive pitch from the garage floor to the
 11 street. I don't want the driveways going down,
 12 because that's going to have the water problem.
 13 CHAIRMAN FERGUSON: Okay. I agree with
 14 that.
 15 MR. PARK: Well, that's why I
 16 mentioned that, you know, I just want to minimize --
 17 VICE CHAIRMAN ALBANESE: In other words
 18 the garage floor.
 19 MR. CARNOVALE: Well, don't say that,
 20 Paulie. I'm sorry. Just say the apron of the
 21 garage. Because the garage floor, you can have a flat
 22 or, let's say -- sir, from the front -- from the
 23 garage door apron to the sidewalk, do you have a
 24 positive pitch now? Could you give us a little
 25 positive pitch?

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1 make --
 2 VICE CHAIRMAN ALBANESE: How much do
 3 you you have to raise it.
 4 MR. PARK: How much? It's going to be
 5 -- the entry point is 36 -- 36 feet. So but our
 6 entry -- I mean, garage entry is 34. So 2 feet --
 7 around 2 to 3 feet height difference from the garage
 8 entrance toward to the sidewalk.
 9 VICE CHAIRMAN ALBANESE: You've got to
 10 raise that.
 11 MR. CARNOVALE: Is Collazuol on there.
 12 Is Steve on, Joe? You got Collazuol on the phone?
 13 CHAIRMAN FERGUSON: Yeah, Steve, are
 14 you with us?
 15 Steve.
 16 MR. COLLAZUOL: Okay, I'm on now. I
 17 had to unmute. Yeah.
 18 MR. CARNOVALE: Steve, could you give
 19 me a distance from their existing -- on the plan here
 20 I can't pick it up -- the garage floor apron to the
 21 -- let's say, you did a sidewalk. Never mind the
 22 curb for now. Could you pick that up for me?
 23 MR. COLLAZUOL: I got 34.65 at the
 24 front of the apron, on the front of the line of the
 25 building.

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1 MR. PARK: Yeah, the garage right now
 2 is almost, like, 5 percent down, so which means right
 3 now you see that --
 4 VICE CHAIRMAN ALBANESE: You'll have
 5 positive pitch.
 6 MR. PARK: That's 12 inches, 12 inches
 7 down.
 8 MR. CARNOVALE: So going from the
 9 sidewalk you go down into the garage.
 10 MR. PARK: Go down inches, yes.
 11 VICE CHAIRMAN ALBANESE: How much would
 12 you have to raise it.
 13 MR. CARNOVALE: Twelve inches.
 14 MR. PARK: Twelve inches.
 15 MR. CARNOVALE: Well, so that means you
 16 can cut the foot off the 10 feet down to 9. We don't
 17 like to really see the garage floor below the -- you
 18 know, water is going to get in there.
 19 VICE CHAIRMAN ALBANESE: In other
 20 words, from the garage floor, positive pitch to the
 21 street, whether it's an inch. No more than 6 inches.
 22 You know, I'd like to see a positive. I don't want
 23 it going into the house. Because when we get rain, a
 24 lot of rain, sometimes people are getting flooded.
 25 MR. PARK: Yeah, that's why we have to

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1 MR. CARNOVALE: All right.
 2 MR. COLLAZUOL: So that center line of
 3 the property at the gutter is about 36. There's a
 4 foot-and-a-half, 1.4 feet lower than the sidewalk.
 5 MR. CARNOVALE: Yeah. So we would have
 6 to go how many inches to get that level with the
 7 sidewalk.
 8 MR. COLLAZUOL: You'd have to come up
 9 1.4 feet to make it level.
 10 MR. CARNOVALE: Yeah. This is level
 11 with no pitch. But level is better than negative
 12 pitch.
 13 MR. COLLAZUOL: Yeah. Now, if you look
 14 at it, you've got 38 on the left and 34. So it's
 15 quite a lot of slope here shown, you know, on this
 16 section of West Ruby. Now, if you go down to the far
 17 right, you'll see a curb elevation of 33.1.
 18 MR. CARNOVALE: All right. So...
 19 MR. COLLAZUOL: So if you take the
 20 front right corner of the driveway, this positive
 21 pitch there, so, you know, it's a warped -- a warped
 22 front driveway but...
 23 MR. CARNOVALE: Right. So the left is
 24 still very negative, right.
 25 MR. COLLAZUOL: Right. So the left

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1 side is going to be negative, but the right edge
2 would be positive.
3 MR. CARNOVALE: The right edge of the
4 left driveway.

5 MR. COLLAZUOL: The right edge of the
6 right driveway.

7 MR. CARNOVALE: So to get this left
8 driveway up a little bit, we'd have to raise the
9 height of the house a little bit? Or could you think
10 of something else?

11 MR. COLLAZUOL: Well, you've got a
12 9-foot ceiling now. The garage is down 8 feet. You
13 can make the garage 8 foot. You can make that
14 whatever to pick it up there.

15 MR. CARNOVALE: Well, Steve, sometimes
16 with -- if there's a steel beam there, then they
17 can't put the garage door in because of the garage
18 door operator and a bunch of stuff like that. Could
19 you think of something else? Do they have a beam
20 there? Typically I think they do.

21 MR. COLLAZUOL: Well, if you put it
22 back one foot, you'd be back up to the 30.7 6 that
23 the zoning chart shows, and you'd have a much better
24 pitch coming out. But it would still have trench
25 drains in the front.

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1 Steve?

2 MR. COLLAZUOL: I don't think you'd
3 have to worry about that, Vinnie.

4 MR. CARNOVALE: All right. So what are
5 we talking anyway, Steve? I don't mean to cut you
6 off there. Inches, or what.

7 MR. COLLAZUOL: 35.65. You would go
8 from 35.65 at the front left garage out to 38. But
9 if you had 35.65, you'll see that, like I said
10 earlier, the center line is about 36. So you'd be
11 around on the center of the right driveway that you
12 would have positive pitch from the front left corner
13 of the garage out.

14 So, you know, that would be warped, but
15 it would work. If you raise it up a foot, I think it
16 would be comfortable.

17 MR. CARNOVALE: All right. So the
18 right side is fine. The left side, we still have a
19 little negative pitch on the left side of that left
20 driveway, or no.

21 MR. COLLAZUOL: Yes.

22 MR. CARNOVALE: How much? Not a foot.

23 VICE CHAIRMAN ALBANESE: Steve, how
24 much do you have to raise the house to give you
25 positive.

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1 CHAIRMAN FERGUSON: Okay. So if we
2 left it at 10 feet, would that give us the necessary
3 pitch.

4 MR. BROGNA: No.

5 CHAIRMAN FERGUSON: No.

6 MR. CARNOVALE: What do you mean by 10
7 feet.

8 CHAIRMAN FERGUSON: We need positive
9 pitch on both sides. How are we going to get there.

10 MS. TESTA: Leave the height 30.

11 MR. COLLAZUOL: In other words, may I.

12 CHAIRMAN FERGUSON: Yeah, sure.

13 MR. CARNOVALE: Sure, Steve.

14 MR. COLLAZUOL: If you had 35.65, that
15 would work a lot better.

16 MS. TESTA: What was that?

17 MR. COLLAZUOL: Right now it's 34.65
18 for the garage. If it was raised up one foot, it
19 would be 35.66. That would be better.

20 MR. CARNOVALE: What would that give us
21 as far as -- would we still have a little negative
22 there.

23 MR. COLLAZUOL: Yeah. On the left-hand
24 side you'd have a little negative.

25 MR. CARNOVALE: How much negative,

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1 MR. CARNOVALE: Level. One more foot.

