

07:03PM 1 CHAIRMAN FERGUSON: Paul, do you want
 07:03PM 2 to lead us in the flag salute?
 07:03PM 3 VICE CHAIRMAN ALBANESE: Yes, sir.
 07:03PM 4 (Whereupon, Vice Chairman Albanese
 07:03PM 5 leads the Recitation of the Pledge of
 07:03PM 6 Allegiance.)
 07:03PM 7 CHAIRMAN FERGUSON: Roll call for
 07:03PM 8 attendance.
 07:02PM 9 MS. KIM: Mr. Ferguson?
 07:02PM 10 CHAIRMAN FERGUSON: Here.
 07:03PM 11 MS. KIM: Mr. Albanese?
 07:03PM 12 VICE CHAIRMAN ALBANESE: Here.
 07:02PM 13 MS. KIM: Mr. Terranova?
 07:02PM 14 MR. TERRANOVA: Here.
 07:02PM 15 MS. KIM: Mr. Kim?
 07:02PM 16 MR. KIM: Here.
 07:02PM 17 MS. KIM: Mr. Nam?
 07:02PM 18 MR. NAM: Here.
 07:02PM 19 MS. KIM: Ms. Yoon?
 07:02PM 20 MS. YOON: Here.
 07:02PM 21 MS. KIM: Mr. Carnovale?
 07:02PM 22 MR. CARNOVALE: Here.
 07:02PM 23 MS. KIM: Ms. Tarabocchia?
 07:02PM 24 (No response.)
 07:02PM 25 MS. KIM: Mr. Lefteriou?

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07:03PM 1 notice.
 07:03PM 2 MR. KIM: I'll second that.
 07:03PM 3 VICE CHAIRMAN ALBANESE: I'll second.
 07:03PM 4 CHAIRMAN FERGUSON: Okay. Roll call.
 07:03PM 5 MS. KIM: Mr. Ferguson?
 07:03PM 6 CHAIRMAN FERGUSON: Yes.
 07:02PM 7 MS. KIM: Mr. Albanese?
 07:02PM 8 VICE CHAIRMAN ALBANESE: Yes.
 07:02PM 9 MS. KIM: Mr. Terranova?
 07:02PM 10 MR. TERRANOVA: Yes.
 07:02PM 11 MS. KIM: Mr. Kim?
 07:02PM 12 MR. KIM: Yes.
 07:02PM 13 MS. KIM: Mr. Nam?
 07:02PM 14 MR. NAM: Yes.
 07:02PM 15 MS. KIM: Ms. Yoon?
 07:02PM 16 MS. YOON: Yes.
 07:02PM 17 MS. KIM: Mr. Carnovale?
 07:02PM 18 MR. CARNOVALE: Yes.
 07:02PM 19 MS. KIM: Mr. Lefteriou?
 07:02PM 20 MR. LEFTERIOU: Yes.
 07:04PM 21 CHAIRMAN FERGUSON: Next we'll pay some
 07:04PM 22 bills. I have a bill here from Kauker and Kauker,
 07:04PM 23 which is \$315.00, which will be paid out of the
 07:04PM 24 escrow account. And also the board attorney,
 07:04PM 25 \$900.00, which will be paid out of the escrow

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07:02PM 1 MR. LEFTERIOU: Here.
 07:02PM 2 CHAIRMAN FERGUSON: First we're going
 07:02PM 3 to have an announcement and that is; one of the --
 07:02PM 4 Case No. 18-03, Fair Supreme, LLC, 131 East
 07:03PM 5 Brinkerhoff has put in for a request for an
 07:03PM 6 adjournment.
 07:03PM 7 MS. TESTA: Yes. The attorney is not
 07:03PM 8 available.
 07:03PM 9 CHAIRMAN FERGUSON: The attorney isn't
 07:03PM 10 available.
 07:03PM 11 So that case will not be heard tonight.
 07:03PM 12 It will be heard next month, third Monday of the
 07:03PM 13 month, which is --
 07:03PM 14 MS. BRAUER: The 19th.
 07:03PM 15 MS. TESTA: June 19th.
 07:03PM 16 CHAIRMAN FERGUSON: June -- June 19th?
 07:03PM 17 MS. TESTA: June 18th.
 07:03PM 18 CHAIRMAN FERGUSON: June 18th.
 07:03PM 19 So if anybody is here for that case, it
 07:03PM 20 will not be heard tonight, but everybody is welcome
 07:03PM 21 to stay.
 07:03PM 22 First -- oh, I'll make a motion to that
 07:03PM 23 effect.
 07:03PM 24 MS. TESTA: And no further notice?
 07:03PM 25 CHAIRMAN FERGUSON: No additional

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07:04PM 1 account.
 07:04PM 2 Can I get a motion to pay those two
 07:04PM 3 bills?
 07:04PM 4 VICE CHAIRMAN ALBANESE: I'll make a
 07:04PM 5 motion.
 07:04PM 6 MR. CARNOVALE: I second.
 07:04PM 7 CHAIRMAN FERGUSON: Roll call vote.
 07:04PM 8 MS. KIM: Mr. Ferguson.
 07:04PM 9 CHAIRMAN FERGUSON: Yes.
 07:02PM 10 MS. KIM: Mr. Albanese? Mr. Albanese?
 07:02PM 11 VICE CHAIRMAN ALBANESE: Yes.
 07:02PM 12 MS. KIM: Mr. Terranova?
 07:02PM 13 MR. TERRANOVA: Yes.
 07:02PM 14 MS. KIM: Mr. Kim?
 07:02PM 15 MR. KIM: Yes.
 07:02PM 16 MS. KIM: Mr. Nam?
 07:02PM 17 MR. NAM: Yes.
 07:02PM 18 MS. KIM: Ms. Yoon?
 07:02PM 19 MS. YOON: Yes.
 07:02PM 20 MS. KIM: Mr. Carnovale?
 07:02PM 21 MR. CARNOVALE: Yes.
 07:02PM 22 MS. KIM: Mr. Lefteriou?
 07:02PM 23 MR. LEFTERIOU: Yes.
 07:05PM 24 VICE CHAIRMAN ALBANESE: We have --
 07:05PM 25 another member just showed up.

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07:05PM 1 MR. CARNOVALE: We got a new member.
 07:05PM 2 MS. TESTA: Yes. Let the record
 07:05PM 3 reflect that.
 4 MS. KIM: Okay.
 5 (Whereupon, Ms. Tarabocchia is now
 6 present at 7:05 p.m.)
 7 CHAIRMAN FERGUSON: We're ready to go?
 8 MS. KIM: Do you want to go back and
 07:05PM 9 retake the vote since she just entered?
 07:05PM 10 MS. TESTA: No. Just that -- read it
 07:05PM 11 into the record.
 07:05PM 12 MS. KIM: Okay.
 07:05PM 13 CHAIRMAN FERGUSON: Next we're going to
 07:05PM 14 approve the minutes of the previous meeting.
 07:05PM 15 Everybody had an opportunity to review
 07:05PM 16 the minutes. Does anybody have any corrections on
 07:05PM 17 the minutes?
 07:05PM 18 (No response.)
 07:05PM 19 CHAIRMAN FERGUSON: No corrections?
 07:05PM 20 Can I get a motion to approve the
 07:05PM 21 minutes of the previous meeting.
 07:05PM 22 MR. KIM: I'll make a motion.
 07:05PM 23 CHAIRMAN FERGUSON: That's a motion.
 07:05PM 24 MR. CARNOVALE: I second.
 07:05PM 25 CHAIRMAN FERGUSON: Roll call vote?

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1 MS. TESTA: Gina, if you can just make
 2 the record reflect Mr. Albanese was not present at
 07:06PM 3 the meeting. So, he's abstaining from the vote on
 07:06PM 4 the minutes.
 07:06PM 5 MS. KIM: Okay.
 07:06PM 6 CHAIRMAN FERGUSON: Gina, you want to
 07:06PM 7 take charge of this?
 07:06PM 8 MS. KIM: Sure.
 07:06PM 9 CHAIRMAN FERGUSON: So first --
 07:06PM 10 MS. TESTA: Resolution.
 07:06PM 11 CHAIRMAN FERGUSON: The resolution,
 07:06PM 12 right.
 07:06PM 13 MS. TESTA: Daniel Lee.
 07:06PM 14 CHAIRMAN FERGUSON: We have one
 07:06PM 15 resolution for tonight. It's Case No. 18-01, Daniel
 07:06PM 16 Lee, 134 Grand Avenue. It's a memorialization.
 07:06PM 17 Can I get a motion to approve the
 07:06PM 18 memorialization?
 07:06PM 19 MR. CARNOVALE: I make a motion.
 07:06PM 20 CHAIRMAN FERGUSON: There's a motion.
 07:06PM 21 Is there a second?
 07:06PM 22 (No response.)
 07:06PM 23 CHAIRMAN FERGUSON: I'll second.
 07:07PM 24 Roll call vote?
 07:07PM 25 MS. KIM: Mr. Ferguson?

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07:05PM 1 MS. KIM: Mr. Ferguson?
 07:05PM 2 CHAIRMAN FERGUSON: Yes.
 07:02PM 3 MS. KIM: Mr. Albanese?
 07:02PM 4 VICE CHAIRMAN ALBANESE: Abstain.
 07:02PM 5 MS. KIM: Mr. Terranova?
 07:02PM 6 MR. TERRANOVA: Abstain.
 07:02PM 7 MS. KIM: Mr. Kim?
 07:02PM 8 MR. KIM: Yes.
 07:02PM 9 MS. KIM: Mr. Nam?
 07:02PM 10 MR. NAM: Yes.
 07:02PM 11 MS. KIM: Ms. Yoon?
 07:02PM 12 MS. YOON: Yes.
 07:02PM 13 MS. KIM: Mr. Carnovale?
 07:02PM 14 MR. CARNOVALE: Yes.
 07:02PM 15 MS. KIM: Ms. Tarabocchia?
 07:02PM 16 MS. TARABOCCHIA: Yes.
 07:02PM 17 MS. KIM: Mr. Lefteriou?
 07:02PM 18 MR. LEFTERIOU: Yes.
 07:06PM 19 VICE CHAIRMAN ALBANESE: I can't vote
 07:06PM 20 for this?
 21 MS. TESTA: Were you there?
 22 VICE CHAIRMAN ALBANESE: This meeting,
 23 no.
 24 MS. TESTA: Right, no.
 25 VICE CHAIRMAN ALBANESE: Then I --

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07:07PM 1 CHAIRMAN FERGUSON: Yes.
 07:02PM 2 MS. KIM: Mr. Albanese?
 07:02PM 3 VICE CHAIRMAN ALBANESE: I abstain.
 07:02PM 4 Right?
 07:02PM 5 MS. TESTA: Uh-huh.
 07:02PM 6 MS. KIM: Mr. Terranova?
 07:02PM 7 MR. TERRANOVA: Abstain.
 07:02PM 8 MS. KIM: Mr. Kim?
 07:02PM 9 MR. KIM: Yes.
 07:02PM 10 MS. KIM: Mr. Nam?
 07:02PM 11 MR. NAM: Yes.
 07:02PM 12 MS. KIM: Ms. Yoon?
 07:02PM 13 MS. YOON: Yes.
 07:02PM 14 MS. KIM: Mr. Carnovale?
 07:02PM 15 MR. CARNOVALE: Yes.
 07:02PM 16 MS. KIM: Ms. Tarabocchia?
 07:02PM 17 MS. TARABOCCHIA: Yes.
 07:02PM 18 MS. KIM: Mr. Lefteriou?
 07:02PM 19 MR. LEFTERIOU: Yes.
 07:07PM 20 CHAIRMAN FERGUSON: So our next case
 07:07PM 21 will be 18-02, Bergen KR LLC, 400 Bergen Boulevard.
 07:07PM 22 Is that attorney --
 07:07PM 23 MR. RAMUNDO: Yes.
 07:07PM 24 CHAIRMAN FERGUSON: And is there any
 07:07PM 25 opposing attorneys in the house?

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07:07PM 1 MR. LIZZI: Yes, right here.

07:07PM 2 CHAIRMAN FERGUSON: Okay. So, do you

07:07PM 3 want to -- Steve, can you slide over a little bit?

07:07PM 4 You can come up to this table.

07:08PM 5 MR. COLLAZUOL: Certainly.

07:08PM 6 CHAIRMAN FERGUSON: Okay, my friend, do

07:08PM 7 you want to put an appearance in?

07:08PM 8 MR. RAMUNDO: Good evening,

07:08PM 9 Mr. Chairman, Ms. Testa, Honorable Board Members,

07:08PM 10 Members of the Public, Mr. Onorato. My name is Marc

07:08PM 11 Ramundo, I'm here appearing on behalf the applicant

07:08PM 12 tonight.

07:08PM 13 Before I start, can I just approach?

07:08PM 14 CHAIRMAN FERGUSON: Yes, you can.

07:08PM 15 MS. TESTA: Yes, please.

07:08PM 16 MR. RAMUNDO: And actually I made a lot

07:08PM 17 of copies this time.

07:08PM 18 MS. TESTA: Good.

07:08PM 19 MR. ONORATO: Good evening,

07:08PM 20 Mr. Chairman, Members of the Committee. Donald

07:08PM 21 Onorato, 15 Bergen Street in Hackensack appearing on

07:08PM 22 behalf of Trio Condominium Association.

07:08PM 23 CHAIRMAN FERGUSON: So, what is going

07:08PM 24 to happen is the applicant will put on his first

07:08PM 25 witness. After that concludes, the opposing attorney

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07:09PM 1 she mailed them on May 4th, 2018?

07:10PM 2 MR. RAMUNDO: Yes, and actually made

07:10PM 3 copies, too, of the envelopes.

07:10PM 4 MS. TESTA: There's a couple copies of

07:10PM 5 envelopes, but those are the ones -- we're just, you

07:10PM 6 know --

07:10PM 7 MR. RAMUNDO: Those would be

07:10PM 8 representative of when they all went out. So

07:10PM 9 actually --

07:10PM 10 MS. TESTA: Right. But they're not all

07:10PM 11 the envelopes?

07:10PM 12 MR. RAMUNDO: No. Just certified mail.

07:10PM 13 MS. TESTA: No, a handful of them. The

07:10PM 14 envelopes are marked -- postmarked May 4th, 2018.

07:10PM 15 MR. RAMUNDO: Correct.

07:10PM 16 MS. TESTA: But the white receipt that

07:10PM 17 many times is stamped by the post office is not

07:10PM 18 stamped.

07:10PM 19 But the paralegal, Marc's paralegal is

07:10PM 20 certifying that she did sign -- she did cause it to

07:10PM 21 be mailed on May 4th, 2018.

07:10PM 22 MR. RAMUNDO: And that's correct, yes.

07:10PM 23 MS. TESTA: Okay.

07:10PM 24 CHAIRMAN FERGUSON: Okay. Marc, do you

07:10PM 25 want to put your first one on?

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07:08PM 1 will get an opportunity, if he desires, to do any

07:09PM 2 questions. Then the board members will do some

07:09PM 3 questions. Then our experts will do some questions.

07:09PM 4 Then the general public will be doing some questions.

07:09PM 5 How many witnesses do you have tonight?

07:09PM 6 MR. RAMUNDO: Two witnesses will

07:09PM 7 testify.

07:09PM 8 One witness is just going to

07:09PM 9 authenticate some pictures she took. So, really just

07:09PM 10 two testifying witnesses.

07:09PM 11 CHAIRMAN FERGUSON: Okay.

07:09PM 12 MS. RAMUNDO: I just have to have -- I

07:09PM 13 can call the owner who took some pictures. I'm going

07:09PM 14 to be alluding to them, so to authenticate them I'm

07:09PM 15 just going to have her testify just that she took the

07:09PM 16 pictures.

07:09PM 17 MS. TESTA: Marc, I guess Karina

07:09PM 18 Franco, who is that, your secretary?

07:09PM 19 MR. RAMUNDO: She's my paralegal, yes.

07:09PM 20 MS. TESTA: Your paralegal, okay.

07:09PM 21 Because I have the certified mail. I have the

07:09PM 22 receipts, however they're not stamped by the post

07:09PM 23 office.

07:09PM 24 MR. RAMUNDO: Yes.

07:09PM 25 MS. TESTA: But is she certifying that

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07:10PM 1 MR. RAMUNDO: Yes, Mr. Chairman.

07:10PM 2 I'm going to call just the applicant,

07:10PM 3 Ms. Yoon Kim just to -- to testify as to just some

07:10PM 4 pictures she took.

07:10PM 5 In the course of testifying, the

07:11PM 6 architect and the planner may refer to these pictures

07:11PM 7 so I just want to authenticate them for the board for

07:11PM 8 Ms. Testa.

07:11PM 9 CHAIRMAN FERGUSON: Okay.

07:11PM 10 MR. RAMUNDO: She can be sworn.

07:11PM 11 MS. TESTA: Yes.

07:11PM 12 Please raise your right hand. Do you

07:11PM 13 swear that the testimony and the comments that you

07:11PM 14 will make with regards to this application will be

07:11PM 15 the truth, the whole truth and nothing but the truth?

07:11PM 16 MS. Y. KIM: Yes.

07:11PM 17 Y O O N K I M,

07:11PM 18 having been duly sworn, testifies as follows:

07:11PM 19 MR. RAMUNDO: You have to say it loud.

07:11PM 20 MS. TESTA: Yeah, nice and loud.

07:11PM 21 MS. Y. KIM: Yes.

07:11PM 22 MS. TESTA: Please state your name and

07:11PM 23 spell it for the record.

07:11PM 24 MS. Y. KIM: Yoon Kim. First name is

07:11PM 25 Y-O-O-N. Last name is K-I-M.

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07:11PM **1** MS. TESTA: Very good.

07:11PM **2** DIRECT EXAMINATION

07:11PM **3** BY MR. RAMUNDO:

07:11PM **4** **Q.** Ms. Kim, I'm just going to ask you,

07:11PM **5** these pictures that are on the easel today, did you

07:11PM **6** take these pictures?

07:11PM **7** **A.** **Yes, I did.**

07:11PM **8** **Q.** You live in town as well?

