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BOROUGH OF PALISADES PARK
BOARD OF ADJUSTMENT
MONDAY, MAY 20, 2019
COMMENCING AT 7:00 P.M.

.....
IN THE MATTER OF: : TRANSCRIPT
: OF
: PROCEEDINGS

APPLICATION NO. 19-07 :
GSR DEVELOPERS, LLC :
75 Brinkerhoff Terrace :
BLOCK 209; LOT 19 :

APPLICATION NO. 19-04 :
STEVEN HUANG :
24 W. Edsall Boulevard :
BLOCK 212; LOT 8 :

APPLICATION NO. 19-03 :
ARDESHIR MOHTARAM :
201 Fifth Street :
BLOCK 701; LOTS 12 & 12.01 :

APPLICATION NO. 19-05 :
NEW VISION DEVELOPERS, LLC :
40-48 Grand Avenue :
BLOCK 617; LOTS 1 & 32 :

APPLICATION NO. 19-08 :
108 Sunset Place, LLC :
108 Sunset Place :
BLOCK 714; LOT 5 :

.....
B E F O R E :

THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
THERE BEING PRESENT:

JOSEPH FERGUSON, CHAIRMAN
PAUL ALBANESE, VICE CHAIRMAN
ANDY NAM, MEMBER
DAVID TERRANOVA, MEMBER
SEUNG YOON, MEMBER
VINCENT CARNOVALE, MEMBER
LEFTERI LEFTERIOU, MEMBER
MIRJANA TARABOCCHIA, ALTERNATE MEMBER
SUK JUN MIN, ALTERNATE MEMBER

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

2 DIANE TESTA, ESQ.
3 Counsel for the Board

4 MARC D. MACRI, P.C.
5 BY: MARC D. MACRI, ESQ.
6 2160 North Central Road
7 Fort Lee, New Jersey 07024
8 Counsel for New Vision Developers, LLC and 108 Sunset
9 Place, LLC

10 ROTOLO, BOZANIAN & YI, LLC
11 BY: ELTON JOHN BOZANIAN, ESQ.
12 115 Broad Avenue
13 Palisades Park, New Jersey 07650
14 Counsel for Ardeshir Mohtaram

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

14 ELENI LAMBRINIDES, BOARD CLERK/SECRETARY
15 STEVEN COLLAZUOL, BOARD ENGINEER
16 MICHAEL KAUKER, BOARD PLANNER
17 JUDD ROCCIOLA, BOARD TRAFFIC ENGINEER

18 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1 I N D E X (C O N T I N U E D)

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1 CHAIRMAN FERGUSON: Are we ready?
 2 Okay.
 3 (Whereupon, the Recitation of the
 4 Pledge of Allegiance is held.)
 5 CHAIRMAN FERGUSON: Okay. Roll call
 6 vote for attendance.
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Here.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Here.
 11 MS. LAMBRINIDES: Mr. Terranova?
 12 MR. TERRANOVA: Here.
 13 MS. LAMBRINIDES: Mr. Min?
 14 MR. MIN: Here.
 15 MS. LAMBRINIDES: Mr. Nam?
 16 MR. NAM: Here.
 17 MS. LAMBRINIDES: Ms. Yoon?
 18 MS. YOON: Here.
 19 MS. LAMBRINIDES: Mr. Carnovale?
 20 MR. CARNOVALE: Here.
 21 MS. LAMBRINIDES: Ms. Tarabocchia?
 22 Mr. Lefteriou?
 23 MR. LEFTERIOU: Here.
 24 CHAIRMAN FERGUSON: Okay. First of
 25 all, we all got a copy of the minutes of the previous

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1 only one bill tonight. It's for a thousand dollars
 2 for our board attorney. It will be taken out of
 3 escrow. Can I get a motion to pay the --
 4 VICE CHAIRMAN ALBANESE: I'll make a
 5 motion we pay the bills.
 6 MR. CARNOVALE: I second.
 7 CHAIRMAN FERGUSON: A motion and a
 8 second to pay the bill.
 9 Roll call vote.
 10 MS. LAMBRINIDES: Mr. Ferguson?
 11 CHAIRMAN FERGUSON: Yes.
 12 MS. LAMBRINIDES: Mr. Albanese?
 13 VICE CHAIRMAN ALBANESE: Yes.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Yes.
 16 MS. LAMBRINIDES: Mr. Min?
 17 MR. MIN: Yes.
 18 MS. LAMBRINIDES: Mr. Nam?
 19 MR. NAM: Yes.
 20 MS. LAMBRINIDES: Ms. Yoon?
 21 MS. YOON: Yes.
 22 MS. LAMBRINIDES: Mr. Carnovale?
 23 MR. CARNOVALE: Yes.
 24 MS. LAMBRINIDES: Mr. Lefteriou?
 25 MR. LEFTERIOU: Yes.

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1 meeting. We all had an opportunity to review them.
 2 Can I get a motion to approve the minutes of the
 3 previous meeting?
 4 VICE CHAIRMAN ALBANESE: I make a
 5 motion we approve the minutes.
 6 MR. CARNOVALE: I second.
 7 CHAIRMAN FERGUSON: There's a first and
 8 second. Roll call vote on the minutes.
 9 MS. LAMBRINIDES: Mr. Ferguson?
 10 CHAIRMAN FERGUSON: Yes.
 11 MS. LAMBRINIDES: Mr. Albanese?
 12 VICE CHAIRMAN ALBANESE: Yes.
 13 MS. LAMBRINIDES: Mr. Terranova?
 14 MR. TERRANOVA: Yes.
 15 MS. LAMBRINIDES: Mr. Min?
 16 MR. MIN: Yes.
 17 MS. LAMBRINIDES: Mr. Nam?
 18 MR. NAM: Yes.
 19 MS. LAMBRINIDES: Ms. Yoon?
 20 MS. YOON: Yes.
 21 MS. LAMBRINIDES: Mr. Carnovale?
 22 MR. CARNOVALE: Yes.
 23 MS. LAMBRINIDES: Mr. Lefteriou?
 24 MR. LEFTERIOU: Yes.
 25 CHAIRMAN FERGUSON: Okay. Next we have

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1 CHAIRMAN FERGUSON: Okay, first on the
 2 agenda is Case Number 19-07, which is GSR Developers,
 3 LLC, 75 Brinkerhoff Terrace. We all got it as a
 4 resolution.
 5 MS. TESTA: Right. This was to
 6 construct a three-family residential dwelling.
 7 CHAIRMAN FERGUSON: Yes.
 8 MS. TESTA: Yes.
 9 VICE CHAIRMAN ALBANESE: I make a
 10 motion we --
 11 CHAIRMAN FERGUSON: Memorialize.
 12 MR. CARNOVALE: I second.
 13 CHAIRMAN FERGUSON: Roll call vote.
 14 MS. TESTA: Okay. And everybody here
 15 would be able to vote except for Mr. Terranova and
 16 Mr. Min.
 17 CHAIRMAN FERGUSON: Okay.
 18 MS. LAMBRINIDES: Mr. Ferguson?
 19 CHAIRMAN FERGUSON: Yes.
 20 MS. LAMBRINIDES: Mr. Albanese?
 21 VICE CHAIRMAN ALBANESE: Yes.
 22 MS. LAMBRINIDES: Mr. Terranova?
 23 MR. TERRANOVA: Abstain.
 24 MS. LAMBRINIDES: Mr. Min?
 25 MR. MIN: Abstain.

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1 MS. LAMBRINIDES: Mr. Nam?
 2 MR. NAM: Yes.
 3 MS. LAMBRINIDES: Ms. Yoon?
 4 MS. YOON: Yes.
 5 MS. LAMBRINIDES: Mr. Carnovale?
 6 MR. CARNOVALE: Yes.
 7 MS. LAMBRINIDES: Mr. Lefteriou?
 8 MR. LEFTERIOU: Yes.
 9 CHAIRMAN FERGUSON: Okay. Next is Case
 10 No. 19-04 Steven Huang, 24 West Edsall Boulevard.
 11 This was held over from the last meeting, but he did
 12 furnish the board with more -- another set of --
 13 another plan, which I find agreeable.
 14 So, I'll make a motion to approve the
 15 memorialization.
 16 VICE CHAIRMAN ALBANESE: I'll second.
 17 CHAIRMAN FERGUSON: Roll call.
 18 MS. LAMBRINIDES: Is everybody eligible
 19 to vote, Diane?
 20 MS. TESTA: Except Mr. Min.
 21 MS. LAMBRINIDES: Mr. Ferguson?
 22 CHAIRMAN FERGUSON: Yes.
 23 MS. LAMBRINIDES: Mr. Albanese?
 24 VICE CHAIRMAN ALBANESE: Yes.
 25 MS. LAMBRINIDES: Mr. Terranova?
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1 MR. TERRANOVA: Yes.
 2 MS. LAMBRINIDES: Mr. Min?
 3 MR. MIN: Abstain.
 4 MS. LAMBRINIDES: Mr. Nam?
 5 MR. NAM: Yes.
 6 MS. LAMBRINIDES: Ms. Yoon?
 7 MS. YOON: Yes.
 8 MS. LAMBRINIDES: Mr. Carnovale?
 9 MR. CARNOVALE: Yes.
 10 MS. LAMBRINIDES: Mr. Lefteriou?
 11 MR. LEFTERIOU: Yes.
 12 CHAIRMAN FERGUSON: Okay. Case No.
 13 19-05, New Vision Developers, LLC. Okay.
 14 MR. MACRI: Good evening, Mr. Chairman,
 15 Members of the Board. My name is Marc Macri and I
 16 represent the applicant, New Vision Developers, LLC.
 17 I handed in our proof of service, proof
 18 of publication.
 19 So, I'd like to carry this to next
 20 month's meeting.
 21 MS. TESTA: June 17th?
 22 MR. MACRI: June 17th.
 23 MS. LAMBRINIDES: Did you get the
 24 proofs?
 25 MS. TESTA: Yes.
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1 CHAIRMAN FERGUSON: Okay.
 2 MS. TESTA: Okay. So you're requesting
 3 to carry this until June 17, 2019, 7:00 p.m.
 4 In the event that you make any changes
 5 to the application that the variances differ from
 6 what you've given notice for, what's going to require
 7 that you provide notice.
 8 MR. MACRI: Okay, will do. Thank you.
 9 CHAIRMAN FERGUSON: Now, one other just
 10 point so we don't go extending another month, in your
 11 original notice or your next notice, did you request
 12 a (d)(3)?
 13 MR. MACRI: I believe we did.
 14 CHAIRMAN FERGUSON: The reason why I
 15 ask that is not that I'm so smart, it's just that it
 16 was brought to my attention that from one of our
 17 experts that you have to request a (d)(3).
 18 MR. KAUKER: Well, the use it's
 19 permitted as a conditional use. And it doesn't meet.
 20 That's the reason why you're here before the board
 21 obviously, so, you need a (d)(3) used variance. I
 22 didn't see information as to whether or not you
 23 requested it or you published it in the notice. So,
 24 if you didn't, you should do that.
 25 I don't think (d) variances fall under
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1 the any-and-all category.
 2 MR. MACRI: It will be noticed.
 3 MS. TESTA: Yeah, you're going to have
 4 to re-notice. I don't see it here.
 5 Okay. So, I guess you would need a
 6 motion to approve the continuation to June 17, 2019,
 7 but the applicant will re-notice both through mail
 8 and publication.
 9 VICE CHAIRMAN ALBANESE: I'll make that
 10 motion.
 11 MR. CARNOVALE: I'll second.
 12 CHAIRMAN FERGUSON: Are you okay with
 13 that, Counsel?
 14 MR. MACRI: Say it again.
 15 CHAIRMAN FERGUSON: Are you okay with
 16 that?
 17 MR. MACRI: For June 17th?
 18 CHAIRMAN FERGUSON: Yeah.
 19 MR. MACRI: Yes.
 20 CHAIRMAN FERGUSON: With re-noticing.
 21 MR. MACRI: Yes.
 22 CHAIRMAN FERGUSON: Roll call vote.
 23 MS. LAMBRINIDES: Mr. Ferguson?
 24 CHAIRMAN FERGUSON: Yes.
 25 MS. LAMBRINIDES: Mr. Albanese?
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1 VICE CHAIRMAN ALBANESE: Yes.
 2 MS. LAMBRINIDES: Mr. Terranova?
 3 MR. TERRANOVA: Yes.
 4 MS. LAMBRINIDES: Mr. Min?
 5 MR. MIN: Yes.
 6 MS. LAMBRINIDES: Mr. Nam?
 7 MR. NAM: Yes.
 8 MS. LAMBRINIDES: Ms. Yoon?
 9 MS. YOON: Yes.
 10 MS. LAMBRINIDES: Mr. Carnovale?
 11 MR. CARNOVALE: Yes.
 12 MS. LAMBRINIDES: Mr. Lefteriou?
 13 MR. LEFTERIOU: Yes.
 14 CHAIRMAN FERGUSON: Okay.
 15 MR. MACRI: Thank you.
 16 CHAIRMAN FERGUSON: Okay. So, the
 17 first case that we're actually going to hear tonight
 18 will be Case No. 19-03, 201 Fifth Street, Mohtaram.
 19 MS. LAMBRINIDES: Mohtaram.
 20 CHAIRMAN FERGUSON: Mohtaram.
 21 All right, Counsel, do you want to put
 22 your appearance in?
 23 MR. BOZANIAN: Thank you very much, Mr.
 24 Chairman. Elton Bozanian; Rotolo, Bozanian & Yi on
 25 behalf of the applicant, Ardeshir Mohtaram. The
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1 property address is 201 Fifth Street, Lots 12 and
 2 12.01, Block 701.
 3 CHAIRMAN FERGUSON: If you could use
 4 the mic, it would be good, because I'm hard of
 5 hearing and it's always good to hear what you say.
 6 Thank you.
 7 MR. BOZANIAN: Absolutely.
 8 CHAIRMAN FERGUSON: Okay. So, at the
 9 last meeting we had a -- I believe your architect
 10 wasn't here.
 11 MR. BOZANIAN: That's correct.
 12 CHAIRMAN FERGUSON: And I assume he's
 13 here today?
 14 MR. BOZANIAN: He is here.
 15 CHAIRMAN FERGUSON: Oh, good. So,
 16 there was some give and take from the board on
 17 exactly what the application entails. I noticed that
 18 when you resubmitted the plans that there was some
 19 changes to the original application, that you
 20 eliminated one of the units.
 21 MR. BOZANIAN: Yes. We listened to the
 22 board's comments and concerns and we incorporated
 23 those into the amended plans.
 24 CHAIRMAN FERGUSON: Okay. So, that's
 25 the plans that we have in front of us tonight?
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1 MR. BOZANIAN: Yes, they were submitted
 2 May 10th.
 3 CHAIRMAN FERGUSON: Okay, call your
 4 first witness then.
 5 MR. BOZANIAN: Thank you.
 6 My first witness would be Mr. Zampolin.
 7 I've been overruled. It's going to be
 8 Mark Martins.
 9 CHAIRMAN FERGUSON: You have been
 10 overruled. Okay.
 11 MR. BOZANIAN: So, we were here last
 12 time, Mr. Martins was qualified.
 13 CHAIRMAN FERGUSON: Yes.
 14 MS. TESTA: And you were sworn in?
 15 MR. MARTINS: Yes.
 16 MS. TESTA: You're still under oath.
 17 MR. MARTINS: Right.
 18 M A R K M A R T I N S,
 19 55 Walnut Street, Norwood, New Jersey, having
 20 been duly sworn, testifies as follows:
 21 THE COURT REPORTER: Sir, just state
 22 your name and your business address.
 23 THE WITNESS: Yes. Mark with a "K"
 24 Martins, M-A-R-T-I-N-S, 55 Walnut Street, Norwood,
 25 New Jersey.
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1 THE COURT REPORTER: Thank you.
 2 DIRECT EXAMINATION
 3 BY MR. BOZANIAN:
 4 **Q.** Now, Mr. Martins, you prepared a set of
 5 plans for this particular project previously,
 6 correct?
 7 **A. Yes, I did.**
 8 **Q.** And you discussed those, testified as
 9 to those plans at the last meeting, correct?
 10 **A. Correct.**
 11 **Q.** And you since submitted an amended set
 12 of plans?
 13 **A. Yes, we did.**
 14 **Q.** And those plans are here with you?
 15 **A. Yes, and they are dated May 9th, 2019.**
 16 **Q.** And what do you have there?
 17 **A. It consists of four sheets. The first**
 18 **sheet being the cover sheet. The second sheet being**
 19 **the site plan, which has been colorized for tonight's**
 20 **presentation. The third sheet being the grading and**
 21 **utilities plan and the fourth sheet being the soil**
 22 **erosion and construction details.**
 23 **Q.** I would ask that we mark those plans
 24 A-1.
 25 **A. A-2. I think we did A-1 at the last**
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1 **meeting.**

2 MS. TESTA: Yeah, there was -- yes, so
3 this would be --

4 MR. BOZANIAN: I think we did A-1
5 through A-3 last time.

6 MS. TESTA: I believe so.

7 MR. BOZANIAN: So this would be
8 starting with A-4.

9 MS. TESTA: Right.

10 (Whereupon, amended set of plans, four
11 sheets, dated May 9th, 2019 is received and
12 marked as Exhibit A-4 for identification.)

13 BY MR. BOZANIAN:

14 **Q.** Aside from the fact that there is a
15 colorization on these plans, are the plans identical
16 to those that you had submitted to the board?

17 **A. Yes, they are.**

18 (Whereupon, colorized rendering is
19 received and marked as Exhibit A-5 for
20 identification.)

21 BY MR. BOZANIAN:

22 **Q.** I would ask you to refer to, I guess,
23 A-5, which would be the second --

24 **A. Uh-huh.**

25 **Q.** And will you indicate what's set forth?

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1 **A. Yes, this is the colorized rendition of**
2 **our plans. The brown hatched area being the**
3 **footprint of the new building. The gray area as**
4 **being the driveway and access, ingress and egress to**
5 **the site.**

6 So, as the Chairman mentioned, we have
7 made some significant changes to the site plan based
8 on the comments from the board and the comments made
9 from the engineer, planner and traffic engineer as
10 well.

11 The first and foremost of which is
12 we've reduced the number of units from four down to
13 three. That allowed us to basically make wider units
14 to accommodate a full two-car garage for each unit.