2 MR. COLLAZUOL: I mean, if you're
3 talking about the left edge of the left driveway.

4 MR. CARNOVALE: Yes, yes. Just out of
5 curiosity.

6 MR. COLLAZUOL: You would have to come
7 up practically 3 feet.

8 MR. CARNOVALE: No. All right, all
9 right. So you suggest trench drains in the front.

10 MR. COLLAZUOL: Right. But you see, if
11 you look at the topography, there's a slope change
12 from 39 on the far left property line extended out to
13 the street. So 30, or just under 30 foot, there's
14 almost 5 feet of pitch across the street there.

15 MR. CARNOVALE: Right, right.

16 MR. COLLAZUOL: Now, some architects
17 would take the building and they would change the two
18 different garages, the two different pitches because
19 of the warped driveway. But we're dealing with a
20 flat slab here.

21 So, you know, I think if they were to
22 go to 35, 36.0 for the garage, and with the trench
23 drains it would be safe.

24 MR. CARNOVALE: All right, Steve,
25 you're the expert. We just don't like to see those

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1 people get flooded.
 2 VICE CHAIRMAN ALBANESE: What do you
 3 recommend, Steve.
 4 MR. COLLAZUOL: Set the garage at 36.0.
 5 VICE CHAIRMAN ALBANESE: Okay.
 6 CHAIRMAN FERGUSON: Okay.
 7 VICE CHAIRMAN ALBANESE: Okay, with me.
 8 MR. CARNOVALE: All right.
 9 CHAIRMAN FERGUSON: Any other board
 10 members have anything?
 11 (No response.)
 12 CHAIRMAN FERGUSON: What did you raise
 13 the height by?
 14 MS. TESTA: Yeah, what would the new
 15 height be.
 16 MR. COLLAZUOL: I would raise the
 17 height by 1.35 feet.
 18 CHAIRMAN FERGUSON: Okay. Any board
 19 members have anything.
 20 MR. CARNOVALE: So, Joe, we're going to
 21 cut down the living room ceiling height from 10 to 9.
 22 We're going to just jack up the house a little bit,
 23 Steve's recommendation. That's all I have.
 24 CHAIRMAN FERGUSON: Okay, good.
 25 MR. MACRI: What's the maximum height

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1 (Whereupon, Photo Exhibit Prepared by
 2 David Spatz, P.P. is marked as Exhibit A-2 for
 3 identification.)
 4 MR. SPATZ: The top left-hand photograph
 5 is of the subject property.
 6 The top right-hand photograph is to the
 7 right of our site. It's a series of two-family
 8 homes, including newer two-family homes. The bottom
 9 left is looking to the left of our property, also a
 10 two-family home.
 11 And then bottom right is directly
 12 across the street, which again is a two-family home.
 13 This portion of West Ruby is primarily developed with
 14 two-family homes.
 15 The two-family is permitted within the
 16 zone. The lot conforms to the lot area and lot width
 17 requirements.
 18 In terms of variances, the building
 19 height initially was a (c) variance, but because of
 20 the changes we made this evening to improve the
 21 driveway pitch, it is now a (d) variance. So it's
 22 one (d) variance. And then we need only one
 23 additional variance for building coverage because
 24 we've eliminated the rear yard variance.

So in terms of building height, as can
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1 we're allowed to build now? 31 -- 32.1.
 2 MR. COLLAZUOL: Zero point 35 feet to
 3 the 30.76.
 4 MS. TESTA: So what is the height.
 5 MR. COLLAZUOL: 31.1, yes.
 6 MR. MACRI: Okay.
 7 CHAIRMAN FERGUSON: All right? Anybody
 8 in the audience have anything.
 9 (No response.)
 10 CHAIRMAN FERGUSON: Any audience?
 11 (No response.)
 12 CHAIRMAN FERGUSON: No.
 13 Next witness.
 14 MR. MACRI: I'd like to have Mr. Spatz
 15 sworn in.
 16 MS. TESTA: Mr. Spatz has been sworn
 17 in. You're still under oath.
 18 MR. SPATZ: Thank you.
 19 D A V I D S P A T Z, P.P.,
 20 60 Friend Terrace, Harrington Park, New Jersey,
 21 having been previously sworn, testifies as
 22 follows:
 23 MR. SPATZ: Okay.
 24 I have a photo exhibit, which I believe
 25 is marked A-2.

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1 be seen from the photographs, the new and older
 2 dwellings in the area of two-family homes, are all
 3 three stories in height, similar in height to what
 4 we're proposing. The property, the photographs show,
 5 has a significant slope to it. And that also causes
 6 the height, but in terms of its consistency with the
 7 neighborhood, it is definitely consistent. Then I
 8 believe that the (d) variance can be granted.
 9 Looking at the one other variance for
 10 building coverage, the change made to reduce the size
 11 of the building and to create a bigger rear yard has
 12 reduced the coverage, but it is still a variance
 13 condition, although slightly. It's probably about
 14 100 square feet over what is permitted within the
 15 zone. There are drainage improvements being made to
 16 the property which will compensate for the slightly
 17 increased building.
 18 We have a conforming amount of parking
 19 on the site. And that also makes the building a
 20 little bit bigger so we can get the parking inside.
 21 Looking at the negative criteria for
 22 the two variances, we are in character with the
 23 surrounding uses, which are primarily two-families,
 24 three stories in height as well.

The setbacks are consistent with the
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1 neighborhood. The rear yard has now been made a
2 conforming setback. We have a conforming amount of
3 parking as well. There is a wider driveway on the
4 site right now, so the impact on street parking is
5 significantly limited. The photographs show the wide
6 driveways for all of the two-family homes.

7 So I believe the positive criteria for
8 the height variance as well as the coverage variance
9 is met. There is nothing that is substantially
10 negative in what we're proposing. We're consistent
11 with the neighborhood. So I believe that the
12 variances could be granted. And I'll be glad to
13 answer any questions that the board has.

14 MR. MACRI: Thank you, Mr. Spatz.
15 CHAIRMAN FERGUSON: Okay. Mr. Kauker,
16 do you have anything.

17 MR. KAUKER: No questions, Mr.
18 Chairman.

19 CHAIRMAN FERGUSON: Thank you.
20 Counsel, do you want to sum up? Anybody in the
21 audience who would like to say anything? Any
22 questions from the audience.

23 MS. TESTA: No.

24 CHAIRMAN FERGUSON: No. Counsel, do
25 you want to sum up.

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1 VICE CHAIRMAN ALBANESE: Yes.
2 MS. LAMBRINIDES: Mr. Elefteriou?
3 MR. ELEFTERIOU: Yes.
4 MS. LAMBRINIDES: Mr. Carnovale?
5 MR. CARNOVALE: Yes.
6 MS. LAMBRINIDES: Mr. Terranova?
7 MR. TERRANOVA: Yes.
8 MS. LAMBRINIDES: Mr. Grala?
9 MR. GRALA: Yes.
10 MS. LAMBRINIDES: Mr. Brogna?
11 MR. BROGNA: Yes.
12 MS. LAMBRINIDES: Mr. Chung?
13 MR. CHUNG: Yes.
14 CHAIRMAN FERGUSON: Okay. The next
15 case is 22 West Washington.

16 MS. TESTA: Raise your right hand. Do
17 you swear the testimony you will give this
18 application will be the truth, the whole truth, and
19 nothing but the truth, so help you God?

