

BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, JUNE 21, 2021
7:00 p.m.

Case No. 20-10)
V & R Developers)
311 E. Edsall Blvd.)
Block 412; Lot 15)
Case No. 21-01)
George & Lois Giannoula)
22 West Washington Place)
Block 218; Lot 1)
Case No. 21-04)
256 7th Street, LLC)
256 7th Street)
Block 405; Lot 2)
Case No. 21-07)
Juan Pineda)
67 Brinkerhoff Terrace)
Block 29; Lot 17)
Case No. 21-05)
Won & Alexander Kim)
16 Cleveland Place)
Block 215; Lot 7)
Case No. 20-09)
Jack Sung An)
50 Broad Avenue)
Block 614; Lot 23)
Case No. 21-02)
In Chang Chung Hae Jang)
139 -145 Morningside Lane)
Block 717; Lots 10,11,23&24)
Case No. 21-09)
DRC Development Corp.,)
443 Highland Avenue, Block 211,)
Lot 16)
Case No. 21-10)
BBHJ, Inc.)
203 Grand Avenue)
Block 111; Lot 23)
Case No. 21-11)
PBS Developers Corp.,)
54 Oakdene Avenue, Block 306,)
Lot 11.)
Case No. 21-06)
123 E. Ruby Avenue, LLC)
123 E. Ruby Avenue)
Block 615; Lots 11 & 12)

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

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A P P E A R A N C E S :
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A L S O P R E S E N T :
ELENI LAMBRINIDES, LAND USE SECRETARY
STEVE COLLAZUOL, P.E., BOARD ENGINEER (REMOTE)
HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER (REMOTE)
Board Engineer
MICHAEL KAUKER, P.P., BOARD PLANNER (REMOTE)

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1 B E F O R E :
2 JOSEPH FERGUSON, CHAIRMAN
3 PAUL ALBANESE, VICE CHAIRMAN
4 ELEFTERIOS ELEFTERIOU, MEMBER
5 VINCENT CARNOVALE, MEMBER
6 JOHN GRALA, MEMBER
7 DAVID TERRANOVA, MEMBER
8 SEONGHYE YOON, MEMBER (ABSENT)
9 STEVEN BROGNA, ALTERNATE MEMBER 1
10 CHARLIE CHUNG, ALTERNATE MEMBER 2
11 MICHAEL LEE, ALTERNATE MEMBER #3 (ABSENT)

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	I N D E X		
	WITNESS	SWORN	TESTIMONY
Case No. 20-10 V & R Developers 311 E. Edsall Blvd. Block 412; Lot 15			10
Case No. 21-01 George & Lois Giannoula 22 West Washington Place Block 218; Lot 1			11
Case No. 21-04 256 7th Street, LLC 256 7th Street Block 405; Lot 2			13
Case No. 21-07 Juan Pineda 67 Brinkerhoff Terrace Block 29; Lot 17			14
Case No. 21-05 Won & Alexander Kim 16 Cleveland Place Block 215; Lot 7			15
Case No. 20-09 Jack Sung An 50 Broad Avenue Block 614; Lot 23			16
Case No. 21-02 In Chang Chung Hae Jang 139 -145 Morningside Lane Block 717; Lots 10, 11, 23 & 24			17
Case No. 21-06 123 E. Ruby Avenue, LLC 123 E. Ruby Avenue Block 615; Lots 11 & 12			19
Case No. 21-10 BBHJ, Inc. 203 Grand Avenue Block 111; Lot 23			20

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1 I N D E X (Continued)

2 WITNESS SWORN TESTIMONY

3 **Case No. 21-09**
DRC Development Corp.,
443 Highland Avenue, Block 211,
Lot 16 23

5 VASSILIOS COCOROS, AIA 25
6 Direct Examination by Mr. Macri 25
Board/Professional Questions 31
7 Chairman Ferguson 31
Mr. Carnovale 31
8 Mr. Kauker 33
Mr. Collazuol 35
9 Public Questions 37
Susan Brauer 37
10 15 Henry Avenue

11 DAVID SPATZ, P.P. 37
12 Direct Examination by Mr. Macri 38
Board/Professional Questions 42
13 Mr. Kauker 42
Public Questions 43
14 **Susan Brauer** 43
15 15 Henry Avenue