15 So, our prior application only had the
16 one-car garage for each unit and a total of four
17 parking spaces.

18 We now have a two-car garage with a
19 total of six parking spaces, two for each unit.

20 In terms of the access, it's pretty
21 much similar. We did widen the opening a little bit
22 to line up the curb on the northerly side of East
23 Homestead Avenue at the engineer's suggestion.

24 We do have sufficient maneuvering room.

25 We have 24 feet behind the basically planting area

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1 there. So, we have actually about 20 -- 28 feet from
2 the building itself to the curblin. So, we have
3 sufficient room from the face of the garage door to
4 maneuver in and out of the site, to back into the
5 garage and to back out of the garages.

6 In terms of the grading, we've also
7 stepped the units down. So, previously we had all
8 the units on the same plain, which created a
9 situation we had to fill in the lower area of Fifth
10 Street and create a retaining wall, but by stepping
11 the units down in increments, we're basically
12 following the grade a little bit better. We have
13 eliminated that retaining wall.

14 So, let me just go through some of the
15 other zoning requirements. So, again, as we
16 mentioned, we reduced the unites down from four to
17 three, but we still require a use variance for
18 townhouse units in the one-and two-family zone.

19 We have changed some of the setbacks.
20 The front yard setback of Fifth Street is pretty much
21 the same; 10 feet is being proposed with some
22 overhangs that protect a little bit further, closer
23 to the street. The closest point being 8.17 feet.

24 On the right side, we did push the
25 building over a little bit. We had 5 feet previously

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1 with just one wall, if you recall.

2 So we've made the closest point 6 feet,
3 but the architect has also changed the footprint so
4 it indents a little bit.

5 So, 6 feet is the closest portion.
6 It's indented about 2 feet, I believe, to the other
7 portion. So, it was more than 6 feet at the actual
8 corner; westerly, easterly sides of the building.

9 The setback on the westerly side, which
10 we're considering to be the rear yard setback has
11 increased to 11.3 feet to the main section of the
12 building. We had 5 feet there before, so we have
13 significantly more green space in that area as well.

14 And then in terms of the other
15 setbacks, there is a variance setback for front yard
16 setback on East Homestead Avenue. If you recall this
17 property is very uniquely situated where we have
18 basically a dead-end with East Homestead Avenue on
19 our westerly and southerly side. So there's a little
20 corner there, which is technically would be a front
21 yard setback. So, that setback right there is going
22 to be 5.3 feet to the building and 2.0 feet to the
23 overhang. Where we previously had 3.3 feet to the
24 building and 0.08 feet or 1 inch to the building. So
25 we've increased the setbacks there. We've increased

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1 the setbacks on the westerly side and on the
2 northerly side of the building.
3 I mean, you still have sufficient room
4 to turn around on the southerly side, which is the
5 East Homestead frontage, if you will.

6 In terms of parking, we mentioned
7 before that we now have six spaces where we
8 previously had four. We still have a de minimus
9 variance where seven spaces are required based on the
10 three units and the three bedrooms per unit, but I
11 think we can accommodate the parking onsite. I think
12 that one extra space is de minimus and there is a
13 street parking space on Fifth Street directly in
14 front of our of our property as well, which it's
15 accessible.

16 In terms of building height, we
17 actually did lower the building height as well. It
18 previously was 40 feet and we are proposing a
19 building of 39.16 feet and we do have the architect
20 here. He's going to explain to you a little bit
21 better, you know, how this building is massed, so to
22 speak. It's a little bit different than your typical
23 duplex structure. It does have a flat roof, it does
24 have a roof deck.

25 So, the highest point that we measure
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1 is actually the top of the bulkhead, which is the
2 stairway to acces that roof area. That really is a
3 small section of the roof itself.

4 The actual roof elevation is going to
5 be about 31 feet, 8 inches above the average grade.

6 So, we talked about the regular
7 parking, guest parking. There's a guest parking
8 requirement of 0.5 spaces per unit. That's not in
9 addition to the seven spaces, but that's part of the
10 requirement of seven spaces. We don't have any, so
11 to speak, common areas in order to provide that
12 parking, guest parking. But again, we do have some
13 areas on Fifth Street which is street parking, which
14 is available for our use.

15 **Q.** You indicated that there was an ability
16 to -- so the way that the building is situated,
17 there's an ability to turn around when cars come into
18 the parking?

19 **A. Yes.**

20 **Q.** At the front units or end units?

21 **A. Yes, there's sufficient room to be able**
22 **to pull into your garage and back out and head right**
23 **back out and we did provide a turnaround area for the**
24 **last unit to make that a little more easily**
25 **manoeuvrable.**

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1 **So, we did actually separate our sheets**
2 **for this presentation and for this submission where**
3 **previously we had all our grading and drainage on one**
4 **sheet and our zoning on one sheet. We do have a**
5 **separate sheet now for grading and utilities. Again,**
6 **the grading scheme, as I mentioned before, has**
7 **changed, we've eliminated the wall.**

8 **Q.** I'm sorry, you're now, for the record,
9 referring to A-6?

10 **A. A-6, sure.**

11 (Whereupon, grading and utilities plan
12 is received and marked as Exhibit A-6 for
13 identification.)

14 THE WITNESS: So, we added some drainage
15 improvements, the retention system, additional inlets
16 in East Homestead Avenue. Also, we've kind of
17 upsized the inlet that we have in the driveway, we
18 made it a larger E size inlet to capture more of the
19 runoff in that area.

20 And I do believe there was some
21 comments from the engineer, which we'll address and
22 accommodate as much as possible.

23 If you want, we can go through the
24 engineer's letter later. I'm sure I'll have some
25 comments and we can kind of go through his letter.

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1 BY MR. BOZANIAN:

2 **Q.** And again, these are dated May 9th?

3 **A. Yeah, also dated the same date, May**
4 **9th, 2019.**

5 **Q.** Is there anything else that you want
6 address?

7 **A. No, that's it.**

8 **Q.** So at this point, if you want to
9 address those concerns --

10 **A. Sure. I don't know if there's any**
11 **questions from the board first.**

12 CHAIRMAN FERGUSON: I've got a few.
13 Did you get the report from our
14 experts?

15 THE WITNESS: Yes.

16 CHAIRMAN FERGUSON: Okay. I believe
17 Mr. Rocciola, if I'm not mistaken, raised some
18 questions and I'll let Mr. Rocciola enlighten the
19 board on the things, but it seems like he had
20 something here about a fire lane --

21 THE WITNESS: Correct.

22 CHAIRMAN FERGUSON: -- in front of the
23 building. Could you --

24 THE WITNESS: Correct. Sure. So we
25 have a driveway that is 24 feet in width and the

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1 comment was that a fire lane based on his opinion
2 would be required in that area, I believe 20 feet, if
3 I'm not mistaken. We have obviously sufficient room
4 there in order to provide that fire lane, which would
5 be striped in accordance the fire department
6 regulations, requirements.

7 MR. ROCCIOLA: Well, what I looked at
8 is -- this is Judd Rocciola.

9 If a visitor came and parked along the
10 curb opposite, parallel and opposite the garages,
11 then you'd have 16 feet as a minimum distance,
12 clearing distance. The RSIS recommends 18 feet.

13 I just asked if the fire marshall would
14 approve it, they can handle it with 16 feet, that's
15 fine, I think that's okay, but the fire marshal would
16 have to sign off on that.

17 Have you spoken with the fire martial?

18 THE WITNESS: No, because it's not our
19 intention, Judd, to actually permit parking on that
20 side, because it really would restrict the movements
21 from the garages and out to the driveway area.

22 So, I didn't think there was sufficient
23 room if you had parking on that side to allow for
24 that turnaround movement. So, we're not proposing
25 any parking there, so, therefore we have that full

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1 CHAIRMAN FERGUSON: Yeah, I think the
2 board would like to do that, just to be sure.

3 (Whereupon, Ms. Tarabocchia is now
4 present.)

5 CHAIRMAN FERGUSON: The other thing and
6 that is, is there a -- there seems to be some
7 confusion about in Mr. Rocciola's report, a portion
8 of East Homestead Avenue has been vacated and now is
9 -- subject lot now extends into the -- it was not
10 clear if Lot No. 1, Block 711 has been extended to
11 East Homestead Avenue, also.

12 THE WITNESS: Right, so, I think that
13 comment has come up on a previous application. We
14 were here last month. So, what we did is we kind of
15 delineated that area and described it as a 15-foot
16 wide borough right-of-way.

17 So, to my knowledge the answer would be
18 no, that adjoining parcel never did acquire that 15
19 feet of your former or current East Homestead Avenue.
20 So, it still remains a borough right-of-way.

21 It's currently used as a pedestrian
22 walkway there. It is currently actively used by high
23 school students, I believe, to basically get into
24 that neighborhood across Fifth Street and to access
25 Abbott Avenue, East Homestead Avenue.

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1 width.

2 MR. ROCCIOLA: So, you'll put up "no
3 parking" signs?

4 THE WITNESS: So, yeah, that would be
5 fine if that was a condition and obviously, if the
6 fire official wants us to actually stripe that area
7 and provide a 20-foot wide fire lane, we would
8 certainly do that.

9 CHAIRMAN FERGUSON: Well, would you --
10 if the board made it a condition of the approval,
11 that the fire marshal, which I believe in this town
12 is Mike Valente, if he went down and took a look, you
13 would have no problem with that?

14 THE WITNESS: No, none whatsoever.

15 CHAIRMAN FERGUSON: You're okay with
16 that, Judd?

17 MR. ROCCIOLA: Yeah, it's up to the
18 fire marshal. I'm just -- you know, I'm concerned
19 that the 18 feet is recognized by RSIS. So, I would
20 like to see a professional sign off for the Borough.

21 THE WITNESS: Okay.

22 MR. ROCCIOLA: I'm comfortable.

23 THE WITNESS: Yeah.

24 MR. BOZANIAN: There would be no
25 objection.

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1 So, we're not going to cut that off.
2 We're going to maintain it. We are going to remove
3 some of the pavement in there and replace it with
4 grass. So, it's really going to be a walkway with,
5 you know, two grass strips on either side of it.

6 I think there was a comment from the
7 engineer who would maintain that. I don't know if
8 the client had any objections to us stipulating that
9 we would be responsible for the use of that area.

10 CHAIRMAN FERGUSON: Well, let me ask
11 you this question: If you had a title, right, I
12 assume you have a title to the property?

13 THE WITNESS: Title, yes, a title.

14 CHAIRMAN FERGUSON: Would the title lay
15 that out?

16 THE WITNESS: Not -- our title doesn't
17 address that strip. It only address the portion of
18 East Homestead which was vacated. So, our property
19 started out being 50 x 100. And then the second
20 track being 35 feet width and 88 feet depth of East
21 Homestead Avenue was vacated and it was acquired by
22 our owner, actually former owner of the property.

23 CHAIRMAN FERGUSON: So the title
24 wouldn't help us?

25 THE WITNESS: So, the title doesn't say

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1 specifically that that area is for a certain purpose.
 2 It just leaves it there. So, it vacates our --
 3 MR. BOZANIAN: It falls outside under
 4 the scope of the deed.
 5 CHAIRMAN FERGUSON: Steve.
 6 MR. COLLAZUOL: Yes. Mark, you
 7 mentioned the grass strip.
 8 THE WITNESS: Yes.
 9 MR. COLLAZUOL: I wasn't sure I heard
 10 who would maintain that grass strip after that
 11 pavement would be removed and soil and top soil and
 12 seed would be placed there.
 13 THE WITNESS: So, I believe we were
 14 offering to maintain that.
 15 MR. BOZANIAN: My understanding is the
 16 applicant would maintain that section.
 17 MR. COLLAZUOL: How would that be
 18 enforced? If the three-unit owners didn't maintain
 19 that?
 20 MR. BOZANIAN: In terms of?
 21 MR. COLLAZUOL: How would the
 22 homeowners association, how would the contract, the
 23 landscape company know that they had to take care of
 24 it?
 25 It's not within the property. There's
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1 really not a frontage like on a typical development.
 2 THE WITNESS: There could be some
 3 verbiage in the condominium association documents
 4 that would allow for maintenance of that area and
 5 specifically describe it as being. You know, we
 6 could give the dimensions. We have it shown 5 feet
 7 on the plan. The 5 feet, you know, on the southerly
 8 side of the property adjacent to the public sidewalk
 9 is to be maintained by the condominium association
 10 and that way that would be part of the legal document
 11 that is filed by deed in the Bergen County Clerks
 12 Office. Then I believe the borough would have the
 13 right if it is not maintained to, you know, fine or
 14 ticket the property owner for not maintaining their
 15 property. Just like anybody else, if you don't cut
 16 your grass, the borough has the right to come in.
 17 MR. COLLAZUOL: I recognize that, but
 18 this isn't something that is very easily identified
 19 and if the DPW or the police -- you know, their job
 20 isn't to take photographs of places that are -- I
 21 have just a little bit of a concern with that.
 22 The next I have is, as we know that
 23 there are utilities in the vacated portion of East
 24 Homestead Avenue.
 25 THE WITNESS: Yes.
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1 MR. COLLAZUOL: You have not shown or
 2 proposed any easements for the sanitary sewer, the
 3 storm drain, the electric -- well, I believe it would
 4 be underground -- or the gas. Are you proposing
 5 individual easements for all these utilities? A
 6 blanket easement over that 35 feet to accompany the
 7 site plan to be recorded with this if this project
 8 was to be approved, how would the -- right now I
 9 assume it's a descriptive easement, but there's
 10 nothing set forth on how these utilities will be
 11 maintained by either the utility company or the
 12 Borough.
 13 THE WITNESS: You're correct. So, when
 14 the road was vacated, to my knowledge, there was no
 15 specific written easement dividing a certain width
 16 and whatnot. So, based on your comments before,
 17 actually we add a note here, Steve, that we are
 18 proposing a 25-foot wide utility easement for the
 19 existing utility lines in the former right-of-way of
 20 West Homestead.
 21 So, our intention would be then to
 22 create a blanket easement across that area to cover
 23 all the existing utilities that lie within it. So
 24 that would be water lines, gas line, electric, storm
 25 sewer and sanitary sewer.
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1 MR. COLLAZUOL: And that would cover
 2 all the underground utilities?
 3 THE WITNESS: Correct.
 4 MR. COLLAZUOL: So, that would be
 5 written as part of the plan, meets and bounds
 6 description of the recorded deed that would be filed
 7 --
 8 THE WITNESS: Yes.
 9 MR. COLLAZUOL: -- at the clerk's
 10 office?
 11 THE WITNESS: Yes.
 12 MR. COLLAZUOL: That's satisfied.
 13 Talking about the utilities, Mark, have
 14 you received or have you designed how the overhead
 15 electric would be relocated if these poles were
 16 allowed to be or it was cost effective to have them
 17 moved? What are the two scenarios? If PSE&G came
 18 and said we're not moving these poles? What would
 19 you do?
 20 THE WITNESS: If they said we're not
 21 moving these poles, then the applicant would be
 22 forced to redesign the building, because he has to
 23 provide certain clearances for overhead wires to the
 24 structure itself.
 25 MR. COLLAZUOL: So, if this were to be
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1 approved, I would think that if that's the case, you
2 would have to return to this board for re-approval.

3 THE WITNESS: That would be true.

4 MS. TESTA: Right, that will be a
5 substantial change.

6 THE WITNESS: Right, it would certainly
7 depend on what exactly, you know, what or how much
8 we'd have to modify the building, but certainly we
9 would probably have to come back before this board.

10 I did contact PSE&G preliminary, Steve.
11 They did send me a little serve letter, but we really
12 haven't got to that point with construction documents
13 and, you know, contractors and whatnot to determine
14 where that pole is going to be relocated. That is
15 part of the construction phase.

16 MR. COLLAZUOL: Was that based on the
17 plan you submitted or just on the letter?

18 THE WITNESS: I sent them a copy of my
19 plan. They sent me a letter stating that they will
20 serve us with utilities.

21 MR. COLLAZUOL: A safety comment or
22 question, if any of these units have students, how
23 would students get to, say, they were high school
24 students, how would they leave the building and get
25 to that pedestrian walkway on the opposite side of

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1 the site?

2 THE WITNESS: Yeah, so, obviously, they
3 could go around to access that borough right-of-way
4 and walkway. If they're the end units, they'll walk
5 right across the grass onto Fifth Street.

6 You know, I saw that comment, Steve,
7 and I didn't put anything on our plan, because I
8 think that is something I want to discuss with you
9 and the board and find out how they want us to
10 approach it, because if we create a walkway directly
11 from Fifth Street, it could create a little bit of a
12 conflict with members of the public also would want
13 to use that and then be basically traversing private
14 property to get to Homestead Avenue.

15 So, it's a little bit of a conflict. I
16 do understand your concern, but my feeling was, I
17 think it's better to kind of force people to use the
18 public pedestrian access, rather than have them, you
19 know, accessing our property, because there's a
20 sidewalk that leads directly from the walk to the
21 public right-of-way on Fifth Street.

22 Unless the board thinks otherwise and
23 you think otherwise, we'll show it, but it does, to
24 me, seem to be an inherent conflict with the control
25 of our site versus the public domain.

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1 MR. COLLAZUOL: I recognize that and
2 that's why I bring it up. I think it's something
3 that should be on the plan where if there's three
4 students here living in these units, how they would
5 get to that walkway. There should be a designated
6 path to cross the vacated portion of East Homestead
7 somehow. Whether it be something down the middle
8 identified with a gate that's operated and closed.
9 It just seems like there's too much of nothing with
10 respect to the safety of anybody there. And other
11 students coming down, presuming that they continue to
12 walk wherever, because this is -- from our
13 experience, there's a fairly good volume of
14 pedestrian traffic with respect to students going to
15 the high school.

16 THE WITNESS: Yeah, it's an unusual
17 kind of site. We recognize that. It does lead to
18 some complications and how do you really address
19 that. I mean, I think ideally, and correct me Elton,
20 ideally I think the client probably would wish to
21 fence that area to prevent people from walking across
22 it.

23 MR. COLLAZUOL: I'm sorry, I didn't
24 hear you.

25 THE WITNESS: I said, ideally I believe
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1 our client would probably prefer to fence that area
2 to prevent people, meaning the public from walking
3 across their private property, because obviously
4 there's liability issues. If somebody walks across
5 there and trips and falls, you know, our owner, are
6 client would be liable for that.