20 MR. COCOROS: I do.
21 VASSILIOS COCOROS,
22 467 Sylvan Avenue, Englewood, Cliffs New Jersey,
23 having been duly sworn, testifies as follows:

24 MS. TESTA: State your name, please.

25 MR. COCOROS: Vassilios Cocoros,

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1 MR. MACRI: I'm going to submit, based
2 on the testimony of our experts and recommendations
3 of the board engineer.

4 CHAIRMAN FERGUSON: So I'm going to
5 make the motion to pass the application according to
6 what we talked about the positive pitch, though.
7 \$2,000.00 to the Tree Preservation Fund. And what is
8 the bathroom? And remove the two bathrooms and put
9 a...

10 MS. TESTA: A powder room.

11 CHAIRMAN FERGUSON: Yeah, a powder
12 room.

13 VICE CHAIRMAN ALBANESE: Don't remove
14 the bathrooms.

15 CHAIRMAN FERGUSON: No.

16 MS. TESTA: Putting a powder room.

17 CHAIRMAN FERGUSON: We're putting a
18 powder room.

19 VICE CHAIRMAN ALBANESE: I second the
20 motion.

21 I'll second.

22 MR. CARNOVALE: Roll call?

23 MS. LAMBRINIDES: Mr. Ferguson?

24 CHAIRMAN FERGUSON: Yes.

25 MS. LAMBRINIDES: Mr. Albanese?

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1 C-O-C-O-R-O-S. 468 Sylvan Avenue, Englewood Cliffs,
2 New Jersey.

3 CHAIRMAN FERGUSON: Okay. We accept
4 him.

5 MR. MACRI: Just for the record, Marc
6 Macri representing Mr. And George Giannoula, who are
7 the owners of the property located at 22 West
8 Washington Place.

9 Mr. Chairman, I'm going to start
10 tonight with Mr. Cocoros. I'm going to ask that this
11 be carried to the next meeting so I can put our
12 planner on and at that point go for a vote.

13 CHAIRMAN FERGUSON: Okay.

14 MR. MACRI: What we have here today is
15 an existing 5-family dwelling. We want to demolish
16 it and replace it with four units.

17 CHAIRMAN FERGUSON: Okay.

18 DIRECT EXAMINATION

19 BY MR. MACRI:
20 Q. Mr. Cocoros, can you please explain to
21 the board our proposed project?

22 A. Sure.

23 The existing property is located at the
24 corner of West Washington Place and Highland Avenue.
25 It's 50 feet wide by 100 feet deep, with 50 feet on

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1 Highland Avenue. It's located on the northwest
2 corner of those two streets.

3 There is an existing 5-family on the
4 property with a detached two-car garage that's
5 located approximately 2 feet off the rear property
6 line and 2 feet off of the right property line.

7 We're proposing to demolish the
8 existing improvements on the property and construct a
9 new 4-unit townhouse style dwelling that follows the
10 hill up West Washington Place.

11 The property itself does a have topo
12 difference from Highland Avenue at the corner of
13 approximately 8 feet -- let's say 7-and-a-half feet
14 the corner up to the back of the property along West
15 Washington. So if you look at them when you face the
16 use itself on West Washington Place, what we've done,
17 we've stepped the units down to accommodate the grade
18 along Washington Place.

19 It's a 3-level configuration. I'll go
20 to Sheet A-2.

21 You can see the back of the unit and
22 the left elevation as you're looking at it, which is
23 basically the back of the property.

24 The ground floor consists of the
25 four basement levels. The two middle units, which

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1 The top floor, which is the bedroom
2 level, we have a three-bedroom configuration on the
3 outside units and a two-bedroom configuration in the
4 middle units.

5 We've done this proposed dwelling to
6 have -- the proposed dwelling will have all brick
7 veneer; however, we do have some bay windows on the
8 side facing West Washington and some bay windows on
9 the front and the rear, from a zoning point of view
10 just to break up the elevation along the sides.

11 So the building itself will go from a
12 5-family to 4-family; however, the four units are not
13 all three-bedroom. They're basically 2
14 three-bedrooms and 2 two-bedrooms.

15 We've also accommodated parking on the
16 building itself with driveway spaces and garage
17 spaces.

18 MR. MACRI: Okay, I have no further
19 questions.

20 CHAIRMAN FERGUSON: Okay. I'll ask my
21 question. I see that there's two powder rooms in the
22 bottom there.

23 MR. COCOROS: Correct.

24 CHAIRMAN FERGUSON: I have nothing.

25 (No response.)

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1 are two-bedroom configurations, don't really have a
2 finished basement. It just basically has a parking
3 area in the front that's partly under the building.
4 At the back we have an oversized one-car garage. At
5 the front we have an entry door, entry hallway, and a
6 set of stairs up to the first floor.

7 The two outside corners have a small
8 basement area with a powder room, laundry, stackable
9 laundry, and a recreation room that is
10 11-feet-7-inches by about 10 feet. There's also a
11 staircase at the front entry.

12 Then we go to the first floor, which is
13 the main living space. Sheet A-3. Sheet A-3, which
14 is the last of the floor plans, depicts the first and
15 second floor. As I mentioned, for the two outside
16 units it's set up in a three-bedroom configuration.
17 The two middle units are a two-bedroom configuration.

18 On the first floor at the front we have
19 a living room-dining area. At the back we have a
20 kitchen, powder room, coat closet, a kitchen
21 pantry-type closet. And each kitchen on the outside
22 in the bigger units have a small island that
23 designed. The two middle units are basically the
24 same configuration; however, we have a smaller
25 galley-type kitchen that's open to the whole space.

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

3 MR. CARNOVALE: Just a quick question.
4 Run the parking by me. I'm a little confused.

5 MR. COCOROS: On Sheet A-2 you can see
6 the configuration.

7 MR. CARNOVALE: I'm sorry.

8 MR. MACRI: A-2.

9 MR. COCOROS: Go to Sheet A-2.

10 MR. CARNOVALE: Okay. So what do we
11 got here.

12 MR. COCOROS: We basically have two
13 driveway spaces on the outside units. However, we
14 will have to -- there was a question by Steve
15 Collazuol, the engineer, regarding the clearances on
16 the outside parking area. So we'll adjust that
17 change in the ground floor to make sure that we can
18 park two cars on the actual...

19 MR. CARNOVALE: On the outside portion.

20 MR. COCOROS: Actually it's the inside.
21 See here how there's like a little transfer on this
22 sheet. So that will have to be adjusted so you can
23 fit two cars on that portion of the driveway.