07:11PM **9** **A.** **Yes.**

07:11PM **10** **Q.** You operate a business on Broad Avenue?

07:12PM **11** **A.** **Yes.**

07:12PM **12** **Q.** And did you physically walk on each of

07:12PM **13** those properties to take these pictures?

07:12PM **14** **A.** **Yes, I did.**

07:12PM **15** **Q.** And you also wrote next to each picture

07:12PM **16** the address --

07:12PM **17** **A.** **Yes.**

07:12PM **18** **Q.** -- as to all the establishments and

07:12PM **19** where they appear and what address they appear on in

07:12PM **20** Palisades Park, right?

07:12PM **21** **A.** **Yes.**

07:12PM **22** **Q.** Do these pictures adequately and

07:12PM **23** accurately depict what's there today?

24 **A.** **I'm not supposed to count --**

25 **Q.** I'm saying, these pictures adequately

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07:13PM **1** accurately depict what's there today?

07:13PM **2** **A.** **Yes.**

07:13PM **3** MR. RAMUNDO: If you want any follow-up

07:13PM **4** questions, I just wanted to at least authenticate the

07:13PM **5** exhibits that we refer to.

07:13PM **6** CHAIRMAN FERGUSON: Any board members

07:13PM **7** have any questions?

8 (No response.)

9 CHAIRMAN FERGUSON: No.

10 Experts?

11 (No response.)

07:13PM **12** MR. RAMUNDO: And just for

07:13PM **13** clarification, what's on top is the pictures of all

07:13PM **14** the 15 establishments that allow karaoke in the

07:13PM **15** town --

07:13PM **16** CHAIRMAN FERGUSON: Okay.

07:13PM **17** MR. RAMUNDO: Fifteen.

07:13PM **18** The last pictures are all the

07:13PM **19** bar/restaurants on Bergen Boulevard alone. And

07:13PM **20** they'll be referred to during the course of testimony

07:13PM **21** this evening.

07:13PM **22** CHAIRMAN FERGUSON: So if there's no

07:13PM **23** questions, I guess you can put your next witness on.

07:13PM **24** MR. RAMUNDO: Thank you very much.

07:13PM **25** Mr. Chairman, I'm going to call Sean

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1 depict what's there --

2 **A.** **Yes.**

3 **Q.** -- today, right?

4 **A.** **Yes.**

5 **Q.** You didn't edit or modify these

07:12PM **6** pictures in any way?

07:12PM **7** **A.** **No.**

07:12PM **8** **Q.** You took them and you printed them,

07:12PM **9** right?

07:12PM **10** **A.** **Yes.**

07:12PM **11** **Q.** And the same thing with regard to this

07:12PM **12** easel here (indicating). This picture here, which

07:12PM **13** I'm going to put on the easel, these establishments

07:12PM **14** are all on Bergen Boulevard. You took these

07:12PM **15** pictures?

07:12PM **16** **A.** **Yes.**

07:12PM **17** **Q.** And you posted the names and address of

07:12PM **18** each establishment?

07:12PM **19** **A.** **Yes.**

07:12PM **20** **Q.** Right. You printed them?

07:12PM **21** **A.** **Yes.**

07:12PM **22** **Q.** You didn't edit or modify them in any

07:13PM **23** other way -- any way?

07:13PM **24** **A.** **No.**

07:13PM **25** **Q.** And these pictures adequately and

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07:13PM **1** Kim who is the architect.

07:13PM **2** And again, two months ago we heard

07:13PM **3** Mr. Kim testify as to the drawings that he prepared.

07:14PM **4** Just for purposes of re-noticing, we're going to have

07:14PM **5** him just testify and answer any questions the board

07:14PM **6** may have.

07:14PM **7** MS. TESTA: We'll go through the

07:14PM **8** comments, because the board didn't have the

07:14PM **9** jurisdiction at the last meeting.

07:14PM **10** MR. RAMUNDO: Okay.

07:14PM **11** MS. TESTA: So please raise your right

07:14PM **12** hand.

07:14PM **13** MR. S. KIM: Sure.

07:14PM **14** MS. TESTA: Do you swear that the

15 testimony that you'll give in this application will

16 be the truth, the whole truth and nothing but the

17 truth?

18 MR. S. KIM: Yes, I do.

19 S E A N S E U N G K I M,

20 Having been duly sworn, testifies as follows:

07:14PM **21** MS. TESTA: Please state your name,

07:14PM **22** spell it for the record.

07:14PM **23** MR. S. KIM: My name is Sean, S-E-A-N,

07:14PM **24** Seung, S-E-U-N-G, W. K-I-M. I'm a New Jersey

07:14PM **25** registered architect.

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07:14PM 1 MR. RAMUNDO: And for purposes of --

07:14PM 2 CHAIRMAN FERGUSON: Okay. We'll accept

07:14PM 3 him as an expert.

07:14PM 4 MR. RAMUNDO: I was going to say, he's

07:14PM 5 been previously qualified here as an expert.

07:14PM 6 CHAIRMAN FERGUSON: Oh, yeah, yeah,

07:14PM 7 there's no problem.

07:14PM 8 BY MR. RAMUNDO:

07:14PM 9 Q. Mr. Kim --

07:14PM 10 MR. RAMUNDO: I'm going to have him

07:14PM 11 testify in the narrative versus questioning and

07:14PM 12 answering.

07:14PM 13 Q. -- so please just refer to your report

07:14PM 14 and explain to the board what the applicant is

07:14PM 15 proposing.

07:14PM 16 A. **Basically, I think I went through the**

07:14PM 17 **whole explanation through the last hearing.**

07:15PM 18 CHAIRMAN FERGUSON: Yeah, we want to

07:15PM 19 hear it again, though.

07:15PM 20 MS. TESTA: Yeah.

07:15PM 21 A. **Basically --**

07:15PM 22 Q. We have to start all over again.

07:15PM 23 CHAIRMAN FERGUSON: We want to hear the

07:15PM 24 whole thing again, right.

07:15PM 25 THE WITNESS: Yes, we're proposing

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07:16PM 1 area. We're making it into 11 spaces and it's a

07:16PM 2 different type of serving of the food. It looks like

07:16PM 3 a karaoke business layout, but we're trying to do --

07:16PM 4 we're trying explore some different types of business

07:16PM 5 for this one here. That's why the layout came out

07:16PM 6 this much. This kind of a layout. And then we got

07:16PM 7 it right over here (indicating).

07:16PM 8 The main question is the actually

07:16PM 9 parking. I know everybody's question is the parking

07:16PM 10 here.

07:16PM 11 But luckily if you look around whole

07:16PM 12 this town over here, all the karaoke spaces, there's

07:17PM 13 no parking whatsoever. They rely onto the on-street

07:17PM 14 parking or something else, but they -- they use maybe

07:17PM 15 valet parking or something here. Luckily in our

07:17PM 16 space right over here we have -- the parking lot

07:17PM 17 right over here (indicating). Even if it's not

07:17PM 18 plenty, but it's really affordable parking space for

07:17PM 19 the our own use right over here (indicating).

07:17PM 20 This is totally different from the

07:17PM 21 other businesses right here (indicating).

07:17PM 22 Originally, the empty lot was, like,

07:17PM 23 designed for, like, 14-car parking space, but

07:17PM 24 actually we had to change to -- I mean upgrade the

07:17PM 25 parking layout and we put in some handicap parking in

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07:15PM 1 basically the eating and drinking establishment,

07:15PM 2 which is a -- some different type of the restaurant,

07:15PM 3 not like all the other restaurants in Palisades Park.

07:15PM 4 And the similar -- the layout, itself, was really

07:15PM 5 questioned by everybody because we tried to apply,

07:15PM 6 you know, the accessory use, which is the karaoke for

07:15PM 7 this eating and drinking establishment as well.

07:15PM 8 That's why -- I know that's raising a lot of

07:15PM 9 questions here. We know eating and drinking is the

07:15PM 10 allowed -- is permitted in this zone.

07:15PM 11 Now, the question is the karaoke. The

07:15PM 12 -- my client is trying to put that function into here

07:15PM 13 this kind of business that is actually -- actually

07:15PM 14 zoning said it's not permitted, it's not even listed

07:15PM 15 in the zone, but if you consider it as, like, a use

07:16PM 16 variance for it, so that's why we are here.

07:16PM 17 And as, you know she testified earlier

07:16PM 18 and then -- in this town here, we have 15 karaoke

07:16PM 19 businesses in this town over here. And so basically

07:16PM 20 what we're trying to do is we mix them up, that type

07:16PM 21 of a business into this -- this location. And then

07:16PM 22 that's what we're proposing now.

07:16PM 23 Regarding the layout of the plan

07:16PM 24 itself, it's not like this open space for the dining

07:16PM 25 area. We make some sort of, like, a private dining

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07:17PM 1 right over here. This it became 13 parking.

07:17PM 2 So we actually -- considering the

07:17PM 3 number of people we propose, it's 56, but the zoning

07:17PM 4 calculations and actually what we require is 22.

07:17PM 5 That's why we asked for the 9 parking car spots we

07:17PM 6 asked for as a variance last time. So, we got right

07:17PM 7 over here.

07:18PM 8 So, it's still a question in the

07:18PM 9 parking, well isn't that enough? Is that enough?

07:18PM 10 So, I understand that it might be not

07:18PM 11 enough and may be enough. Maybe, you know

07:18PM 12 considering the other way of the handling the

07:18PM 13 business itself, maybe enough, maybe not.

07:18PM 14 But as for the zoning, it's not enough

07:18PM 15 parking requirement for that.

07:18PM 16 So, the last time we made, proposed

07:18PM 17 some the valet parking into this empty lot here,

07:18PM 18 maybe we can afford some of, you know, that set up of

07:18PM 19 parking to make it into the valet parking in this lot

07:18PM 20 right over here (indicating). That's why originally

07:18PM 21 I proposed that entrance of the parking lot here, I

07:18PM 22 provided the parking control booth is at the corner

07:18PM 23 of the building. I don't know whether people have

07:18PM 24 noticed it or not.

07:18PM 25 That was, like, intentionally, you

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07:18PM 1 know, for future use for that, this parking lot right
 07:18PM 2 over here (indicating).
 07:18PM 3 So I mean, this -- in this time I
 07:19PM 4 submitted this plan, but it's not actually fixed
 07:19PM 5 parking layout for everybody right over here.
 07:19PM 6 Actually, yeah, this is submitted for
 07:19PM 7 computation of how many cars can be contained in that
 07:19PM 8 small parking right over here (indicating).
 07:19PM 9 So when I came up with -- actually in
 07:19PM 10 our site, it came out to about 19 and the rear
 07:19PM 11 driveway, actually, right over here, I mean actually
 07:19PM 12 we have the one, just, entranceway from the East
 07:19PM 13 Palisades. That will be more than enough to go in
 07:19PM 14 and out of this parking here.
 07:19PM 15 So maybe you utilize this and maybe
 07:19PM 16 tandem parking for the valet. So, they come out to
 07:19PM 17 almost, like, going all the up to 11 over here. Like
 07:19PM 18 we can afford to move like seven cars right over
 07:19PM 19 here.
 07:19PM 20 So, basically we counted almost like 30
 07:19PM 21 car parking on our own lot if you're doing the valet
 07:19PM 22 parking.
 07:20PM 23 I know maybe -- I respect
 07:20PM 24 Mr. Rocciola's comment on that. Because, yes, maybe
 07:20PM 25 it's not -- it's not practical for the actual parking

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07:21PM 1 purposes only, it's not part of the application. It
 07:21PM 2 was just for illustration purposes.
 07:21PM 3 And I spoke to Mr. Rocciola earlier
 07:21PM 4 that it's not going to be part of the application.
 07:21PM 5 We're not submitting it as part of a plan. It's not
 07:21PM 6 being attached to the architect's plan. It was just
 07:21PM 7 for illustration purposes as to what -- how many cars
 07:21PM 8 this lot can fit, if you had to squeeze them
 07:21PM 9 together.
 07:21PM 10 But in no way are we suggesting that
 07:21PM 11 the valet parking is going to be situated in that
 07:21PM 12 manner. Okay?
 07:21PM 13 THE WITNESS: And another comment from
 07:21PM 14 Mr. Collazuol -- I would like to explain the building
 07:22PM 15 situation, actually the existing condition of here.
 07:22PM 16 Actually, we relocate the main -- the main entrance
 07:22PM 17 used to be at Bergen Boulevard, which is really very
 07:22PM 18 busy road and then actually intersection roadway
 07:22PM 19 here. This is -- I'm sorry. It's Edsall Boulevard,
 07:22PM 20 Bergen Boulevard and 11th Street, like, three streets
 07:22PM 21 are crossing over. That is actually the main
 07:22PM 22 entrance of the building.
 07:22PM 23 Actually, we don't want any kind of a
 07:22PM 24 dangerous situation here. That's why we have a
 07:22PM 25 parking lot at the back. We prefer to put our own

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07:20PM 1 -- I mean, valet parking here, but, actually, I
 07:20PM 2 counted right over here (indicating), side is 8-feet
 07:20PM 3 width and 17 deep of the parking. Actually -- what's
 07:20PM 4 the car size; 6 by 16, which means -- I know it's
 07:20PM 5 very, very tight. I don't know probably maybe you're
 07:20PM 6 right, it's not going to work or not.
 07:20PM 7 But, actually, go to Manhattan, valet
 07:20PM 8 parking, some small lot there. They don't have to
 07:20PM 9 pay to park. That's the valet parking it is. That's
 07:20PM 10 why the -- that kind of conditions I counted on this
 07:20PM 11 number of parking capacity on this lot here. It came
 07:20PM 12 up with 30, which means it's more than enough, 22
 07:20PM 13 parking required. That's what it came to. Submitted
 07:20PM 14 this one here.
 07:20PM 15 We're not proposing this one. We are
 07:20PM 16 parking all of the cars this way. That's what I did.
 07:20PM 17 That's the bottom line over here. So I don't want to
 07:21PM 18 give you all of the confusion on that. It's not the
 07:21PM 19 actual parking layout we're proposing on that.
 07:21PM 20 Another --
 07:21PM 21 MR. RAMUNDO: I'm sorry. Mr. Chairman,
 07:21PM 22 Ms. Testa, if I can just clarify. So in my -- in
 07:21PM 23 what I've submitted to the board secretary, my
 07:21PM 24 submission or app -- we have copies of the
 07:21PM 25 application. I just submitted this for illustration

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07:22PM 1 entrance near the other parking lot, which is on East
 07:23PM 2 Palisades Avenue -- Palisades Boulevard. I'm sorry.
 07:23PM 3 So I know Mr. Collazuol kept asking
 07:23PM 4 about handicap accessibility because of that we
 07:23PM 5 locate the door at the actually existing loading dock
 07:23PM 6 area, because we utilize the existing opening as an
 07:23PM 7 entrance, so that's why we designate that location as
 07:23PM 8 where the main entrance of the -- in our business
 07:23PM 9 right here (indicating).
 07:23PM 10 Now, the question is: Yeah, the level
 07:23PM 11 difference between the grade level, the building
 07:23PM 12 itself is 26-inch difference. I think we submit all
 07:23PM 13 the topographic and then all the information to the
 07:23PM 14 board and engineers and the question of the 26-inches
 07:23PM 15 difference.
 07:23PM 16 So, now, the question about the
 07:23PM 17 handicap accessibility of the building. Actually at
 07:23PM 18 the last meeting then I prefer, actually we
 07:23PM 19 recommend, have actually using the front door as a
 07:23PM 20 handicap access route to the building, itself. The
 07:24PM 21 reason is if you put in a handicap ramp at our
 07:24PM 22 location here (indicating) on the East Palisades
 07:24PM 23 Boulevard side over here, we have to use two very
 07:24PM 24 narrow in our property here. Our property -- the
 07:24PM 25 surface of the building to the property line, we got

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07:24PM 1 only 5 foot 3 inches.

07:24PM 2 Now, 26 feet, we have to bring it up.

07:24PM 3 What's the code for the handicap ramp here? We have

07:24PM 4 to maintain maximum 8 percent.

07:24PM 5 So in order to have the handicap ramp,

07:24PM 6 you got to have at least 26 feet plus landing 5 feet,

07:24PM 7 which means 30-something feet over there, which is

07:24PM 8 very impractical for this location here.

07:24PM 9 On top over here, we cannot have any

07:24PM 10 one run here, we have like come in and then we have

07:24PM 11 to have a landing and then coming back into, like,

07:24PM 12 the handicap ramp here, which means we have to take

07:25PM 13 some of the partial walkway, walkway about 2 feet

07:25PM 14 because of that ramp.

07:25PM 15 So, now you narrow the public walkway.

07:25PM 16 Right now it's almost, like, 6 feet, but it's going

07:25PM 17 to be, like, 4 feet. Is that an enjoyable, you know,

07:25PM 18 situation there? It's not actually.

07:25PM 19 And on the top it, why don't I use that

07:25PM 20 walkway coming around the building? Yeah, up on the

07:25PM 21 topographic here, we got only two percent, which

07:25PM 22 means you're not noticeable here. You can go

07:25PM 23 smoothly, go through the walkway. I mean, sidewalk,

07:25PM 24 I'm sorry. Go around the building, get into the

07:25PM 25 building very easily, but I mean, otherwise I have to

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07:27PM 1 exhibits?

07:27PM 2 MR. RAMUNDO: Yeah. You know, I think

07:27PM 3 this handout -- do you want to do the boards first?

07:27PM 4 MS. TESTA: Yeah. Do you want to do

07:27PM 5 the photos as A-1 and this would be A-2?

07:27PM 6 (Whereupon, Two Photoboard are

07:27PM 7 received and marked as Exhibit A-1A and A-1B

07:27PM 8 for identification.)

07:27PM 9 MR. RAMUNDO: This would be A-2, I'll

07:27PM 10 put that in the upper right corner with today's date

11 of 5/21.

12 The pictures I'll make as A-1, since

13 there's two, want to do A-1A and B?

14 MS. TESTA: Yeah.

15 MR. RAMUNDO: A-1A and B?

16 MS. TESTA: Yes.

17 (Whereupon, Rendering is received and

18 marked as Exhibit A-2 for identification.)