7 MR. COLLAZUOL: The previous plan had a
8 fence across the frontage on Fifth Street on the top
9 of the wall. Now you don't have that. That was a
10 block before. Now you have completely open.

11 THE WITNESS: So, again, I left it off
12 because of that discussion purposely to see what the
13 board would prefer us to do. We would prefer to put
14 a fence across there, which we had mentioned, access,
15 so that's --

16 MR. BOZANIAN: There was concern about
17 any students, you know, regarding the eastern most
18 unit having to walk all the way -- the habit almost
19 to come back around the walk.

20 MR. COLLAZUOL: And I recognize that.
21 I think it's unresolved at this point. It should
22 come to some conclusion.

23 CHAIRMAN FERGUSON: Well, what would be
24 your recommendation, I mean?

25 MR. COLLAZUOL: I think there should be
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1 -- there's no sidewalk for this development. Usually
2 there's a least one sidewalk from the development to
3 a public thoroughfare. I think they should provide
4 something on the plan.

5 THE WITNESS: Well, the only option
6 then would be to provide a sidewalk from basically
7 where Unit C is to Fifth Street. That would be the
8 only available area for a sidewalk.

9 MR. COLLAZUOL: That's fine.

10 THE WITNESS: So, we could do that, but
11 then I think it would be best in our client's
12 interest to provide a gate. A fence across that so
13 it's not for public access.

14 MR. BOZANIAN: Otherwise could be
15 funneling in from Homestead to Abbott.

16 MR. COLLAZUOL: I would say that seems
17 like a reasonable solution, perhaps even provide a
18 setback to the fence from the right-of-way line to
19 create an additional landscaped area.

20 THE WITNESS: Yeah, sure. I think --

21 MR. COLLAZUOL: Because there's a curb
22 there that's only about 2 feet from the right-of-way
23 line. And in the normal section or the average, the
24 typical section in front of the main section of the
25 site there's at least 3 or 4 feet of lawn. So, you

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1 extension to the tangent of the sidewalk, that you
2 should continue in a northerly fashion the east side
3 of the curb of Abbott, extend the radius so it meets
4 the curb to the entrance.

5 THE WITNESS: Yep, I actually
6 considered that, Steve. In looking at it, there are
7 some sort of grading and drainage issues in that
8 area. So, if I were to do that, that would actually
9 create a low spot along Abbott Avenue and that's the
10 reason why I didn't do that. That's why I left it,
11 because I do believe currently right now there's a
12 gutter flow from Abbott Avenue that goes along the
13 gutter and it's kind of strangely pitched over here
14 (indicating) where it kind of carries around, but the
15 water is coming from the west on East Homestead and
16 comes around the corner as well.

17 So, I was afraid if I were to do what
18 you're describing on the grading and drainage plan,
19 we create a ponding situation in that area.

20 So, I thought it would be best to leave
21 that curb and turn the way it is and provide a catch
22 basin there to pick up that flow that's coming along
23 Abbott Avenue on the corner and also whatever is
24 coming off of East Homestead.

25 If I can make a suggestion, Steve, I
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1 can set it back, that might work very well.

2 THE WITNESS: So, yes. If I understand
3 you correctly, we do have a fence, by the way along
4 the southerly side through the property along the
5 right-of-way. So, if we were to continue that where
6 the turnaround area is to the north and then a couple
7 of feet off that curblin and then bring it back up
8 to the west so we have a nice little green open space
9 area here and then carry that pretty much right over
10 to the building corner like that. So it would be
11 kind of a dog leg type of fence going to the north,
12 going back to the line, the front line of the
13 building and then returning right to meet the
14 building corner. And then we could provide a gate
15 across the area and walkway from the easterly end of
16 the walk back at Unit C directly to the existing
17 sidewalk onto Fifth Street.

18 MR. COLLAZUOL: I would say
19 conditionally that sounds like it works.

20 CHAIRMAN FERGUSON: Okay, thank you.
21 Steve, you're done?

22 MR. COLLAZUOL: Oh, only we're just
23 chatting about the intersection north of on the
24 southeast corner of Abbott and East Homestead. Bot
25 Judd and I agree that where you have the blunt

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1 think this is something that maybe it would be best
2 if the three of us meet at the site and kind of
3 determine what the best solution is, rather than
4 trying to decide it right now.

5 I'm certain that whatever options and
6 opinions and directives you give us we'll take under
7 consideration, but that's the reason why I did what I
8 did. I was afraid if I did what you're suggesting,
9 we may have a ponding issue.

10 MR. COLLAZUOL: I'm fine, Mr. Chairman,
11 if it becomes a technical meeting at the site to
12 resolve that issue. And as long as you can get Judd
13 to come out of retirement.

14 CHAIRMAN FERGUSON: That's fine.
15 You finished now, Steve?

16 MR. COLLAZUOL: Yes.

17 CHAIRMAN FERGUSON: Thank you.
18 Judd, do you have anything more?

19 MR. ROCCIOLA: That's it for me.

20 CHAIRMAN FERGUSON: You're going to
21 wait for their expert?

22 MR. KAUKER: I don't have anything.

23 THE WITNESS: I'm sorry, can I just ask
24 one more question, Steve? I know you had also
25 questioned or asked if you can add some additional

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1 retention in east -- old East Homestead Avenue
 2 right-of-way, that was one of your comments.
 3 MR. COLLAZUOL: Yes.
 4 THE WITNESS: So, I did look at that
 5 and as you know there's a lot of utilities there.
 6 So, I have not shown any additional retention within
 7 the old right-of-way, but I think that's something,
 8 if you want, we can look at that and, again, maybe
 9 discuss it with some of the utility companies and see
 10 if maybe then we'll do something small there, maybe a
 11 small, you know, a 12-inch diameter pipe with a stone
 12 trench, you know, just to provide something there. I
 13 mean, don't forget we are taking about 5 feet, 5 by 8
 14 feet, you know, existing pavement away from that
 15 area. So, in effect we are reducing the overall
 16 amount of impervious coverage over those areas and
 17 that in effect decreases the runoff of in that area.
 18 MR. COLLAZUOL: Yes, I assume that by
 19 you saying you agree to the comments in the report,
 20 that we would get to that, but maybe you should
 21 provide some additional concepts of what you might --
 22 THE WITNESS: Okay.
 23 CHAIRMAN FERGUSON: Okay. Steve, are
 24 you done?
 25 MR. COLLAZUOL: Yes.

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1 down the hill towards --
 2 VICE CHAIRMAN ALBANESE: They're coming
 3 down, they make the left to go onto 46 West.
 4 MS. LAMBRINIDES: Route 5, they're
 5 coming down Route 5.
 6 THE WITNESS: Route 5, right.
 7 VICE CHAIRMAN ALBANESE: Yeah, you got
 8 to put something there, because, you know, if there
 9 is anybody behind, anybody walking there, the cars
 10 could go right through and kill them.
 11 THE WITNESS: There's an existing
 12 guardrail there. I would really defer to your
 13 experts on that.
 14 MR. BOZANIAN: My only comment with
 15 respect to that is that's the existing condition
 16 that's there and this plan is not going to change the
 17 volume of the foot traffic, other than maybe one more
 18 set of families that are going to walk through.
 19 VICE CHAIRMAN ALBANESE: Yeah, but I'm
 20 concerned about if somebody goes through there,
 21 somebody is going to get killed.
 22 MR. BOZANIAN: Right, but that's how it
 23 exists now, so if that's not changing --
 24 VICE CHAIRMAN ALBANESE: Yeah, but
 25 there's nobody there now. Now you're putting a

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1 CHAIRMAN FERGUSON: So Mr. Albanese
 2 just reminded me that at the last meeting we had a
 3 discussion about a wall. Mr. Albanese is concerned
 4 about cars coming down Homestead.
 5 MR. CARNOVALE: Homestead.
 6 CHAIRMAN FERGUSON: Down Homestead from
 7 Roff Avenue.
 8 VICE CHAIRMAN ALBANESE: Coming down,
 9 making a left to go on 46.
 10 CHAIRMAN FERGUSON: And he's afraid
 11 that a wooden barrier that's there now wouldn't be
 12 sufficient to stop a car from going right through and
 13 right into it.
 14 MR. BOZANIAN: Fifth Street?
 15 CHAIRMAN FERGUSON: So he's looking --
 16 MR. BOZANIAN: Going into --
 17 CHAIRMAN FERGUSON: Going into Fifth
 18 Street.
 19 VICE CHAIRMAN ALBANESE: Where the side
 20 is or the rear, if you want to call it the rear
 21 that's facing Homestead Avenue, a car can go right
 22 through there. They come down there, you know,
 23 sometimes they're doing 35, 40 miles an hour.
 24 THE WITNESS: You're talking about the
 25 cars that are going west on East Homestead Avenue

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1 building.
 2 MR. CARNOVALE: There's no house on
 3 Homestead Avenue there. Your house is on Fifth
 4 Street.
 5 MR. COLLAZUOL: Paul, there used to be
 6 Jersey barriers there, too.
 7 MR. CARNOVALE: Yeah, that barrier is
 8 broken now, Steve.
 9 MR. COLLAZUOL: There was a concrete
 10 Jersey barrier there with the guardrail. I think it
 11 is inherent to the application, because the site does
 12 front on that, so...
 13 MR. CARNOVALE: Exactly, that's why
 14 your own people buying the house or living there,
 15 when they come out in their driveway or pull-in, a
 16 car can come down and kill them, so...
 17 THE WITNESS: Well, you know, just --
 18 MR. BOZANIAN: But that's not --
 19 THE WITNESS: We're talking about the
 20 building itself. The curblin of the building is
 21 basically -- the curblin of East Homestead is more
 22 or less in line with the building. So, if you're
 23 going straight down, you wouldn't be going directly
 24 into our building. You would be going basically
 25 where East Homestead Avenue is right now. That would

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1 be now a driveway and a landscaped area.
 2 MR. BOZANIAN: So the concern is the
 3 driveway?
 4 VICE CHAIRMAN ALBANESE: There's going
 5 to be a lot more people there. Even the kids
 6 crossing, you're going to make them walk over there,
 7 too.
 8 THE WITNESS: Well, no, let my just
 9 state one thing. We're not doing anything here
 10 that's going adversely impact this intersection. As
 11 a matter of fact, we're making it better, because
 12 we're removing a driveway curbcut that's right here
 13 on Fifth Street right now. So that's going to be a
 14 positive improvement. Anything that you're talking
 15 about is an existing condition that is not being
 16 created by our development. So, if there's a hazard
 17 right now, it's not because we're putting three
 18 townhouse units here. Our parking, our driveways are
 19 not accessing Fifth Street. So, we're not creating
 20 any additional hazardous area on this intersection of
 21 Fifth Street and East Homestead Avenue.
 22 We would be happy to make whatever
 23 improvements that the borough and their experts would
 24 like us to do, but I just wanted to make that clear.
 25 MR. CARNOVALE: But coming down
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1 Homestead Avenue -- that was Homestead Avenue. I
 2 understand the barrier is broken, it's got nothing to
 3 do with you guys, but the access to your three units
 4 is right there and your proposing a fence there with
 5 a gate there. So, the fence and the gate is not
 6 going to stop a car doing 60 miles an hour from
 7 running right into your project.
 8 THE WITNESS: I just want to make sure
 9 we're clear. So, we don't have any vehicular access.
 10 Our access is off of the west side.
 11 MR. CARNOVALE: Right. What about the
 12 cars coming -- what about the cars coming down
 13 Homestead?
 14 MR. BOZANIAN: So, what is -- what I'm
 15 understanding the board is indicating a concern about
 16 is if there's somebody in the driveway area over
 17 where the turnaround is --
 18 MR. CARNOVALE: Right, could get
 19 killed, that's what we're --
 20 THE WITNESS: Well, that condition
 21 exists right now.
 22 MR. CARNOVALE: No, there's no house
 23 here.
 24 THE WITNESS: There's pavement that
 25 goes right to the site. There's pavement that goes
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1 right currently, right now East Homestead Avenue.
 2 MR. CARNOVALE: Right, but there's --
 3 Mark, no disrespect, there's no cars coming in and
 4 out of your own project.
 5 MR. BOZANIAN: But there's foot traffic
 6 over there.
 7 VICE CHAIRMAN ALBANESE: I would like
 8 to see something there. I would like to see a wall
 9 there.
 10 THE WITNESS: That's fine. I don't
 11 think we have an objection.
 12 VICE CHAIRMAN ALBANESE: That takes
 13 care of that.
 14 THE WITNESS: The only caveat we would
 15 say, we would have to comply with the borough
 16 engineer's and your traffic engineer's
 17 recommendations and whatever DOT requirements there
 18 are.
 19 VICE CHAIRMAN ALBANESE: No, no, no.
 20 THE WITNESS: Because if we put a
 21 10-foot high --
 22 VICE CHAIRMAN ALBANESE: We can put it
 23 in a variance. You're looking for a variance, that's
 24 what you need, a variance.
 25 THE WITNESS: Well, it has to comply
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1 with code.
 2 VICE CHAIRMAN ALBANESE: Listen, that's
 3 going to be in the variance. If you can't put the
 4 wall up, then you're not getting the variance.
 5 THE WITNESS: Well, that's fine.
 6 VICE CHAIRMAN ALBANESE: Okay, that's
 7 fine with me.
 8 Subject to the wall being put up there,
 9 if you can't put up, as far as I'm concerned, you
 10 don't get the variance.
 11 THE WITNESS: I have to defer to the
 12 attorney on this.
 13 MR. COLLAZUOL: As a suggestion, up on
 14 the top where 13th Street and East Palisades come
 15 together, the Borough is doing a road improvement
 16 project there and we had the same situation and we
 17 designed a timber guardrail as a warning device,
 18 that's timber, they were 12 by 12 timbers, they stood
 19 about waist high and they're still up there.
 20 That's a suggestion in front of the
 21 fence. They are standing against the landscaping and
 22 a fence. So, the timber guardrail could be in the
 23 front of the fence and then you have the metal
 24 guardrail.
 25 VICE CHAIRMAN ALBANESE: You got to put
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1 something there. You've got to put something there.
 2 THE WITNESS: There is an existing
 3 guardrail there.
 4 VICE CHAIRMAN ALBANESE: The guardrail
 5 -- those guardrails ain't worth seven cents.
 6 THE WITNESS: Okay.
 7 VICE CHAIRMAN ALBANESE: Go look at
 8 that guardrail now, you wouldn't want to live there.
 9 MR. COLLAZUOL: Paul, you can ask them
 10 to replace the guardrail. You can ask them to
 11 replace the guardrail.
 12 VICE CHAIRMAN ALBANESE: Yeah, yeah, of
 13 course.
 14 MR. CARNOVALE: Well, actually, Steve,
 15 the guardrail is not on their property. I don't know
 16 the legalities of it, but I would be more interested
 17 since they're putting a fence there, could they put a
 18 poured concrete wall in front of the fence?
 19 THE WITNESS: What we can do is -- let
 20 me make a suggestion, that we leave the guardrail
 21 there, that's a public -- you know, we don't want to
 22 take that out, but that we provide some kind of
 23 planting or planter wall in that area.
 24 VICE CHAIRMAN ALBANESE: I would like
 25 to see a wall there.

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1 THE WITNESS: If we make a three-foot
 2 high wall, make that a planter across basically the
 3 width of your -- approximately 30 feet in width,
 4 that's going to effectively provide that barrier.
 5 And that will be on our property and not in the
 6 borough right-of-way.
 7 CHAIRMAN FERGUSON: Well, I have a
 8 suggestion. It's obvious to me that some board
 9 members would like a wall there. So, why don't you
 10 get together with Mr. Rocciola and Steve with your
 11 experts, go to the site. You can talk about up
 12 above, about below. Steve would make a
 13 recommendation to the board; is that all right with
 14 you, Pauly?
 15 VICE CHAIRMAN ALBANESE: Yeah.
 16 CHAIRMAN FERGUSON: You know, and see
 17 if we can work it out.
 18 THE WITNESS: That's fine.
 19 CHAIRMAN FERGUSON: Because it seems
 20 that we're not going to accomplish this tonight.
 21 THE WITNESS: I'm okay with that. I'm
 22 also okay with, you know, proposing to the board that
 23 we do provide a 3-foot high planter made out of
 24 reinforced concrete or some kind of masonry material
 25 in that area and that way we can provide a --

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1 VICE CHAIRMAN ALBANESE: Do something
 2 that can stop a car coming down, so that nobody gets
 3 killed. That's all.
 4 THE WITNESS: It's going to help --
 5 VICE CHAIRMAN ALBANESE: I'm not
 6 looking for A 10-foot wall. 3, 4-four foot wall or
 7 something.
 8 THE WITNESS: Right.
 9 VICE CHAIRMAN ALBANESE: Poured
 10 concrete, fine. You know, decorative, you can make
 11 it a little decorative, you know, it's up to you.
 12 THE WITNESS: Yeah. We'll make a
 13 planter out of it, so it's not just a vertical wall.
 14 VICE CHAIRMAN ALBANESE: No, no, no.
 15 THE WITNESS: And maybe they can
 16 decorate it or put some nice stucco finish or brick
 17 face on it to make it look like it's part of the
 18 development and not, you know, just something that's
 19 --
 20 CHAIRMAN FERGUSON: Okay.
 21 MR. BOZANIAN: Can that be done without
 22 -- I'm sorry, can that be done without interfering
 23 with ingress, egress of whatever we're talking about?
 24 THE WITNESS: Yes, because we'll
 25 basically follow where I had drawn in the fence.

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1 Here, we're going to follow that same kind of line;
 2 here it is. So, where we have the fence at the end
 3 of the turnaround area, now we're going to provide
 4 somewhat of a planting wall, you know, and here's one
 5 of the other caveats, I think we should discuss this
 6 on-site with the engineers for the board and traffic
 7 engineer, but if it's feasible, I think that would be
 8 the best alternative regarding the planting area.
 9 We would run along the Borough
 10 right-of-way on our property approximately 3 feet in
 11 width and we would put plantings in there and then
 12 the fence would be on the westerly side to provide
 13 for safety and security --
 14 MR. CARNOVALE: Mark, I'm sorry. There
 15 is some -- as Steve will tell you, if you go visit
 16 the site, there's several catch basins, they're flush
 17 with the asphalt. So, they would be beyond that?
 18 THE WITNESS: Yeah, those catch basins
 19 were out in the street here (indicating). There's
 20 two of them. One was towards the northerly side of
 21 East Homestead. One was towards the southerly side.
 22 So, those are not impacted at all.
 23 MR. CARNOVALE: What about the water
 24 coming down Homestead from -- from the --
 25 THE WITNESS: West?