16 **Case No. 21-11**
PBS Developers Corp.
54 Oakdene Avenue, Block 306
Lot 11 46

18 JOSEPH DONATO, AIA 49 50
19 Board/Professional Questions 55
Chairman Ferguson 55
20 Mr. Collazuol 57

21 LISA PHILLIPS, P.P. 63
Direct Examination by Mr. Ramundo 63

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1 CHAIRMAN FERGUSON: I call the meeting
2 to order.
3 Paulie, Pledge of Allegiance.
4 (Whereupon, all rise for a Recitation
5 of the Pledge of Allegiance.)
6 CHAIRMAN FERGUSON: So in accordance
7 with the Open Public Meetings Act, notice has been
8 posted on the borough bulletin board.
9 Notice has been provided to the
10 official borough newspapers and filed with the
11 clerk's office.
12 Roll call?
13 MS. LAMBRINIDES: Mr. Ferguson.
14 CHAIRMAN FERGUSON: Here.
15 MS. LAMBRINIDES: Mr. Albanese?
16 VICE CHAIRMAN ALBANESE: Yes.
17 MS. LAMBRINIDES: Mr. Elefteriou?
18 MR. ELEFTERIOU: Yep.
19 MS. LAMBRINIDES: Ms. Yoon?
20 (No response.)
21 MS. LAMBRINIDES: She's there?
22 (No response.)
23 MS. LAMBRINIDES: No.
24 Mr. Carnovale?
25 MR. CARNOVALE: Here.

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1 I N D E X (Continued)

2 E X H I B I T S

3 NUMBER DESCRIPTION IDENT/EVID

4 **Case No. 21-09**
DRC Development Corp.,
443 Highland Avenue, Block 211,
Lot 16

6 A-1 Photoboard Exhibit 38

7 **Case No. 21-11**
PBS Developers Corp.
54 Oakdene Avenue, Block 306
Lot 11

9 A-1 Packet Prepared by Lisa 62
10 Phillips, P.P., 2 Photographs
and 2-Page Report

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1 MS. LAMBRINIDES: Mr. Terranova?
2 MR. TERRANOVA: Here.
3 MS. LAMBRINIDES: Mr. Grala?
4 MR. GRALA: Here.
5 MS. LAMBRINIDES: Mr. Brogna?
6 MR. BROGNA: Here.
7 MS. LAMBRINIDES: Mr. Chung?
8 MR. CHUNG: Here.
9 MS. LAMBRINIDES: Mr. Lee?
10 (No response.)
11 CHAIRMAN FERGUSON: Okay. So first we
12 have some bills to pay.
13 Kauker & Kauker, \$4,585.00.
14 Hal Sim off, which is our parking
15 authority, he's \$880.00.
16 And our board attorney, \$5,218.75.
17 Can I get a motion?
18 MR. CARNOVALE: I make a motion.
19 CHAIRMAN FERGUSON: Can I get a second?
20 VICE CHAIRMAN ALBANESE: Second.
21 CHAIRMAN FERGUSON: Roll call.
22 MS. LAMBRINIDES: Mr. Ferguson?
23 CHAIRMAN FERGUSON: Yes.
24 MS. LAMBRINIDES: Mr. Albanese?
25 VICE CHAIRMAN ALBANESE: Yes.

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1 MS. LAMBRINIDES: Mr. Elefteriou?
 2 MR. ELEFTERIOU: Yes.
 3 MS. LAMBRINIDES: Mr. Carnovale?
 4 MR. CARNOVALE: Yes.
 5 MS. LAMBRINIDES: Mr. Terranova?
 6 MR. TERRANOVA: Yes.
 7 MS. LAMBRINIDES: Mr. Grala?
 8 MR. GRALA: Yes.
 9 MS. LAMBRINIDES: Mr. Brogna?
 10 MR. BROGNA: Yes.
 11 MS. LAMBRINIDES: Mr. Chung?
 12 MR. CHUNG: Yes.
 13 CHAIRMAN FERGUSON: Okay.
 14 Next we're going to review the minutes
 15 of the previous meeting.
 16 Everybody had an opportunity to review
 17 the minutes?
 18 Is there any corrections to the
 19 minutes?
 20 (No response.)
 21 CHAIRMAN FERGUSON: Can I get a motion
 22 to accept the minutes?
 23 MR. CARNOVALE: I make a motion.
 24 MR. GRALA: I second.
 25 CHAIRMAN FERGUSON: John seconds.