19 (Whereupon, Handout is received and

20 marked as Exhibit A-3 for identification.)

07:27PM 21 MR. RAMUNDO: I guess this handout will

07:27PM 22 be A-3. We will mark this one A-3 with today's date

07:27PM 23 of 5-21-18, okay.

07:28PM 24 THE WITNESS: Now, basically, I

07:28PM 25 understand that -- we understand that some of the

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07:25PM 1 put here some kind of handicap ramp right over here.

07:25PM 2 It's 8 percent. I need the 36 feet of length of the

07:25PM 3 humongous structure. All of this tiny space in the

07:25PM 4 front of the building here. That doesn't make any

07:25PM 5 sense at all.

07:25PM 6 I have some depicted all the sketches

07:25PM 7 on here, maybe understand the board member, and

07:25PM 8 unfortunately, I have a total of them here maybe,

07:26PM 9 been circling around on that.

07:26PM 10 MS. KIM: Would you like for me to make

07:26PM 11 copies?

07:26PM 12 THE WITNESS: So what am I going to do?

07:26PM 13 In order to provide the handicap ramp,

07:26PM 14 it would have to comply with the code, the

07:26PM 15 requirements.

07:26PM 16 So, that -- that sketch that I just

07:26PM 17 submitted to you, that's the minimum code compliance

07:26PM 18 is for the handicap ramp.

07:26PM 19 CHAIRMAN FERGUSON: Mr. Kim, we're not

07:26PM 20 interested in the last meeting.

07:26PM 21 THE WITNESS: I'm sorry.

07:26PM 22 CHAIRMAN FERGUSON: We are only

07:26PM 23 interested in tonight.

07:26PM 24 THE WITNESS: Yes, sir.

07:26PM 25 MS. TESTA: Do you want to mark your

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07:28PM 1 objectors, you know, regarding the -- our application

07:28PM 2 here. And as we said, a lot of this similar business

07:28PM 3 in this town here, especially in Bergen Boulevard and

07:28PM 4 especially in Broad Avenue.

07:28PM 5 I don't -- probably the question is the

07:28PM 6 location up here. I think -- no, actually, I'm

07:28PM 7 pretty sure this location is much better than the

07:28PM 8 other locations considering Broad Avenue, all of the

07:28PM 9 businesses, it could be, you know, really busy, but

07:28PM 10 this -- this here is Bergen Boulevard. It's much

07:28PM 11 nicer than the Broad Avenue and the last traffic

07:28PM 12 impact on that and especially we have, you know, the

07:28PM 13 parking -- parking lot is right over here, we can

07:29PM 14 utilize it as valet parking and we can handle all the

07:29PM 15 parking as well.

07:29PM 16 And I don't think it's a lot of

07:29PM 17 pedestrians walking through all this Bergen

07:29PM 18 Boulevard, because it's a county road and I don't

07:29PM 19 think it's a busy, you know, walkable environment

07:29PM 20 down here.

07:29PM 21 So, that could be, I think, much more

07:29PM 22 favorable for our business, itself. And --

23 CHAIRMAN FERGUSON: Excuse me, let me

24 just ask you a couple quick questions.

25 THE WITNESS: Yes, sir.

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1 CHAIRMAN FERGUSON: All right?
 2 And just a comment, you're coming
 3 before the board tonight, right.
 4 THE WITNESS: Yes, sir.
 5 CHAIRMAN FERGUSON: The board's going
 6 to make a decision on your application. Right? I
 7 appreciate the input about the other karaokes in town
 8 and what they have and what they don't have, but
 07:29PM 9 really I would like to stick to this plan.
 07:29PM 10 THE WITNESS: Yes, sir.
 07:29PM 11 CHAIRMAN FERGUSON: So if you could
 07:29PM 12 just stick to the plan and then we can open up some
 07:29PM 13 question and we can get further, you know --
 07:29PM 14 THE WITNESS: Yes, sir.
 07:29PM 15 CHAIRMAN FERGUSON: Okay. Now --
 07:29PM 16 THE WITNESS: So let me put in order
 07:30PM 17 and then finalize my explanation of the plan itself
 07:30PM 18 and the -- as we submitted, and we have 11 rooms and
 07:30PM 19 then each room has five people, four people, three
 07:30PM 20 people, all different size of the rooms here
 07:30PM 21 (indicating).
 07:30PM 22 And then we have a main bar around the
 07:30PM 23 -- right next to the entrance door here. It's a
 07:30PM 24 separate eating place -- I'm sorry -- drinking place
 07:30PM 25 is for some different type of customer.

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07:30PM 1 So then -- and then the back side of
 07:30PM 2 the building -- I mean, there are spaces in the
 07:30PM 3 kitchen, which is about 350 square feet of kitchen,
 07:30PM 4 which is connected to the -- the rear driveway, which
 07:30PM 5 is for all the service and everything.
 07:30PM 6 And the -- regarding the exit, we do
 07:30PM 7 have the exit through Bergen Boulevard. And we have
 07:30PM 8 the main entrance is at the East Palisades Boulevard
 07:31PM 9 here. So two accesses. One isn't enough to comply
 07:31PM 10 with the building code and the fire code and
 07:31PM 11 everything here. Two accesses can cover up
 07:31PM 12 approximately, almost, like, 180 people, which is we
 07:31PM 13 have like 3-foot-wide door here and then upon the
 07:31PM 14 code, you know, analysis and it's more than almost
 07:31PM 15 800 people for that. We are proposing only 56 people
 07:31PM 16 here regarding the access more than enough for that.
 07:31PM 17 So, that's the plan. And as I said in
 07:31PM 18 regarding the accessibility, regarding the handicap
 07:31PM 19 accessibility, I'm pretty sure -- and then, you know
 07:31PM 20 it's 2 percent, you know, sidewalk come around the
 07:31PM 21 building, come into the building is much more easier
 07:31PM 22 and smoother access to the building, otherwise you're
 07:31PM 23 going to have a handicap ramp at the front of the
 07:31PM 24 building. At the front of the building, because of
 07:31PM 25 the size, even the platform, itself, it has to be a

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07:31PM 1 minimum of 5 feet to get to the other handicap ramp.
 07:32PM 2 Handicap people is right there and then we don't have
 07:32PM 3 any room to put up the step here. So the step has to
 07:32PM 4 be in the sidewalk. It takes 2 feet from the -- the
 5 sidewalk here. Would you prefer? I don't think so,
 6 that's why I didn't propose it at the last meeting.
 7 So, this is through this analysis. So, we like to
 8 get some waiver to get some handicap ramp from the
 9 building.
 07:32PM 10 CHAIRMAN FERGUSON: Counsel, do you
 07:32PM 11 want to fire away?
 07:32PM 12 MR. ONORATO: Sure.
 07:32PM 13 CROSS EXAMINATION
 07:32PM 14 BY MR. ONORATO:
 07:32PM 15 Q. Mr. Kim, in reviewing your plans, you
 07:32PM 16 indicate or the plans indicate that there are 56
 07:32PM 17 spaces for patrons in the bar; is that correct?
 07:32PM 18 A. Excuse me, i didn't hear you.
 07:32PM 19 Q. There are 56 either bar stools or
 07:32PM 20 places where people could sit?
 07:32PM 21 A. Not only -- we have 12 -- no. Only bar
 07:32PM 22 stools, I think only 13 seats.
 07:32PM 23 Q. 13 seats. How many -- how many people
 07:32PM 24 can this karaoke bar -- what's the capacity of this
 07:33PM 25 karaoke bar? How many people can --

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07:33PM 1 A. Well, if you're considering the
 07:33PM 2 seating, itself, there's a total of 56 including the
 07:33PM 3 bar.
 07:33PM 4 Q. But -- so there are 56 seats in the
 07:33PM 5 bar? That was my original question.
 07:33PM 6 A. Yes, not only the bar, entire facility.
 07:33PM 7 Q. In the entire facility.
 07:33PM 8 A. That's correct.
 07:33PM 9 Q. So -- so we're clear, there's going to
 07:33PM 10 be a bar -- and I happened to walk this with
 07:33PM 11 Mr. Ramundo. There's going to be a bar?
 12 A. Yes.
 13 Q. And individual rooms where people will
 14 do whatever they want to do, will sing, will eat, et
 15 cetera?
 16 A. That's correct.
 07:33PM 17 Q. But more people than 56 people can
 07:33PM 18 inhabit the structure, correct?
 07:33PM 19 A. Well --
 07:33PM 20 Q. More than -- you'll have more than 56
 07:33PM 21 people in this structure, right?
 07:33PM 22 A. Right.
 07:33PM 23 Q. You'll have people either in the rooms
 07:33PM 24 or --
 07:33PM 25 A. Right.

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07:33PM 1 Q. -- you'll have people at the bar?

07:33PM 2 A. Right.

07:33PM 3 Q. And you'll have people standing around

07:33PM 4 the bar?

07:33PM 5 A. Right.

07:33PM 6 Q. And you'll have people come in?

07:33PM 7 A. Right.

07:33PM 8 Q. So, what is the capacity of this

07:33PM 9 building is my question?

07:33PM 10 A. **Maximum capacity? What is maximum**

07:33PM 11 **capacity? Well, are you talking of the building**

07:33PM 12 **code? Maximum capacity for that, our total square**

07:34PM 13 **footage -- let me put it this way here, almost like**

07:34PM 14 **400 -- 4,000 square feet roughly --**

07:34PM 15 Q. I didn't hear you. 4,000 what?

07:34PM 16 A. **4,000 square feet the entire spaces**

07:34PM 17 **right here.**

07:34PM 18 Q. 4,000 square feet?

07:34PM 19 A. **Yes. Divided by 25, what is that?**

07:34PM 20 Q. I'll leave it to you.

07:34PM 21 CHAIRMAN FERGUSON: Mr. Kim, he asks

07:34PM 22 the questions, you give the answers, so...

07:34PM 23 THE WITNESS: Basically, we're not

07:34PM 24 going to -- let me put it this way here, so, 74

07:34PM 25 people is the maximum line, but in case, I mean, it's

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07:34PM 1 not going to happen, but I think upon the law, I

07:34PM 2 think we're going to keep it at -- that line up here.

07:34PM 3 But we don't know, I mean, how many people is going

07:34PM 4 to be. But actually we can recommend maximum

07:34PM 5 occupancy on this space upon the building code.

07:34PM 6 Q. So, you're talking about the maximum --

07:34PM 7 your testimony is the maximum capacity will be

07:34PM 8 approximately 74 people?

07:34PM 9 A. **Could be, could be not.**

07:34PM 10 Q. Well, what your --

07:35PM 11 A. **Maximum capacity, meaning that next --**

07:35PM 12 **I have to say, maximum capacity, I don't know**

07:35PM 13 **actually. We propose 56 people and then the**

07:35PM 14 **employees.**

07:35PM 15 Q. Correct. Well, you know, yourself, you

07:35PM 16 have 56 places for patrons.

07:35PM 17 A. **Yes.**

07:35PM 18 Q. And if every seat is taken and every

07:35PM 19 room is filled --

07:35PM 20 A. **Yes.**

07:35PM 21 Q. -- and you're a busy night --

07:35PM 22 A. **Yes.**

07:35PM 23 Q. -- and people come in on a Friday or a

07:35PM 24 Saturday night --

07:35PM 25 A. **Right.**

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07:35PM 1 Q. -- you're obviously going to have more

07:35PM 2 than 56 people in the structure.

07:35PM 3 A. **Well, in this type of business there's**

07:35PM 4 **no standing eating and drinking or something here,**

07:35PM 5 **100 percent -- my client can testify to this. The**

07:35PM 6 **type of business, itself, is you cannot standing and**

07:35PM 7 **eating and drinking here, it's not that kind of**

07:35PM 8 **business.**

07:35PM 9 Q. So, people --

07:35PM 10 A. **It's not that kind of business.**

07:35PM 11 Q. So people don't come in and say, you

07:35PM 12 know what, before I go home, I'll have a drink and

07:35PM 13 they go in and they stand by the bar and have a

07:35PM 14 drink, nobody does that? Everybody comes in and

07:35PM 15 sings?

07:35PM 16 A. **Well, generally, this is -- especially**

07:35PM 17 **this is a Korean cultural type of, you know, eating**

07:36PM 18 **and drinking --**

07:36PM 19 Q. Yes?

07:36PM 20 A. **-- establishment.**

07:36PM 21 **No Korean is actually hanging around**

07:36PM 22 **and standing and drinking.**

07:36PM 23 Q. You may get some non-Koreans who would

07:36PM 24 come in?

07:36PM 25 A. **Well, I may -- I'm not saying they're**

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07:36PM 1 **not allowed to come in here, but we don't -- well, we**

07:36PM 2 **don't have any consideration for seating -- I mean,**

07:36PM 3 **standing and drinking, I mean, at the bar right away.**

07:36PM 4 **It's not that kind of pub business.**

07:36PM 5 Q. But it doesn't mean that people can't

07:36PM 6 come in and have a drink, because you have a liquor

07:36PM 7 license?

07:36PM 8 A. **Yes, they could. Yes, of course.**

07:36PM 9 Q. Now, the parking spaces --

07:36PM 10 A. **Yes.**

07:36PM 11 Q. -- the ordinance says you require one

07:36PM 12 spot per 2.5 places.

07:36PM 13 I calculate that to be 22.4 parking

07:36PM 14 spaces, which I've always rounded it up to 23 parking

07:36PM 15 spaces. You're required 23 parking spaces?

07:36PM 16 A. **Upon the definition and how to**

07:36PM 17 **calculate it, you're not going to round up more than**

07:36PM 18 **the 0.5.**

07:36PM 19 Q. But you only have 13 spaces now,

07:36PM 20 correct?

07:36PM 21 A. **Yes.**

07:36PM 22 Q. Okay. The way you intend to park these

07:37PM 23 cars is you're going to have a valet parking, right?

07:37PM 24 A. **We may actually. The vehicle capacity**

07:37PM 25 **is not enough during the business, well, actually the**

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07:37PM **1 valet parking is not fixed, you know.**
 07:37PM **2 Q.** Well, I thought you testified that you
 07:37PM **3** are going to have valet parking.
 07:37PM **4 A.** **If the business, itself, is too full,**
 07:37PM **5 packed up and there's no room there, we're going to**
 07:37PM **6 turn it into the valet parking so that we can**
 07:37PM **7 accommodate all of the requirements according to**
 07:37PM **8 where, you know...**
 07:37PM **9 Q.** So, let's assume there's valet parking,
 07:37PM **10** would your valet parker --
 07:37PM **A. Right.**
 07:37PM **Q.** -- be charging to park a car?
 07:37PM **A. No, I don't think so. That's up on the**
 07:37PM **-- you know, the applicant.**
 07:37PM **Q.** Okay. So not everyone who attends this
 07:37PM karaoke bar may use the valet parking, they may say,
 07:37PM you know what, I have a very expensive car, I'd like
 07:37PM to park it myself. I don't like anybody driving my
 07:37PM car.

So, conceivably, realistically not everybody is going to use the valet parking?

A. Right.

Q. So, if they don't use the valet parking, would it be fair to say they are going to park on the street?

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07:38PM **Q.** But what -- you're going -- you only
 07:38PM have 13 parking spaces --
 07:38PM **A. Yes.**
 07:38PM **Q.** -- is my question? And you're going to
 07:38PM -- minimally, you're going to have 56 people in that
 07:38PM structure?
 07:38PM **A. Right.**
 07:38PM **Q.** Okay. What about the light poles? I
 07:38PM looked at your plan, you're going to have two light
 07:38PM poles in the back of the building. Will they be on?
 07:39PM **A. Light poles? I'm sorry?**
 07:39PM **Q.** Light poles; lighting, are you going to
 07:39PM have lighting?
 07:39PM **A. Light? No, there's no light poles.**
 07:39PM **Q.** There's no lighting?
 07:39PM **A. Wall lighting on the exterior wall.**
 07:39PM **Q.** There won't be any poles?
 07:39PM **A. No, no poles.**
 07:39PM **Q.** Okay. Now, the people are going to
 07:39PM sing in the bar and they're going to sing in rooms or
 07:39PM they're going to sing just in the rooms?
 07:39PM **A. They can sing anywhere. Where all the**
 07:39PM **singing equipment is located.**
 07:39PM **Q.** Well, the equipment is going to be in
 07:39PM each room?

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07:38PM **A. I don't know, it's up to them.**
 07:38PM **Q.** Well, if there's no room in the parking
 07:38PM lot, would it be fair to say, would it be reasonable
 07:38PM to say that they're going to park on the street?
 07:38PM **A. They could if they have a spot.**
 07:38PM **Q.** If they find a spot?
 07:38PM **A. That's correct.**
 07:38PM **Q.** Now, you're familiar with the area?
 07:38PM There's the Meson Madrid restaurant, which is right
 07:38PM next --
 07:38PM **A. Yes.**
 07:38PM **Q.** -- right across the street there?
 07:38PM **A. Yes, yes.**
 07:38PM **Q.** And they have a pretty large parking
 07:38PM lot --
 07:38PM **A. Yes.**
 07:38PM **Q.** -- don't they?
 07:38PM **A. Yes.**
 07:38PM **Q.** And I'm assuming that when they have an
 07:38PM overflow, people park on the street as well?
 07:38PM **A. Probably, you're correct, but once you**
 07:38PM **know yearly or, I mean, in a few years I haven't seen**
 07:38PM **-- I've been here in this town for 27 years. I**
 07:38PM **haven't seen the -- you know, so many times that kind**
 07:38PM **of thing happening in Meson Madrid.**

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07:39PM **A. Yes.**
 07:39PM **Q.** There will be a screen so you can sing
 07:39PM karaoke?
 07:39PM **A. That's correct.**
 07:39PM **Q.** What about out in the bar area, is
 07:39PM there going to be --
 07:39PM **A. Bar area is one -- one -- probably**
 07:39PM **they're going to share the -- the one, you know,**
 07:39PM **equipment and the big screen.**
 07:39PM **Q.** So, if someone wants --
 07:39PM **A. Yes, yes.**
 07:39PM **Q.** So, if someone wants to sing before an
 07:39PM audience, they can sing out by the bar?
 07:39PM **A. Yeah.**
 07:39PM **Q.** Okay. I think the Chairman mentioned
 07:39PM earlier about comparing this application to others.
 07:40PM There may be other karaoke bars in Palisades Park.
 07:40PM **A. That's correct.**
 07:40PM **Q.** And I know you compared -- you said you
 07:40PM couldn't compare Palisades Park to Manhattan because
 07:40PM Manhattan has different requirements, but the people
 07:40PM that -- that enacted the master plan here had a
 07:40PM reason, wouldn't you say, for preparing a master plan
 07:40PM as to what could be operated where in the township --
 07:40PM in the borough? It's a borough, right, the borough?