24 MR. CARNOVALE: All right. And then
25 that's two there. Do I see another one inside.

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1 MR. COCOROS: Yeah. There's an actual
 2 garage. So there's two parking spaces on the outside
 3 units on the driveway.
 4 MR. CARNOVALE: Okay.
 5 MR. COCOROS: And then there's an
 6 interior garage space about 12-feet wide,
 7 11-feet-10-inches-by-19-foot-1. Plus we also have a
 8 utility room off of the back portion of the garage.
 9 MR. CARNOVALE: All right. So you're
 10 saying that could actually -- fixing that little kick
 11 over there -- fit three cars.
 12 MR. COCOROS: Yes, three cars. So
 13 basically two in the driveway, one in garage. The
 14 two-bedroom units, however, have one in the driveway
 15 and then one in the garage.
 16 MR. CARNOVALE: All right. And what is
 17 that outside unit, a two-bedroom or a three.
 18 MR. COCOROS: The outside units are
 19 three bedrooms each. And the middle units, which
 20 would be C -- or B and C -- I'm calling them Unit A
 21 going from Highland Avenue. As you go towards the
 22 back it's Unit B. So Unit A and B are three-bedroom
 23 units. And then the two middle ones, B and C, are
 24 two-bedrooms.
 25 MR. CARNOVALE: Technically -- we went

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1 duplex requirement, technically the RSIS trumps the
 2 -- sorry, wrong word.
 3 CHAIRMAN FERGUSON: It trumps it.
 4 MR. COCOROS: Yeah. It supercedes it.
 5 I'm sorry.
 6 VICE CHAIRMAN ALBANESE: You don't have
 7 no bathrooms in the two middle units in the basement.
 8 MR. COCOROS: No.
 9 CHAIRMAN FERGUSON: Okay. Any other
 10 board member haves anything? Hal, are you on? All
 11 right. Are you going to put...
 12 MR. MACRI: I'd like to conclude now
 13 and carry the balance of the application to next
 14 month's meeting.
 15 CHAIRMAN FERGUSON: Okay. Let's get
 16 Steve on. Steve, are you with us.
 17 MR. COLLAZUOL: I'm here, yes. Can you
 18 hear me?
 19 CHAIRMAN FERGUSON: Yes. Do you want
 20 to put your report in?
 21 MR. COLLAZUOL: Bill, I have a question
 22 for you about Unit A and the sight distance and the
 23 columns. I realize it's the second -- the second
 24 level is an overhang.
 25 MR. COCOROS: Yes.

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1 through this a couple times -- on the three-bedrooms
 2 really we're always looking for four spots. So we've
 3 only got three here.
 4 MR. COCOROS: I guess it will be a
 5 variance. However, we do meet --
 6 MR. CARNOVALE: RSIS.
 7 MR. COCOROS: Yes. Now, the other
 8 thing is the three-bedrooms aren't as big as a
 9 typical duplex. They're a little bit smaller, like a
 10 junior three-bedroom. In addition, the basement
 11 space itself is a lot smaller than a typical
 12 finished, let's say, three-bedroom unit.
 13 MR. CARNOVALE: Right. But technically
 14 a bedroom is a bedroom no matter how big it is.
 15 So you're going on the RSIS versus you
 16 would require a variance from our ordinance? I don't
 17 know if that's proper. Mr. Chairman, I don't know.
 18 MR. COCOROS: I mean, I guess we could
 19 amend it.
 20 CHAIRMAN FERGUSON: Well, you have two
 21 extra spots, no.
 22 MR. COCOROS: I'm sorry.
 23 CHAIRMAN FERGUSON: You have two extra
 24 spots.
 25 MR. COCOROS: Yeah. As far as the

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1 MR. COLLAZUOL: But there's a column at
 2 the corner supporting the second and third floor.
 3 MR. COCOROS: Yes.
 4 MR. COLLAZUOL: That's within the sight
 5 triangle, correct.
 6 MR. COCOROS: Yes.
 7 MR. COLLAZUOL: Okay. Now, if there's
 8 a vehicle parked there, does that impede the sight
 9 triangle.
 10 MR. COCOROS: Yes. Technically, yeah.
 11 The back end of the one car would be in that sight
 12 triangle.
 13 CHAIRMAN FERGUSON: How are we going to
 14 correct that.
 15 MR. COLLAZUOL: Would this be a
 16 variance then, Diane, from a design standard.
 17 MR. COCOROS: A waiver.
 18 MR. COLLAZUOL: Because there's an
 19 ordinance referring to the sight distance at the
 20 corner.
 21 MR. COCOROS: Okay. Would it be a
 22 waiver or...
 23 MS. TESTA: A waiver or a variance.
 24 MR. COLLAZUOL: I'm not sure if it's a
 25 waiver or another variance requirement.

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1 MS. TESTA: It should be a variance.
 2 MR. MACRI: Yeah, a variance.
 3 MR. COLLAZUOL: Okay. All right. So
 4 then I would assume you're requesting that, Mr.
 5 Macri.
 6 MR. MACRI: Yes. We'll amend the
 7 application to include that.
 8 MR. COLLAZUOL: Aside from the other
 9 points in our report, which I presume will be met
 10 should the board approve the issuance of the building
 11 permit, we have no objections to this plan in any
 12 other way other than some details are required prior
 13 to the issuance of the building permit if it's
 14 approved.
 15 Thank you.
 16 MR. COCOROS: Thank you.
 17 CHAIRMAN FERGUSON: Hal, are you with
 18 us?
 19 MR. SIMOFF: Yes.
 20 CHAIRMAN FERGUSON: Okay. Does the
 21 RSIS override the borough standards, Hal?
 22 MR. SIMOFF: Yes, it does.
 23 CHAIRMAN FERGUSON: Okay. All right.
 24 So does anybody in the audience have anything?
 25 (No response.)

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1 MS. LAMBRINIDES: Mr. Brogna?
 2 MR. BROGNA: Yes.
 3 MS. LAMBRINIDES: Mr. Chung?
 4 MR. CHUNG: Yes.
 5 CHAIRMAN FERGUSON: Okay.
 6 MR. MACRI: Thank you.
 7 CHAIRMAN FERGUSON: And the last one of
 8 the night -- I can't believe we did it but -- is Case
 9 Number 21-02, In Chang Chung, 139-145 Morningside
 10 Lane.
 11 MS. TESTA: Right. I'm going to recuse
 12 myself as I have a conflict. And Marc Macri will sit
 13 in as attorney.
 14 CHAIRMAN FERGUSON: Okay, Counselor,
 15 you're on.
 16 MR. PELLINO: Thank you, Mr. Chairman.
 17 So, Mr. Chairman, members of the board, good evening.
 18 My name is Stephen Pellino. I'm with the Law Firm of
 19 Basile, Birchwale & Pellino.
 20 And I represent Mr. and Mrs. In Chang.
 21 This is property at -- two properties actually --
 22 139-145 Morningside Lane.
 23 Our plan -- these are side-by-side
 24 parcels between Morningside and Bergen Boulevard --
 25 would be to consolidate both lots. This would result

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1 CHAIRMAN FERGUSON: Nobody in the
 2 audience, okay.
 3 So, Counsel, we're not going to --
 4 we're going to ask for a...
 5 MR. MACRI: To continue this to the
 6 next meeting without the necessity of further notice.
 7 MS. TESTA: Right. I guess a motion to
 8 allow the applicant to continue to the May 17th
 9 meeting and no further notice will be required.
 10 CHAIRMAN FERGUSON: I'll make that
 11 motion.
 12 MR. CARNOVALE: I second.
 13 CHAIRMAN FERGUSON: Roll call?
 14 MS. LAMBRINIDES: Mr. Ferguson?
 15 CHAIRMAN FERGUSON: Yes.
 16 MS. LAMBRINIDES: Mr. Albanese?
 17 VICE CHAIRMAN ALBANESE: Yes.
 18 MS. LAMBRINIDES: Mr. Elefteriou?
 19 MR. ELEFTERIOU: Yes.
 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 in a lot with 100-foot frontage on Morningside. We
 2 have a dimension, I think, of roughly 155 feet of
 3 depth on the one side and 144 and some odd feet on
 4 the other side. So clearly we have a large lot.
 5 Our plan is to construct two
 6 structures, one facing closest to Morningside Lane,
 7 which would have 3 units, is our proposal. And then
 8 a second structure behind it, which would have 4
 9 units, for a total of 7.
 10 At first blush, that may seem a bit
 11 much. I would point out to you that if we kept the
 12 lots separate, we could put up two duplexes and have
 13 four units. I will also tell you that as proposed,
 14 the individual units would be smaller than an
 15 individual unit that you could house in a conforming
 16 -- a conforming duplex.
 17 We would be eliminating two older
 18 homes.
 19 I wouldn't call them dilapidated, but
 20 in some state of disrepair. We'd be introducing a
 21 drainage system to a property that doesn't have such
 22 a system. And our planner, Mr. Spatz, I think, will
 23 give you reasons why we think the variances can be
 24 granted.
 25 I will tell you that our engineer, Tom

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1 Skrable tonight was -- I don't know if anybody --
2 goes to the horse track. It was a late scratch. We
3 got an e-mail around 4 or 5 o'clock that he had some
4 kind of COVID issue and is not able to appear. So as
5 a consequence, I think we're going to have to
6 continue this at another meeting no matter what. As
7 a further consequence of Mr. Skrable not being here,
8 I think I'm going to lead with my planner, who you've
9 seen tonight quite a bit, Mr. Spatz.