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1 motion to accept.
 2 MR. CARNOVALE: I second the motion.
 3 CHAIRMAN FERGUSON: Okay, roll call.
 4 MS. TESTA: That would just be the
 5 members that were here to vote on it.
 6 MR. BROGNA: I'll abstain.
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Yes.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Elefteriou?
 12 MR. ELEFTERIOU: Yes.
 13 MS. LAMBRINIDES: Mr. Carnovale?
 14 MR. CARNOVALE: Yes.
 15 MS. LAMBRINIDES: Mr. Terranova?
 16 MR. TERRANOVA: Abstain.
 17 MS. LAMBRINIDES: Mr. Grala?
 18 MR. GRALA: Yes.
 19 MS. LAMBRINIDES: Mr. Brogna?
 20 MR. BROGNA: Abstain.
 21 MS. LAMBRINIDES: Mr. Chung?
 22 MR. CHUNG: Yes.
 23 CHAIRMAN FERGUSON: Next is Case 21-01,
 24 George and Lolis Giannoula, 22 West Washington Place.
 25 Can I get a motion?

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1 Roll call.
 2 MS. LAMBRINIDES: Mr. Ferguson?
 3 CHAIRMAN FERGUSON: Yes.
 4 MS. LAMBRINIDES: Mr. Albanese?
 5 VICE CHAIRMAN ALBANESE: Yes.
 6 MS. LAMBRINIDES: Mr. Elefteriou?
 7 MR. ELEFTERIOU: Yes.
 8 MS. LAMBRINIDES: Mr. Carnovale?
 9 MR. CARNOVALE: Yes.
 10 MS. LAMBRINIDES: Mr. Terranova?
 11 MR. TERRANOVA: Yes.
 12 MS. LAMBRINIDES: Mr. Grala?
 13 MR. GRALA: Yes.
 14 MS. LAMBRINIDES: Mr. Brogna?
 15 MR. BROGNA: Yes.
 16 MS. LAMBRINIDES: Mr. Chung?
 17 MR. CHUNG: Yes.
 18 CHAIRMAN FERGUSON: Okay. So I guess
 19 we're ready to proceed.
 20 First, memorializations, V&R
 21 Developers, 311 East Edsall Boulevard. We heard it
 22 last month.
 23 Can I get to accept the
 24 memorialization?
 25 VICE CHAIRMAN ALBANESE: I make a

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1 MR. CARNOVALE: I make a motion.
 2 CHAIRMAN FERGUSON: Thank you.
 3 Second?
 4 VICE CHAIRMAN ALBANESE: Second.
 5 CHAIRMAN FERGUSON: Roll call.
 6 MS. LAMBRINIDES: Mr. Ferguson?
 7 CHAIRMAN FERGUSON: Yes.
 8 MS. LAMBRINIDES: Mr. Albanese?
 9 VICE CHAIRMAN ALBANESE: Yes.
 10 MS. LAMBRINIDES: Mr. Elefteriou?
 11 MR. ELEFTERIOU: Yes.
 12 MS. LAMBRINIDES: Mr. Carnovale?
 13 MR. CARNOVALE: Yes.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Abstain.
 16 MS. LAMBRINIDES: Mr. Grala?
 17 MR. GRALA: Yes.
 18 MS. LAMBRINIDES: Mr. Brogna?
 19 MR. BROGNA: Yes.
 20 MS. LAMBRINIDES: Were you here for
 21 that?
 22 MR. BROGNA: Yes.
 23 MS. LAMBRINIDES: Mr. Chung?
 24 MR. CHUNG: Yes.
 25 CHAIRMAN FERGUSON: Okay.