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07:40PM CHAIRMAN FERGUSON: Yes.

07:40PM THE WITNESS: You mean -- you're

07:40PM talking about, zoning issues?

07:40PM BY MR. ONORATO:

07:40PM **Q.** Zoning issues in the Borough of

07:40PM Palisades Park.

07:40PM **A.** **Okay.**

07:40PM **Q.** So, there are different considerations,

07:40PM wouldn't you say, that are given as to where -- who

07:40PM can operate where and what type of business can

07:40PM operate in locations?

07:40PM **A.** **That kind of thing was under the zoning**

07:40PM **ordinance in this town right over here.**

07:40PM The mentioning of Manhattan was

07:40PM regarding the way of doing the valet parking.

07:40PM Mr. Rocciola, you know, that mentioning

07:40PM about the -- actually our mentioning of the valet

07:40PM parking was impractical. So I was saying that, you

07:40PM know, I mean, even if it's really type of -- you

07:41PM know, I'm trying to show maybe the capacity of the

07:41PM valet on our small lot right over here.

07:41PM **Q.** Well, you were comparing -- you were

07:41PM comparing this project to other karaoke bars. And in

07:41PM all fairness, other bars may be in different zoning

07:41PM areas or they may be zoned differently than this

07:41PM **LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

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07:41PM particular application, wouldn't you agree?

07:41PM **A.** **Yes, I agree.**

07:41PM **I would agree to that. I mean, through**

07:41PM **my experiences, like I said I have been in here 27**

07:41PM **years in this town here, doing this kind of**

07:41PM **presentations and, you know -- and, you know, applied**

07:41PM **all of the work, the design and everything here.**

07:41PM **Actually, I -- I designed, like,**

07:41PM **almost, like, seven or eight of the karaokes in**

07:41PM **Palisades Park right over here.**

07:41PM **Q.** Looking at your plans, the garbage is

07:41PM going to be placed in the rear of the lot? There

07:41PM will be an exterior container?

07:41PM **A.** **Yes, there's an existing container**

07:41PM **there.**

07:41PM **Q.** Now, will that take up a parking space?

07:42PM **A.** **No.**

07:42PM **Q.** That's separate and apart?

07:42PM **A.** **That is correct.**

07:42PM **Q.** What about there's a driveway along the

07:42PM side of the building?

07:42PM **A.** **Right.**

07:42PM **Q.** Will cars be parked in that driveway?

07:42PM **A.** **No, not parking for -- in case we need**

07:42PM **some valet parking in some of the busy hours, not**

07:42PM **LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

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07:42PM **entirely, you know, hours and some of the specific**

07:42PM **hours and if we needed some spot there, it could be**

07:42PM **used as maybe valet spots.**

07:42PM **Q.** So, if the valet -- if there's a valet

07:42PM parking attendant who is hired for that particular

07:42PM day or evening, they will conceivably utilize every

07:42PM parking space available in the parking lot?

07:42PM **A.** **That's correct.**

07:42PM **Q.** And they will be jockeying cars in and

07:42PM out?

07:42PM **A.** **That is correct.**

07:42PM **Q.** Again, people who -- if there's no room

07:42PM to park in the parking lot, people will be forced, if

07:42PM they to visit this establishment and sing karaoke --

07:42PM **A.** **I'm sorry.**

07:42PM **Q.** -- will be forced to park on the street

07:42PM or perhaps in the --

07:42PM **A.** **If they want and maybe --**

07:42PM **Q.** -- Meson Madrid -- let me finish my

07:42PM question, sir.

07:42PM The reporter is going to yell at me if

07:42PM we both talk at the same time. She may yell at you.

07:42PM **A.** **Okay.**

07:43PM **Q.** So, if someone is coming a particular

07:43PM night and they can't get a spot in the parking lot,

07:43PM **LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

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07:43PM because the valet says, we're full --

07:43PM **A.** **Right.**

07:43PM **Q.** -- they will be forced to park on the

07:43PM street?

07:43PM **A.** **Okay.**

07:43PM **Q.** Or perhaps they will be forced to park

07:43PM on the Meson Madrid lot or hopefully not, they'll be

07:43PM forced to park in my client's lot down the street of

07:43PM Trio Condos?

07:43PM **A.** **I think -- I'm pretty sure that's upon**

07:43PM **how the owner, I mean, is going to run the business.**

07:43PM **I mean, they say -- that kind of thing happens and**

07:43PM **the owner says, I'm sorry, I mean, we're picks up and**

07:43PM **we cannot take in anymore. I mean, not in the --**

07:43PM **only the parking itself and then the -- you know,**

07:43PM **they can just -- you know, unfortunately they have to**

07:43PM **reject all the customers in that case.**

07:43PM **Q.** What about the deliveries? When will

07:43PM the delivers occur, the purveyors, when will they

07:43PM deliver to this site?