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1 MR. CARNOVALE: Yeah.
 2 THE WITNESS: So, yes, we addressed
 3 that and that's what we were talking about before
 4 about the ponding issue, potentially, if were to
 5 change the radius. We have provided two new catch
 6 basins onto the west of our property to pick up that
 7 flow coming down East Homestead. And also a new
 8 catch basin in our driveway. There's going be an E
 9 inlet, basically a 4 by 4, a large size inlet. So,
 10 if it does overflow and get past those catch basins,
 11 we can capture it and tie it back into the existing
 12 storm drains.

13 MR. CARNOVALE: I'm not an engineer,
 14 but I mentioned to Steve that those catch basins back
 15 up all the way passed almost up to Seventh Street
 16 when it rains heavy. So, that would be something for
 17 Steve to discuss.

18 THE WITNESS: Sure, we can look at
 19 that. I did notice, I was actually at the site one
 20 day after it rained and there was a lot debris that
 21 was left there. Particularly the one on the south
 22 side was filled with debris and wasn't useful at all.
 23 So, that could be happening. I think that's more of
 24 a maintenance issue. You know, obviously this is the
 25 lower point here in this area, so you're collecting a

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1 lot of runoff, you're collecting a lot of debris. I
 2 think it probably just needs to be cleaned out.
 3 MR. CARNOVALE: That would be something
 4 for Steve to look into.

5 CHAIRMAN FERGUSON: All right. Any
 6 other board members have anything?
 7 (No response.)

8 CHAIRMAN FERGUSON: Reporter, do you
 9 want to take a five-minute break?

10 MS. LAMBRINIDES: Are you okay?

11 THE COURT REPORTER: I'm okay.

12 CHAIRMAN FERGUSON: Yes?

13 MS. LAMBRINIDES: No, she's okay.

14 CHAIRMAN FERGUSON: She's okay?

15 THE COURT REPORTER: Yes. Thank you.

16 CHAIRMAN FERGUSON: Okay. Do you want
 17 to call your next witness?

18 MS. TESTS: Please raise your right
 19 hand. Do you swear that the testimony that you give
 20 in this application will be the truth, the whole
 21 truth and nothing but the truth so help you God?

22 MR. ZAMPOLIN: I do.

23 R O B E R T Z A M P O L I N,
 24 187 Fairview Ave, Westwood, New Jersey, having
 25 been duly sworn, testifies as follows:

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1 MS. TESTA: Please state your name and
 2 spell it for the record.

3 THE WITNESS: Certainly. It's Robert
 4 Zampolin, that's Z-A-M-P as in Peter-O-L-I-N.
 5 Licensed architect in the State of New Jersey.

6 MR. BOZANIAN: I would ask the board it
 7 recognizes the qualifications of Mr. Zampolin.

8 CHAIRMAN FERGUSON: Well, has he ever
 9 been before the board before?

10 THE WITNESS: I don't -- I've been --
 11 it's 34 years. The room looks vaguely familiar, but
 12 I don't recall being here for quite some time, sir.

13 CHAIRMAN FERGUSON: Do you want to give
 14 him a quick --

15 MR. BOZANIAN: Sure.

16 THE WITNESS: Certainly. I have a
 17 bachelor of science degree in architecture from New
 18 Jersey School of Architecture at NJIT. I graduated
 19 back in 1981. I started my private practice in
 20 November of 1985. I've been in business in New
 21 Jersey for 34 years now. I'm licensed in Florida and
 22 I'm also licensed in California where I actually flew
 23 out to take the exams out in California.

24 CHAIRMAN FERGUSON: Have you appeared
 25 before other boards in New Jersey?

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1 THE WITNESS: I've been almost to all
 2 the surrounding towns in this area. I've been before
 3 Fort Lee, Cliffside Park, sir, Edgewater, Teaneck. I
 4 haven't had the pleasure of Palisades Park.

5 CHAIRMAN FERGUSON: Okay. We'll
 6 accept.

7 VICE CHAIRMAN ALBANESE: You can't say
 8 that no more.

9 THE WITNESS: I look forward to this
 10 opportunity.

11 CHAIRMAN FERGUSON: Okay.

12 MR. BOZANIAN: Thank you.

13 DIRECT EXAMINATION

14 BY MR. BOZANIAN:

15 Q. Mr. Zampolin, have you prepared the
 16 plans for today?

17 A. Yes, I have. We prepared drawings A-1
 18 through A-4. We have a color rendering as well.

19 What number are we up to?

20 MS. TESTA: What's the date of those
 21 plans?

22 THE WITNESS: They are also May 9th,
 23 2019.

24 MR. BOZANIAN: I'm currently up to A-7?

25 MS. TESTA: Yeah.

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1 BY MR. BOZANIAN:

2 Q. I would ask that you mark A-8.

3 A. **A-8, would be our proposed basement and**
4 **first floor plan.**

5 (Whereupon, proposed basement and first
6 floor plan is received and marked as Exhibit
7 A-8 for identification.)

8 THE WITNESS: A-9 would be our proposed
9 second floor and proposed third floor plan.

10 (Whereupon, proposed second floor and
11 proposed third floor plan are received and
12 marked as Exhibit A-9 for identification.)

13 THE WITNESS: A-10 would be our proposed
14 terrace plan.

15 (Whereupon, terrace plan is received
16 and marked as Exhibit A-10 for
17 identification.)

18 THE WITNESS: A-11, would be our
19 proposed exterior elevations.

20 (Whereupon, exterior elevations plan is
21 received and marked as Exhibit A-11 for
22 identification.)

23 THE WITNESS: A-12 would be our color
24 rendering.

25 (Whereupon, color rendering is received

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1 and marked as Exhibit A-12 for
2 identification.)

3 BY MR. BOZANIAN:

4 Q. What is the date on those?

5 A. **May 9th. All May 9th.**

6 Q. Why don't we start with A-8.

7 Will you describe to the board what you
8 have?

9 A. **Certainly. What we have before the**
10 **board is our proposed basement plan and our proposed**
11 **first floor plan and as Mark mentioned, the site is a**
12 **unique site. Obviously, this building unlike a lot**
13 **of the other buildings that normally would come in**
14 **with garages facing the right-of-way, this building**
15 **is actually turned 90 degrees from the street.**

16 So, obviously all of our garages are
17 south facing in terms of it's orientation. And then
18 another things that we also try to do is we create
19 the entrances at the first floor level eliminating
20 the need for those kind of really large staircases
21 and the railing systems that all go up to the primary
22 living area. So, all of the entrances are located on
23 the first floor plan.

24 And just to go to the basement plan,
25 what we're proposing in the basement plan, there is a

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1 small basement. The basement on the end units

2 measure about 610 square feet in all three units.

3 What we're proposing there is just
4 basically a game room and mechanical room.

5 Obviously, the area underneath the
6 two-car garages is all unexcavated space and we're
7 proposing a powder room.

8 On the first floor plan, which is
9 actually the ground floor plan, is where Mark talked
10 about our actual two-car garages. Unlike the
11 previous application, which was just a one-car garage
12 at best, it was a one-car garage, but now we actually
13 have true two-car garages that are 19 by 20. The end
14 units actually have storage areas as well within the
15 garages. And the end units have entrances that are
16 located to the sides. And we still are able to
17 accommodate about a four and half foot wide entrance
18 gallery from the interior units.

19 The building also has overall
20 dimensions of approximately 79 feet running from
21 Fifth Street all the way going to the west.

22 And our depth varies from 46 feet going
23 from front to back from the base of the garage door
24 to the wall at the north.

25 And Mark talked about a 2-foot jog in a

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1 building and we did that based on the board's concern
2 that, you know, a 79-foot wall, flat wall was a
3 little uninspiring on the north face.

4 So, we created some jogs in the
5 building just to add some interest.

6 And the, again, the first floor is just
7 primarily a big recreation room, an entrance hall,
8 nice grand staircase that goes up to the second
9 floor, which is the main living area and the powder
10 room and that basically describes the first floor.

11 The square footage of the first floor
12 area is about -- finished living space, we have about
13 700 square feet of living space on the end unit
14 furthest to the west. There's 800 square feet of
15 finished living space on the interior unit.

16 And approximately 700 square feet on
17 the end unit that faces closer to Fifth Street.

18 The building is proposed as all brick
19 and a panelized aluminium paneling system on the
20 upper stories. And we'll get into that on the
21 elevations.

22 And then on A-9, which is our upper
23 floors, again, the second floor plan is the primary
24 living floor and, you know, over the past, you know,
25 five years, three years, four years, it's almost the

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1 lack of walls and lack of partitions that create
2 spaces now. It's really just furniture systems that
3 really create groupings. So really the second floor
4 is quite honestly, it's an open plan. The only walls
5 are the walls that create a powder room, a pantry
6 closet and a storage closet. Everything else is just
7 defined by furniture.

8 Obviously we're locating our living
9 room and dining room areas. The living room is to
10 the south. The dining area is closest to the kitchen
11 and the back wall of the kitchen faces all towards
12 the south.

13 We have a wide staircase going up to
14 the third floor and fireplaces. And then what we
15 also proposed is in addition to on the footprint of
16 the building there are cantilevers that we're looking
17 to propose to create shadow lines on the facade of
18 the building. So we're proposing 3-foot cantilevers
19 at the living room areas.

20 And then on the third floor areas,
21 we're proposing a 3-foot cantilever, which dominates
22 part of our master bathroom.

23 And then on the end additions, there's
24 not quite a 2-foot cantilever, which creates a
25 bumpout on the facades on the far east and far west

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1 by bedroom number three.

2 And then on the third floor plan is
3 really just -- the third floor plan is really the
4 bedroom wing. We have the master bedrooms, which are
5 all located towards the south and they take advantage
6 of the cantilevers. And the children's bedrooms are
7 located to the back and to the sides.

8 There's a hall bathroom, as well as a
9 laundry closet and then there's the staircase that
10 goes obviously down to the second floor living area.
11 And then we also have a staircase that goes up to the
12 roof terrace level.

13 And on A-10, it's just a single plan
14 which is basically just a roof terrace level, which
15 is basically the outdoor living space for any of the
16 homeowners. The only actual structure that actually
17 comes up and comes beyond the roof deck elevation are
18 the three stair tower elements. They're about 4 feet
19 wide and about 14 feet long.

20 So, when Mark told you about the 39
21 foot, 2 inch building height, that's taking off the
22 highest elevation at the stair towers.

23 The rest of the building is
24 significantly lower to what Mark said, about 31 feet
25 -- 31 foot 8 inches is the overall building height at

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1 the terrace level. And, again, at the terrace level,
2 what we're proposing on the south side, you'll see on
3 the elevations, it's a glass railing system
4 overlooking the views to the south.

5 And there's a 42-inch height parapet
6 wall that goes around the other remaining three sides
7 of the building. A, for some privacy and for
8 screening of any type of condenser unit, which would
9 be located behind some walls.

10 And A-11 is two of the elevations and,
11 again, it's an all-brick building. Brick that comes
12 up on all three levels. And the rear elevation,
13 which is actually our north-facing elevation is a
14 brick base with a brick vertical with the
15 projections, in terms of that 2-foot projection that
16 we have. We have our panelized aluminum skin system
17 to break up the brick.

18 And then we have our three cantilevers
19 on the south facade, which, again, what we're
20 proposing is floor-to-ceiling windows in the living
21 and master bedroom levels.

22 CHAIRMAN FERGUSON: Why don't we -- why
23 don't we break for the oxygen delivery to cease.

24 Yeah, we'll take a five-minute break.
25 (Whereupon, a short recess is held.)

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1 CHAIRMAN FERGUSON: Okay, let's get
2 back in. Do you want to take a roll call?

3 MS. LAMBRINIDES: Okay, attendance.
4 Mr. Ferguson?

5 CHAIRMAN FERGUSON: Here.

6 MS. LAMBRINIDES: Mr. Albanese?

7 VICE CHAIRMAN ALBANESE: Here.

8 MS. LAMBRINIDES: Mr. Terranova?

9 MR. TERRANOVA: Here.

10 MS. LAMBRINIDES: Mr. Min?

11 MR. MIN: Here.

12 MS. LAMBRINIDES: Mr. Nam?

13 MR. NAM: Here.

14 MS. LAMBRINIDES: Ms. Yoon?

15 MS. YOON: Here.

16 MS. LAMBRINIDES: Mr. Carnovale?

17 MR. CARNOVALE: Here.

18 MS. LAMBRINIDES: Ms. Tarabocchia?

19 MS. TARABOCCHIA: Here.

20 MS. LAMBRINIDES: Mr. Lefteriou?

21 MR. LEFTERIOU: Here.

22 CHAIRMAN FERGUSON: Okay, Counsel.

23 MR. BOZANIAN: Thank you.

24 CHAIRMAN FERGUSON: Take it away.

25 BY MR. BOZANIAN:

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1 **Q.** Mr. Zampolin, make reference to A-11.
 2 **A.** **What we were talking about was**
 3 **obviously we have our three cantilever areas, you**
 4 **know, which are located above one of the double**
 5 **garage doors and as what Mark testified to is like**
 6 **per his recommendation, we stepped each building down**
 7 **8 inches in terms of topography to work with the**
 8 **contours and then have three cantilevers are located**
 9 **above the garage doors. And obviously, where we have**
 10 **our flush brick condition, the brick comes all way**
 11 **up.**

12 Then we have, again, on the far corners
 13 is we have that small 3-foot cantilever, which is
 14 located at the master bathroom up on the third floor
 15 area and then we have our glass railing system, which
 16 creates the views to the south from our roof terrace
 17 elevation and then to what Mark was talking about
 18 with the 39 foot 2 inch dimension, that's actually to
 19 the bulkhead of the stair towers, but you can see
 20 that the stair tower that's located from Fifth
 21 Street, it's located approximately 25 feet away from
 22 the building footprint line from Fifth Street.

23 And, again, it's also located
 24 approximately 17 feet back from the face of the
 25 garage doors and 12 feet back from our north property

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1 line. So, although obviously the dimension is taken
 2 to the highest elevation, it's really a small element
 3 in terms of the overall design of the building and
 4 would not be seen from around the property.
 5 Certainly from a distance and up high, it will
 6 certainly be visible, but up close it won't be
 7 visible.

8 Again, I don't know if anybody heard
 9 me, the windows would be floor to ceiling on the main
 10 living area and in the master bedroom suite. Our
 11 ceiling heights on all three floors would be 9 feet
 12 at the first floor, second floor and third floor
 13 levels and that's pretty much it on the 2-D drawings.

14 And the 3-D rendering just shows an
 15 illustration of a contemporary look of the building,
 16 which, again, is popular these days and our glass
 17 railings systems for the individual roof terraces for
 18 each individual home owner, because contemporary
 19 style overhead garage doors that are 16 feet wide for
 20 each one is two-car bays.

21 And, again, just the brick systems and
 22 obviously, all the casement windows systems.

23 And that's our proposal.

24 **Q.** And A-12, the garage doors that you're
 25 showing there, those are different than what were in

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1 your previous plan, correct?
 2 **A.** **Correct. The garage doors before were**
 3 **really just kind of more like of a covered carport.**
 4 **It really wasn't really a garage.**

5 **Q.** Previously the cars would have actually
 6 extended into the driveway area?

7 **A.** **Correct, the garages, I believe, were**
 8 **15 feet deep and maybe like 10 or 11 feet wide.**

9 **Q.** And currently they will be fully
 10 contained within the garage area?

11 **A.** **Correct, they're 19 by 20, which would**
 12 **be adequate room to fit, you know, two regular**
 13 **vehicles.**

14 MR. BOZANIAN: Does the board have any
 15 questions?

16 CHAIRMAN FERGUSON: So, I just have,
 17 for me just one overriding question. I'm not an
 18 architect. I mentioned this at the last meeting, you
 19 weren't here, but why do you need the subbasement?
 20 You're not excavating anything in the front. And you
 21 have these game rooms with a bathroom in the back.
 22 Wouldn't it be more beneficial to you if you didn't
 23 have to excavate, you didn't have those rooms, just
 24 start like on the ground level. Just go -- you know,
 25 just, you know, put the garage on the ground level,

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1 you know, with whatever you want behind it and then
 2 you do your two stories and then also whatever you
 3 want to put on top. I don't have an opinion on it,
 4 but it makes the building that high.

5 So, the question is why do you need,
 6 you know, those game rooms on the bottom?

7 THE WITNESS: Just, I guess, additional
 8 living space for the individual owners and obviously
 9 there is a mechanical room. Certainly relocating the
 10 mechanical room someplace to the first floor, but
 11 there would just be more living space for the
 12 residents.

13 CHAIRMAN FERGUSON: Well, you know,
 14 when I hear the words "living space," I get very
 15 nervous, because it's almost like, you're going to
 16 make these bathrooms down there. You know, you have
 17 a bathroom, put a sink in. And I'm just afraid that
 18 maybe something can go into that area.

19 THE WITNESS: Yeah, when we present in
 20 Cliffside Park and in Fort Lee, that's always the
 21 concern. We did just show powder rooms.

22 CHAIRMAN FERGUSON: Yeah, no, I
 23 understand. I understand there's no tubs, no
 24 showers.

25 THE WITNESS: You know, I've seen plans
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1 unfortunately, that have really oversized powder
2 rooms. So, you know what happens when you look at
3 some of these drawings and then you kind of know
4 what's going to happen later on, which is illegal.

5 CHAIRMAN FERGUSON: Right. Well,
6 Palisades Park got a thousand of them. But the
7 question is: What do you need it for? I mean, this
8 beautiful building that you're showing us, do you
9 need that game room on the bottom level?

10 THE WITNESS: I know it was a request
11 from the client, but the client's not here. So, I'm
12 not sure I can say to take it out.

13 CHAIRMAN FERGUSON: Well, that's okay,
14 because we're not going to --

15 MR. BOZANIAN: Well, I can ask some
16 questions on that.

17 BY MR. BOZANIAN:

18 **Q.** One question that I would ask is: What
19 are the dimensions of those recreation rooms?