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1 Case No. 21-04, 256-7th Street, LLC.
 2 Can I get a motion?
 3 MR. CARNOVALE: I make a motion.
 4 CHAIRMAN FERGUSON: Second?
 5 VICE CHAIRMAN ALBANESE: Second.
 6 CHAIRMAN FERGUSON: Roll call.
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Yes.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Elefteriou?
 12 MR. ELEFTERIOU: Yes.
 13 MS. LAMBRINIDES: Mr. Carnovale?
 14 MR. CARNOVALE: Yes.
 15 MS. LAMBRINIDES: Mr. Terranova?
 16 MR. TERRANOVA: Abstain.
 17 MS. LAMBRINIDES: Joe, hold on.
 18 Mr. Brogna?
 19 MR. BROGNA: Abstain.
 20 MS. LAMBRINIDES: And, Mr. Chung?
 21 MR. CHUNG: Yes.
 22 CHAIRMAN FERGUSON: Okay. Next is Case
 23 No. 21-05.
 24 VICE CHAIRMAN ALBANESE: 21-07.
 25 MS. TESTA: 21-07.

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1 MR. CHUNG: Yes.
 2 CHAIRMAN FERGUSON: Okay.
 3 Next is Case No. 21-05, which is Won
 4 and Alexander Kim, 16 Cleveland Place.
 5 Can I get a motion?
 6 MR. CARNOVALE: I make a motion.
 7 CHAIRMAN FERGUSON: Second?
 8 VICE CHAIRMAN ALBANESE: Second.
 9 CHAIRMAN FERGUSON: Roll call?
 10 MS. LAMBRINIDES: Mr. Ferguson?
 11 CHAIRMAN FERGUSON: Yes.
 12 MS. LAMBRINIDES: Mr. Albanese?
 13 VICE CHAIRMAN ALBANESE: Yes.
 14 MS. LAMBRINIDES: Mr. Elefteriou?
 15 MR. ELEFTERIOU: Yes.
 16 MS. LAMBRINIDES: Mr. Carnovale?
 17 MR. CARNOVALE: Yes.
 18 MS. LAMBRINIDES: Mr. Terranova?
 19 MR. TERRANOVA: Abstain.
 20 MS. LAMBRINIDES: Mr. Grala?
 21 MR. GRALA: Yes.
 22 MS. LAMBRINIDES: Mr. Brogna?
 23 MR. BROGNA: Yes.
 24 MS. LAMBRINIDES: And, Mr. Chung?
 25 MR. CHUNG: Yes.

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1 CHAIRMAN FERGUSON: We're on 21-07.
 2 Case No. 21-07, Juan Pineda, 67 Brinkerhoff Terrace.
 3 Can I get a motion?
 4 MR. CARNOVALE: I make a motion.
 5 CHAIRMAN FERGUSON: Second?
 6 VICE CHAIRMAN ALBANESE: Second.
 7 CHAIRMAN FERGUSON: Can I get a second?
 8 MR. CARNOVALE: Paulie.
 9 CHAIRMAN FERGUSON: Okay.
 10 Roll call?
 11 MS. LAMBRINIDES: Mr. Ferguson?
 12 CHAIRMAN FERGUSON: Yes.
 13 MS. LAMBRINIDES: Mr. Albanese?
 14 VICE CHAIRMAN ALBANESE: Yes.
 15 MS. LAMBRINIDES: Mr. Elefteriou?
 16 MR. ELEFTERIOU: Yes.
 17 MS. LAMBRINIDES: Mr. Carnovale?
 18 MR. CARNOVALE: Yes.
 19 MS. LAMBRINIDES: Mr. Terranova?
 20 MR. TERRANOVA: Abstain.
 21 MS. LAMBRINIDES: Mr. Grala?
 22 MR. GRALA: Yes.
 23 MS. LAMBRINIDES: Mr. Brogna?
 24 MR. BROGNA: Yes.
 25 MS. LAMBRINIDES: Mr. Chung?

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1 CHAIRMAN FERGUSON: Okay.
 2 MS. TESTA: 50 Broad Avenue.
 3 CHAIRMAN FERGUSON: Okay, right, 50
 4 Broad Avenue.
 5 Can I get a motion?
 6 VICE CHAIRMAN ALBANESE: Which one is
 7 that, Joe?
 8 CHAIRMAN FERGUSON: 50 Broad Avenue.
 9 MS. TESTA: 50 Broad Avenue. This is
 10 the one that the board had requested that the
 11 applicant provide revised plans to the engineer to
 12 make sure that the parking --
 13 MR. CARNOVALE: Okay. I make a motion.
 14 Paulie seconded or vice-versa.
 15 CHAIRMAN FERGUSON: Very good.
 16 Roll call?
 17 MS. LAMBRINIDES: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. LAMBRINIDES: Mr. Albanese?
 20 VICE CHAIRMAN ALBANESE: Yes.
 21 MS. LAMBRINIDES: Mr. Elefteriou?
 22 MR. ELEFTERIOU: Yes.
 23 MS. LAMBRINIDES: Mr. Carnovale?
 24 MR. CARNOVALE: Yes.
 25 MS. LAMBRINIDES: Mr. Terranova?