07:43PM **A.** **I do believe the -- well, we discussed**

07:43PM **with our client.**

07:43PM **Yeah, she said, you know, that all of**

07:43PM **the preparations are going to happen probably during**

07:44PM **the day, actually, and before the start of the**

07:44PM **LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

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07:48PM know, the code, itself, so -- well, because we do
 07:48PM have 26 inches of level differences and what's the
 07:48PM best way we could just provide the accessibility to
 07:48PM it?
 07:48PM CHAIRMAN FERGUSON: Right. Through the
 07:48PM front.
 07:48PM THE WITNESS: From the -- the handicap
 07:48PM ramp or a lift or an elevator.
 07:48PM So, we put in the elevator or a lift,
 07:48PM economically, it is really a burden and then you
 07:48PM know, it doesn't make any sense for that.
 07:48PM So, everybody is using the handicap
 07:48PM ramp. But like I sketched it out over here. I mean,
 07:48PM I submit to you and then --
 07:48PM CHAIRMAN FERGUSON: Right.
 07:48PM THE WITNESS: It takes a lot of space
 07:48PM for that. And then I have to take some of the
 07:48PM sidewalk. I have to narrow all of the sidewalks.
 07:49PM CHAIRMAN FERGUSON: Well, who told you
 07:49PM had to put that ramp in?
 07:49PM THE WITNESS: I'm sorry?
 07:49PM CHAIRMAN FERGUSON: Who told you that
 07:49PM you had to put that ramp in?
 07:49PM THE WITNESS: Well, I mean, actually
 07:49PM Mr. Collazuol, you know, questioning about that and
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07:49PM then some of the objectors, I think, saying about
 07:49PM there's no accessibility, I mean, handicap ramp for
 07:49PM that.
 07:49PM So, I don't know where they're coming
 07:49PM from, but that's why this -- you know, I got that
 07:49PM informations and then I just start planning --
 07:49PM CHAIRMAN FERGUSON: Okay.
 07:49PM THE WITNESS: -- started what the
 07:49PM handicap ramp is going to be applied, how it's
 07:49PM applied it on that so...
 07:49PM CHAIRMAN FERGUSON: Okay.
 07:49PM Mr. Collazuol?
 07:49PM MR. COLLAZUOL: Yes, sir.
 07:49PM CHAIRMAN FERGUSON: In a building like
 07:49PM the layout that it is now, do you need a handicap
 07:49PM ramp to enter that building --
 07:49PM MR. COLLAZUOL: It's my --
 07:49PM CHAIRMAN FERGUSON: -- or can he do it
 07:49PM from the front?
 07:49PM MR. COLLAZUOL: It's my understanding
 07:49PM that the handicap access is required to be provided
 07:49PM to the closest parking space designated as a handicap
 07:49PM parking space.
 07:49PM CHAIRMAN FERGUSON: Okay. So you're
 07:49PM saying, you have to -- you have to provide a ramp?
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07:50PM MR. COLLAZUOL: If a ramp is necessary,
 07:50PM yes, they have to provide a ramp.
 07:50PM MR. KIM: But is it necessary?
 07:50PM CHAIRMAN FERGUSON: Is it --
 07:50PM MR. COLLAZUOL: It's demonstrating that
 07:50PM there's 26 inches of difference at the new entrance
 07:50PM along the East Palisades Boulevard --
 07:50PM CHAIRMAN FERGUSON: Right.
 07:50PM MR. COLLAZUOL: -- entrance.
 07:50PM So that -- yes, there's a 26-inch
 07:50PM difference there, that would require a ramp.
 07:50PM CHAIRMAN FERGUSON: That would require
 07:50PM a ramp?
 07:50PM MR. COLLAZUOL: Yes.
 07:50PM CHAIRMAN FERGUSON: So, he could not
 07:50PM use -- he could not use the front, the vestibule? He
 07:50PM could use it, obviously, but he would have -- still
 07:50PM have to have a handicap ramp on the side?
 07:50PM MR. COLLAZUOL: No. I think if he was
 07:50PM going to use the front entrance along Bergen
 07:50PM Boulevard as the ADA access to the building, the
 07:50PM parking space would have to be -- the ADA-parking
 07:50PM space proposed would have to be closest to that
 07:50PM entrance.
 07:50PM CHAIRMAN FERGUSON: Okay.
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07:50PM MR. COLLAZUOL: So it would be one of
 07:50PM those four spaces, it would be the fourth space near
 07:50PM the vestibule on Bergen Boulevard. That's my
 07:50PM understanding of the code.
 07:50PM THE WITNESS: That's correct.
 07:51PM CHAIRMAN FERGUSON: Judd, can you shed
 07:51PM any light on this?
 07:51PM MR. ROCCIOLA: I agree that the ADA
 07:51PM requirements require the closest access to the ADA
 07:51PM parking.
 07:51PM CHAIRMAN FERGUSON: Okay. Let's go to
 07:51PM the four spaces in the front then.
 07:51PM Are you going to -- in the front, are
 07:51PM you going to be able to use those four spaces or one
 07:51PM of those spaces.
 07:51PM THE WITNESS: Yes, we -- we are able to
 07:51PM use it as a handicap, yes.
 07:51PM CHAIRMAN FERGUSON: You can designate
 07:51PM that as a handicap?
 07:51PM THE WITNESS: Yes. While the -- we
 07:51PM have to get some consent from the building owner. We
 07:51PM converted one of the spot is going to be handicap,
 07:51PM probably, yes.
 07:51PM MR. KIM: Chairman?
 07:51PM CHAIRMAN FERGUSON: Yes.
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07:51PM MR. KIM: What's stopping them from
 07:51PM putting a lift instead of the ramp?
 07:51PM THE WITNESS: The same situation there.
 07:51PM If you see the sketches here, if you put a lift
 07:51PM there, as soon as you get out the lift, you need a
 07:51PM minimum --
 07:52PM MR. KIM: Minimum 5-feet clearance.
 07:52PM THAT WITNESS: That is correct. So
 07:52PM still we have to take in the 2 feet, you know, from
 07:52PM the sidewalk in order to create our step to get into
 07:52PM that platform.
 07:52PM MR. KIM: Wait, wait, wait, there is a
 07:52PM 5-foot clearance in the new platform; isn't there?
 07:52PM THE WITNESS: My sketch is just showing
 07:52PM the 5-foot clearance, but I think --
 07:52PM MR. KIM: Am I reading this wrong?
 07:52PM What does it say here? It says 5 feet right before
 07:52PM the entrance.
 07:52PM THE WITNESS: Yeah, that's correct.
 07:52PM That is what I propose -- I mean, studied on that
 07:52PM piece.
 07:52PM MR. KIM: So you can't put a -- you
 07:52PM can't put a lift, elevator lift right next to this?
 07:52PM THE WITNESS: No, no. What I'm saying
 07:52PM is when you get out from the lift, you need
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07:53PM there or a ramp there, you're going to lose some of
 07:53PM that sidewalk? Am I hearing that right?
 07:53PM THE WITNESS: That is correct, yes.
 07:53PM CHAIRMAN FERGUSON: Okay, so you're
 07:53PM going to lose some of the sidewalk?
 07:53PM THE WITNESS: Yes.
 07:53PM CHAIRMAN FERGUSON: So what you're
 07:53PM going to have is a sidewalk all the way down until
 07:53PM you hit the ramp and then it will shrink to whatever,
 07:53PM 3 feet or whatever, correct?
 07:53PM THE WITNESS: Sure, but the thing is
 07:53PM the building is right here and you have to create a
 07:53PM maneuvering space.
 07:53PM Wherever you're putting the lift right
 07:53PM here, as soon as you get out of the lift, you need a
 07:53PM 5-foot clearance there.
 07:53PM MR. CARNOVALE: Oh, right here.
 07:53PM MR. KIM: Circumference --
 07:53PM THE WITNESS: Yeah, radius on that.
 07:53PM Now, that -- so you got to create the
 07:53PM 26-inches high, the platform there. Then now how the
 07:53PM normal people get up here? You need a step, at least
 07:53PM three steps. That is at, what? You put in on the
 07:53PM side actually. We locate the lift in our property
 07:54PM now, but how are you going to get to that platform?
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07:52PM maneuvering space, 5-feet clearance in front of the
 07:52PM lift.
 07:52PM MR. KIM: So why can't you put the lift
 07:52PM right over here instead of the ramp?
 07:52PM THE WITNESS: Like I said, the same
 07:52PM thing there. I mean we can put a lift there and then
 07:52PM -- but how are we going to get up to the platform?
 07:52PM Just normal people, pedestrians, how are you going to
 07:52PM get up to --
 07:52PM MR. KIM: The frontage is right over
 07:52PM here?
 07:52PM THE WITNESS: Yeah, that's what I'm
 07:52PM saying, it's the same thing here. I'm taking 2 feet
 07:52PM from the sidewalk anyway.
 07:52PM MR. KIM: Well, okay, that doesn't make
 07:52PM sense.
 07:53PM CHAIRMAN FERGUSON: You got it?
 07:53PM MR. KIM: No.
 07:53PM CHAIRMAN FERGUSON: Okay. He doesn't
 07:53PM get it.
 07:53PM If the ramp that you -- the plan that
 07:53PM you gave us, right, there's a sidewalk along the side
 07:53PM of that building, correct?
 07:53PM THE WITNESS: That's correct.
 07:53PM CHAIRMAN FERGUSON: If you put a lift
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07:54PM You have to go through the sidewalk. Now, in order
 07:54PM to clear the 5 feet there and then you have make
 07:54PM three steps from the property line to the sidewalk.
 07:54PM So you got to have, like, three steps from the
 07:54PM sidewalk.
 07:54PM CHAIRMAN FERGUSON: Okay. What's to
 07:54PM prevent you from, if a person pulled on in front of
 07:54PM the building, are you going to have an area where a
 07:54PM car can pull up and discharge patrons?
 07:54PM THE WITNESS: I'm sorry?
 07:54PM CHAIRMAN FERGUSON: In the front of the
 07:54PM building on Bergen Boulevard.
 07:54PM THE WITNESS: Yes.
 07:54PM CHAIRMAN FERGUSON: Are you going to
 07:54PM have an area where a car could pull up --
 07:54PM THE WITNESS: Yes.
 07:54PM CHAIRMAN FERGUSON: -- and patrons can
 07:54PM get off?
 07:54PM THE WITNESS: Yes.
 07:54PM CHAIRMAN FERGUSON: So the question
 07:54PM then is with the valet, could you have the valet
 07:54PM somehow in the front and then move the cars to the
 07:55PM back?
 07:55PM THE WITNESS: Basically, actually, yes,
 07:55PM from the parking spot is actually, it is not in the
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07:55PM right-of-way. I mean, actually in our narrow space
 07:55PM is actually the right-of-way. You don't want to just
 07:55PM drop the car in the right-of-way.
 07:55PM CHAIRMAN FERGUSON: So, you can't do
 07:55PM that? That's what I'm trying to get.
 07:55PM THE WITNESS: It's part of 11th Street,
 07:55PM yes.
 07:55PM CHAIRMAN FERGUSON: Come back again.
 07:55PM THE WITNESS: Part of the 11th street.
 07:55PM I mean, you can drop off at that location and then --
 07:55PM well, we do standing in the right-of-way 11th Street
 07:55PM there, I mean, but actually, frankly -- I mean, I'm
 07:55PM sorry, actually the car is not moving out over here
 07:55PM (indicating).
 07:55PM You can see actually the property line
 07:55PM and then the other line on the road line here,
 07:55PM itself, is actually -- that location is part of the
 07:55PM street. It's not in our property. That's the
 07:55PM problem.
 07:55PM CHAIRMAN FERGUSON: So, you can't do
 07:55PM it?
 07:55PM THE WITNESS: Well, actually --
 07:55PM CHAIRMAN FERGUSON: You can do it, but
 07:55PM that's for you to say.
 07:55PM THE WITNESS: If you do locate the
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07:56PM agree.
 07:56PM THE WITNESS: Yes.
 07:56PM CHAIRMAN FERGUSON: I want to -- you
 07:56PM know, I would rather hear it from the owner of the
 07:56PM building.
 07:56PM THE WITNESS: Yes.
 07:56PM CHAIRMAN FERGUSON: That, yes, they can
 07:56PM use that during the hours of operation --
 07:56PM THE WITNESS: Yes.
 07:56PM CHAIRMAN FERGUSON: -- for a handicap
 07:56PM spot.
 07:56PM THE WITNESS: Yes.
 07:56PM CHAIRMAN FERGUSON: That will eliminate
 07:56PM --
 07:56PM THE WITNESS: Handicap -- I mean the
 07:56PM ramp issues.
 07:56PM CHAIRMAN FERGUSON: Okay. So I'm going
 07:56PM to turn it over.
 07:56PM Steve?
 07:56PM MR. COLLAZUOL: Yes, sir.
 07:57PM CHAIRMAN FERGUSON: Take it away.
 07:57PM MR. COLLAZUOL: Well, I think you took
 07:57PM care of the pedestrian accessway.
 07:57PM The matter of the valet parking is
 07:57PM something I would defer to the traffic engineer, Judd
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07:55PM valet spot in the front then, well, actually it's not
 07:55PM favorable, because it's a busy street.
 07:55PM CHAIRMAN FERGUSON: Well, that's what I
 07:55PM wanted to get to.
 07:55PM THE WITNESS: Yes.
 07:55PM CHAIRMAN FERGUSON: It's not favorable,
 07:56PM so you would be against it.
 07:56PM THE WITNESS: But -- but I think -- I
 07:56PM recommend, maybe if you look -- if the board will
 07:56PM allow us to put in the handicap parking, only one
 07:56PM spot in the front of the building, maybe the access
 07:56PM through the front there and then, you know, that
 07:56PM would be much favorable.
 07:56PM CHAIRMAN FERGUSON: Well, I'm sure
 07:56PM after this conversation, I'm sure, at least I'm -- I
 07:56PM would be happy to give you the handicap in the front.
 07:56PM The question is: Will your -- the owner of the
 07:56PM building --
 07:56PM THE WITNESS: Right.
 07:56PM CHAIRMAN FERGUSON: -- right?
 07:56PM THE WITNESS: Yes.
 07:56PM CHAIRMAN FERGUSON: Is going to consent
 07:56PM or not?
 07:56PM THE WITNESS: I think --
 07:56PM CHAIRMAN FERGUSON: Well, I'm glad you
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07:57PM Rocciola, with regard to that.
 07:57PM CHAIRMAN FERGUSON: Okay.
 07:57PM MR. COLLAZUOL: I was going to suggest
 07:57PM that Mr. Kim investigate whether an existing building
 07:57PM would allow an ADA ramp of 10 percent versus the 8
 07:57PM percent because it's an existing building, but having
 07:57PM discussed moving that ADA space to the front of the
 07:57PM building along Bergen Boulevard, I think that point
 07:57PM is moot at this point.
 07:57PM CHAIRMAN FERGUSON: Okay.
 07:57PM MR. COLLAZUOL: I think, as we
 07:57PM indicated earlier, the designated walkway along the
 07:57PM front of the building is not really well-defined. I
 07:57PM think we suggested some striping just so people know
 07:57PM where they are walking from the lot or from the valet
 07:57PM along East Palisades Boulevard sidewalk to that
 07:58PM entrance; should they use that entrance.
 07:58PM CHAIRMAN FERGUSON: Okay.
 07:58PM MR. COLLAZUOL: And then, once again,
 07:58PM the corner ramp where the traffic signal pole is,
 07:58PM subject to a certificate of occupancy, should this
 07:58PM board approve this, that ADA ramp should be studied
 07:58PM to see if it meets the ADA requirements.
 07:58PM CHAIRMAN FERGUSON: This is the spot in
 07:58PM the front?
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07:58PM MR. COLLAZUOL: This is the one at the
 07:58PM corner of Bergen Boulevard and East Palisades that
 07:58PM one that you cross if you're crossing Bergen
 07:58PM Boulevard or you're crossing East Palisades Boulevard
 07:58PM as if you were going down into town or to, say, Meson
 07:58PM Madrid restaurant.
 07:58PM CHAIRMAN FERGUSON: So you're saying in
 07:58PM back of the building where the cars are coming in?
 07:58PM MR. COLLAZUOL: No.
 07:58PM CHAIRMAN FERGUSON: Okay.
 07:58PM MR. COLLAZUOL: At the corner
 intersection.
 CHAIRMAN FERGUSON: Oh.
 MR. COLLAZUOL: If you look at this
 07:58PM plan, you'll see it --
 07:58PM MR. CARNOVALE: Joe, it's on the plan.
 07:58PM MR. COLLAZUOL: -- on the lower
 07:58PM right-hand corner of the site, the traffic signal
 07:58PM pole.
 07:58PM THE WITNESS: He's talking about this
 07:58PM corner right here (indicating).
 07:58PM CHAIRMAN FERGUSON: Okay. There's a
 07:58PM pole there?
 07:58PM THE WITNESS: Yes.
 07:58PM MR. COLLAZUOL: There's a traffic
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07:58PM signal pole there and there's an ADA ramp.
 07:58PM CHAIRMAN FERGUSON: Okay.
 07:58PM MR. COLLAZUOL: For the public crossing
 07:58PM the street.
 07:58PM CHAIRMAN FERGUSON: Okay.
 07:59PM MR. COLLAZUOL: So I'm just saying that
 07:59PM that should be looked at, studied and if it needs to
 07:59PM be improved so that it meets ADA conformity that
 07:59PM should be accepted and done by the applicant.
 07:59PM CHAIRMAN FERGUSON: Okay.
 07:59PM MR. COLLAZUOL: Should the board
 approve the plan subject to that prior to the
 issuance of a CO.
 CHAIRMAN FERGUSON: Okay.
 07:59PM MR. COLLAZUOL: Other than that, I have
 07:59PM no comments further on this.
 07:59PM CHAIRMAN FERGUSON: So all of those
 07:59PM comments that you gave on your report, they all have
 07:59PM been satisfied?
 07:59PM Is that what you're telling me?
 07:59PM MR. COLLAZUOL: Yes.
 07:59PM CHAIRMAN FERGUSON: Okay. Judd, I know
 07:59PM you got something.
 07:59PM MR. ROCCIOLA: Well, first I want --
 07:59PM THE WITNESS: Yes, sir.
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07:59PM MR. ROCCIOLA: -- a clarification
 07:59PM question. The vestibule in the northwest corner,
 07:59PM which is -- is that an emergency --
 07:59PM THE WITNESS: No. That's only for the
 07:59PM delivery.
 07:59PM Are you talking about the entrance door
 07:59PM from the actual driveway.
 08:00PM MR. ROCCIOLA: Because in previous
 08:00PM discussions you said that was for emergency access.
 08:00PM THE WITNESS: Well, the -- maybe I gave
 08:00PM you the wrong information for that actually. Like I
 08:00PM said, for the emergency accident [sic], actually
 08:00PM regarding the egress from this building is two means
 08:00PM of egress, one is enough.
 08:00PM And, also, that vestibule goes through
 08:00PM the kitchen for our business, which maybe you cannot
 08:00PM accept the egress through the kitchen for that.
 08:00PM So, basically that entrance is from the
 08:00PM driveway is only for the deliveries, of course, and
 08:00PM then it's actually not legal access for our business.
 08:00PM MR. ROCCIOLA: All right. That gets
 08:00PM into some of my comment with respect to the safety,
 08:00PM because my understanding that that entrance in the
 08:00PM rear was actually an emergency access.
 08:00PM CHAIRMAN FERGUSON: Right.
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08:00PM MR. ROCCIOLA: And that wouldn't work
 08:00PM with the parking, the valet plan and safety, because
 08:00PM there's no sidewalk, no landing area for emergency
 08:01PM evacuation of the building.
 08:01PM CHAIRMAN FERGUSON: So, I want to be
 08:01PM clear, so, you're okay with it? Not okay with it?
 08:01PM MR. ROCCIOLA: No, I'm not okay with
 08:01PM the valet plan.
 08:01PM CHAIRMAN FERGUSON: The valet plan.
 08:01PM MR. ROCCIOLA: I still -- it's my
 08:01PM opinion that the valet plan isn't operable --
 08:01PM CHAIRMAN FERGUSON: Right.
 08:01PM MR. ROCCIOLA: -- reasonably operable.
 08:01PM CHAIRMAN FERGUSON: Right.
 08:01PM MR. ROCCIOLA: It's so difficult, they
 08:01PM would have to use the street for temporary storage,
 08:01PM circulation.
 08:01PM CHAIRMAN FERGUSON: Yeah.
 08:01PM MR. ROCCIOLA: And I would recommend
 08:01PM that cars not be parked in that aisle, that 10-foot
 08:01PM aisle --
 08:01PM CHAIRMAN FERGUSON: Right.
 08:01PM MR. ROCCIOLA: -- on the side of the
 08:01PM building.
 08:01PM My concern is if this is the valet plan
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08:01PM or if there is going to be valet and the plan will be
 08:01PM included in this set, the site plan set that the
 08:01PM board would be contemplating and approving, I would
 08:01PM not recommend approval of this plan.
 08:01PM THE WITNESS: Well, the -- with that
 08:01PM the -- I'm sorry. I want to ask you something.
 08:01PM Is there any kind of regulations
 08:02PM regarding valet parking layout, design standard
 08:02PM guidelines?
 08:02PM MR. ROCCIOLA: I'm the engineer for the
 08:02PM board --
 08:02PM THE WITNESS: I understand that, sir.
 08:02PM MR. ROCCIOLA: -- I cannot sign off on
 08:02PM that.
 08:02PM THE WITNESS: I understand that, but do
 08:02PM you understand --
 08:02PM MR. ROCCIOLA: That's -- that's the
 08:02PM regulation.
 08:02PM THE WITNESS: I'm asking you for that.
 08:02PM So, is there any kind of design guidelines for the
 08:02PM valet parking layout?
 08:02PM MR. ROCCIOLA: I don't know of any.
 08:02PM THE WITNESS: So, I mean, basically, it
 08:02PM just does not exist actually. So, actually -- we
 08:02PM actually have to rely on the valet parking expert how
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08:03PM ordinance for that.
 08:03PM So, it could be more than 22, which is
 08:03PM required in the zone. That's why I'm just showing
 08:03PM you that kind of calculations and the layout that are
 08:03PM in that plan. I'm not saying that we -- we have to
 08:03PM park actually car that way.
 08:03PM MR. RAMUNDO: Ms. Phillips is going to
 08:03PM make it extremely clear when she testifies.
 08:03PM CHAIRMAN FERGUSON: Oh, good.
 08:03PM MR. RAMUNDO: Very clear.
 08:03PM CHAIRMAN FERGUSON: Okay.
 08:03PM MR. RAMUNDO: That this lot can -- can
 08:03PM meet the 22 spaces that's required under the
 08:04PM variance. We're going for the variance, but due to
 08:04PM the stacking effect, we're -- we will be more than
 08:04PM sufficient to meet that number and she'll make it
 08:04PM very clear.
 08:04PM CHAIRMAN FERGUSON: Right. So here's
 08:04PM -- and I don't want to take away -- Judd, you're
 08:04PM done?
 08:04PM MR. ROCCIOLA: I'm...
 08:04PM CHAIRMAN FERGUSON: Okay. Go, shoot,
 08:04PM go ahead.
 08:04PM MR. ROCCIOLA: No, I'm still trying to
 08:04PM figure out --
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08:02PM to park on that -- like I explained, you know,
 earlier that is actually not fixed valet parking plan
 we recommend. We propose it for that. So that --
 just read -- just calculate the capacity of the
 parking in our property. That's why it's shown in
 that plan that way. So -- but we didn't ask you to
 approve that, you know, the layout of the valet
 parking on that. So I understand that.
 MR. RAMUNDO: And I made it clear
 earlier. We were not submitting that plan.
 CHAIRMAN FERGUSON: They're going to do
 their own, right?
 THE WITNESS: So, actually, I'm trying
 to figure out.
 Actually, I figured that out and what's
 the maximum capacity if you turn into the old valet
 parking, what could be the maximum capacity for the
 parking, itself? So it turned out to be, while on
 the -- in our lot, itself, is almost like 27 or I
 think 20, yeah, more than 22 anyway.
 So -- so it could -- it could -- I'm
 pretty -- I'm pretty sure that it could work and they
 can do the valet parking. We can -- we may not have,
 like, 30 parking in our lot, but actually we can
 satisfy the minimum requirement, you know, zoning
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THE WITNESS: Yes, sir.
 MR. ROCCIOLA: -- could you repeat
 again what you just said?
 MR. RAMUNDO: Yes. So when Ms. --
 Ms. Phillips testifies, she's going to -- she's going
 to testify as to the variances that are required.
 And she's going to show you that based upon the 13
 spaces of the parking lot has now --
 CHAIRMAN FERGUSON: Right.
 MR. RAMUNDO: -- with the -- with the
 stacking effect on the right side --
 CHAIRMAN FERGUSON: Right.
 MR. RAMUNDO: -- with the spaces in the
 front, we will more than meet the 22 spaces required
 under the code.
 And she'll go through that at length.
 Even though we're going for the variance, we're going
 to show you that this lot will contain the 22 spaces
 required with ease and then some.
 CHAIRMAN FERGUSON: Judd?
 MR. ROCCIOLA: So as I understand it,
 you will be -- you will be providing testimony in
 support of the requested variance that it can be
 accommodated with valet parking?
 MR. RAMUNDO: That's correct.
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08:05PM MR. ROCCIOLA: And that it would not
 08:05PM imposed undue hardship to the roadways for
 08:05PM circulation --
 08:05PM MR. RAMUNDO: That's correct.
 08:05PM MR. ROCCIOLA: -- excessive circulation
 08:05PM --
 08:05PM MR. RAMUNDO: That's correct.
 08:05PM MR. ROCCIOLA: -- and maneuvering and
 08:05PM such.
 08:05PM MR. RAMUNDO: That's correct.
 08:05PM MR. ROCCIOLA: And it wouldn't be this
 08:05PM plan that's shown in the set?
 08:05PM MR. RAMUNDO: That's correct, yes.
 08:05PM MR. ROCCIOLA: Then we will wait for
 08:05PM that.
 08:05PM CHAIRMAN FERGUSON: Mr. Kauker?
 08:05PM MR. KAUKER: I had similar questions
 08:05PM regarding the valet parking. I don't know if Mr. Kim
 08:05PM or Ms. Phillips were going to -- are going to address
 08:05PM them, but I had questions along the lines of the
 08:05PM operational characteristics, the number of employees,
 08:05PM additional number of employees that would -- they
 08:05PM would need to operate the valet parking, queuing
 08:05PM where the -- where the actual pick-up and drop-off of
 08:05PM vehicles would be located.

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08:07PM building that, you know, which would help with
 08:07PM circulation, there were -- you know you could -- but
 08:07PM I'll wait for her.
 08:07PM But the question is: On your plan,
 08:07PM where you have a door all way on the northern side.
 08:07PM THE WITNESS: (Indicating).
 08:07PM CHAIRMAN FERGUSON: Yeah, right here.
 08:07PM Right.
 08:07PM THE WITNESS: You mean here
 08:07PM (indicating)?
 08:07PM CHAIRMAN FERGUSON: And you have a car
 08:07PM that's parked in that area.
 08:07PM THE WITNESS: Around the corner.
 08:07PM CHAIRMAN FERGUSON: On the corner, the
 08:07PM last spot. Not around the corner, if you're coming
 08:07PM out where the arrow is --
 08:07PM THE WITNESS: Oh, you mean the
 08:08PM entranceway?
 08:08PM CHAIRMAN FERGUSON: No, no, no. I'm
 08:08PM talking about over here.
 08:08PM THE WITNESS: Here (indicating)?
 08:08PM CHAIRMAN FERGUSON: No, no, no, north
 08:08PM end all way at the -- there you go. All the way at
 08:08PM the end of the building.
 08:08PM THE WITNESS: Right?

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08:06PM CHAIRMAN FERGUSON: Okay.
 08:06PM MR. KAUKER: Whether or not that would
 08:06PM cause any queue on the public street.
 08:06PM In addition, one of my biggest concerns
 08:06PM with the layout is access with fire and emergency
 08:06PM services, how in an emergency would they access the
 08:06PM site and would these vehicles get in the way.
 08:06PM CHAIRMAN FERGUSON: Okay. Well, I will
 08:06PM say this, that because I did read Mr. Rocciola's
 08:06PM comments, I did have a 20-minute meeting with the
 08:06PM fire chief.
 08:06PM MR. KAUKER: Okay.
 08:06PM CHAIRMAN FERGUSON: And he didn't have
 08:06PM any problems with the layout. He -- he told me that
 08:06PM he would never send apparatus into -- he would always
 08:06PM not send the apparatus into the parking area.
 08:06PM In other words, he would park on
 08:06PM Palisades or on Bergen.
 08:06PM MR. KAUKER: Right.
 08:06PM CHAIRMAN FERGUSON: Right, and he said
 08:06PM to me, he didn't have any particular problem.
 08:07PM The only question that I have, and
 08:07PM maybe Ms. Phillips can answer, is -- and I would
 08:07PM agree with Mr. Rocciola -- there's -- I'll wait for
 08:07PM her opinion, but this line along the side of the

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08:08PM CHAIRMAN FERGUSON: Right?
 08:08PM THE WITNESS: Yup.
 08:08PM CHAIRMAN FERGUSON: Is there an exit at
 08:08PM that corner?
 08:08PM THE WITNESS: No.
 08:08PM CHAIRMAN FERGUSON: There's no exit
 08:08PM there?
 08:08PM THE WITNESS: No.
 08:08PM CHAIRMAN FERGUSON: So how -- not your
 08:08PM building, but the other building next to it, don't
 08:08PM you need two -- don't you need an entrance and exit?
 08:08PM THE WITNESS: For --
 08:08PM CHAIRMAN FERGUSON: For the existing
 08:08PM office to remain.
 08:08PM THE WITNESS: The building you're
 08:08PM talking about?
 08:08PM CHAIRMAN FERGUSON: Yeah, I'm talking
 08:08PM -- not your building, I'm talking about the other
 08:08PM building.
 08:08PM THE WITNESS: Oh, you're talking about
 08:08PM this -- the existing --
 08:08PM CHAIRMAN FERGUSON: Yeah, there, yeah.
 08:08PM THE WITNESS: -- the existing office is
 08:08PM right there.