20 **A. It's 18 by 18. You know, it's just a**
21 **clean square room. I mean, that really is just truly**
22 **a powder room at 6 and a half by 5 and half and just**
23 **a mechanical space.**

24 **Q.** You're talking about a space that's
25 less than 400 square feet?

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1 you have it here on all three floors. Is there a
2 structural reason for that? I don't see any, but I'm
3 not that smart.

4 THE WITNESS: It's just for the
5 aesthetics and the feeling of the rooms.

6 You know, we really don't do 8 feet
7 anymore in spaces. The only spaces that we really
8 generally just do 8 feet, is just really at the
9 ground floor levels, you know.

10 So, if need be, we would take a foot
11 off the ground floor level, but the dining and the
12 main living areas and the second, the bedrooms on the
13 third, it just creates a little bit feeling of more
14 volume and bigger windows.

15 MR. CARNOVALE: Usually -- I'm not the
16 only here, but the board frowns on having 9 feet
17 sometimes, because your height is going to be kind of
18 high. So, the board usually frowns on 9 feet even in
19 the middle floor, but I have no problem with it, but
20 you have all three floors are 9 foot.

21 Joe?

22 CHAIRMAN FERGUSON: Yes.

23 MR. CARNOVALE: I was asking the
24 gentleman, they have 9 feet on every floor.

25 CHAIRMAN FERGUSON: Right.

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1 **A. No daylight, so a bedroom would be**
2 **completely illegal, because there would be absolutely**
3 **no natural light or egress, you know, for a bedroom**
4 **down there.**

5 CHAIRMAN FERGUSON: Well, I just -- you
6 know, I just don't see the need for it. That's the
7 thing that I can't get, you know.

8 You know, and obviously we're not going
9 to resolve this tonight, but, you know, you think it
10 would be easier if you don't have to excavate or
11 anything, you can just drive right in and do your
12 ground floor, one, two, three. I think that's up on
13 top, I don't know.

14 MR. CARNOVALE: Joe.

15 CHAIRMAN FERGUSON: Yes.

16 MR. CARNOVALE: I got a question about
17 something else.

18 CHAIRMAN FERGUSON: Okay, Steve. All
19 right, do you want take it? Go.

20 MR. CARNOVALE: Sir, you said your
21 height on all three floors is 9 feet?

22 THE WITNESS: Correct.

23 MR. CARNOVALE: What's the reason for
24 that? Because usually on a regular construction, 9
25 foot on the living room, dining room, kitchen, but

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1 MR. CARNOVALE: And I know the board
2 kind of frowns sometimes even in a living room,
3 dining room, kitchen. Well, though, I personally
4 don't have a problem with one floor. They have all
5 floors 9 feet.

6 CHAIRMAN FERGUSON: Right.

7 MR. CARNOVALE: There's no structural
8 reason for it. I just wanted to bring that up in
9 case you guys didn't catch it.

10 CHAIRMAN FERGUSON: Well, why don't we
11 do this, how about the first floor with the living
12 room, why don't we leave that at 9 and then the next
13 --

14 MR. CARNOVALE: The ground floor and
15 top floor cut it down to 8?

16 CHAIRMAN FERGUSON: Cut it down, you
17 know.

18 MR. CARNOVALE: That would help you on
19 your height.

20 MR. BOZANIAN: I don't think there
21 would be any concern with that on the part of the
22 applicant.

23 CHAIRMAN FERGUSON: Yeah, because I
24 know living quarters, you know, living room, they
25 like a nice ceiling.

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1 THE WITNESS: Plus the space is so
2 open, there's really no small room. It's almost like
3 -- it's like a 1200-square-foot room with a 9-foot
4 ceiling.

5 CHAIRMAN FERGUSON: All right. So, you
6 got that, you know.

7 MR. BOZANIAN: I think we can work with
8 that. So, if you reduce the 8 on the ground and the
9 second floor --

10 MR. CARNOVALE: That would be the
11 ground and the third, I believe.

12 THE WITNESS: Ground and the third.
13 The second floor is the living area.

14 CHAIRMAN FERGUSON: Okay. Any other
15 board members have anything?

16 MS. YOON: The basement.

17 MR. CARNOVALE: Joe, the subbasement.
18 I also feel it's detrimental. If somebody was really
19 down there and somehow a fire started, there's no way
20 out of there. Even though it's technically not a
21 sleeping area, but what happens if some kid is down
22 there playing his games and something happens? I
23 don't like this subbasement here. There's no
24 windows. There no doors. Which I don't know, I'm
25 not happy with it.

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1 that make -- is that -- and I ask this last meeting.
2 Does that make the building taller or is it the same
3 with that or --

4 THE WITNESS: No, if anything, it makes
5 it lower because it is a flat roof, it's not a
6 pitched roof.

7 CHAIRMAN FERGUSON: That's what I'm
8 asking, it's not pitched. So it's easier, okay.

9 MR. CARNOVALE: Sir, where are you
10 putting your air handlers?

11 THE WITNESS: Behind the parapets on
12 the roof terrace, sir.

13 MR. CARNOVALE: Okay.

14 THE WITNESS: And it's located away
15 from the north-facing wall. My draft person made a
16 mistake on those three condensers. They would
17 actually be located right up against the staircase
18 wall. You know, as far away from the north wall as
19 possible.

20 So, I figured there's three floors,
21 three units, three condensers. And again, the
22 42-inch high parapet would also act as a screen from
23 the condensers.

24 CHAIRMAN FERGUSON: That's okay. So --
25 MR. CARNOVALE: One more thing, Joe.

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1 MR. BOZANIAN: We can address that with
2 the applicant.

3 CHAIRMAN FERGUSON: Yeah, yeah, and
4 come back the next meeting.

5 MR. BOZANIAN: And I think it's safe to
6 say, you know, subject to his approval, we would
7 remove the subbasement.

8 CHAIRMAN FERGUSON: Oh, absolutely.

9 MR. CARNOVALE: Isn't it subject to our
10 approval? I don't know, I thought we were the board.

11 MR. BOZANIAN: It's the opposite.

12 Pursuant to your comments, we are going to take it
13 out --

14 MR. CARNOVALE: Elton, I thought we
15 were the board.

16 MR. BOZANIAN: -- subject to the
17 confirmation of the client. That's what I meant.

18 MR. CARNOVALE: Oh, okay.

19 MS. TESTA: The applicant can amend
20 this application to remove it.

21 MR. BOZANIAN: Poorly chosen words, my
22 apologies.

23 CHAIRMAN FERGUSON: Okay. Now, Judd --
24 I'm going to end with this one. The roof, I
25 personally don't have a problem with it, but does

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1 CHAIRMAN FERGUSON: Yeah, sure.

2 MR. CARNOVALE: On the drainage, I
3 needed -- Steve, have you gone over the drainage on
4 this?

5 MR. COLLAZUOL: Yes. That's been
6 satisfied in that regard to the development of the
7 site. We're going to have a site meeting with
8 regards to a portion of East Homestead Avenue, that's
9 going to remain pavement.

10 MR. CARNOVALE: So no seepage pits go
11 right into the storm --

12 MR. COLLAZUOL: They have CULTECs along
13 the right-of-way line of 5th and they will be a
14 little bit higher than seepage pits would be and
15 they're sized appropriately for the development at
16 this point.

17 CHAIRMAN FERGUSON: Okay.

18 MR. CARNOVALE: Okay. He's good, I'm
19 good.

20 CHAIRMAN FERGUSON: You're all right?
21 He's the expert.

22 All right, Counsel -- no, I'm sorry,
23 Steve, do you want to go?

24 MR. COLLAZUOL: Just one question. I
25 don't know if it's going to get eliminated, but if

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1 the games rooms were eliminated, you would eliminate
2 the lavatories in that floor too, because it would
3 appear that those would have clearly needed pumps.
4 So, that would eliminate the need for
5 pumps in those game room lavatories too, if the game
6 room is eliminated.

7 CHAIRMAN FERGUSON: Okay.

8 THE WITNESS: Noted.

9 CHAIRMAN FERGUSON: Yes.

10 MR. KAUKER: One question. The
11 question about the rec room on the roof, is that
12 enclosed or is it open?

13 THE WITNESS: The terrace?

14 MR. KAUKER: Well, if you look at the
15 terrace, the terrace from the rec room in the rear,
16 there's a recreation room.

17 THE WITNESS: That's obviously a
18 horrible typo from my draft person. So, I apologize.
19 It's not a recreation room, but thank you for
20 pointing it out. There is no structure. The only
21 structure is just the three staircases that come up.

22 Everything is all open air, sir.

23 MR. KAUKER: So, what will that area
24 be?

25 THE WITNESS: That's just behind the

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1 knee wall. Again, it's a -- that actually is a
2 48-inch high knee wall just to create some screening
3 for where -- you know, this might be like an Epay
4 decking on the terrace levels. You know, versus
5 maybe just more like a rubberized roofing system, you
6 know, for the mechanical equipment.

7 MR. KAUKER: Can it be used?

8 THE WITNESS: No, sir.

9 MR. KAUKER: Okay. Thank you.

10 CHAIRMAN FERGUSON: Okay, Steve, are
11 you okay?

12 MR. COLLAZUOL: I'm good. Thank you.

13 CHAIRMAN FERGUSON: Judd, do you want
14 to go about the parking?

15 MR. ROCCIOLA: No other questions.

16 CHAIRMAN FERGUSON: Now, does the board
17 need -- do they need a variance for one parking spot?
18 I think they said --

19 MS. TESTA: Yup, right.

20 CHAIRMAN FERGUSON: You need one, okay.
21 There's one more expert.

22 MR. BOZANIAN: We present David Spatz,
23 the planner.

24 MS. TESTA: Please raise you
25 right-hand. Do you swear that the testimony you will

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1 give in this application will be the truth, the whole
2 truth and nothing but the truth so help you God?

3 MR. SPATZ: Yes, I do.

4 D A V I D S P A T Z,

5 having been duly sworn, testifies as follows:

6 MS. TESTA: Please state your name,
7 spell it for the record.

8 THE WITNESS: David Spatz, S-P-A-T-Z.

9 CHAIRMAN FERGUSON: Mr. Spatz has been
10 here many times. We'll accept him.

11 THE WITNESS: Thank you.

12 MR. BOZANIAN: Thank you, Chairman.

13 MS. TESTA: I guess we're up to A-12
14 then.

15 THE WITNESS: 13, I think. 12 was the
16 rendering. So, I have the photos marked as A-13.

17 (Whereupon, four photographs, one page
18 is received and marked as Exhibit A-13 for
19 identification.)

20 MS. TESTA: A-13 are photos?

21 THE WITNESS: Right, it's an exhibit
22 with four photographs on it that, I think most of the
23 members have it now. The top left-hand photograph is
24 of the subject property looking at it from Fifth
25 Street and there's the driveway, which is being

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1 eliminated on Fifth that will help the situation.

2 Top right-hand photograph is looking to
3 the north along Fifth Street. A series of newer and
4 some older two-family homes.

5 The bottom left-hand photograph is of
6 the property from East Homestead. There's a new
7 two-family home going up directly next to it.

8 As you can see, again, from the
9 photographs, the topography, it's a slope to the west
10 along East Homestead and to the north along East
11 Fifth and then the bottom right-hand photograph is
12 across the street from our property. You can see in
13 the distance a significantly larger two-family home
14 that is newly constructed there.

15 So, that sets the idea of where we are.
16 It's significantly two-family homes. We're in the AA
17 Zone, which does not permit the townhouses or the
18 three families that were permitted. The site,
19 though, exceeds the area with the depth requirements.

20 We do need one additional (d) variance
21 and that's for building height. And as was
22 described, it's been significantly brought down from
23 previously submitted, but it still does require a (d)
24 variance and then there are several (c) variances,
25 building coverage, front yard and rear yard and

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1 parking where we're short of one space. By what
2 we've done eliminating the forth unit, we've
3 eliminated the variance for lot area per unit. Now
4 we exceed that, so the density is actually consistent
5 on this property. We do have a unique site that was
6 a typical lot size in the neighborhood, but was made
7 larger through the vacation of most of East Homestead
8 going to our property.

9 So, I think the site is particularly
10 well suited for what we're proposing. It is 35 feet
11 wider than what is required for a two-family.

12 We only have one additional unit and I
13 think we can accommodate that larger building on the
14 site. We are now more than 3,000 square foot larger
15 than what is required for a two-family use.

16 We meet the purposes of zoning by what
17 we're proposing. Purpose G is the provision of
18 sufficient space in appropriate locations. We are
19 consistent with the neighborhood. It is two-families
20 on smaller lots than ours.

21 So in terms of density on the property,
22 we're consistent with the neighborhood. There are a
23 number of newer two-family homes being built or
24 recently built within the area.

25 Purpose I, is the promotion of a
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1 we're seeking, the setbacks are similar to what
2 currently exists on the property. By eliminating the
3 existing building, you can see from that top
4 left-hand photograph, we're actually increasing the
5 rear yard setback between our property and the
6 neighboring property.

7 There's been a further increase from
8 our previous submission. We now have an 11-foot
9 setback from that property. Light, air and open
10 space, I think, were increased as we do that. The
11 setbacks do not conform. We do have a corner
12 property with frontage on two streets. So there are
13 two front yards, but, again, as can be seen from the
14 photograph on the top right-hand side as well as the
15 bottom left, we are consistent with the setbacks of
16 the adjacent properties, both the new building under
17 construction, as well as the newer homes that are on
18 Fifth Street.

19 The building has been reduced in size.
20 We are only about 578 square feet over the allowable
21 lot coverage. There was a 50 percent reduction in
22 the variance that we were seeking. We were seeking a
23 variance for over a thousand square feet.

24 We are now less than 600 square feet.
25 So, that was a significant improvement from the prior
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1 desirable visual environment and I believe that we
2 meet this purpose as well. The building has been
3 designed to fit in with the neighborhood.

4 The newer construction, as well as
5 accommodate the topography on the property as the
6 engineer and architect indicated.

7 The buildings have been stepped in a
8 way to fit in with the topography, rather than
9 creating a need for significant grading or filling on
10 the site.

11 We do exceed the height limitation by a
12 half story and about three and half feet to the bulk
13 of the property, the bulkhead goes a little bit
14 taller than that, but that's -- you can see, again,
15 from the rendering, it sets significantly back and
16 screened by the parapet wall.

17 I don't believe that there is any
18 significant impact from what we're proposing here.
19 The adjacent properties are all taller and
20 topographically they are at a higher elevation than
21 our site.

22 So, I think that although we slightly
23 exceed the height limitation, I think we are
24 consistent with the neighborhood.

25 Looking at the bulk variances that
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1 submission. There will be fencing and landscaping,
2 which will help screen the adjacent properties and
3 buffer our building.

4 The lot, as I have indicated, is now
5 more than 3,000 square foot larger than what's
6 required for a two-family dwelling. And we still
7 exceed the lot area per unit requirement of your
8 zone.

9 So, I think the positive criteria is
10 met for both the (d) variances, as well as the (c)
11 variances.

12 Lastly, looking at the negative
13 criteria, I don't think there's anything that is
14 substantially negative. We're in character with the
15 surrounding land uses. We provide setbacks that are
16 similar to what currently exists on the property or
17 actually improved by that. The building height,
18 again, is consistent with the neighborhood as well.

19 There are, although we need a de
20 minimus exception of one parking space, we do have
21 two spaces for each unit, which is an increase over
22 what was provided in the previous submission.

23 And, again, I think that we've made
24 significant changes to the project. And there were
25 additional changes suggested this evening that I
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1 think make the project that is improved over the
2 previous submission and one that fits in with the
3 neighborhood. And I think the positive impact far
4 outweighs anything that could be considered negative.

5 I think the variances could be granted.

6 And I am happy to answer any questions.

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

9 (No response.)

10 CHAIRMAN FERGUSON: Experts?

11 MR. KAUKER: Yeah, Mr. Spatz, could you
12 -- I'm not sure, did you address the coverage
13 variance?

14 THE WITNESS: I did, yes. The coverage
15 is at 47.17, where 40 percent is allowed.

16 I've indicated we're about 578 square
17 feet over the allowable coverage and I think that the
18 additional landscaping on the property will help
19 buffer the adjacent property of our site as indicated
20 was increased in size by the East Homestead Avenue
21 vacation. So, I think that the additional coverage
22 could be handled. Drainage is being handled on-site.
23 A significant amount of parking as well. So, I think
24 the coverage could be addressed.

25 MR. KAUKER: In your opinion, is that

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1 ours.

2 So, you know, our height will match
3 them or be significantly lower than them.

4 MR. KAUKER: Okay. And then finally,
5 related to the (d)(1) use variance, you've addressed
6 a number of special reasons are in the positive
7 criteria.

8 Now, with respect to the second prong
9 of the negative criteria, the consistency with the
10 zone plan and the master plan and also the enhanced
11 quality of life, I don't know if you've addressed it
12 or not.

13 THE WITNESS: I did. The property is
14 more than 3,000 square foot larger than any of the
15 other properties in the area and what is, in fact,
16 required within the zone. So, in terms of density
17 and the intensity of use on the property, we have a
18 greater lot area per unit than what is required
19 within the zone. So, I think that in terms of
20 density and its impact on surrounding properties, the
21 fact that the lot is significantly larger, it can
22 accommodate that one additional unit. So, I think it
23 is consistent with both the master plan and the
24 zoning ordinance, as well as the surrounding
25 neighborhood.

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1 something that's consistent with the existing
2 condition of the neighborhood?

3 THE WITNESS: It is as can be seen from
4 the photographs. The two-family homes are all
5 larger. They are all three-stories in height.

6 The newer one directly adjacent to us
7 on the west is three stories in height. It covers
8 the majority of that property.

9 So, I think we are consistent in terms
10 of coverage, as well as setback.

11 MR. KAUKER: In terms of the height
12 now, you have mentioned that the proposed height is
13 consistent and actually similar to other buildings in
14 the area and I think you actually mentioned that
15 given the topography, that other buildings in the
16 area are actually taller. Is that a result of the
17 topography or is that a result of just the heights of
18 the existing buildings in the area?