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1 MR. TERRANOVA: Yes.
 2 MS. LAMBRINIDES: Mr. Grala?
 3 MR. GRALA: Yes.
 4 MS. LAMBRINIDES: Mr. Brogna?
 5 MR. BROGNA: Yes.
 6 MS. LAMBRINIDES: Mr. Chung?
 7 MR. CHUNG: Yes.
 8 CHAIRMAN FERGUSON: Okay.
 9 The first one we have is we have two
 10 adjournments for tonight. The first one is Case
 11 No. 21-02, which is 139-145 Morningside Lane.
 12 So he's asking for an adjournment to
 13 next month, which I believe is the 19th of July.
 14 So I'll make that motion to grant the
 15 adjournment.
 16 Can I get a second?
 17 VICE CHAIRMAN ALBANESE: I make a
 18 second that we carry it.
 19 CHAIRMAN FERGUSON: Okay. Roll call?
 20 MS. TESTA: That would be with no
 21 further notice.
 22 CHAIRMAN FERGUSON: That would be with
 23 no further notice, correct.
 24 Can I get a second?
 25 MS. TESTA: I thought someone did

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1 That meeting will take place in person.
 2 It will no longer be via Zoom. That's the notice to
 3 the public. There will be no further notice. And
 4 the applicant waives all time constraints, according
 5 to the adjournment.
 6 CHAIRMAN FERGUSON: Okay. The next one
 7 is another adjournment, which is 21-06, 123 East Ruby
 8 Avenue.
 9 He's also looking for an adjournment.
 10 Can I get a motion?
 11 VICE CHAIRMAN ALBANESE: I make a
 12 motion.
 13 CHAIRMAN FERGUSON: There's a motion.
 14 MR. CARNOVALE: I second.
 15 CHAIRMAN FERGUSON: Thank you.
 16 Roll call for the adjournment.
 17 MS. LAMBRINIDES: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. LAMBRINIDES: Mr. Albanese?
 20 VICE CHAIRMAN ALBANESE: Yes.
 21 MS. LAMBRINIDES: Mr. Elefteriou?
 22 MR. ELEFTERIOU: Yes.
 23 MS. LAMBRINIDES: Mr. Carnovale?
 24 MR. CARNOVALE: Yes.
 25 MS. LAMBRINIDES: Mr. Terranova?

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1 second.
 2 VICE CHAIRMAN ALBANESE: I made the
 3 second.
 4 MS. LAMBRINIDES: Joe made the motion.
 5 VICE CHAIRMAN ALBANESE: I'm sorry.
 6 MS. LAMBRINIDES: Mr. Ferguson?
 7 CHAIRMAN FERGUSON: Yes.
 8 MS. LAMBRINIDES: Mr. Albanese?
 9 VICE CHAIRMAN ALBANESE: Yes.
 10 MS. LAMBRINIDES: Mr. Elefteriou?
 11 MR. ELEFTERIOU: Yes.
 12 MS. LAMBRINIDES: Mr. Carnovale?
 13 MR. CARNOVALE: Yes.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Yes.
 16 MS. LAMBRINIDES: Mr. Grala?
 17 MR. GRALA: Yes.
 18 MS. LAMBRINIDES: Mr. Brogna?
 19 MR. BROGNA: Yes.
 20 MS. LAMBRINIDES: Mr. Chung?
 21 MR. CHUNG: Yes.
 22 MS. TESTA: Okay. So Case No. 21-02,
 23 In Chang Chung, 139-145 Morningside Lane, Block 717,
 24 Lots 10, 11, 23 and 24 are being postponed at the
 25 request of the applicant to July 19, 2021.