MS. TESTA: Our plans are switched.
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08:08PM CHAIRMAN FERGUSON: Our plans are?
 08:08PM MS. TESTA: I think it's the way his
 08:08PM map is, right?
 08:08PM CHAIRMAN FERGUSON: Oh, okay.
 08:08PM THE WITNESS: I'm sorry. The office,
 08:08PM itself, when you're considering the size of the
 08:08PM space, which means --
 08:08PM CHAIRMAN FERGUSON: Right.
 08:08PM I'm interested in how many exits.
 08:08PM THE WITNESS: Yes, 2,000 square feet of
 08:08PM the old space --
 08:08PM CHAIRMAN FERGUSON: Right.
 08:09PM THE WITNESS: -- officially, probably
 08:09PM you're right here (indicating). The main entrance is
 08:09PM from the Bergen Boulevard is the main entrance.
 08:09PM CHAIRMAN FERGUSON: Yes. Right.
 08:09PM That's one entrance.
 08:09PM THE WITNESS: Another access could be
 08:09PM -- and actually that's the old one, the access
 08:09PM through the -- I mean the driveway.
 08:09PM CHAIRMAN FERGUSON: Right.
 08:09PM THE WITNESS: But, if I say the code,
 08:09PM the building code and fire code in the office right
 08:09PM here on the ground floor, if it is less than 2500
 08:09PM square feet, one means of egress is more than enough
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07:02PM MR. TERRANOVA: Here.
 07:02PM MS. KIM: Mr. Kim?
 07:02PM MR. KIM: Yes, here.
 07:02PM MS. KIM: Mr. Nam?
 07:02PM MR. NAM: Here.
 07:02PM MS. KIM: Ms. Yoon?
 07:02PM MS. YOON: Here.
 07:02PM MS. KIM: Mr. Carnovale?
 07:02PM MR. CARNOVALE: Here.
 07:02PM MS. KIM: Ms. Tarabocchia?
 07:02PM MS. TARABOCCHIA: Here.
 07:02PM MS. KIM: Mr. Lefteriou?
 07:02PM MR. LEFTERIOU: Here.
 08:21PM CHAIRMAN FERGUSON: Okay. When we
 08:21PM left, we were going to -- any questions from the
 08:21PM board members?
 08:21PM Mr. Albanese, do you have anything?
 08:21PM VICE CHAIRMAN ALBANESE: You need 22
 08:21PM parking spaces. My recommendation would be on the
 08:21PM one side you put the four cars against the building.
 08:21PM THE WITNESS: In front of the building
 08:21PM you're talking about?
 08:21PM VICE CHAIRMAN ALBANESE: Do you follow
 08:21PM me?
 08:21PM THE WITNESS: Yes, right here
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08:09PM to comply with the code.
 08:09PM CHAIRMAN FERGUSON: It does comply?
 08:09PM THE WITNESS: Yes.
 08:09PM CHAIRMAN FERGUSON: Steve, it complies
 08:09PM with the code?
 08:09PM MR. COLLAZUOL: I would defer to the
 08:09PM building department on that.
 08:09PM CHAIRMAN FERGUSON: Yeah. All right.
 08:09PM Okay.
 08:09PM Any board members have any?
 08:09PM MR. CARNOVALE: How about a five-minute
 08:09PM recess?
 08:09PM CHAIRMAN FERGUSON: You want to a
 08:09PM recess?
 08:09PM MR. CARNOVALE: Yes.
 08:09PM CHAIRMAN FERGUSON: Okay. We can take
 08:09PM a five-minute recess and come back.
 08:20PM (Whereupon, a brief recess is taken.)
 08:20PM CHAIRMAN FERGUSON: Okay. Where we
 08:20PM left off -- oh, we need a roll call for attendance.
 08:20PM MS. KIM: Mr. Ferguson?
 08:20PM CHAIRMAN FERGUSON: Yes.
 08:20PM MS. KIM: Mr. Albanese?
 07:02PM VICE CHAIRMAN ALBANESE: Here.
 07:02PM MS. KIM: Mr. Terranova?
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08:21PM (indicating).
 08:21PM VICE CHAIRMAN ALBANESE: Where they do
 08:21PM valet parking.
 08:21PM THE WITNESS: Yes.
 08:21PM VICE CHAIRMAN ALBANESE: Eliminate them
 08:21PM five cars.
 08:21PM THE WITNESS: Okay.
 08:21PM VICE CHAIRMAN ALBANESE: From the front
 08:21PM there you eliminate over here (indicating).
 08:21PM THE WITNESS: Right, right.
 08:21PM VICE CHAIRMAN ALBANESE: It gives you
 08:21PM circulation. This way the cars could go around.
 08:21PM That gives you eight parking spaces.
 08:21PM You will be looking for a variance to park four cars.
 08:21PM You need 22.
 08:21PM THE WITNESS: Okay.
 08:21PM VICE CHAIRMAN ALBANESE: But you got to
 08:21PM -- this is never going to work, if there's no way in
 08:21PM heck -- hell, whatever you want to say, that you're
 08:21PM going to get a car out of there.
 08:22PM If you have to get a car out of there,
 08:22PM you've got to move three or four cars. Where are you
 08:22PM going to put them; in the street? On Bergen
 08:22PM Boulevard? Where are you going to put them? This
 08:22PM way you have circulation.
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08:22PM THE WITNESS: Oh, actually, I
 08:22PM understand what you're saying here.
 08:22PM VICE CHAIRMAN ALBANESE: Okay. As a
 08:22PM board member --
 08:22PM THE WITNESS: Yes.
 08:22PM VICE CHAIRMAN ALBANESE: -- I would
 08:22PM rather see you eliminate them and I would rather give
 08:22PM you your variance for four parking spaces.
 08:22PM THE WITNESS: Okay.
 08:22PM VICE CHAIRMAN ALBANESE: That's my
 08:22PM opinion.
 08:22PM CHAIRMAN FERGUSON: Okay. Any other
 08:22PM board members?
 08:22PM MR. KIM: No, I agree with you, Pauly.
 08:22PM That's a great idea.
 08:22PM CHAIRMAN FERGUSON: Good we all -- good
 08:22PM idea.
 08:22PM MR. KIM: Yeah.
 08:22PM MR. RAMUNDO: We have no objection to
 08:22PM that proposal anyway.
 08:22PM CHAIRMAN FERGUSON: Okay.
 08:22PM But first we're going to go to the
 08:22PM audience --
 08:22PM MR. RAMUNDO: Yes.
 08:22PM CHAIRMAN FERGUSON: -- to see if there's
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08:22PM any questions from the audience.
 08:22PM Any questions at all?
 08:22PM Yes, Susan.
 08:22PM MS. BRAUER: Susan Brauer.
 08:22PM CHAIRMAN FERGUSON: Sure.
 08:22PM MS. BRAUER: I just wanted to know when
 08:22PM you were asked if there were any lights outside --
 08:22PM THE WITNESS: No -- no lighting poles.
 08:22PM MS. BRAUER: No lighting poles?
 08:22PM THE WITNESS: That's correct.
 08:23PM MS. BRAUER: How is your lighting
 08:23PM against the building? If you have people walking,
 08:23PM you prefer that they go from the front and walk
 08:23PM around to the back.
 08:23PM What sort of lighting do you have
 08:23PM there?
 08:23PM THE WITNESS: Are you talking about the
 08:23PM lighting on the street?
 08:23PM MS. BRAUER: The lighting against the
 08:23PM building to guide people.
 08:23PM THE WITNESS: Well, that's why we
 08:23PM located the entranceway right next to the parking lot
 08:23PM there, which we put in the extra lights.
 08:23PM MS. BRAUER: All right. So, you do
 08:23PM have sufficient light, it's safe?
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08:23PM THE WITNESS: Yes.
 08:23PM MS. BRAUER: Okay. That's all I have
 for now.
 CHAIRMAN FERGUSON: Okay. Thank you,
 Mr. Kim.
 Anybody else? I'm sorry. Go ahead.
 MS. LEE: Hi.
 CHAIRMAN FERGUSON: Your name and
 address, please.
 MS. LEE: Somi Lee, 800 12th Street.
 I'm a resident at Trio Condos.
 CHAIRMAN FERGUSON: Okay.
 COURT REPORTER: Please spell your
 name.
 08:23PM MS. LEE: S-O-M-I, the last name Lee,
 08:23PM L-E-E.
 08:23PM COURT REPORTER: Thank you.
 08:23PM MS. LEE: So I have a --
 MR. RAMUNDO: Actually, I'm going to
 object to Ms. -- I'm sorry, who's that?
 MS. LEE: Lee.
 MR. RAMUNDO: Ms. Lee testifying.
 She's a member of the Trio board. They have
 representation here.
 MR. ONORATO: She's a member of the
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08:23PM Trio board.
 08:23PM CHAIRMAN FERGUSON: Yeah, if she -- you
 08:23PM can't --
 08:23PM MS. TESTA: She's represented.
 08:23PM CHAIRMAN FERGUSON: Yeah. He has to
 08:23PM ask your questions.
 08:23PM MR. ONORATO: Sure.
 08:23PM CHAIRMAN FERGUSON: But that doesn't
 08:24PM mean that you could not talk to him and he can ask
 08:24PM the questions.
 MS. LEE: Okay.
 CHAIRMAN FERGUSON: You know if that's
 --
 MR. ONORATO: No, it's okay.
 CHAIRMAN FERGUSON: Go ahead.
 MR. ONORATO: We're okay. Thank you.
 CHAIRMAN FERGUSON: Name and address.
 Go ahead, go.
 MS. SCHOR: Marsha Schor.
 Do you have fire exits on that
 08:24PM building?
 08:24PM THE WITNESS: Fire exits?
 08:24PM MS. SCHOR: Exit.
 THE WITNESS: Yes.
 MS. SCHOR: Where?
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08:28PM Where exactly is the Trio?
 08:28PM MR. ONORATO: The Trio is on 12th
 08:28PM Street.
 08:28PM CHAIRMAN FERGUSON: It's on 12th
 08:28PM Street.
 08:28PM Now, is it on the other side of Edsall
 08:28PM Boulevard? In other words, can you get it through
 08:28PM Edsall Boulevard?
 08:28PM MR. ONORATO: Can you --
 08:28PM CHAIRMAN FERGUSON: Edsall Boulevard.
 Edsall Boulevard?
 MR. ONORATO: Can you get in through
 Edsall Boulevard?
 MS. KIM: Edsall.
 MS. LEE: Edsall, no, you can't.
 CHAIRMAN FERGUSON: You can't. So the
 only way to get to the Trio is?
 MS. LEE: East Palisades Boulevard.
 CHAIRMAN FERGUSON: Is the East
 Palisades Boulevard.
 MS. LEE: Yes.
 08:29PM MR. ONORATO: And 12th Street.
 You can pick up -- actually you can
 pick up 12th Street, I guess, where Mr. Ramundo's
 office is, which is how I go many times.
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CHAIRMAN FERGUSON: Is that --
 MR. ONORATO: You have to go through
 residential.
 CHAIRMAN FERGUSON: -- where they have
 all the --
 08:29PM MR. ONORATO: You have to go through
 08:29PM the residential area.
 08:29PM MR. RAMUNDO: Where the new apartments
 08:29PM are.
 08:29PM CHAIRMAN FERGUSON: Oh, the whole row
 08:29PM of new -- oh, okay.
 08:29PM THE WITNESS: They could get to the
 08:29PM 12th Street from the Central Boulevard as well.
 08:29PM CHAIRMAN FERGUSON: Right. You can go
 08:29PM through -- right, okay.
 VICE CHAIRMAN ALBANESE: 12th Street or
 Palisades.
 CHAIRMAN FERGUSON: Okay. Anybody
 else?
 (No response.)
 08:29PM CHAIRMAN FERGUSON: Okay. Thank you,
 08:29PM Mr. Kim.
 08:29PM THE WITNESS: Thank you.
 08:29PM MR. RAMUNDO: Okay. Mr. Chairman,
 08:29PM applicant's next witness is Lisa Phillips.
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08:29PM MS. TESTA: Do you swear that the
 08:29PM testimony you will give in this application will be
 08:29PM the truth, the whole truth and nothing but the truth?
 08:29PM MS. PHILLIPS: Yes, I do.
 L I S A P H I L L I P S,
 having been duly sworn, testifies as follows:
 MS. TESTA: Please state your name,
 spell it for the record.
 MS. PHILLIPS: Lisa Phillips.
 P-H-I-L-L-I-P-S.
 CHAIRMAN FERGUSON: Lisa has been here
 many times, we'll accept her as an expert.
 MS. PHILLIPS: Thank you.
 I'm just going to hand out some
 photographs. I don't believe I have enough, because
 I'd like to give some to the attorney --
 CHAIRMAN FERGUSON: Oh, yeah,
 absolutely, yes.
 MS. PHILLIPS: -- for the Trio and the
 experts.
 CHAIRMAN FERGUSON: I'm glad this is
 the only case on tonight.
 MR. RAMUNDO: It's getting cold in here
 at least.
 MS. PHILLIPS: Yes, it definitely is
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08:30PM more comfortable.
 08:30PM So I just wanted to hand out the
 08:30PM photographs. I believe they were taken in February
 08:30PM or March of the existing site and the surrounding
 08:30PM area. The photos on the -- the photo on the upper
 08:30PM left is a view east (indicating).
 08:31PM So, I'm on the west side of Bergen
 08:31PM Boulevard looking east. The building -- the entire
 08:31PM building is in front of us. The canopy section is
 08:31PM where Kuiken Tile company is. And they had gotten an
 08:31PM occupancy from the planning board approval about four
 08:31PM years ago. And with that they were allowed to use
 08:31PM those parking spaces. Although they are in the 11th
 08:31PM Street or Bergen Boulevard right-of-way --
 08:31PM CHAIRMAN FERGUSON: Right.
 08:31PM THE WITNESS: -- you know, they are
 08:31PM viewed as a legitimate space for parking.
 08:31PM So the -- it would be the section
 08:31PM that's brick without the canopy that is the subject
 08:31PM site.
 07:52PM CHAIRMAN FERGUSON: Right.
 08:31PM THE WITNESS: The photograph in the
 08:31PM upper right is actually the parking lot. So you can
 08:31PM see the curb cut (indicating).
 08:31PM CHAIRMAN FERGUSON: Right.
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08:31PM THE WITNESS: And the parking spaces
 08:31PM along the eastside and then there is also some linear
 08:31PM along the building that are striped out. I believe
 08:31PM with the valet, which we will get into later, that's
 08:31PM going to be shifted over. They'll be parking against
 08:31PM that.
 08:31PM CHAIRMAN FERGUSON: Okay.
 08:31PM THE WITNESS: The view of adjacent
 08:32PM businesses and portions of the driveway is the lower
 08:32PM left. So that's that northerly driveway, that the
 08:32PM valet will be coming around and out towards.
 08:32PM So you can see that in shadow and then
 08:32PM those are the adjacent buildings that are going
 08:32PM north.
 08:32PM CHAIRMAN FERGUSON: Okay.
 08:32PM THE WITNESS: And the newer building is
 08:32PM a restaurant that's been a few things, I think, in
 08:32PM the last few years, but that had gotten an approval
 08:32PM in the last few years. And they also have -- I think
 08:32PM they have 65 seats. And they have six spaces in the
 08:32PM right-of-way.
 08:32PM CHAIRMAN FERGUSON: Okay.
 08:32PM THE WITNESS: The lower right is Meson
 08:32PM Madrid. So you can see the building and the parking
 08:32PM and you can also see the signal poles that

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08:32PM Mr. Collazuol had pointed out as well, when he was
 08:32PM discussing the handicap access of the ramp.
 08:32PM CHAIRMAN FERGUSON: Right.
 08:32PM THE WITNESS: So you can see the
 08:32PM signal.
 08:32PM Across the street, page 2, upper left,
 08:32PM are the duplexes or multi-families across the street.
 08:32PM And you can also see the condo complex that's on the
 08:32PM southwest corner of Palisades -- East Palisades
 08:32PM Boulevard and Bergen Boulevard.
 08:33PM CHAIRMAN FERGUSON: Okay.
 08:33PM THE WITNESS: And, again, that
 08:33PM restaurant that I just spoke about is the upper right
 08:33PM photograph and the lower two are the construction
 08:33PM storage yard, which is immediately to our east.
 08:33PM CHAIRMAN FERGUSON: Right.
 08:33PM THE WITNESS: So that's actually a
 08:33PM corner lot at 12th and East Palisades Boulevard.
 08:33PM And then you can see two of the
 08:33PM buildings that make up the Trio in the distance
 08:33PM (indicating).
 08:33PM So the first building, I believe is
 08:33PM about 350 feet from our site, because it's 50 feet to
 08:33PM the street. The street is 50 feet and then the first
 08:33PM building is about 350 feet in (indicating).

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08:33PM CHAIRMAN FERGUSON: Okay.
 08:33PM THE WITNESS: And then the lower right
 08:33PM is a view of the detached dwellings that are on the
 08:33PM south side of East Palisades Boulevard, along 12th
 08:33PM Street.
 08:33PM CHAIRMAN FERGUSON: Okay.
 08:33PM THE WITNESS: So had done -- when the
 08:33PM gone out to take these photographs, I also noted the
 08:33PM on-street availability in terms of any kind of
 08:33PM restrictions.
 08:33PM CHAIRMAN FERGUSON: Okay.
 08:33PM THE WITNESS: So there are some
 08:34PM restrictions. However, during the morning hour,
 08:34PM which I would imagine has to do with more mass
 08:34PM transit, they don't want people leaving their cars
 08:34PM and getting on a bus to go to the city, so they don't
 08:34PM -- they're not during the hours that this business
 08:34PM would be in operation.
 08:34PM So right now on 12th Street, which
 08:34PM allows parking along both sides of the street,
 08:34PM there's no parking between 9 and noon on Wednesdays.
 08:34PM And that might be for street cleaning.
 08:34PM And then parking is restricted to
 08:34PM residents only, I believe from 7 a.m. to 10 a.m.
 08:34PM everyday.