19 THE WITNESS: Both. The adjacent
20 buildings, both the one under construction, as well
21 as the existing two-family homes are all three
22 stories in height as ours is and the topographies
23 from our site going both north and west, the
24 properties do rise up. So, they're similar size
25 buildings on properties that are slightly higher than

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1 MR. KAUKER: Okay, and the last
2 question. I believe the board has asked the
3 applicant to lower the height, I believe two of the
4 stories. Do you think that will help it to fit
5 better in --

6 THE WITNESS: I think that by reducing
7 the height by two of the floors will be a foot
8 shorter, so two feet shorter, we are three and a half
9 feet taller than what is permitted within the zone at
10 28 feet. So we'll be about a foot and a half over
11 what is in the zone. That will put us even lower
12 than those adjacent properties.

13 MR. KAUKER: Thank you. I have no
14 other questions.

15 MR. COLLAZUOL: A quick question.

16 CHAIRMAN FERGUSON: Yes.

17 MR. COLLAZUOL: Just to be clear, the
18 table on the site plan says, the maximum height is 25
19 feet.

20 MS. TESTA: Right.

21 MR. COLLAZUOL: And now you're lowering
22 it. So, the proposed height to the bulk is 37.16
23 feet with the reduction in the ground floor and third
24 floor and the roof deck would then be 29.66?

25 THE WITNESS: I have that the permitted

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1 height is 28 feet.
 2 MR. COLLAZUOL: That's a duplex.
 3 THE WITNESS: That's for a duplex.
 4 Okay. So all right, as the additional one, so we're
 5 allowed less height for the additional unit.
 6 So, the variance is greater
 7 numerically, but in terms of its impact on the
 8 adjacent properties, that doesn't change. We still
 9 actually are going to probably be below the height of
 10 the buildings on either side of us.
 11 MR. COLLAZUOL: And that's a (d)
 12 variance?
 13 THE WITNESS: It is -- yeah, I treated
 14 it as a (d) variance even on the other standard that
 15 I had.
 16 MR. COLLAZUOL: Thank you.
 17 CHAIRMAN FERGUSON: Okay. You guys, I
 18 should have mentioned it. You guys are for this case
 19 or you're for Sunset?
 20 MALE AUDIENCE MEMBER: We're with
 21 Sunset.
 22 MS. TESTA: Sunset.
 23 CHAIRMAN FERGUSON: Sunset, okay.
 24 Okay. So, that concludes your
 25 presentation. Do you want to sum up?

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1 MR. BOZANIAN: Well, I think what you
 2 heard tonight --
 3 CHAIRMAN FERGUSON: Okay. Let me open
 4 it up to anybody in the public who would like to be
 5 heard?
 6 (No response.)
 7 CHAIRMAN FERGUSON: No one in the
 8 public? Okay.
 9 Counselor, do you want to sum-up?
 10 MR. BOZANIAN: Very, very briefly.
 11 MS. TESTA: I think -- oh, okay.
 12 MR. BOZANIAN: I think with the
 13 modifications as suggested by the board today, you
 14 have a plan that sits well within the scope of what
 15 the neighborhood is currently and is becoming. It's
 16 clearly a modern structure that is going to provide
 17 additional housing. There's going to be
 18 accommodations made for the foot traffic and for the
 19 safety of the people in that particular property.
 20 Like I said, we're willing to exceed to
 21 meeting the conditions that the board wants to put
 22 into place. I think with those accommodations, we
 23 would submit.
 24 CHAIRMAN FERGUSON: Okay. So, I think
 25 what we're going to do, you're going to have to go

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1 back and ask your principal about the subbasement,
 2 reducing the floors. You know, one foot each floor,
 3 correct.
 4 MR. CARNOVALE: Two floors, Joe.
 5 CHAIRMAN FERGUSON: Two floors, right.
 6 MR. BOZANIAN: I think that we're --
 7 not that I think, we are prepared to accept those
 8 changes and the modifications at this point --
 9 CHAIRMAN FERGUSON: Okay.
 10 MR. BOZANIAN: -- based on the
 11 recommendations of the board.
 12 CHAIRMAN FERGUSON: Okay. So here's
 13 the other issue that I thought we had a little talk
 14 that we were going to get-together with our engineer
 15 and our -- I don't know, Judd, you're going to go to
 16 this?
 17 MR. ROCCIOLA: Yeah.
 18 CHAIRMAN FERGUSON: I feel the way it
 19 is now, you know, I'm almost ready to go. I just
 20 want to make sure that my experts sign off on
 21 everything that they want to do as far as the wall
 22 and the gate.
 23 MR. TERRANOVA: Joe, they have to ask
 24 the client if the subbasement can be removed.
 25 CHAIRMAN FERGUSON: I'm sorry? The

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1 subbasement, go ahead.
 2 MR. TERRANOVA: They have to ask the
 3 client.
 4 CHAIRMAN FERGUSON: I can't hear you.
 5 What?
 6 MR. TERRANOVA: They have to ask if it
 7 was okay with the client.
 8 CHAIRMAN FERGUSON: Yeah, he was going
 9 to -- yeah.
 10 MR. CARNOVALE: The attorney just --
 11 CHAIRMAN FERGUSON: And he just said
 12 yeah.
 13 MR. CARNOVALE: The attorney just
 14 agreed to it.
 15 MR. TERRANOVA: Okay.
 16 MR. CARNOVALE: Joe, what about the
 17 easement? The easement's got to be written down
 18 somewhere.
 19 MR. BOZANIAN: So, I think that the way
 20 that the proposal is now --
 21 CHAIRMAN FERGUSON: Right.
 22 MR. BOZANIAN: -- with the applicant
 23 being willing to agree to the modifications
 24 recommended by the board, that the aspects of the
 25 engineers and the experts with respect to the

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1 technical requirements can be done conditionally.
 2 CHAIRMAN FERGUSON: Yeah. How about
 3 the easement?
 4 MR. BOZANIAN: Blanket easement for the
 5 utilities?
 6 CHAIRMAN FERGUSON: Don't you have to
 7 have it written out somewhere?
 8 MS. TESTA: They're agreeable to that.
 9 MR. BOZANIAN: Yes.
 10 MS. TESTA: Yeah.
 11 MR. BOZANIAN: That's part of the plan,
 12 25-foot blanket easement.
 13 MR. CARNOVALE: How about legally,
 14 Elton? I'm not a lawyer. It must be spelled out
 15 somewhere.
 16 MR. BOZANIAN: That would be a
 17 condition of the resolution that it would have to be
 18 part of the --
 19 MR. CARNOVALE: Is that a deed
 20 easement?
 21 MS. TESTA: Right.
 22 MR. BOZANIAN: Yeah.
 23 MR. CARNOVALE: I'm not a lawyer.
 24 MR. BOZANIAN: It would be part of the
 25 deed.

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1 MS. TESTA: Right, to sign a deed.
 2 MR. BOZANIAN: Yes.
 3 MS. TESTA: Yes. Okay.
 4 MR. BOZANIAN: Certainly.
 5 CHAIRMAN FERGUSON: Okay.
 6 MS. TESTS: It would be in the
 7 resolution, but there would also be a deed.
 8 CHAIRMAN FERGUSON: So, you're going to
 9 eliminate the subbasement?
 10 MR. BOZANIAN: Yes.
 11 CHAIRMAN FERGUSON: You're going to
 12 lower the two floors by one foot, correct?
 13 MR. BOZANIAN: Correct.
 14 CHAIRMAN FERGUSON: You're going to
 15 meet with our engineer and --
 16 MR. BOZANIAN: Comply with their
 17 requirements.
 18 CHAIRMAN FERGUSON: Right. So, you'll
 19 come back at the next meeting and he will say, yay or
 20 nay. See that's what I'm not sure of. I'm not sure
 21 what happens if we give you an approvement? You know
 22 --
 23 MR. BOZANIAN: Whatever requirements --
 24 whatever requirements the experts are going to
 25 recommend will be put into place with respect to the

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1 plan, our clients are going to comply with.
 2 MR. CARNOVALE: How about physically,
 3 if you can't comply, Elton?
 4 The architect or somebody's got to draw
 5 something else up; the concrete wall.
 6 MR. BOZANIAN: If the plan is going to
 7 be modified substantially --
 8 MS. TESTA: Do you want him to come
 9 back or is there something you could --
 10 MR. COLLAZUOL: For instance, if they
 11 can't move the power, power lines, they have to
 12 return to the board.
 13 MR. BOZANIAN: Right, they would have
 14 to go back before the board, anyway.
 15 MS. TESTA: Right.
 16 MR. TERRANOVA: That's why we can't
 17 approve it now.
 18 CHAIRMAN FERGUSON: Okay. All right.
 19 MS. TESTA: That's always a provision
 20 in the resolution in the event the applicant is
 21 unable to comply with any of our requirements, they
 22 have an obligation to come back before the board.
 23 MR. CARNOVALE: Would the engineer have
 24 the draw a plan for that concrete wall, submit it to
 25 Mr. Collazuol?

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1 CHAIRMAN FERGUSON: Well, he's going to
 2 meet with Mr. Collazuol.
 3 MR. CARNOVALE: But somebody's got to
 4 draw something up. Mr. Collazuol and the architect
 5 could agree. I don't know, sir, are you authorized
 6 to build -- to engineer a wall?
 7 MS. LAMBRINIDES: Can we do it subject
 8 to the moralization, if the stuff isn't presented to
 9 us, we won't memorialize it next month like we did
 10 last time?
 11 MR. BOZANIAN: What specifically is the
 12 question? I'm sorry.
 13 MR. CARNOVALE: Let's say Mr. Collazuol
 14 mets with, I don't know, your architect or Mark
 15 Martins.
 16 MR. BOZANIAN: Engineer.
 17 MR. CARNOVALE: Yeah. Wouldn't there
 18 have to be a written drawing that Mr. Collazuol would
 19 have to approve? You can't just say, I'm going to
 20 build a wall, I'm going to do this or that.
 21 Shouldn't it be on the diagram somewhere? Or I don't
 22 know.
 23 MS. TESTA: The plans would have to be
 24 submitted to the engineer for him to sign off on.
 25 MR. CARNOVALE: Well, it's up to Joe.

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1 Whatever you want, Joe. Do you want him to come back
 2 or do you want to approve this?
 3 CHAIRMAN FERGUSON: Well, no, I'm okay
 4 with giving them --
 5 MR. BOZANIAN: In the normal course,
 6 our engineer would provide the plans to the engineer
 7 for the municipality and so forth.
 8 CHAIRMAN FERGUSON: But he's going to
 9 meet before the next meeting. Before we vote on a
 10 resolution, he's going to meet with Mr. Collazuol.
 11 He's going to go over the wall, the gate, anything
 12 else and you're saying to me that no matter what he
 13 says, your client is going to do?
 14 MR. BOZANIAN: Well --
 15 MR. CARNOVALE: That's what you're
 16 saying.
 17 CHAIRMAN FERGUSON: That's what you're
 18 saying.
 19 MR. BOZANIAN: Inherent in that
 20 statement is that there's going to be a reasonable
 21 proposal made by the experts to put a wall in
 22 accordance with what we discussed today.
 23 MR. CARNOVALE: But reasonable, Elton,
 24 would be that the engineer is our expert, but like I
 25 said, we're the board, maybe we don't like it. I

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1 don't know. What do you think, Joe?
 2 MR. BOZANIAN: Well, I understand that,
 3 but isn't the board making recommendations pursuant
 4 to the recommendations -- isn't it the board taking
 5 positions in approving or disapproving pursuant to
 6 the recommendations of the experts?
 7 VICE CHAIRMAN ALBANESE: We don't have
 8 to take his recommendations.
 9 CHAIRMAN FERGUSON: Well, listen, I
 10 don't have any -- if Steve is okay with okaying
 11 anything that the board wants done, the wall, the --
 12 you know.
 13 MR. COLLAZUOL: And I understand the
 14 board's conditions.
 15 CHAIRMAN FERGUSON: And you understand
 16 the board --
 17 MR. COLLAZUOL: If the board prefers to
 18 see the final plan, that be approved before you
 19 approve a memorialization of the approval.
 20 CHAIRMAN FERGUSON: Right.
 21 MR. COLLAZUOL: That might take two
 22 months. It might not be done before the next
 23 meeting.
 24 MR. CARNOVALE: Well, it's ambiguous --
 25 CHAIRMAN FERGUSON: Listen here,

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1 please.
 2 MR. COLLAZUOL: Have it completed and
 3 reviewed and a letter of approval prior to the next
 4 meeting, might be the following month.
 5 CHAIRMAN FERGUSON: Correct.
 6 MS. TESTA: Right, the memorialization.
 7 So, you could vote this evening. You would meet with
 8 the applicant's engineer. There be a meeting of the
 9 minds. They would submit the plans. They have to
 10 submit plans for you to sign off anyway; correct?
 11 MR. COLLAZUOL: That's correct.
 12 MR. CARNOVALE: That's what I was
 13 getting at.
 14 MS. TESTA: And that would be done
 15 prior to the memorialization; does that work?
 16 CHAIRMAN FERGUSON: It would have to
 17 be.
 18 MR. BOZANIAN: Which would be done in
 19 the normal course.
 20 MS. TESTA: Right.
 21 CHAIRMAN FERGUSON: Prior, before the
 22 memorialization.
 23 MS. TESTA: Right. We wouldn't
 24 memorialize the resolution until such time as the
 25 engineer was satisfied with the plans for the wall

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1 and the easement.
 2 MR. BOZANIAN: Correct, that's my
 3 understanding.
 4 MS. TESTA: Right.
 5 CHAIRMAN FERGUSON: And it might take
 6 two months.
 7 MR. BOZANIAN: As long as it takes.
 8 CHAIRMAN FERGUSON: Well, you can get
 9 it tomorrow.
 10 MS. TESTA: Right.
 11 CHAIRMAN FERGUSON: I mean, all right.
 12 MS. TESTA: So the motion can be
 13 contingent on that.
 14 CHAIRMAN FERGUSON: Okay. I'll make
 15 that motion. Also --
 16 VICE CHAIRMAN ALBANESE: Second.
 17 CHAIRMAN FERGUSON: Wait a minute. And
 18 also grant a one-car variance for parking. You're
 19 going to eliminate the basement -- subbasement, I'm
 20 sorry.
 21 Lower the height and make a few
 22 changes.
 23 MS. TESTA: The Tree Preservation.
 24 CHAIRMAN FERGUSON: Oh, and 2,000 to
 25 the Tree Preservation. Always the Tree Preservation.

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1 VICE CHAIRMAN ALBANESE: I'll second
 2 that.
 3 MS. LAMBRINIDES: We should be a forest
 4 by now.
 5 CHAIRMAN FERGUSON: Okay. I made that
 6 motion and I got a second.
 7 Do we have anything?
 8 MR. BOZANIAN: That seems to be
 9 everything.
 10 CHAIRMAN FERGUSON: Roll call.
 11 MS. LAMBRINIDES: Mr. Ferguson?
 12 CHAIRMAN FERGUSON: Yes.
 13 MS. LAMBRINIDES: Mr. Albanese?
 14 VICE CHAIRMAN ALBANESE: Yes.
 15 MS. LAMBRINIDES: Mr. Terranova?
 16 MR. TERRANOVA: Yes.
 17 MS. LAMBRINIDES: Mr. Min?
 18 MR. MIN: Yes.
 19 MS. LAMBRINIDES: Mr. Nam?
 20 MR. NAM: Yes.
 21 MS. LAMBRINIDES: Ms. Yoon?
 22 MS. YOON: Yes.
 23 MS. LAMBRINIDES: Mr. Carnovale?
 24 MR. CARNOVALE: Yes.
 25 MS. LAMBRINIDES: Ms. Tarabocchia?

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1 MS. LAMBRINIDES: Mr. Lefteriou?
 2 MR. LEFTERIOU: Here.
 3 CHAIRMAN FERGUSON: Okay, Counsel, take
 4 it away.
 5 MR. MACRI: Good evening, Mr. Chairman,
 6 Members of the board. My name is Marc Macri. I
 7 represent 108 Sunset Place, LLC, who is the owner and
 8 applicant of the property located at 108 Sunset Place
 9 here in the Borough, designated as Block 714, Lot 5.
 10 We're here this evening seeking the
 11 board's permission to demolish the existing dwelling
 12 and construct a new two-family side-by-side duplex.
 13 Mr. Chairman, my architect is en route.
 14 I would like to start with our professional planner,
 15 Mr. David Spatz.
 16 CHAIRMAN FERGUSON: As long as the
 17 architect gets here before --
 18 MR. MACRI: If he's not here, I have
 19 the --
 20 CHAIRMAN FERGUSON: No, I understand.
 21 MR. MACRI: Okay.
 22 MS. TESTA: Do swear that the testimony
 23 you will give in this application will be the truth,
 24 the whole truth and nothing but the truth so help you
 25 God?

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1 MS. TARABOCCHIA: Yes.
 2 MS. LAMBRINIDES: Mr. Lefteriou?
 3 MR. LEFTERIOU: Yes.
 4 CHAIRMAN FERGUSON: Okay, Counselor.
 5 MR. BOZANIAN: Thank you, Chairman.
 6 CHAIRMAN FERGUSON: Five minutes.
 7 (Whereupon, a short recess is held.)
 8 CHAIRMAN FERGUSON: Okay, let's take an
 9 attendance.
 10 MS. LAMBRINIDES: Mr. Ferguson?
 11 CHAIRMAN FERGUSON: Yes.
 12 MS. LAMBRINIDES: Mr. Albanese?
 13 VICE CHAIRMAN ALBANESE: Here.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Here.
 16 MS. LAMBRINIDES: Mr. Min?
 17 MR. MIN: Here.
 18 MS. LAMBRINIDES: Mr. Nam?
 19 MR. NAM: Yes.
 20 MS. LAMBRINIDES: Ms. Yoon?
 21 MS. YOON: Here.
 22 MS. LAMBRINIDES: Mr. Carnovale?
 23 MR. CARNOVALE: Here.
 24 MS. LAMBRINIDES: Ms. Tarabocchia?
 25 MS. TARABOCCHIA: Here.