10 I also have Sean Kim, our architect,
11 who can go into some detail on the plan.

12 I also want to mention the rather steep
13 slope on this property, as I read the survey. And
14 again we'll have Mr. Skrable talk about it next
15 meeting. I think there is a drop-off of over 30 feet
16 from Morningside Lane to the back of the property
17 towards the Bergen Boulevard side which impacts the
18 design and the height of the building.

19 CHAIRMAN FERGUSON: Okay.

20 MR. PELLINO: So I've probably spoken
21 enough. With that, I would propose to call my first
22 witness, who is David Spatz, our planner.

23 MR. MACRI: Mr. Spatz, please raise
24 your right hand. Do you swear and affirm the
25 testimony you provide will be the truth, the whole

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1 Lot 11 contains a one-and-a-half-story
2 frame dwelling that contains two units. Lot 10
3 contains a two-story brick two-family dwelling and a
4 detached garage. All of these structures will be
5 removed. So there's four units currently on the
6 site. We are in total about 15,000, a little over
7 15,000 square feet. As was described, there is an
8 extremely steep slope from the street to the rear.

9 Morningside lane in the vicinity of
10 where our property is located is almost entirely
11 developed currently with two-family dwellings.
12 Directly behind us, the frontage on Bergen Boulevard,
13 is a 9-unit multifamily building. So the back of
14 our property, which will have four units, is adjacent
15 to a 9-unit multifamily building. At the street on
16 Morningside, we'll have a 3-unit building, a triplex
17 there.

18 So the townhouses themselves are in the
19 AA Zone. Townhouses are not permitted within the AA
20 Zone in the particular location where we are. The
21 lot does exceed the lot area and lot width
22 requirements of the zone.

23 There is -- one additional (d) variance
24 is the building height. Because of the steep slopes,
25 our three-story buildings will have a maximum height

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1 truth, and nothing but the truth, so help you God?

2 MR. SPATZ: Yes, I do.

3 D A V I D S P A T Z, P.P.,
4 60 Friend Terrace, Harrington Park, New Jersey,
5 having been duly sworn, testifies as follows:

6 MR. PELLINO: If I can just go out of
7 turn one second. I have an Affidavit of Service that
8 I'd like to hand to Mr. Macri. I should have done
9 that preliminarily.

10 I know you've previously recognized
11 Mr. Spatz as an expert in the field of planning.

12 CHAIRMAN FERGUSON: He's been here many
13 times.

14 DIRECT EXAMINATION

15 BY PELLINO:

16 Q. Dave, I'm just going to suggest maybe
17 first go over with the board the variances that are
18 required based on the plan that I've described with
19 the rationale which you believe would justify them.

20 A. Absolutely.

21 Just to briefly describe
22 the area. We are on the west side of Morningside
23 Lane south of Hillcrest Avenue. The property also
24 has some frontage on Broad Avenue. The site has
25 frontage on Bergen Boulevard. Excuse me.

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1 of 39.2 feet 41.1 feet, but this is directly related
2 to the height. And the engineer and the architect,
3 when they provide testimony, will describe this.

4 And there are several (c) variances as
5 well.

6 The maximum building coverage, we're at
7 48.98, where 40 percent is permitted. Minimum lot
8 area for per unit, 7 units provide a lot area per
9 unit of 2,160 square feet, where 2,500 square feet is
10 required. Rear yard, we have a rear yard of 9 feet
11 between our last building and that multifamily
12 building, where 25 feet is required. Then combined
13 side yards. The side yards themselves conform, but
14 the combined side yards, 15 feet is required. We're
15 at 10.1. Five-foot side yards are required
16 individually, but in combination they need to be 15
17 feet so that's why we need a variance.

18 So I'll provide some testimony for the
19 (D) variance, the use, the height variance. The
20 proposed development that we're seeking here is
21 consistent with and supports the purposes of zoning.
22 It meets Purpose A, which is the appropriate use of
23 land in a manner that promotes public health, safety,
24 morals and general welfare. I believe townhouses
25 within a residential neighborhood is consistent.

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1 Purpose C, the establishment of
 2 appropriate population density. We are consistent
 3 with the development of the neighborhood, which is
 4 two-family homes in smaller lots. There are 4 units
 5 on our property. We're going to up to 7 units.
 6 Behind us is a 9-unit multifamily building. So we
 7 are certainly at a less density than that development
 8 as well.

9 Purpose I is promoting a desirable
 10 visual environment. We're removing two structures
 11 that are in fair condition and replacing them with
 12 modern buildings that meet all building codes. On
 13 the street on Morningside we have a triplex, 4 units
 14 in the rear, which is not visible from Morningside,
 15 but also adjacent to the 9-unit building. So we're
 16 consistent with that.

17 I think our proposal is particularly
 18 well suited for the property, which is more than
 19 10,000 square foot larger than what is required in
 20 the zone and can accommodate more units.

21 As I've indicated, it's been designed
 22 to look like a triplex from Morningside, and then
 23 with the other units to the back. I think this is
 24 consistent because the other lots are 2 units on a
 25 50-foot-wide lot. We're 3 units on 100-foot-wide

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1 improvement which has a benefit to the adjacent
 2 properties.

3 As I've indicated, the lot is more than
 4 10,000 square foot than what is required for a
 5 two-family. The nine units directly behind us is
 6 actually on a similar sized site as ours; therefore,
 7 it has a greater density than what we're proposing.
 8 So our density is at a minimum consistent with the
 9 neighborhood. So I believe that the positive
 10 criteria is met for both the (d) and (c) variance.

11 Looking at the negative criteria, I
 12 believe there's nothing that's substantially
 13 negative. We're consistent with the residential land
 14 uses, which are two units as it fronts on
 15 Morningside, nine units to the rear of us. The
 16 setbacks are either similar to what is currently
 17 existing or improvements over the current conditions.
 18 Although there are variances, it still is an
 19 improvement on what currently exists.

20 We're providing a conforming amount of
 21 parking on the site to serve the seven units. Again,
 22 the buildings have been designed to blend in with the
 23 neighborhood rather than two large or two-family
 24 homes on that site.

25 So I believe on balance the positive
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1 lot.

2 So in terms of the massing and the
 3 density we are consistent with the neighborhood. In
 4 terms of height, we are also consistent with the
 5 older and newer two-family homes on Morningside. As
 6 you'll hear more testimony later, the distinct
 7 topography of the property creates the variances that
 8 we have.