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1 MR. TERRANOVA: Yes.
 2 MS. LAMBRINIDES: Mr. Grala?
 3 MR. GRALA: Yes.
 4 MS. LAMBRINIDES: Mr. Brogna?
 5 MR. BROGNA: Yes.
 6 MS. LAMBRINIDES: Mr. Chung?
 7 MR. CHUNG: Yes.
 8 MS. TESTA: Okay.
 9 So that's Case No. 21-06, 123 East Ruby
 10 Avenue, LLC, Block 615, Lots 11 & 12. At the request
 11 of the applicant, it is being carried to the July
 12 19th, 2021 meeting at 7 p.m.
 13 There will be no further notice to the
 14 public. And that meeting also will take place in
 15 person here in Borough Hall, 275 Broad Avenue. It
 16 will not be via Zoom.
 17 CHAIRMAN FERGUSON: Okay. All right.
 18 The next one -- do you want to take this?
 19 MS. TESTA: Right.
 20 CHAIRMAN FERGUSON: Okay.
 21 The next one we have is a small problem
 22 with 203 Grand Avenue.
 23 MS. TESTA: Yes.
 24 Mr. Lee.
 25 CHAIRMAN FERGUSON: Daniel, are you the

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1 attorney?
 2 MR. LEE: Yes, yes.
 3 What is the problem?
 4 CHAIRMAN FERGUSON: There's a problem.
 5 MS. TESTA: Yes.
 6 You know, unfortunately, I know that
 7 you did submit the plans online on time, but for
 8 whatever reason, they were not uploaded to the
 9 borough website. And we discovered that this
 10 afternoon.
 11 We have not had the opportunity to
 12 review them ten days prior, as you know.
 13 MR. LEE: Yes.
 14 MS. TESTA: So we're going to have to
 15 carry your case to the July 19th meeting.
 16 MR. LEE: I see.
 17 Is there anything I can do from my
 18 office to prevent --
 19 MS. TESTA: Well, now it's going to be
 20 public so as long as you have the plans to Borough
 21 Hall.
 22 Unfortunately, I know you did do it.
 23 On behalf of the borough, I apologize. I'm not sure
 24 why they...
 25 MR. LEE: Okay. So you say July 19th.

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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 MS. LAMBRINIDES: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 MS. LAMBRINIDES: Mr. Lee?
 12 Did I get everybody?
 13 MS. TESTA: Yes.
 14 Case No. 21-10, BBHJ, Inc., 203 Grand
 15 Avenue, Block 111, Lot 23 is being carried to July
 16 19, 2021 at 7 p.m.
 17 There will be no further notice to the
 18 public. The meeting will take place here in Borough
 19 Hall, 275 Broad Avenue, Palisades Park.
 20 CHAIRMAN FERGUSON: Great. Thank you.
 21 So now we're down to Case No. 21-09,
 22 which is DRC Development Corp., 443 Highland Avenue.
 23 MS. TESTA: Let the record reflect that
 24 Mr. Elefteriou will be recusing himself.
 25 MR. ELEFTERIOU: I'm within 200 feet.

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1 MS. TESTA: Yes.
 2 Again, there will be no further notice
 3 to the public.
 4 CHAIRMAN FERGUSON: You have another
 5 one too, Daniel?
 6 MR. LEE: Yes. I have another one that
 7 I'd like to hear next month.
 8 CHAIRMAN FERGUSON: We'll hear both of
 9 them next month.
 10 MS. TESTA: That will be in person,
 11 yes. Again, our apologies.
 12 So that is Case No. 21-10, BBHJ, Inc.,
 13 203 Grand Avenue.
 14 I guess we need a motion.
 15 CHAIRMAN FERGUSON: I make that motion.
 16 VICE CHAIRMAN ALBANESE: I second.
 17 MS. LAMBRINIDES: Do I take a roll
 18 call?
 19 MS. TESTA: Yes.
 20 MS. LAMBRINIDES: Mr. Ferguson?
 21 CHAIRMAN FERGUSON: Yes.
 22 MS. LAMBRINIDES: Mr. Albanese?
 23 VICE CHAIRMAN ALBANESE: Yes.
 24 MS. LAMBRINIDES: Mr. Elefteriou?
 25 MR. ELEFTERIOU: Yes.