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1 MR. SPATZ: Yes, I do.
 2 D A V I D S P A T Z,
 3 having been duly sworn, testifies as follows:
 4 MS. TESTA: Please state your name for
 5 the record.
 6 THE WITNESS: David Spatz, S-P-A-T-Z.
 7 MR. MACRI: Mr. Chairman, I've handed
 8 out what we marked as A-1. Photo illustration
 9 consisting of four photographs, which was prepared by
 10 Mr. Spatz.
 11 (Whereupon, four photographs, one page
 12 is received and marked as Exhibit A-1 for
 13 identification.)
 14 DIRECT EXAMINATION
 15 BY MR. MACRI:
 16 **Q.** Mr. Spatz, can you please describe the
 17 existing conditions, the neighborhood conditions and
 18 why this board can grant the variances in which we
 19 seek regarding this application?
 20 **A. Certainly. We have an existing**
 21 **developed property. It's on Sunset between Homestead**
 22 **and Grantwood. The top left-hand photograph is of**
 23 **the subject property. As you can see, there's a**
 24 **significant slope up to the house. The top**
 25 **right-hand photograph is looking to the right of our**

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1 **property. There's a two-family homes under**
 2 **construction. And then a home at the corner, a**
 3 **two-family at the corner of Grantwood. The bottom**
 4 **left-hand photograph is looking towards the north**
 5 **from our property a series of one and two-family**
 6 **homes. And then the bottom right-hand photograph is**
 7 **directly across the street from us, which includes a**
 8 **two-family home as well.**

9 So, we're in the AA Zone, which permits
 10 two-families. The existing lot is undersized in
 11 terms of lot area and lot width.

12 We do not need any (d) variances, just
 13 two (c) variances for building coverage and for
 14 side-yard.

15 So, all we need is the bulk variances.
 16 I believe that the positive criteria are met. The
 17 dwelling that we're proposing provides a conforming
 18 front yard and rear yard. Only the front steps
 19 project into the setback area as can be seen from the
 20 photographs. The setbacks are similar to what is
 21 there on Sunset Place, both the older and the newer
 22 homes. The building has been designed by a
 23 conforming amount of parking within the dwelling and
 24 on the driveway. This has caused the building to be
 25 a little bit wider. Therefore, we project into the

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1 that side of Sunset.

2 And on balance, I think that the
 3 positive impact for the two variances outweighs
 4 anything that would be considered negative.

5 MR. MACRI: Thank you, Mr. Spatz. I
 6 have no further questions.

7 MR. KAUKER: Just one question.
 8 There's a requirement in the duplex ordinance that
 9 you must have a two-car garage. Looking at the plans
 10 that were prepared by the architect, it looks like
 11 the total width is 16 feet, which is somewhat reduced
 12 because there's a stairwell.

13 So you may need a variance for not
 14 providing a two-car garage.

15 THE WITNESS: Okay. So, in terms of
 16 the design aspect of it, you might not need it. In
 17 terms of providing the amount of parking, we do; I
 18 believe.

19 MR. KAUKER: Right. While you provide
 20 one parking spot in the garage and one in the
 21 driveway.

22 THE WITNESS: Right. Yeah, the
 23 architect has arrived. So, I'll let him describe how
 24 the parking is. Maybe he can make some adjustments,
 25 if necessary.

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1 side yards.

2 As to the building coverage, which is
 3 the other variance, we meet the coverage of
 4 two-family homes in terms of square footage, however,
 5 we exceed the percentage limitation, but that is only
 6 a small amount. That's only 150 square feet to get
 7 to that percentage limitation. There's landscaping
 8 to buffer our property. The proposed building
 9 conforms both in terms of height and in terms of both
 10 stories and feet. So, we do not need any other
 11 variances than that.

12 Looking at the negative criteria, I
 13 don't believe there's anything that's substantially
 14 negative as can be seen on the photographs.

15 We are consistent with the character of
 16 the surrounding residential uses, including the newer
 17 dwellings that are being constructed on the street.
 18 We provide side yards similar to what currently
 19 exists on the property, as well as within the
 20 neighborhood. Landscaping has been provided to
 21 buffer the adjacent properties both in terms of the
 22 coverage, as well that setback. And we do provide a
 23 conforming amount of parking on the site. There's an
 24 existing driveway on the property. So, there's no
 25 loss of any street parking, which was not permitted

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1 MR. KAUKER: I have nothing else.

2 CHAIRMAN FERGUSON: Okay. Any board
 3 members have any questions?

4 VICE CHAIRMAN ALBANESE: No.

5 MR. CARNOVALE: Not of this guy.

6 MR. MACRI: At this time if we can have
 7 Mr. Cocoros sworn in.

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

12 MR. COCOROS: I do.

13 V A S S I L I O S C O C O R O S,
 14 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 15 having been duly sworn, testifies as follows:

16 MS. TESTA: Please state your name,
 17 spell it for the record.

18 THE WITNESS: Vassilios,
 19 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.

20 CHAIRMAN FERGUSON: Okay.

21 MR. MACRI: Thank you.

22 DIRECT EXAMINATION

23 BY MR. MACRI:

24 **Q.** Mr. Cocoros, can you please explain to
 25 the board what we propose?

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1 **A. A side-by-side two-family dwelling.**
 2 **The lot itself, which is located on the east side.**
 3 MS. LAMBRINIDES: You're going to have
 4 to speak up, Mr. Cocoros.
 5 **A. The lot -- the lot itself is on the**
 6 **east-side of Sunset Place and the property itself has**
 7 **a plateau in the back, is almost a full story higher**
 8 **in the front and that's a function of the retaining**
 9 **wall along Sunset Place. And there are existing**
 10 **properties on that that have a similar configuration.**

11 We're proposing to demolish the
 12 existing dwelling on the property and construct a new
 13 side-by-side two-family dwelling.

14 The two-family dwelling is proposed to
 15 be 36 feet, 8 inches wide by 54 feet 10 inches deep.

16 The building, the lot itself is
 17 irregular. So, what we've done is we've aligned the
 18 left side of the building with the property line,
 19 using that as the square portion of the lot. So the
 20 building itself will be 5 feet off of the property
 21 line on the north side or the left property. In
 22 addition, on that side of the building we are
 23 proposing no overhangs. So, it's basically a strict
 24 5-foot setback. There's no overhangs or nothing. A
 25 typical duplex on a regular lot is 6 feet setback

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1 irregular line. So what we have there at the closest
 2 to the point at the front to the building we have 6
 3 feet, three quarters of an inch. At the back we have
 4 3 feet 6 and 7/8ths of an inch. Same thing, on that
 5 side of the property there are no overhangs. Nothing
 6 sticks out into the setback itself. So, it's a
 7 straight up, clear facade of all brick and there's no
 8 stucco. There's no siding, there's nothing that
 9 comes out past the building line.

10 For access to the side-yard and the
 11 rear yard, what we've done is in that portion is
 12 we're using the area under the platform as an opening
 13 to get to the side-yard.

14 So, if you look at the right side, you
 15 can see the grade on the outside portion where the
 16 stairs are is higher, but if you're coming in from
 17 the garage level, you have a few steps up and that
 18 will bring you to a walkway that takes you to the
 19 side door to the basement and there's steps up that
 20 follow the existing grade to get to the back-yard.

21 So the building itself is set up where
 22 we tried to minimize excavating into the side yards
 23 to provide safety access for the use of the property
 24 and for any emergency personnel to have a clear area
 25 from front to back without impacting the neighbors

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1 with a 2 foot -- or I would say a 1 foot 10 inch bay
 2 windows along that side. Here, we have a straight-up
 3 5-foot setback with no intrusions into it. It's all
 4 brick.

5 So from a fire point of view and a
 6 clearance point of view, it's an honest 5-foot
 7 setback.

8 Now, also what we've done on the
 9 left-hand side is we've created a staircase where it
 10 lines up with the neighbors existing detached garage
 11 at the front of the property.

12 So, we're using that existing wall as
 13 the side of our staircase. We'll have an independent
 14 railing, so we're not attaching it at all. And we're
 15 walking up to the entry platform, which you can see
 16 on the left elevation is at the existing grade there.

17 So, you're using the steps and the
 18 entry platform as you're accessing to the side yard.
 19 So, you're basically walking up the staircase. We're
 20 not digging out -- you're not going to be digging out
 21 the neighbors side-yard. There's only a small
 22 portion where we're digging out for the staircase and
 23 the well along the -- for the basement portion
 24 itself.

25 On the right-hand side, that's the
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1 while construction was going on.

2 Also, the building itself is actually a
 3 true, two-and-a-half-story configuration, even though
 4 the front is a little bit higher, it's because we
 5 have the grade issues. At the back we basically have
 6 the kitchen level at the first floor. Almost a
 7 walkout. Walking out from the sliding glass door to
 8 a platform and then one step down to a patio.
 9 There's no decks in the back either. So, it's a
 10 straight up, two stories in the back and three
 11 stories, typical duplex configuration at the front.

12 There are bay windows in the front.
 13 Those will be brick that will match it. The sides
 14 will be all brick. And the rear will be all brick.

15 We've also located the AC units in the
 16 back. There's a patio that's accessed off the
 17 platforms. So the setback what we have now is at the
 18 front, we have 20 feet, 2 inches. The rear setback,
 19 actually is a typo, it should be, it's 25 feet. So,
 20 we do comply with the rear yard setback.

21 We do comply with the front yard
 22 setback in the existing dwellings along that part of
 23 the street. The building footprint, however, is
 24 slightly over at 43.22 percent.

25 However, it was still under the maximum
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1 two and half thousand square feet. The footprint
2 that we're proposing is in line with the footprint
3 that was constructed next door, but, however, the
4 footprint next door was the same percentage coverage
5 and the same -- almost the same area. However, that
6 one did have bay windows. We're not doing bay
7 windows on this building.

8 The actual impact of the building
9 itself is less than what was built next door.

10 The three-level configuration is
11 side-by-side two-family.

12 Go to the floor plans, we have the
13 ground floor. The basement level is a real basement.
14 At the front we have a one-car garage, actually an
15 oversized one-car garage. You could squeeze two cars
16 in there. We're able to fit it where we get a
17 16-foot door.

18 However, we were able to keep a
19 distance actual 18-foot wide driveway by sticking the
20 staircase out as far as we did along the adjacent
21 neighbor's property line.

22 So, due to the fact that --

23 CHAIRMAN FERGUSON: Mr. Cocoros, you've
24 got to speak up.

25 MS. TESTA: Yeah.

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1 could to minimize the excavation, is approximately 4
2 feet lower than the first floor.

3 So, you're entering at an entry level
4 that's about 4 feet lower. Then you have, I think,
5 five steps up or six risers up to the first floor.

6 The first floor, a typical side-by-side
7 duplex configuration. We have a living room, dining
8 room. At the back we have a kitchen with an eating
9 area, powder room between the two. There's also a
10 sliding glass door out to the platform that steps
11 down to a patio. AC units, staircase that brings you
12 up to the second floor, which is the bedroom level.

13 The front, we also have a caddy-corner
14 fireplace in the living room. Upstairs each side is
15 a three-bedroom configuration. At the front we have
16 a master, one-suite master bathroom. At the back we
17 have two secondary bedrooms that they share a hall
18 bathroom. There is also a linen closet and a
19 side-by-side laundry.

20 So, it will be programed, the layout is
21 basically your typical duplex as far as the bedrooms
22 and the bathrooms. However, since we're going for
23 the variance, the bathroom in the basement is a half
24 bath, it's not a full bathroom.

25 CHAIRMAN FERGUSON: What was that?

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1 THE WITNESS: There's no way we could
2 have gone wider with the driveway in the inside
3 without exacerbating the setback variance that we're
4 going for. So, I think the building itself can park
5 three cars per unit and have room for storage in a
6 pinch and have two small cars, you could fit them in
7 that garage. Smart cars, Fiats, can fit them in that
8 garage itself.

9 The basement level, the door for the
10 garage to the hallway. There's a recreation room in
11 the back, home office. We have it set up with a
12 powder room, a toilet and a lavatory. In the back
13 there's the foundation for the footing above and you
14 can see the outline of the AC units that are in the
15 back, above it.

16 There's also a door at the side, which
17 is a typical configuration for a two-family dwelling.

18 The first floor is main living space,
19 it's also accessed by the staircase from the sidewalk
20 level. You can see on the left-hand side, you could
21 walk through the platform to the side-yard itself.

22 The right-hand side is more of a
23 typical configuration of a staircase up to a platform
24 and with the entry doors. The entries, since we have
25 to bring the building out of the ground as much as we

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1 THE WITNESS: The bathroom in the
2 basement is a half bath. It's not a full bath.

3 MS. TARABOCCHIA: That's a very large
4 closet.

5 CHAIRMAN FERGUSON: What was that?

6 MS. TARABOCCHIA: It's a very large
7 closet downstairs.

8 CHAIRMAN FERGUSON: Is there a really
9 large closet?

10 MS. TARABOCCHIA: Yes, it's right next
11 to the bathroom.

12 THE WITNESS: It's only -- it's at 2
13 feet deep. We actually set the fixtures all the way
14 in the back. Some people do set it up that way, but
15 it's set up where the fixtures make it awkward to
16 convert that closet into a shower. That closet is
17 only -- it's only 4 feet by 2 feet in the inside. A
18 shower typically is 3 feet by 3 feet. 2 feet by 4
19 feet is a little tight for a shower.

20 VICE CHAIRMAN ALBANESE: Billy, how
21 much pitch is there from the garage door to the
22 street? How much pitch?

23 THE WITNESS: At the street we have
24 one, at the highest point we have about 107. Let's
25 say, yeah, 107. At the low point we have 105 and the

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1 garage door is set at 106.92, so 106.11. 106.11 is
 2 the garage. So the one side is basically dead level.
 3 The other side is about a foot higher. And what we
 4 did is, you have the basement walk out at grade, you
 5 know, the kitchen, first floor walk out grade. We
 6 raised the ceiling in the garage is a little bit
 7 taller than usual.

8 CHAIRMAN FERGUSON: Okay, is he done?

9 MR. MACRI: Yes.

10 CHAIRMAN FERGUSON: Okay, so let's get
 11 back to the closet, the closet space.

12 THE WITNESS: At 2 by 4, I mean, you
 13 know, we can put the bathroom someplace else, if you
 14 want, you know, to make it less easier to --

15 CHAIRMAN FERGUSON: Would you like a
 16 whole bathroom down there?

17 MS. TARABOCCHIA: I was just --

18 CHAIRMAN FERGUSON: No, no, I want you
 19 to make a decision. Do you want the closet to go and
 20 make it a bigger bathroom or do you want to leave the
 21 closet and leave it a half-bath?

22 MS. TARABOCCHIA: Leave the closet and
 23 have a half bath.

24 CHAIRMAN FERGUSON: Leave the closet
 25 and do it the way it is.

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1 Okay. Now, there's a couple of things
 2 that I see that when you're talking about the
 3 building depth, well, you know, when you're talking
 4 about lot coverage, you know, building coverage,
 5 percentage coverage, you're over.

6 In other words, you're over, you know,
 7 3.22 percent.

8 THE WITNESS: Yes.

9 CHAIRMAN FERGUSON: So if we turned
 10 around and we said, listen, with the building depth,
 11 right, we would like to make that 50 feet and not the
 12 54.10 that you have there, right, that would lower
 13 the coverage?

14 THE WITNESS: I guess.

15 CHAIRMAN FERGUSON: That would be a
 16 "yes"?

17 THE WITNESS: Yeah.

18 CHAIRMAN FERGUSON: Okay.

19 THE WITNESS: I mean, it's going to
 20 make the house, I don't want to say useless, but, you
 21 know, it's like -- I can -- let me find out what it
 22 brings down to 40 percent and see what it comes down
 23 to, I could do that.

24 CHAIRMAN FERGUSON: Well, yeah, I mean,
 25 I'm looking to --

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1 THE WITNESS: Let me first figure out
 2 what the size would be at 40 percent and I could take
 3 -- I could see how much I would take off the building
 4 to make it work.

5 CHAIRMAN FERGUSON: I'm amenable to
 6 that.

7 MR. CARNOVALE: I've got a question.

8 CHAIRMAN FERGUSON: Okay, let him
 9 figure that out.

10 THE WITNESS: Let's say 51 feet would
 11 bring us closer to that number.

12 CHAIRMAN FERGUSON: What is it?

13 THE WITNESS: 51 feet would bring us
 14 closer to that number.

15 CHAIRMAN FERGUSON: Okay. So you're
 16 going to reduce it from 54.10 to 51, is it --

17 THE WITNESS: You know what --

18 MR. MACRI: 51 feet would bring us to
 19 compliance, but the house still would be a little
 20 small. The bedrooms would be kind of tiny.

21 MR. CARNOVALE: Yeah, but they've been
 22 built at 50 foot.

23 THE WITNESS: The only thing I can do
 24 is, I can adjust the footprint where I take a little
 25 bit out of the corner. I would like to keep that

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1 depth. There's a couple of ways I could play with
 2 that to bring it out. I could channel one of the
 3 corners in the back here.

4 CHAIRMAN FERGUSON: Well, you know, for
 5 me, I'm just interested in eliminating that variance.
 6 That variance on the building coverage.