9 Looking at the bulk variances, there
 10 are similar front yards. The three-family which
 11 fronts on Morningside will have a similar setback to
 12 the two structures that are currently there. It's
 13 also consistent with the adjacent properties as well.
 14 The rear yard and the northerly side yard are
 15 actually being improved over the current conditions
 16 because of the removal the detached garage and the
 17 existing dwelling. And again, the setback and the
 18 design of the buildings will be consistent with the
 19 newer development.

20 Additional landscaping, walls, fencing
 21 is being provided to buffer those adjacent
 22 properties. There are drainage improvements on the
 23 property. It's a difficult site. Drainage
 24 improvements will be made. There are no such
 25 facilities on the site right now so that is an

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1 criteria are met. It outweighs what might be
 2 considered negative. And I believe that the
 3 variances are appropriate to be granted for the site.

4 I'd be happy to answer any questions of
 5 the board. Then you will be of course hearing more
 6 testimony.

7 CHAIRMAN FERGUSON: Do any board
 8 members have any questions?

9 MR. GRALA: I just have one. If it
 10 ever happens to snow, where is all that snow going to
 11 go to?

12 MR. SPATZ: I'm going to defer to the
 13 site engineer about that.

14 MR. PELLINO: Good question.

15 MR. GRALA: With a big road in the
 16 middle, that's a lot of snow.

17 MR. SPATZ: Yeah. That's something
 18 that needs to be addressed. But I'll leave that to
 19 the engineer.

20 CHAIRMAN FERGUSON: Okay. Anybody
 21 else? Paulie.

22 VICE CHAIRMAN ALBANESE: The way this
 23 is set up, you've got the garages going on
 24 Morningside Lane, right.

25 MR. PELLINO: No. Each structure has
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1 its own garage.
 2 VICE CHAIRMAN ALBANESE: Yeah. In
 3 other words, the cars on the buildings on Morningside
 4 Lane.
 5 MR. SPATZ: Right. Their driveways are
 6 on Morningside.
 7 VICE CHAIRMAN ALBANESE: The garage is
 8 on Morningside.
 9 MR. SPATZ: Right.
 10 VICE CHAIRMAN ALBANESE: There's all
 11 that parking space there. Can't you put -- where the
 12 recreation room is put where the cars are, put the
 13 cars in the driveways in the back like the rest of
 14 the uses are?
 15 MR. PELLINO: I don't think there's
 16 enough turning.
 17 MR. SPATZ: Yeah, there may not be
 18 enough turning radius. Again, I'll leave that to the
 19 site engineer and the architect.
 20 VICE CHAIRMAN ALBANESE: I'm just
 21 saying here, you're going to lose 70 something feet
 22 of driveway, of parking space on Morningside Lane.
 23 MR. SPATZ: I hear what you're saying.
 24 I'm not sure if there's enough turning to do that.
 25 VICE CHAIRMAN ALBANESE: I can't see

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1 aspects of the application in support of the
 2 variances.
 3 CHAIRMAN FERGUSON: Okay. Questions
 4 from the audience?
 5 I guess not.
 6 MR. SPATZ: It's Steve.
 7 MR. COLLAZUOL: Yeah.
 8 David, you mentioned the tax maps. On
 9 the engineer's drawing,
 10 the tax -- the copy of the tax map and the area map
 11 shows Lots 10 and 11, and also 23 and 24 Mr. Pellino
 12 mentioned also as well. Now, on the survey that you
 13 provided, the topographic, depicts Lots 10 and 11.
 14 I was wondering if that could be
 15 clarified after we resume this at another meeting?
 16 MR. PELLINO: Yeah. We'll get that
 17 from Mr. Skrable. I believe they are correctly
 18 identified as Lots 10 and 11.
 19 MR. COLLAZUOL: The tax map would be
 20 incorrect.
 21 MR. PELLINO: I think we'll get that
 22 from Mr. Skrable at the next meeting.
 23 MR. COLLAZUOL: Thank you.
 24 MR. PELLINO: Yeah. There may have
 25 been a merger of lot, as Mr. Spatz has suggested. I

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1 why you can't flip them. Like, you've got the cars
 2 going in the four units in the back. You've got the
 3 garage in the back there.
 4 MR. PELLINO: Right.
 5 MR. SPATZ: If you brought the
 6 buildings on Morningside closer to Morningside so
 7 that you could get a little bit turning.
 8 VICE CHAIRMAN ALBANESE: It depends,
 9 you know. What I'm trying to say is that you're
 10 going to lose all that parking.
 11 MR. SPATZ: Right. No, that's
 12 definitely something to consider. I agree. That's a
 13 valid point.
 14 VICE CHAIRMAN ALBANESE: I'm just
 15 bringing that up.
 16 MR. SPATZ: Right, absolutely.
 17 CHAIRMAN FERGUSON: Okay. Mr. Kauker,
 18 are you on the line.
 19 MR. KAUKER: Yes, I am.
 20 CHAIRMAN FERGUSON: Okay. Do you have
 21 any comments?
 22 MR. KAUKER: Relative to the variances,
 23 I would say in light of the excessive lot area and
 24 the fact that this is a redevelopment kind of a
 25 project and the excessive topography as positive

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1 think that may be correct.
 2 MR. COLLAZUOL: Okay, thank you.
 3 MR. PELLINO: And the tax map may not
 4 have been adjusted in that regard.
 5 CHAIRMAN FERGUSON: Any other
 6 questions? Okay, Counselor, you can call your next
 7 witness.
 8 MR. PELLINO: Yes. Our next witness is
 9 our architect, Mr. Sean Kim.
 10 MR. MACRI: Good evening, Mr. Kim.
 11 Will you please raise your right arm -- your right
 12 hand.
 13 Will you swear the testimony you give
 14 this application will be the truth, the whole truth,
 15 and nothing but the truth, so help you God?
 16 MR. KIM: Yes, I do.
 17 S E A N K I M,
 18 650 East Palisades Avenue, Englewood Cliffs, New
 19 Jersey, having been duly sworn, testifies as
 20 follows:
 21 MR. MACRI: Can you please state your
 22 name and business address for the record.
 23 MR. KIM: Sean Kim, K-I-M, from 650
 24 East Palisades Avenue, Englewood Cliffs, New Jersey.
 25 CHAIRMAN FERGUSON: Mr. Kim, have you

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1 been here before.
 2 MR. KIM: Yes, I have.
 3 CHAIRMAN FERGUSON: You've testified
 4 before this board.
 5 MR. KIM: Yes.
 6 CHAIRMAN FERGUSON: You're accepted.
 7 MR. PELLINO: You're licensed in the
 8 state of New Jersey? Your license is good standing.
 9 MR. KIM: Yes. I have a license in
 10 architecture in New Jersey.
 11 CHAIRMAN FERGUSON: Okay, no problem.
 12 DIRECT EXAMINATION
 13 BY MR. PELLINO:
 14 Q. Mr. Kim, you are here as the architect
 15 commissioned on this project, correct?
 16 A. Yes, correct.
 17 Q. And I see you have put drawings up on
 18 the easel?
 19 A. Yes.
 20 Q. Can you identify those, please?
 21 A. Yeah. This is the property. We are
 22 proposing a 7-unit townhouse project. The townhouse
 23 front and the back. And yeah, as a mentioned before,
 24 the slope down from Morningside Lane is about 40
 25 feet.