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08:34PM But, again, as I stated, those
 08:34PM restrictions are not during the hours of this
 08:34PM business would be in operation.
 08:34PM There's also parking on both sides of
 08:34PM East Palisades Boulevard. There's about three spaces
 08:34PM that could be accommodated right in front of our site
 08:34PM on East Palisades, where the curb cut is up to the
 08:34PM yellow line.
 08:34PM And then on the south side of East
 08:34PM Palisades Boulevard right along Meson Madrid there's
 08:34PM open parking.
 08:34PM So there's no restrictions on the
 08:35PM parking. Again, Kuiken Tile that got approval, the
 08:35PM their hours from the minutes.
 08:35PM So the building that we share the
 08:35PM parking spaces with -- has hours, if you just give me
 08:35PM one second. I have it written down.
 08:35PM They're mostly daytime hours and they
 08:35PM close at 6:00. So -- I'm sorry. Monday through
 08:35PM Friday, 10 a.m. to 6 and Saturday 10 a.m. to 3.
 08:35PM CHAIRMAN FERGUSON: Okay.
 08:35PM THE WITNESS: So when we're talking
 08:35PM about a shared-parking situation, regardless of
 08:35PM whether we're talking about a valet or not, we have a
 08:35PM shared-parking situation. This is definitely

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08:35PM beneficial, because if you look at other permitted
08:35PM uses, which all of them permitted uses in M-1 are
08:35PM permitted in the MC, offices, warehousing, things
08:35PM like that.

08:35PM In addition, in our zone, it's also
08:35PM commercial recreation is permitted as-of-right, as a
08:35PM permitted use.

08:35PM CHAIRMAN FERGUSON: Right.

08:35PM THE WITNESS: So if you were looking at
08:35PM a use, like, an office, the shared parking situation
08:35PM wouldn't work out as well and the parking requirement
08:36PM would be 24, because then it would be based on square
08:36PM footage.

08:36PM CHAIRMAN FERGUSON: Right.

08:36PM THE WITNESS: So right now we're based
08:36PM on the number of seats and the employees.

08:36PM So that's how your planner and your
08:36PM zoning officer come up with the number of parking
08:36PM spaces.

08:36PM CHAIRMAN FERGUSON: Right.

08:36PM THE WITNESS: The same thing would be
08:36PM done if it was an office use. And that would be one
08:36PM per 200 at 4700 square feet, we would be required to
08:36PM have 24, because it is 23.5 and you round up at 5.

08:36PM So in that sense, this is more
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08:37PM same zone. They're in the B-1 and B-2, but what is
08:37PM important for the board to realize is, we are
08:37PM permitted to have the same eating and drinking
08:37PM establishments as those zones.

08:37PM Karaoke is not permitted as a principal
08:37PM use in those zones. The planning board views that as
08:37PM an ancillary or customarily accessory use to the
08:37PM restaurant and that is permitted in the B-1.

08:37PM So the view is: The eating and
08:37PM drinking establishment part of the business takes
08:37PM precedence over everything. That is the main use.
08:37PM And the planning board views the karaoke aspect as an
08:38PM ancillary or accessory use.

08:38PM Well, it's really the same thing here.
08:38PM We are permitted to have eating and drinking. It's
08:38PM just that in this zone it doesn't provide that use as
08:38PM an ancillary use. However, you do have principal
08:38PM permitted uses, such as bowling alleys and other
08:38PM recreation.

08:38PM And I know it's -- people may not view
08:38PM this as realistic, but in land use terms it's really
08:38PM not much different than a group of people going and
08:38PM renting an alley. You have eating and drinking in
08:38PM bowling alleys. You have maybe four to six people,
08:38PM you know, using the lanes and so in terms of, like, a
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08:36PM beneficial than actually a permitted use. It is a
08:36PM unique situation where the use variance is actually
08:36PM less detrimental.

08:36PM Again, some of the other permitted uses
08:36PM are warehousing, and things like that. You would
08:36PM have much more truck traffic in that situation.
08:36PM Possibly backing in, backing out. I believe there's
08:36PM a garage door there now that actually faces East
08:36PM Palisades Boulevard and that we're taking it out to
08:36PM put an entry, you know, a client entry or patron
08:36PM entry.

08:36PM So right now people could be using that
08:36PM as trucks. Then right next door, you do have that --
08:36PM I guess it's a construction yard, because there's a
08:37PM lot of materials, a lot of trucks there now.

08:37PM So we're taking that possibility away
08:37PM by promoting, you know, or proposing this use
08:37PM variance situation.

08:37PM So in terms of the particular
08:37PM suitability, it could be viewed as an ancillary use.
08:37PM You know, there's -- when Ms. Kim had shown all of
08:37PM the photos --

08:37PM CHAIRMAN FERGUSON: Right.

08:37PM THE WITNESS: -- of all of the uses,
08:37PM yes, they're not in -- most of them are not in the
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08:38PM parking impact or anything like that, it's very
08:38PM similar to what's contemplated as a principal
08:38PM permitted use right now in that zone.

08:38PM So, I think we meet the particular
08:38PM suitability aspect to it. It's located in an area of
08:38PM other commercial and restaurant uses. It's not
08:38PM adjacent or directly adjacent to any residential uses
08:38PM at all. The closest one at 12th Street is about 150
08:39PM or even more than that.

08:39PM So within -- and that would be to the
08:39PM south side. And then 350 feet on the north to the
08:39PM Trio. So you're not directly adjacent in anyway to a
08:39PM residential use.

08:39PM So in terms of the particular
08:39PM suitability, we're in an area with lot of other
08:39PM restaurants, Baden Baden was converted to another
08:39PM restaurant, but it stayed karaoke. And that's only a
08:39PM block down the street.

08:39PM We have Meson Madrid right next door.
08:39PM So eating and drinking establishments as a principal
08:39PM permitted use is located in that area.

08:39PM It's just the karaoke aspect, which
08:39PM again really is only accessory to this, to this use.

08:39PM MR. RAMUNDO: Can I -- I'm going to ask
08:39PM one follow-up question to Ms. Phillips.
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08:39PM DIRECT EXAMINATION
 08:39PM BY MR. RAMUNDO:
 08:39PM **Q.** When you say it's an ancillary or
 08:39PM accessory use, anybody who decides to sit in any of
 08:39PM these private booths does have the option not to use
 08:39PM the karaoke component of that seating booth?
 08:39PM **A. Right.**
 08:39PM **And when the client and I met and we**
 08:39PM **were discussing -- since I'm not Korean, I really**
 08:39PM **don't understand the cultural aspects.**
 CHAIRMAN FERGUSON: Right.
 THE WITNESS: I mean, I know what
 08:40PM karaoke is, but, like, how important this is and I am
 08:40PM hoping they're all good singers, because there seems
 08:40PM to be a lot of singing going on, but she would also
 08:40PM like, to use, these as maybe meeting places. You
 08:40PM could have a business meeting. And these are
 08:40PM soundproofed.
 So, that's the other thing in terms of
 08:40PM impact the surrounding. The booths themselves are
 08:40PM going to be soundproof and then the building, itself.
 So that when the open bar area has
 08:40PM karaoke going, there's also going to be soundproofing
 08:40PM to the outside from that, but she also wants to have
 08:40PM it, maybe having a business dinner or, like,
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08:40PM leadership things, like small -- small intimate
 08:40PM settings that you don't just have to do karaoke, but
 08:40PM the eating and drinking can take part, take place in
 08:40PM like a private room.
 CHAIRMAN FERGUSON: Okay.
 THE WITNESS: So that's also one aspect
 08:40PM to this application.
 The master plan also talks about this
 08:40PM zone really changing. So the 1993 comprehensive plan
 08:40PM recommends an industry, business, commercial,
 08:41PM recreation and future study land use designation for
 08:41PM this site.
 At that time the plan noted that the
 08:41PM area's physical features limited access and
 08:41PM surrounding development pattern continued to raise
 08:41PM questions with respect to the propriety of the site's
 08:41PM continual -- continued industrial designation. The
 08:41PM plan suggested that consideration be given to a
 08:41PM detailed study of the area to enable an evaluation of
 08:41PM alternative uses.
 The 2000 reexamination report noted
 08:41PM that the MC zone had an influx of non-industrial
 08:41PM business that were designated as industrial in the
 08:41PM prior master plan.
 These uses included a preschool, animal
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08:41PM hospital, gymnasium and a karaoke -- I'm sorry --
 08:41PM karate studio.
 The reexamination report recommended
 08:41PM that specific regulations for the MC district in
 08:41PM review for possible amendments due to the change
 08:41PM conditions of the land uses in the area.
 It was also suggested that the MC
 08:42PM district eliminate industrial businesses as permitted
 08:42PM uses.
 So when we talk about, you know,
 08:42PM permitting the warehousing now and other permitted
 08:42PM uses that are now, that's not what the borough wants
 08:42PM to see here.
 And I think when Mr. Onorato had
 08:42PM questioned Mr. Kim about the impact of cars going in
 08:42PM and out, you have a garage door now there.
 In the day when the traffic is going to
 08:42PM be used for the title company, the construction yard,
 08:42PM you may be adding to that if you put any kind of
 08:42PM warehousing in this facility.
 So, like, I said before, a use variance
 08:42PM it's not always a negative. In this case it's
 08:42PM actually more beneficial than some of the permitted
 08:42PM uses.
 So I think we addressed the positive
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08:42PM criteria in that respect, as well as the Medici,
 08:42PM because your master plan specifically states that
 08:42PM they don't want to see industrial uses in that
 08:42PM commercial, recreation and things like that should be
 08:42PM looked at and, again, eating and drinking are already
 08:42PM permitted.
 CHAIRMAN FERGUSON: Okay.
 THE WITNESS: The negative criteria,
 08:43PM there's soundproof to ameliorate any kind of noise
 08:43PM emanating from the structure.
 The shared-parking situation and
 08:43PM especially with the valet is going to function due to
 08:43PM the different peak hours and parking demands. We're
 08:43PM not going to impact the zone plan as there are other
 08:43PM two restaurants within 100 and so feet of this
 08:43PM property. And there's no substantial impairment to
 08:43PM the master plan.
 So in terms of the actual valet
 08:43PM situation --
 CHAIRMAN FERGUSON: Right.
 THE WITNESS: -- I agree with
 08:43PM Mr. Albanese, the client has agreed to get a
 08:43PM professional company as well to get to run it and
 08:43PM then they would follow the plan that would be
 08:43PM approved.
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08:43PM So the modification to the valet plan that's discussed tonight would be given to the operator and told this is how it's going to operate.

08:43PM And, again, if we have a situation where, you know, under the police powers, if there's any situation where there is such an issue with backing in or the valets aren't doing the right thing, you know, the town does have control over that.

08:44PM And, you know, I'm not a millennial in any means, but we use Uber. I mean, that hasn't even really been discussed in situations like this, but I understand that there's a lot of, like, Korean bars and stuff that use taxi services, Korean taxis. There's also Lyft, Uber. All of those things are available.

08:44PM CHAIRMAN FERGUSON: Right.

08:44PM THE WITNESS: So I think when you look at a parking situation at a bar and a drinking establishment, those are all positive things. And that hasn't really been discussed in terms of justification for the parking variance.

08:44PM CHAIRMAN FERGUSON: Okay.

08:44PM THE WITNESS: I think I've ended.

08:44PM CHAIRMAN FERGUSON: I just want to be
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08:45PM If, you know, they're concerned about anything, the owners might park there and then the vehicles aren't being moved very often, but they're there, yep.

08:45PM CHAIRMAN FERGUSON: Right, got you.

08:45PM Now, Judd, you heard this? I want to be clear on this, is this acceptable to you? Go ahead.

08:45PM MR. ROCCIOLA: I just wanted to make it clear. I think you said eliminate five spots. Did you mean five --

08:46PM CHAIRMAN FERGUSON: Oh, I'm sorry. Did I say five, it's four.

08:46PM MR. ROCCIOLA: Yeah, the four spots in the existing parking lot will be shifted against the building. That's four.

08:46PM CHAIRMAN FERGUSON: That's four.

08:46PM MR. ROCCIOLA: That's four spots. They're not going to be eliminated. They're going to be shifted over?

08:46PM CHAIRMAN FERGUSON: They're going to be shifted over.

08:46PM VICE CHAIRMAN ALBANESE: Then the other five are going to be eliminated.

08:46PM MR. ROCCIOLA: No, you can still have
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08:44PM sure that we're all talking about the same thing.

08:44PM THE WITNESS: Right.

08:44PM CHAIRMAN FERGUSON: You're going to eliminate the row of parking, which is one, two, three, four, five, six, seven cars on the northern side of the building, correct?

08:45PM THE WITNESS: Yes.

08:45PM CHAIRMAN FERGUSON: You're going to move the four cars that are as you go into the parking lot. You are going to move those four cars over closest to the wall?

08:45PM THE WITNESS: Yes, where there's parking there now.

08:45PM CHAIRMAN FERGUSON: Right where there's parking there now, exactly.

08:45PM THE WITNESS: Yup.

08:45PM CHAIRMAN FERGUSON: And then you're going to eliminate five spots, correct, Paul?

08:45PM VICE CHAIRMAN ALBANESE: Yeah, there's four. There's five and then seven is 12.

08:45PM CHAIRMAN FERGUSON: Well, there's one, two, three, four, five -- I count five.

08:45PM THE WITNESS: And then we have the four out front still, that could be, like, the owner could park there.

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08:46PM that, you -- that's where the valet can block one row of parking; that's fine.

08:46PM THE WITNESS: So we'd only be eliminating the northerly driveway tandem.

08:46PM MR. ROCCIOLA: You'll clear the driveway, the northerly driveway, 10-foot-wide driveway.

08:46PM THE WITNESS: Which has seven, I think in it, right?

08:46PM CHAIRMAN FERGUSON: Yes.

08:46PM MR. ROCCIOLA: There's one, two, three, four, five, six, seven spaces.

08:46PM THE WITNESS: So we would take those out.

08:46PM VICE CHAIRMAN ALBANESE: There's seven in the back.

08:46PM MR. ROCCIOLA: Right. Then the four spaces in the existing parking lot will be shifted against the building.

08:46PM VICE CHAIRMAN ALBANESE: Right.

08:46PM MR. ROCCIOLA: So then you have the circulation. Literally, one -- you would have two rows of circulation then.

08:47PM VICE CHAIRMAN ALBANESE: If you eliminate the five.