7 MR. MACRI: We will reduce it to 51
 8 feet, Mr. Chairman.

9 CHAIRMAN FERGUSON: Say it again.

10 MR. MACRI: Reduce the depth to 51
 11 feet.

12 CHAIRMAN FERGUSON: That gets you to
 13 40?

14 THE WITNESS: Yeah.

15 CHAIRMAN FERGUSON: Okay. Now, the
 16 other two issues and I don't care how you accomplish
 17 it.

18 THE WITNESS: Can I just double check
 19 to see?

20 CHAIRMAN FERGUSON: Check away, yeah.

21 THE WITNESS: Actually, there's one
 22 thing I can do it. If I go 52 feet and the rear
 23 right corner, I can bring that in 8 inches and then
 24 meet the 40 percent requirement. And also by doing
 25 that, I can get this setback closer. I can add

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1 another foot to that setback. So, we will comply
 2 with the actual coverage by, let's say, 2 feet, we'll
 3 probably give ourselves a little bit -- we'll maybe
 4 do -- we'll spread it out equally between the front
 5 yard and the rear yard.
 6 So, we can ease this corner a little
 7 bit and also that rear right corner, let's say the
 8 bedroom and the kitchen portion, we'll move it in 8
 9 inches, so I can get that, you know, get that
 10 coverage down to the 52.
 11 CHAIRMAN FERGUSON: As long as you get
 12 to the 40 percent.
 13 THE WITNESS: Yeah.
 14 CHAIRMAN FERGUSON: Eliminate that.
 15 THE WITNESS: And that kind of solves
 16 -- it actually increases the setback at that rear
 17 corner.
 18 CHAIRMAN FERGUSON: Right.
 19 THE WITNESS: And by doing so, you
 20 know, it frees up, and plus don't forget, there's no
 21 bay windows on that side that come out.
 22 CHAIRMAN FERGUSON: Okay. Now, the
 23 other two issues are the two side yards.
 24 I noticed on the plans the one side
 25 yard is 5 feet and I'm looking at the house. I'm
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1 looking at the left side, you have 5 feet. I would
 2 love to see that get done to 6 feet and then on the
 3 other side you have 3.4 feet.
 4 THE WITNESS: Well, that's going to
 5 increase to about 4 and a half feet. The only reason
 6 we did the 5 feet is that we knew it was tight, but
 7 that's where we took the bay window -- we can do 6
 8 feet and put bay windows in there without a variance.
 9 Now, and if we do 6 feet there, then
 10 we're going to -- I could bring the coverage down
 11 without reducing the depth of the building. So,
 12 that's -- we try to come in as honest as we could
 13 with the -- because the building itself, a typical
 14 duplex is 18 feet, 19 feet wide on the outside, plus
 15 the bay windows. Here we're at 18 feet 4 with a 5
 16 foot setback with no bay windows.
 17 CHAIRMAN FERGUSON: Well, you know, how
 18 about the other side, you only got 3.4?
 19 THE WITNESS: That's --
 20 MR. MACRI: We'll increase that back
 21 corner by 8 inches to a foot.
 22 THE WITNESS: Yeah, and also by
 23 bringing the building down, you know, down that 52
 24 feet, that's going to be closer to 4 and a half feet.
 25 It's just at that one little point. Because we're
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1 going to set the building, the back room on all
 2 floors are going to be set in 8 inches.
 3 So 8 inches, let's say it's going to be
 4 8 inches plus it going to be another 4 to 6 inches by
 5 reducing the depth of the building.
 6 CHAIRMAN FERGUSON: Okay. So, what's
 7 the side yard going to be on the right side going as
 8 --
 9 THE WITNESS: It's going to be 4 feet 6
 10 at the rear. At the front right now it's 6 -- almost
 11 6 feet 4 inches. And there is nothing hanging out
 12 past that point.
 13 CHAIRMAN FERGUSON: I'm talking on --
 14 we're talking about --
 15 THE WITNESS: The right-hand side or
 16 left-hand side?
 17 CHAIRMAN FERGUSON: Well, as I'm
 18 looking at it, the left-hand side.
 19 THE WITNESS: The left-hand side. We
 20 would like to keep it the 5 feet.
 21 CHAIRMAN FERGUSON: Right.
 22 THE WITNESS: It's a clear 5 feet.
 23 There's no bay windows, nothing sticking out past the
 24 building line.
 25 CHAIRMAN FERGUSON: Okay.
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1 THE WITNESS: And like I said, now if
 2 we reduce the building depth to 52 feet, what's going
 3 to happen is -- and also by cutting in that corner,
 4 we're going to get that rear setback to 4 and a half
 5 feet as a minimum at the rear right corner of the
 6 building. Like I said, a typical duplex we do the
 7 overhang, you technically have 3, 3 feet 2 inches to
 8 that bay in the back. So it's a small chokepoint,
 9 but like I said, I think it could be granted.
 10 CHAIRMAN FERGUSON: So if -- so what
 11 are you required on the side yards?
 12 THE WITNESS: 6 feet.
 13 CHAIRMAN FERGUSON: 5 feet?
 14 THE WITNESS: I mean, are we doing it
 15 in the front? It's --
 16 CHAIRMAN FERGUSON: So you're telling
 17 me you can't make that 5 feet 6 feet?
 18 THE WITNESS: I would like -- I would
 19 like to keep it.
 20 CHAIRMAN FERGUSON: I know what you
 21 like, but can you make it 6 feet?
 22 THE WITNESS: I mean, the other option,
 23 if we did it, I would do, let's say, 4 inches off of
 24 each part of the building and then see what the
 25 footprint comes out to and we can recalculate the
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1 depth and look at that and see what that would be.
2 CHAIRMAN FERGUSON: Yeah, because, you
3 know, I think 6 feet, you know, on the side-yard, you
4 know, is better than --

5 MR. MACRI: Mr. Chairman, if we go to 6
6 feet --

7 THE WITNESS: If I do 51 feet and have
8 the 8 inches here, this still stays at 5 feet.

9 Let me see if I take off, let's say, 4
10 inches off each side.

11 CHAIRMAN FERGUSON: Okay.

12 THE WITNESS: If I can go, let's say,
13 back here, if I can go 5 foot 4 and back here I would
14 get this to 4 feet, I can go 52 feet the building, so
15 I would be closer to, let's say, 4 and a half feet at
16 the rear corner, 5 foot 4 on this side here.

17 CHAIRMAN FERGUSON: You're talking
18 about the left side?

19 THE WITNESS: Left side, yeah, 5 foot
20 4, which is still -- there's still no bay windows in
21 a 5 foot 4 and if I go 52 feet with that little cut
22 out in the corner, we can meet the coverage
23 requirement.

24 CHAIRMAN FERGUSON: Okay. Now, let's
25 go to the other side, the right side. What would be

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1 the side yard on the right side with your -- you got
2 3.4 now. What would the --

3 THE WITNESS: Okay. At the front it
4 would be 6 foot, almost 6 foot 8.

5 CHAIRMAN FERGUSON: Okay.

6 THE WITNESS: You know, if we're going
7 to adjust the --

8 CHAIRMAN FERGUSON: We're talking about
9 the right side.

10 THE WITNESS: Yeah, it's the right-hand
11 side. At the back it would be approximately 4 foot 8
12 or so.

13 CHAIRMAN FERGUSON: Do you have
14 anything, Vinny?

15 MR. CARNOVALE: Yeah, I'm a little
16 confused. When you say cut 8 inches off the back,
17 you're going to have a job in the foundation?

18 THE WITNESS: Yeah, it's -- because
19 that way --

20 MR. CARNOVALE: So the wall is going to
21 go like this, go like this, go like this.

22 THE WITNESS: You cut it out.

23 MR. CARNOVALE: You're not taking the
24 full house 8 inches off?

25 THE WITNESS: No, just that back

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1 corner, because like I said, the property line is on
2 the angle, so that's the closest point. But now what
3 we do is we keep the same roof line, they just --
4 they basically -- they shim the plate up maybe one --
5 an extra 2, a 2 by 4 on top of the wall plate to
6 catch that roof, because the roof is going to be set
7 in 8 inches on a 4 on 12 pitch, it's basically like 2
8 inches of travel. So it will be -- the actual plate
9 is going to be a little bit higher, but, you know,
10 we've done it before where it has -- it looks like a
11 regular roof on top. It's just the wall in that back
12 corner moves in.

13 MR. CARNOVALE: So the width of the
14 house in the front will be, 38 you have it?

15 THE WITNESS: No, it's going to be 36
16 now, which is the old duplexes.

17 MR. CARNOVALE: How about your garage
18 doors?

19 THE WITNESS: The garage doors are
20 going to be 15 feet now, so that's the other --

21 MR. CARNOVALE: 15 feet?

22 THE WITNESS: We can do -- let's say,
23 we can do 52 and keep that same width and keep the
24 flexibility of the 16-foot garage door and still, you
25 know, still get that chamfer in the back. So that's

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1 something I guess, you know -- even regardless of
2 coverage, if I do less than the -- If I increase the
3 setback either way at the front, I'm not going to get
4 those 16-foot garage doors.

5 CHAIRMAN FERGUSON: You need the garage
6 doors. No?

7 THE WITNESS: I mean, even though in
8 reality it's like it's good in a pinch and it makes
9 it easier for them to at least park one car in there
10 and, you know, store junk on the one side.

11 CHAIRMAN FERGUSON: I would leave it.

12 MR. CARNOVALE: Bill, what about
13 another -- the front steps, how many steps do you
14 have there? Do they run into the town right-of-way?

15 THE WITNESS: No. They're -- I have
16 them set in 4 feet 4 inches from the property line --

17 MR. CARNOVALE: Right-of-way.

18 THE WITNESS: No, yeah, from the
19 right-of-way line, the property line and on the
20 right-hand side is approximately 4 inches.

21 MR. CARNOVALE: That's fine.

22 THE WITNESS: They don't go over 12
23 feet. They're 11 feet, 4 inches of run.

24 MR. CARNOVALE: So the other thing was
25 getting back to the garage doors. Joe has indicated

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1 he wanted you to make the side yard bigger, but I
2 don't know, maybe on a technicality, the 15-foot
3 doors, I don't know.

4 THE WITNESS: Like I said, and we were
5 trying to be -- we were trying to be honest from the
6 beginning. That's why we didn't go -- we've done 5
7 feet with bay windows, but we figured, let's come
8 honestly in this thing with 5 feet but nothing going
9 into it. Like I said, I -- and I forgot about that
10 reasoning with the garage door. You know, we can
11 make it, we can make the coverage, the building
12 coverage comply and also we can increase that rear
13 setback by at least, you know, at least a foot.

14 MR. CARNOVALE: Joe, I'll turn it over
15 to you. I -- just me, I personally think that 16 --

16 CHAIRMAN FERGUSON: I thought we had an
17 agreement until you started talking.

18 MR. CARNOVALE: Me or him?

19 THE WITNESS: But I forgot about the
20 garage doors.

21 CHAIRMAN FERGUSON: You know, and then
22 we're going to do the two side yards.

23 THE WITNESS: Well, he brought up a
24 good point about the garage doors.

25 MR. CARNOVALE: Well, the doors, Joe,
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1 the garage doors will now -- let's say he did what
2 you want, the garage doors are going to be 15 foot
3 instead of 16.

4 VICE CHAIRMAN ALBANESE: You ain't
5 going to get two cars in there.

6 MS. LAMBRINIDES: You're not going to
7 get two Fiats in there?

8 MR. CARNOVALE: You can squeeze them in
9 with a shoehorn, but --

10 MS. LAMBRINIDES: We're not going to
11 get two Fiats in there?

12 MR. CARNOVALE: But you understand,
13 right, Joe? He'll comply with everything you say,
14 but the garage doors instead of being 16 here, 16
15 here, they're going to be 15 and 15, so...

16 VICE CHAIRMAN ALBANESE: It's tough,
17 Joe.

18 MR. CARNOVALE: Can you think of
19 something else? Or he can, he's the architect.

20 THE WITNESS: Right now I have it set
21 up with a 16-foot door and I got 5 and a half inches
22 on each side to get the liners on the door. So the
23 most I could do is maybe 2 by 4, but even that by the
24 time they put the track in there, it's impossible.

25 MR. CARNOVALE: No, that's hard,
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1 because --

2 CHAIRMAN FERGUSON: Okay. So we're
3 back to 16-foot, 16-foot doors.

4 THE WITNESS: Yes. Now, and then the
5 coverage will comply. The rear corner setback will
6 be 4 feet 6 inches as a minimum. We'll have a
7 52-foot deep building. What I'll do is I guess I'll
8 have 26 in the back and then the rest will be added
9 to the front. Given it's a tight street, it's
10 probably easier to back in and out or have room for a
11 garage space.

12 BY MR. MACRI:

13 Q. 52?

14 A. **It's 52.**

15 Q. Right side is going to be 4 feet 8
16 inches?

17 A. **So then we would have a 22-foot front
18 yard, a 52-foot deep building with a portion of the
19 rear right being moved in 8 inches and then we'll
20 have a 26-foot rear yard that would help to bring
21 that corner 4 feet to 4 feet 6 inches.**

22 VICE CHAIRMAN ALBANESE: That's good.

23 MS. TESTA: Okay. So the building is
24 going to be 52 feet, the front yard will be 22 feet,
25 and the back yard, rear yard is 26 feet?

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1 THE WITNESS: 26 feet. So I'm adding 2
2 feet to -- I'm adding the -- the reason I'm adding to
3 the back yard to make that clearance a little bit
4 wider, as wide as we can at the back corner at the
5 right and then the additional foot in the front is
6 being done so it's easier to back in and out and the
7 concern about the steps being close to the
8 right-of-way line, those would be pushed back
9 approximately 2 feet.

10 MS. TESTA: Left side yard will be 5
11 feet, the right side yard in the front is 6.8 feet?

12 THE WITNESS: No, that's going to stay
13 -- it's going to stay the same. It's the rear right
14 side yard will be increased, at the corner will be
15 increased to 4 feet 6 inches. It will be 4.5 feet.

16 MS. TESTA: And the left side is
17 staying the same?

18 THE WITNESS: The left side is the same
19 and there's no bay windows in it.

20 CHAIRMAN FERGUSON: Any other board
21 members? Steve?

22 MR. COLLAZUOL: Just one. Bill, in our
23 report it talks about the walls. The retaining walls
24 are shown, top/bottom elevations should be added to
25 the plan. Looking at the plan in detail you have a

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1 landing on the left-hand side, an elevation of about
2 111.33.

3 THE WITNESS: Yes.

4 MR. COLLAZUOL: You don't have the
5 elevation of the adjoining property there. I would
6 presume it's going to be a 6-foot wall.

7 THE WITNESS: Yes, that will be -- that
8 will be a poured concrete retaining wall. If it's
9 approved, we could provide a design for that.

10 MR. COLLAZUOL: Okay. And on the right
11 rear it appears now that you're making the passageway
12 to get up to the rear yard a little wider. Along the
13 right, it appears to be about a 4-foot wall as well.
14 Will it be greater than 4 feet there?

15 THE WITNESS: No. Right now it's a
16 step up of -- it's a 2-foot wall at that corner.
17 Rear right?

18 MR. COLLAZUOL: It looks like the
19 bottom of the wall and the adjoining property in the
20 rear is 115.0 one and on the platform is 119.5 at the
21 house.

22 THE WITNESS: Yeah, but you step down
23 to the patio. You see where I have it, you're
24 stepping down. The platform is 119.5. The patio is
25 118, 118.17 and there's another step down to 116.83.

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1 application to include the variances. We're not able
2 to provide two-car garage. Our left rear side yard
3 will be 4 feet 6 inches. The dwelling will be 52
4 feet in length. The front yard will be 22 feet and
5 the rear yard will be 26 feet.

6 MS. TESTA: And the retaining walls you
7 don't need any variances?

8 MR. COLLAZUOL: No, a variance is not
9 required for it.

10 CHAIRMAN FERGUSON: Okay. We've got a
11 motion and a second.

12 MR. COLLAZUOL: You have a valid point
13 there.

14 MS. TESTA: Yeah.

15 MR. COLLAZUOL: The wall on the left is
16 greater than 4 feet in height, so walls any greater
17 than 4 feet in height are not allowed unless they're
18 separated by a tier. So they would need a variance
19 for the retaining wall on the left-hand side.

20 MR. MACRI: So I'll amend the
21 application to include the retaining wall on the
22 left-hand side, which is in excess of 4 feet.

23 CHAIRMAN FERGUSON: All right. We've
24 got a motion, we've got a second. Roll call vote.

25 MS. LAMBRINIDES: Mr. Ferguson?

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1 MR. COLLAZUOL: So that wall on the
2 right would be less than 4 feet?

3 THE WITNESS: Yes.

4 CHAIRMAN FERGUSON: Judd?

5 MR. ROCCIOLA: I don't have anything.

6 CHAIRMAN FERGUSON: How about you, my
7 friend?

8 MR. KAUKER: I have no questions.

9 CHAIRMAN FERGUSON: Okay. We're going
10 to open it up to the audience. Do you have any
11 comments?

12 MR. MACRI: That's my client.

13 CHAIRMAN FERGUSON: Okay. All right.

14 So can I get a motion to --

15 VICE CHAIRMAN ALBANESE: I make a
16 motion we accept.

17 MR. CARNOVALE: I second the motion.

18 VICE CHAIRMAN ALBANESE: As presented.

19 MR. CARNOVALE: Subject to what --

20 MS. TESTA: All those changes.

21 MR. CARNOVALE: Yes.

22 MR. MACRI: So our percentage is going
23 to be 40 percent, we're going to comply.

24 MS. TESTA: Right.

25 MR. MACRI: We're going to amend the

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1 CHAIRMAN FERGUSON: Yes.

2 MS. LAMBRINIDES: Mr. Albanese?

3 VICE CHAIRMAN ALBANESE: Yes.

4 MS. LAMBRINIDES: Mr. Terranova?

5 MR. TERRANOVA: Yes.

6 MS. LAMBRINIDES: Mr. Min?

7 MR. MIN: Yes.

8 MS. LAMBRINIDES: Mr. Nam?

9 MR. NAM: Yes.

10 MS. TESTA: The alternates don't have
11 to vote.

12 MS. LAMBRINIDES: Ms. Yoon?

13 MS. YOON: Yes.

14 MS. TESTA: The alternates don't vote.

15 MS. LAMBRINIDES: Okay. So who are the
16 alternates? Ms. Tarabocchia?

17 MS. TESTA: Yes, and Mr. Min.

18 MS. LAMBRINIDES: So Mr. Min has no

19 vote. I'm sorry.

20 Mr. Carnovale?

21 MR. CARNOVALE: Yes.

22 MS. LAMBRINIDES: And Mr. Lefteriou?

23 MR. LEFTERIOU: Yes.

24 MR. MACRI: Thank you very much.

25 CHAIRMAN FERGUSON: Thank you.

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1 Motion at the adjourn.
2 MR. CARNOVALE: Second.
3 VICE CHAIRMAN ALBANESE: Second that.
4 (Whereupon, the meeting is adjourned.
5 Time noted: 9:27 p.m.)
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C E R T I F I C A T E

1
2
3 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
4 Public of the State of New Jersey, Notary
5 ID.# 50094914, Certified Court Reporter of the State
6 of New Jersey, and a Registered Professional
7 Reporter, hereby certify that the foregoing is a
8 verbatim record of the testimony provided under oath
9 before any court, referee, board, commission or other
10 body created by statute of the State of New Jersey.

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

16 This transcript complies with
17 regulation 13:43-5.9 of the New Jersey Administrative
18 Code.
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LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey # 50094914, Notary
Expiration Date December 3, 2023

17 Dated: _____
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