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1 Q. So we're higher but not a great deal;
 2 is that fair to say, Sean?
 3 A. Right.
 4 Q. Again, you're referring of course for
 5 the record to Sheet 1, your first sheet?
 6 A. Yes.
 7 Q. Continue.
 8 A. So the next one, this is the basement
 9 floor plan. The size of the basement is just half of
 10 the structure. We have a basement, a powder room,
 11 and the utility room for each unit.
 12 Q. That was Sheet A-2?
 13 A. Yeah, A-2.
 14 Q. Okay.
 15 A. Sheet A-3, this is the ground floor
 16 plan. So each unit has a two parking garages, and
 17 the recreation room and the powder room and the
 18 storage. And the front building has two driveway
 19 parking spaces also.
 20 Q. Now, while we're talking about the
 21 driveways and the parking, have you done a parking
 22 calculation on this?
 23 A. Yes. So this is based on RSIS for the
 24 project. And we're proposing -- yeah, we're
 25 proposing 20 parking spaces for this property. And

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1 Q. Well, just to interrupt. Before we get
 2 into that, let's just identify the document. These
 3 are your architectural plans?
 4 A. Yes. These my architectural drawings.
 5 Q. They're prepared by you or someone
 6 under your direction?
 7 A. Yes.
 8 Q. There are six sheets, if I'm...
 9 A. Seven sheets and one photo.
 10 Q. And the date of the plans, Mr. Kim?
 11 The last date?
 12 A. October 16, 2020.
 13 Q. 2020, okay. Explain to the board, as
 14 you started before I interrupted you, the project
 15 layout.
 16 A. Yeah. This is a 7-unit townhouse
 17 project. And because of the condition of the site,
 18 the slope down from one side to the other side. And
 19 there is a 3-unit apartment townhouse. And the rear
 20 slopes down. And the driveway and the 4 units.
 21 This drawing is showing the elevation
 22 from Morningside Lane. So we're trying to match the
 23 building height to the rest of the street. So you
 24 can see the relationship between the neighborhood and
 25 our building's height.

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1 required parking spaces is 15 parking spaces.
 2 Q. Right. So we're actually over-parked?
 3 A. Right.
 4 Q. Okay.
 5 A. There is a concern about the steep
 6 driveway on this side. And, actually, the client
 7 telephoned today and asked to install a system for
 8 the driveway in case of a snow day.
 9 Q. What kind of -- do you know the kind of
 10 system?
 11 A. It's under the driveway.
 12 Q. So a heated driveway system?
 13 A. Right.
 14 Q. To melt any snow?
 15 A. Yes. Sheet A-4 is showing the first
 16 floor plan. And each unit has a living space, a
 17 dining area and kitchen, and the ...
 18 Q. Are all of the units identical?
 19 A. Yeah. Pretty much similar shape and
 20 size.
 21 Q. Okay. Continue.
 22 A. This Sheet A-5 is showing the plan.
 23 Each unit has a master suite, a master bathroom, a
 24 closet, and two bedrooms and the one bathroom for
 25 each unit.

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1 Q. Okay. That's the same for both?

2 A. Yeah. All the same, the rest of the

3 plan.

4 Q. So minor differences in dimensions but

5 pretty much the same?

6 A. Right.

7 Q. Okay.

8 A. So Sheet A-6 is showing the elevation

9 of the building. And this is the 3-unit elevation

10 from Morningside. And this is the 4-unit structure

11 elevation and the side elevation and the other

12 elevation. We are proposing --

13 Q. I see you've also prepared a mock-up of

14 the...

15 A. Yes.

16 Q. Can we -- do you want to describe this?

17 A. Yes. This is a more easy to understand

18 the size and the idea of this building. This is

19 Morningside Lane, and the building, and the three

20 unit townhouses front and the driveway on the right

21 side. And the slope down. And we have four units

22 behind these three units.

23 So this is the 9-unit apartment next to

24 this 4-unit townhouse building.

25 Q. So this is to scale?

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1 building structure, and the driveway, and the 4-unit

2 structure.

3 Q. So you can barely see the slope?

4 A. Right, quite.

5 Q. Anything else, Sean?

6 A. This is the last exhibit. It's just

7 showing the aerial site view. You can see the

8 structure. It will be part of this structure. Our

9 4-unit townhouse location. And this is a small

10 3-unit structure from Morningside lane.

11 Q. Just so we're clear, the sheets you've

12 just identified were submitted to the board as your

13 plans?

14 A. Yeah. This is actually an extra.

15 Q. This is an extra sheet?

16 A. Yeah.

17 MR. PELLINO: All right. We'll mark

18 this as A-3, Mr. Macri. This was not part of the

19 submission.

20 (Whereupon, Architectural Plan Dated.

21 October 16, 2020 are marked as Exhibit A-3 for

22 identification.)

23 MR. PELLINO: The date on that, Sean.

24 MR. KIM: The date on this sheet, yes,

25 October 16.

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1 A. Yes, quite. This is to scale.

2 Q. Just so the board is clear, behind the

3 four units, the rear yard, that's Bergen Boulevard?

4 A. Right, correct.

5 Q. Correct?

6 A. Yeah.

7 MR. PELLINO: All right. I'd like to

8 just mark this as an exhibit. We'll mark this as.

9 MR. MACRI: A-2, since the plan is A-1.

10 MR. PELLINO: Your plan, we'll mark

11 collectively all sheets as A-1, and the mock-up as

12 A-2, then.

13 (Whereupon, Architectural Plans are

14 marked as Exhibit A-1 for identification.)

15 (Whereupon, Mock-up Prepared by Sean

16 Kim, AIA, is marked as Exhibit A-2 for

17 identification.)

18 CHAIRMAN FERGUSON: Are you done?

19 MR. PELLINO: Yes.

20 MR. KIM: I have one other.

21 BY MR. PELLINO:

22 Q. One other sheet.

23 A. This is on the side elevation. And

24 this is the side section through the two buildings.

25 So you can see Morningside Lane, the 3-unit apartment

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1 MR. PELLINO: The same date.

2 MR. KIM: The same date.

3 MR. PELLINO: Okay. And it's marked as

4 A-8. Because it wasn't submitted, we'll make it a

5 separate exhibit, A-3.

6 CHAIRMAN FERGUSON: Okay.

7 MR. PELLINO: Yes, sir.

8 CHAIRMAN FERGUSON: I'll start off. I

9 appreciate it's a big piece of property. And I

10 appreciate there's an apartment house on the back end

11 of where you have your four units. I also appreciate

12 that Bergen Boulevard is on the backside of it.

13 But just speaking for myself, I think

14 it's a little bit too much. I really think that

15 seven units are a lot for this piece of property.

16 But I'll wait until your next witness comes on next

17 meeting and we can talk about it. But for this

18 witness, I've got one question.

19 You're putting a driveway next to your

20 three buildings on Morningside, correct?

21 MR. KIM: Yeah, quite.

22 CHAIRMAN FERGUSON: You're going to go

23 right -- you're heading east.

24 MR. KIM: Right.

25 CHAIRMAN FERGUSON: You're going to go

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1 east.

2 MR. KIM: Right.

3 CHAIRMAN FERGUSON: So you're going to
4 have a building, then you're going have your
5 driveway? The building, by the way, not your
6 building, it's the neighbor's building, correct?
7 Then you have a driveway, correct? And then you're
8 going to have your three units, correct.

9 MR. KIM: No. Actually, we have a
10 drive --

11 MR. PELLINO: The driveway is on the
12 north side, I think.

13 MR. KIM: So this is Morningside Lane.
14 We have a driveway on the right side of the
15 structure.

16 CHAIRMAN FERGUSON: That's what I'm
17 saying. But the question in my mind, is it fair to
18 put a driveway from Morningside to the back next to a
19 neighbor who is on a two -- it doesn't seem to be
20 fair to me that anybody -- not to you, to that
21 neighbor -- that you're going against. And what is
22 the distance? Five feet?