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08:47PM MR. ROCCIOLA: Right in the middle.
 08:47PM You don't have to eliminate the five spaces.
 08:47PM CHAIRMAN FERGUSON: Right. They can
 08:47PM stay there. That's even better.
 08:47PM MR. ROCCIOLA: Because that's easy for
 08:47PM a valet to maneuver back and forth.
 THE WITNESS: Right.
 CHAIRMAN FERGUSON: Right.
 MR. ROCCIOLA: They can handle that.
 That's an easy --
 THE WITNESS: And it allows you to make
 08:47PM the radius turn, if you have the cars against the
 08:47PM wall.
 VICE CHAIRMAN ALBANESE: Just move the
 08:47PM four cars.
 CHAIRMAN FERGUSON: Okay. That sounds
 08:47PM good.
 MR. KIM: I have a quick question.
 CHAIRMAN FERGUSON: Sure, sure, go.
 MR. KIM: How many -- what was the full
 08:47PM capacity? 50-odd change? What was it, 50 -- how
 08:47PM many seats are here?
 MR. COLLAZUOL: 56, he said.
 MR. KIM: So I'm thinking here, I'm
 08:47PM sure there's elevation for the building on it, but
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08:47PM there's three thrones and whether or not to stop a
 08:47PM game of thrones here, because, you know, people
 08:47PM drink, they use the restroom a lot. I mean I'm sure
 08:47PM the building department will figure this out.
 There's only three toilets here.
 CHAIRMAN FERGUSON: There's only three
 08:47PM what?
 MR. KIM: Three toilets.
 CHAIRMAN FERGUSON: Right.
 MR. KIM: For 57 people capacity. What
 08:47PM is the -- what is the -- what is the regulation for
 08:47PM this ordinance for how many -- I'm sure the building
 08:47PM department will figure this out, right?
 MR. COLLAZUOL: They will have input.
 MR. KIM: Yeah, because people drink,
 08:47PM they have to use the bathroom. There's only three
 08:47PM toilets. They're eating there too. It's not like --
 08:47PM but I'm just saying...
 CHAIRMAN FERGUSON: Well, you know, I
 08:48PM go to restaurants now, right, and there's one
 08:48PM bathroom for the whole bar.
 MR. KIM: Isn't there an ordinance for
 08:48PM this? I'm sure there is.
 CHAIRMAN FERGUSON: I have no idea you
 08:48PM know.
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08:48PM MR. ROCCIOLA: Whatever the building
 08:48PM code requires they have to satisfy.
 08:48PM MR. KIM: Okay. As long as he meets
 08:48PM the code, that's fine.
 CHAIRMAN FERGUSON: Yeah. Okay.
 Any other board members have anything?
 VICE CHAIRMAN ALBANESE: So, Judd, in
 08:48PM other words, you're saying just move them four over
 08:48PM and leave the five banked there? Just want to make
 08:48PM the ones in the back?
 MR. ROCCIOLA: Yes.
 VICE CHAIRMAN ALBANESE: In other
 08:48PM words, if there seven and they got, what, 30, so
 08:48PM they'll have 23 parking spaces?
 MR. ROCCIOLA: Yeah. If you count the
 08:48PM spaces that would be left is, one, two, three, four,
 08:48PM five, six, seven, eight, nine, ten and five is
 08:48PM fifteen.
 And then 16, 17, 18, 19, and then you
 have 20, 21, 22 --
 VICE CHAIRMAN ALBANESE: Twenty-three,
 right?
 MR. ROCCIOLA: Well, you're going to
 put a handicap in the front. It's going to modify
 the building. It's going to be about 22 spaces.
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08:49PM VICE CHAIRMAN ALBANESE: Well, that's
 08:49PM it. Then they don't really need the variance.
 08:49PM MR. ROCCIOLA: So with the valet
 08:49PM parking --
 THE WITNESS: We still do, because it
 is not traditional 9 by 18.
 VICE CHAIRMAN ALBANESE: We'll just
 move the four cars next to the building. At least
 they can maneuver. They can't maneuver if they don't
 have access to go around.
 CHAIRMAN FERGUSON: Okay. So any --
 we'll go -- any of the board members have anything?
 (No response.)
 CHAIRMAN FERGUSON: Steve, do you have
 anything?
 MR. COLLAZUOL: I'm good with that.
 CHAIRMAN FERGUSON: Judd, you're good?
 MR. ROCCIOLA: Yes.
 CHAIRMAN FERGUSON: Mr. Kauker, do you
 have anything?
 MR. KAUKER: I'm pretty good.
 I guess I don't really have a question,
 but I do agree with most of her testimony with
 respect to the use and, you know, the analysis, I
 think, was accurate in terms of looking at the uses
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08:49PM that were permitted and this use in terms of the
 08:49PM shared parking when the use is not operating
 08:49PM currently I think is a good thing.
 08:49PM The only question I have and I don't
 08:49PM know -- really know why you brought it up with
 08:49PM respect to the accessory use aspect of it, because I
 08:49PM mean from what I understand from what the karaoke is
 08:50PM in the application, it seems to me at least that the
 08:50PM karaoke is more -- maybe even 50/50 with the
 08:50PM principal use as opposed to -- because an accessory
 08:50PM use is something that's ancillary --
 08:50PM CHAIRMAN FERGUSON: Okay.
 08:50PM MR. KAUKER: -- and subordinate to the
 08:50PM principal use, you know, cus -- I'm sorry,
 08:50PM customarily incidental.
 08:50PM So, typically, something that always
 08:50PM operates or occurs in a restaurant-type facility and
 08:50PM then it's supposed to be at a much smaller scale. So
 08:50PM that's -- I mean, I don't really know why you brought
 08:50PM it up, but --
 08:50PM THE WITNESS: The reason I did was just
 08:50PM to show that in the B-1 and B-2 the zoning is pretty
 08:50PM much the same, it's eating and drinking
 08:50PM establishments.
 08:50PM MR. KAUKER: Right.
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08:51PM CHAIRMAN FERGUSON: Right.
 08:51PM THE WITNESS: So --
 08:51PM MR. KAUKER: Yeah, I mean, the only
 08:51PM thing I would say to that, again, I don't really know
 08:51PM if you need the accessory use component or argument
 08:51PM for this.
 08:51PM THE WITNESS: Yes.
 08:51PM No, we're arguing a straight use.
 08:51PM MR. KAUKER: It is a use variance, but
 08:51PM I mean, we don't know --
 08:51PM THE WITNESS: Yes.
 08:51PM MR. KAUKER: I mean, when you look at
 08:51PM this specific application --
 08:51PM CHAIRMAN FERGUSON: Right.
 08:51PM MR. KAUKER: There are dedicated rooms
 08:51PM that have the karaoke.
 08:51PM CHAIRMAN FERGUSON: Okay.
 08:51PM THE WITNESS: Right.
 08:51PM MR. KAUKER: So...
 08:51PM CHAIRMAN FERGUSON: Okay. Yes,
 08:51PM Counselor.
 08:51PM MR. ONORATO: I just have a couple of
 08:51PM questions.
 08:51PM Thank you.
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08:50PM THE WITNESS: And the karaoke in the
 08:50PM B-1 zone don't go for use variances. They tend to go
 08:50PM for CCOs with the planning board, and they -- because
 08:50PM they view customary incidental or ancillary, that's
 08:50PM how they put it in, because I went through minutes
 08:50PM and the karaokes that have been approved in the B-1
 08:50PM are all -- they're all as-of-right.
 08:50PM So that's what I'm saying, that's how
 08:50PM it must be viewed, because if your ordinance does not
 08:50PM specifically identify karaoke as a principal
 08:51PM permitted use, then how would we be going with the
 08:51PM planning board.
 08:51PM MR. KAUKER: Right.
 08:51PM THE WITNESS: So my thought process was
 08:51PM when I looked at the chart, eating and drinking is
 08:51PM written the same way in ours as -- the MC as it is in
 08:51PM the B-1.
 08:51PM However, in the B-1 under principal
 08:51PM uses, it says, customary accessory uses. And that's
 08:51PM how, I believe, the karaoke is thought of.
 08:51PM MR. KAUKER: But it's not listed as an
 08:51PM accessory use.
 08:51PM THE WITNESS: Not a specific one, no.
 08:51PM Nowhere in the town is actual karaoke listed as a
 08:51PM permitted use.
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CROSS EXAMINATION
 BY MR. ONORATO:
 08:51PM **Q.** I have the same comment as this
 08:52PM gentleman. My understanding based upon the Korean
 08:52PM culture is that people would be going there,
 08:52PM Ms. Phillips, for the karaoke aspect. It's being
 08:52PM advertised as a karaoke bar. It's not being
 08:52PM advertised as a restaurant or a bar, right? So
 08:52PM people are going as karaoke --
 08:52PM **A. Yeah, no, restaurant, bar and karaoke,**
 08:52PM **it's being advertised as, yeah.**
 08:52PM **Q.** Oh, but it's a -- it's going to be
 08:52PM karaoke. It's not an ancillary use or accessory use.
 08:52PM People are going there because it has karaoke. I
 08:52PM mean, the interior of the structure is set up for
 08:52PM karaoke. There's 56 spots for karaoke. There are
 08:52PM separate rooms, right, for karaoke?
 08:52PM MR. KIM: Let me ask you a question:
 08:52PM Are you guys going to charge specifically for just
 08:52PM eating in the room? You are or you're not?
 08:52PM THE WITNESS: I don't know how --
 08:52PM MR. KIM: Because that will answer your
 08:52PM question, right?
 08:52PM MR. ONORATO: Yeah. Or is karaoke --
 08:52PM is karaoke free of charge?
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08:56PM yes.

08:56PM MS. BRAUER: So, they would have to be

08:56PM what?

08:56PM THE WITNESS: They would have to be --

08:56PM if that's in the code then, yes, wide enough, you

08:56PM mean, the width to accommodate.

08:56PM MS. BRAUER: Yes.

08:56PM THE WITNESS: Yes. If that's in the

08:56PM building code for this type of facility, then, yes.

08:56PM MS. BRAUER: Okay. One last question.

08:56PM If you have someone occupying -- are all the rooms

08:56PM the same size, set up for the same amount of people?

08:56PM THE WITNESS: No, I think some have a

08:57PM few more seats than others. Some are a little

08:57PM smaller, yeah.

08:57PM MS. BRAUER: Okay. So, you have people

08:57PM in rooms that they're eating or karaoke, if someone

08:57PM gets dropped off by you where they don't need to park

08:57PM and they say, I'm joining the party of so and so.

08:57PM And more than one person does that, how do we know

08:57PM that the fire code for occupancy won't be violated?

08:57PM And do you have any plans to check how

08:57PM many people will be in those rooms since it's got a

08:57PM closed door.

08:57PM THE WITNESS: I don't -- I don't really

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08:57PM understand the -- how that operates, honestly.

08:57PM I'm not that familiar with the

08:57PM operations in that respect, but I believe everyone

08:57PM has to have a seat. So, there has to be room for

08:57PM everybody to have a seat. So, if there's only four

08:57PM -- four cushions -- four chairs or couches to

08:57PM accommodate four people, than that's what's got to be

08:57PM in that room.

08:57PM MS. BRAUER: You bring a chair in --

08:57PM THE WITNESS: So there's got to be

08:57PM somebody --

08:57PM MS. BRAUER: -- you bring a folding

08:58PM chair in. But I'm just concerned about the volume of

08:58PM people in that space and then you have the bar and

08:58PM that could happen as well, they say, well, I'm

08:58PM waiting to go into so and so. You could have

08:58PM considerably more occupancy than is legally required

08:58PM there.

08:58PM CHAIRMAN FERGUSON: But doesn't the

08:58PM fire department have --

08:58PM THE WITNESS: Yes.

08:58PM MR. KIM: They actually measure the

08:58PM karaoke --

08:58PM CHAIRMAN FERGUSON: Yeah, they measure

08:58PM the --

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08:58PM MR. KIM: Maximum capacity is posted in

08:58PM the front and --

08:58PM CHAIRMAN FERGUSON: Yeah.

08:58PM MS. BRAUER: Right. But who's -- how

08:58PM will that be enforced if you've got people in closed

08:58PM rooms?

08:58PM CHAIRMAN FERGUSON: The fire

08:58PM department.

08:58PM MS. BRAUER: Who's going -- the fire

08:58PM department is not going to be there. Someone has to

08:58PM be on the premises.

08:58PM THE WITNESS: This is an appointment --

08:58PM from what I understand too, there's a reservation

08:58PM system in some of this. So, the owner is going to be

08:58PM there, owner or manager of the facility will be

08:58PM there. This family that's going to run this owns a

08:58PM restaurant right now. It's been there for 10 years

08:58PM operating a restaurant on Broad Avenue. Okay.

08:58PM MS. BRAUER: Uh-huh.

08:58PM THE WITNESS: So they're fully familiar

08:58PM with running a restaurant facility. A lot of their

08:58PM workers are coming. I'm sure they know how to manage

08:58PM how many people will fit, you know, reservation times

08:58PM and things like that.

08:59PM So someone will be in the front, I

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08:59PM would imagine in that bar area, when you first walk

08:59PM in and you say, oh, I reserved room such-and-such or

08:59PM then there's going to be walk-ins as well. But

08:59PM somebody has to have the logistics of that figured

08:59PM out. Just like a hostess at a restaurant, a regular

08:59PM restaurant would have to know the capacity that's

08:59PM kind of how that's going to operate.

08:59PM And like I said, they have a familiar

08:59PM situation now where they have a restaurant, albeit

08:59PM it's not a karaoke restaurant, but they do understand

08:59PM the concept of providing, you know, a certain amount

08:59PM of people, certain amount of hours in a certain

08:59PM space.

08:59PM MS. BRAUER: All right. So you're

08:59PM saying that someone will be there to monitor it at

08:59PM all times?

08:59PM THE WITNESS: Yes.

08:59PM MS. BRAUER: Okay, thank you.

08:59PM CHAIRMAN FERGUSON: Okay?

08:59PM Yes, name and address.

08:59PM MS. SCHOR: Marsha Schor.

08:59PM I know they don't charge for the

08:59PM karaoke, but is there any sort of a cover charge just

08:59PM to get in or to sit at the bar.

08:59PM THE WITNESS: No, it's a restaurant.

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Just like any other restaurant.

MR. KIM: You have to buy a drink.

MS. SCHOR: Huh?

THE WITNESS: Don't use the bathroom without buying something.

MS. SCHOR: If you use the private room. They might say x -- jus, you know, just --

MR. KIM: No, we could -- you could either -- they may say that if you're going to use a karaoke room, you just got to order some food. You don't have to use the karaoke machine, you just got to use this one so...

MS. BRAUER: And can you just go and sit at the bar, without ordering food? It's a bar.

MR. KIM: But it's like a restaurant. It's like eating at a restaurant.

MS. BRAUER: But that doesn't answer it, Paul.

If -- if someone comes in and doesn't have reservations, but the bar can sit 13 people, you can have a couple come in after a movie and sit at the bar and not buy food, they'll just drink. Yes.

VICE CHAIRMAN ALBANESE: Yeah.

MR. KIM: Yes, just like any other restaurant, right, right. Just like any other

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THE WITNESS: Yeah, it will have to be built to code. Whether the code -- Mr. Kim may be able to answer that, but if it's required by the code, it will be installed, definitely. I don't know the building code.

MS. TARABOCCHIA: Because I'm considering it as a private --

THE WITNESS: Right.

MS. TARABOCCHIA: Each room is private, so --

THE WITNESS: Right.

MS. TARABOCCHIA: -- does each room have their own.

THE WITNESS: Right. Yeah.

And I understand what you're saying about the noise, too.

MS. TARABOCCHIA: If it's soundproof, you're saying each room is soundproof --

THE WITNESS: Right, right.

MS. TARABOCCHIA: So how are they going to be able to hear --

THE WITNESS: Right.

MS. TARABOCCHIA: -- what's central in the main area versus what's private.

THE WITNESS: Right. Right.

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restaurant.

CHAIRMAN FERGUSON: Okay. Take it a away.

MS. TARABOCCHIA: I have a question, I'd like to know if this building, knowing that it's got a lot of private rooms for karaoke, will this have a sprinkler system inside to accommodate it being, you know, a social area --

THE WITNESS: Right.

MS. TARABOCCHIA: -- with a lot of people coming and going.

THE WITNESS: That's really --

MS. TARABOCCHIA: If each room is separate --

THE WITNESS: Right.

MS. TARABOCCHIA: -- unlike -- unlike when you go to a restaurant it's an open floor plan where it's easy access to get out in case of an emergency.

Each individual is soundproofed? Are they going to be able to hear a fire alarm?

THE WITNESS: There might be like a flashing. Honestly, it's going to be to code.

MS. TARABOCCHIA: I mean it's -- that's what I'm asking.

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Well, sometimes I've worked with a deaf couple and they -- some -- they'll have a light situation that a light goes off. You know, a light will go off as an emergency, if they can't hear.

MR. KIM: It's up to the building department and the ordinances for the fire code.

CHAIRMAN FERGUSON: Okay.

MS. TARABOCCHIA: Also, you mentioned that there's a liquor license and they have a previous --

THE WITNESS: They have a restaurant right now.

MS. TARABOCCHIA: Is that liquor license going to be shared for this use or does that have --

THE WITNESS: No, they're moving. They're closing. They're closing the location on Broad Avenue and they're going to be moving to Bergen Boulevard.

MS. TARABOCCHIA: All right.

THE WITNESS: Yeah.

CHAIRMAN FERGUSON: Okay?

MS. TARABOCCHIA: Okay.

CHAIRMAN FERGUSON: Any other questions?

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09:02PM (No response.)

09:02PM CHAIRMAN FERGUSON: Okay, so, there

09:02PM seems to be three issues.

09:02PM So, I'm going to make a motion to

09:02PM approve the application with the proviso, number one,

09:03PM I'd like to see a plan with the parking layout. I

09:03PM will need something from the handicap that we're

09:03PM going to permit in the front saying that you can use

09:03PM the handicap. And the third thing is we touched on

09:03PM it briefly, but the traffic light signal pole that

09:03PM seems to be in the middle of the...

09:03PM THE WITNESS: Crosswalk?

09:03PM CHAIRMAN FERGUSON: Yes.

09:03PM Well, yeah, the ramp that goes up for

09:03PM handicap.

09:03PM THE WITNESS: Yeah.

09:03PM CHAIRMAN FERGUSON: Now, I don't know

09:03PM who -- I don't know, Steve, maybe you can help me.

09:03PM MR. CARNOVALE: The DOT, Joe.

09:03PM THE WITNESS: That's actually state.

That's a state road.

VICE CHAIRMAN ALBANESE: Department of

Transportation.

CHAIRMAN FERGUSON: Is that a state --

how would that --

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state and see if we can move that pole, you know.

So that's my motion.

I got a second?

MR. ONORATO: Mr. Chairman, excuse me.

CHAIRMAN FERGUSON: Oh, I'm sorry, go

ahead.

MR. ONORATO: I thought one of the

conditions also would be that there would be valet

parking seven nights a week?

MR. KIM: Valet parking.

CHAIRMAN FERGUSON: Oh, no, I'm sorry.

MR. ONORATO: Is that part of your

parking plan?

MS. TESTA: Yes.

CHAIRMAN FERGUSON: You're absolutely

right, valet parking. Yeah, we have it on -- it's

here, yeah.

THE WITNESS: And we're going to show

the new plan.

CHAIRMAN FERGUSON: And you're going to

show the new plan?

MR. KIM: They show the new plan.

THE WITNESS: Yeah.

CHAIRMAN FERGUSON: So there will be

four --

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MR. COLLAZUOL: Yeah, that's a state

code.

CHAIRMAN FERGUSON: Can you move the --

can you move --

MR. COLLAZUOL: No, I doubt it very,

very much that you can.

09:03PM CHAIRMAN FERGUSON: Really.

09:03PM VICE CHAIRMAN ALBANESE: No, you can't

09:03PM move it.

CHAIRMAN FERGUSON: You can't move the

pole?

VICE CHAIRMAN ALBANESE: No.

CHAIRMAN FERGUSON: Can you move the

ramp.

VICE CHAIRMAN ALBANESE: Department of

Transportation.

09:03PM MR. COLLAZUOL: They can make the

09:03PM request, but I doubt DOT will allow that.

09:03PM CHAIRMAN FERGUSON: Okay. All right.

MR. COLLAZUOL: They can make an

attempt, the board could ask. That is at least an

attempt you made to demonstrate it.

CHAIRMAN FERGUSON: Yeah, why don't we

do that. Why don't we do a -- why don't -- Marc, why

don't we do that? We'll see if we can contact the

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MR. KIM: Handicap.

CHAIRMAN FERGUSON: -- handicap.

MR. KIM: Valet parking.

CHAIRMAN FERGUSON: Parking.

MR. KIM: Light --

CHAIRMAN FERGUSON: Right.

MR. KIM: Valet parking, new plan.

CHAIRMAN FERGUSON: Right. New plan.

Okay?

Roll call. Can I get a second?

VICE CHAIRMAN ALBANESE: I second.

MR. CARNOVALE: He seconded.

CHAIRMAN FERGUSON: Pauly second.

Roll call vote.

MS. KIM: Mr. Ferguson?

CHAIRMAN FERGUSON: Yes.

MS. KIM: Mr. Albanese?

VICE CHAIRMAN ALBANESE: Yes.

MS. KIM: Mr. Terranova?

MR. TERRANOVA: Yes.

MS. KIM: Mr. Kim?

MR. KIM: Yes.

MS. KIM: Mr. Nam?

MR. NAM: Yes.

MS. KIM: Ms. Yoon?

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MS. YOON: Yes.

MS. KIM: Mr. Carnovale?

MR. CARNOVALE: Yes.

MS. KIM: Ms. Tarabocchia?

MS. TESTA: No, they don't -- the two alternates don't need to vote.

MS. KIM: Oh, okay.

CHAIRMAN FERGUSON: Okay. Thank you for your time.

MR. CARNOVALE: Motion to adjourn.

VICE CHAIRMAN ALBANESE: Motion to adjourn.

CHAIRMAN FERGUSON: Motion to adjourn?

(Whereupon, all Board Members respond in the affirmative.)

(Whereupon, the meeting is concluded.

Time noted: 9:05 p.m.)

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C E R T I F I C A T E

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

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

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

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

Dated: _____

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

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