23 MR. KIM: The size, yeah, 5 feet. It
24 requires 5 feet.

25 CHAIRMAN FERGUSON: So you're going to
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1 But, you know, I just -- you know, I just -- just
2 speaking for myself, I think it's just a little bit
3 too much. But we can wait until next time and we can
4 hash it out.

5 Any other board members have anything?
6 Anything?

7 VICE CHAIRMAN ALBANESE: No.

8 CHAIRMAN FERGUSON: Steve, do you have
9 anything?

10 MR. COLLAZUOL: Just one question.

11 CHAIRMAN FERGUSON: Sure.

12 MR. COLLAZUOL: Mr. Kim, I don't see it
13 on Mr. Skrable's plan, but I do see the driveway that
14 you proposed, the contours. Could you estimate the
15 slope.

16 MR. KIM: Yeah. The slope is 17
17 percent.

18 MR. COLLAZUOL: Would you say it again,
19 please.

20 MR. KIM: Seventeen.

21 MR. COLLAZUOL: I didn't get it.

22 MR. KIM: A 17 percent slope.

23 MR. COLLAZUOL: 17 percent? One-seven.

24 MR. KIM: Yeah, one-seven.

25 MR. COLLAZUOL: Right. I think if

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1 put a driveway in next to a house that's already
2 existing. You're going to run cars down that
3 driveway. And, you know, I don't think it's fair to
4 that that house. I really don't think it's fair. I
5 don't know how the rest of the board feels. But, you
6 know I, don't think it's, you know, doable.

7 But if you want, we'll wait until next
8 month and we can, you know... My view of it -- I'm
9 just talking about my view. I'm not talking about
10 the board's. I think five units on the property -- I
11 think you put two duplexes on the front and put a
12 driveway between, this way you don't -- you're not
13 impeding your next door neighbor. You put three
14 smaller units in the back. You have 10-foot side
15 yards on each side.

16 So you would have 10 feet, a duplex, a
17 24-foot driveway, another duplex, and then another 10
18 feet.

19 But the driveway would not be next to
20 your neighbor. The driveway would be between the two
21 duplexes. This way you're not impeding the next door
22 neighbor. I'm just...

23 And in the back, I think you could put
24 3 units, again 10-foot side yards. You can make them
25 a little bit bigger because you're losing some foot.

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1 you're going to revise your plan, you should keep
2 your driveway to a maximum of 10 percent.

3 MR. PELLINO: The problem is that's
4 going to push the buildings up in the back.

5 MR. KIM: Yeah, push back. The problem
6 is there's a slope down to the back, and you'd be
7 pushed back to this driveway. Then you're going to
8 -- the project needs to go down to the driveway.
9 Then we're going to have a driveway situation.

10 MR. COLLAZUOL: That's why you're the
11 designer.

12 MR. SIMOFF: If I can add one more
13 comment to what Steve just said. If the driveway is
14 17 percent, there should be a transition so the cars
15 don't bottom out.

16 MR. KIM: Yeah, I understand.

17 But this is a kind of tight site. And
18 this is what we have to maximize the slope, but the
19 situation of the slope size. So yeah, we can check.
20 We can go back to the site and we can check again.

21 But this is our best situation at the current design.
22 MR. PELLINO: All right. We appreciate
23 the comments, certainly.

24 CHAIRMAN FERGUSON: Yeah, I don't --
25 not the slope.

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1 MR. SIMOFF: Mr. Chairman, given the
 2 progressive slopes on the site, I agree with your
 3 recommendation of reducing the number of units.
 4 CHAIRMAN FERGUSON: Well, I appreciate
 5 that.
 6 But I might have misspoken because I
 7 give you a duplex in the front and a duplex in the
 8 front, and three units in the back. We're still at
 9 seven. So maybe it would be better to do, you know,
 10 smaller, smaller, smaller and three units in the
 11 back. But we'll talk about it next meeting. The
 12 next meeting we'll talk about it.
 13 But the way it is now, we've got to
 14 eliminate that driveway next to that house. Because
 15 that's the thing that's not going to fly, in my
 16 opinion. I don't know.
 17 MR. PELLINO: Okay. We appreciate the
 18 comments.
 19 CHAIRMAN FERGUSON: All right. Any
 20 Board Members have anything?
 21 (No response.)
 22 CHAIRMAN FERGUSON: Any comments?
 23 Vinnie?
 24 MR. CARNOVALE: No.
 25 Morningside is very tight there, Joe,
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1 that comes into effect with the cars turning in.
 2 Like you said, with the driveway next to the other
 3 people, the headlights shining in their face , I
 4 don't know.
 5 I think you have a good idea with
 6 putting the driveway in between two units, one in the
 7 middle. Maybe they can work out the slope issue.
 8 CHAIRMAN FERGUSON: Okay. Any other
 9 board members?
 10 (No response.)
 11 CHAIRMAN FERGUSON: Mr. Collazuol, are
 12 you done?
 13 MR. COLLAZUOL: That's it for now, Joe.
 14 Thank you.
 15 MR. PELLINO: Can we announce to the
 16 public, Joe.
 17 CHAIRMAN FERGUSON: Yeah. We're going
 18 to grant the continuance.
 19 MR. MACRI: May 17th.
 20 CHAIRMAN FERGUSON: Oh, is there
 21 anybody in the public? They haven't been there all
 22 night.
 23 MR. PELLINO: Just this will be heard
 24 May 17?
 25 MR. MACRI: May 17.
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1 CHAIRMAN FERGUSON: May 17.
 2 MR. PELLINO: The same time, same
 3 place. No further notice. Thank you all. I
 4 appreciate it.
 5 MR. KIM: Thank you.
 6 CHAIRMAN FERGUSON: No further notice.
 7 Adjourn.
 8 MS. LAMBRINIDES: Did we get a second
 9 on the motion.
 10 MR. CARNOVALE: Second. Everybody
 11 seconded.
 12 MS. LAMBRINIDES: 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: Mr. Carnovale?
 19 MR. CARNOVALE: Yes.
 20 MS. LAMBRINIDES: Mr. Terranova?
 21 MR. TERRANOVA: Yes.
 22 MS. LAMBRINIDES: Mr. Grala?
 23 MR. GRALA: Yes.
 24 MS. LAMBRINIDES: Mr. Brogna?
 25 MR. BROGNA: Yes.
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1 MS. LAMBRINIDES: Mr. Chung?
 2 MR. CHUNG: Yes.
 3 CHAIRMAN FERGUSON: All in favor?
 4 (Whereupon, all present members respond
 5 in the affirmative.)
 6 CHAIRMAN FERGUSON: Goodnight.
 7 (Whereupon, this meeting is concluded.
 8 Time noted: 9:38 p.m.)
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1 C E R T I F I C A T E

2

3 I, RONDA L. REINSTEIN, a Certified Court
4 Reporter of the State of New Jersey, authorized to
5 administer oaths pursuant to R.S.41:2-2, do hereby
6 certify that the foregoing is a true and accurate
7 transcript of the testimony as taken stenographically
8 by and before me at the time, place and on the date
9 herein before set forth, to the best of my ability.

10 I DO FURTHER CERTIFY that I am neither a
11 relative nor employee nor attorney nor counsel of any
12 of the parties to this action, and that I am neither
13 a relative nor employee of such attorney or counsel,
14 and that I am not financially interested in the
15 action.

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RONDA L. REINSTEIN, CCR No. 30X1002178004

25

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