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1 MS. TESTA: As he resides right within
 2 200 feet.
 3 Paul?
 4 VICE CHAIRMAN ALBANESE: No. I've got
 5 Oakdene.
 6 MS. TESTA: Okay. I'm sorry. Okay.
 7 (Whereupon, Mr. Elefteriou recuses
 8 himself from this hearing.)
 9 CHAIRMAN FERGUSON: Okay. Do you want
 10 to put your appearance on?
 11 MR. MACRI: Good evening, Members of
 12 the Board, Mr. Chairman, my name is Marc Macri. I
 13 represent DRC Development Corp., who is the applicant
 14 this evening in connection with property at 443
 15 Highland Avenue here in the borough.
 16 Before the meeting commenced, I handed
 17 in my Proof of Service to Ms. Testa, which I believe
 18 is in conformance.
 19 MS. TESTA: Yes. And it's all in
 20 order.
 21 The board has jurisdiction.
 22 MR. MACRI: Thank you.
 23 I'd like to begin by having our
 24 architect, Mr. Vassilios Cocoros sworn in.
 25 MS. TESTA: Please raise your right

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1 hand.
 2 Do you swear that the testimony you
 3 give this application will be the truth, the whole
 4 truth, and nothing but the truth, so help you God?
 5 MR. COCOROS: I do.
 6 VASSILIOS COCOROS, AIA
 7 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 8 having been duly sworn, testifies as follows:
 9 MS. TESTA: State your name and
 10 address.
 11 MR. COCOROS: Sure. Vassilios,
 12 V-A-S-S-I-L-I-O-S. Cocoros, C-O-C-O-R-O-S. 467
 13 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.
 14 CHAIRMAN FERGUSON: Okay, he's been
 15 here many times.
 16 We accept him.
 17 MR. MACRI: Thank you.
 18 DIRECT EXAMINATION
 19 BY MR. MACRI:
 20 Q. Mr. Cocoros, can you please describe
 21 the existing condition of the property, the
 22 measurements, and then go through what we propose to
 23 construct on the property.
 24 A. Sure.
 25 **This property is located on the -- this**
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1 two-family duplex. The building, itself, is 38-foot
 2 wide. It's basically a typical duplex that you would
 3 do on a 50-foot-wide lot; however, as this lot is
 4 bigger, we're going 79-foot configuration.
 5 We've also put the stairs at the front
 6 corner of the living room so they don't stick out
 7 into the front yard as other ones do.
 8 So the configuration is set up -- since
 9 we have a lot-and-a-half basically, we have the
 10 garage, home office, recreation room. The first
 11 floor is the main living space. We have a home
 12 office, kitchen in the back with a family room.
 13 The second floor is basically set up
 14 with a four-bedroom configuration. We have a master
 15 suite in the back, a primary suite in the back with
 16 its own en-suite bathroom. There will also be two
 17 secondary bathrooms that are shared by all of the
 18 bedrooms themselves.
 19 So we're really here for the height.
 20 We're at 3 stories 35-foot-5-inches. That's a
 21 function of the drop off in the back to the front.
 22 The house, itself, does look like your typical
 23 duplex.
 24 Also, we're trying to avoid the
 25 driveway going down and having a trench drain. We
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1 **would be considered the east side -- I'm sorry -- the**
 2 **west side of Highland Avenue. It's located between**
 3 **two properties off of Ackerman Place.**
 4 **The property, itself, is**
 5 **50-foot-wide-by-150-foot-deep. The property has a lot**
 6 **area, as recognized by the survey, of 7,500 square**
 7 **feet; however, we actually have more square footage**
 8 **based on the overlap of the property next door.**
 9 **So the property itself is compliant as**
 10 **far as the width goes. It's more than a**
 11 **lot-and-a-half times of what's -- that's allowed.**
 12 **It's an oversized property.**
 13 One of the issues with the property,
 14 one of the reasons we're here is the drop off from
 15 the front to the back. There's an approximately
 16 8-foot difference from the existing sidewalk down to
 17 the backyard.
 18 So one of the primary variances we're
 19 here for is the height. And that's based on the
 20 topography that we have altered. We're not doing a
 21 retaining wall. We're basically keeping it in the
 22 existing grades around the property to not pose a
 23 retaining wall along the neighbors on either side of
 24 us.
 25 We're proposing a side-by-side
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1 basically kept it dead level with the sidewalk. And
 2 then the height was based on the existing grades at
 3 the rear of the building, which created the height
 4 variance.
 5 In addition to the height variance,
 6 although we do meet the 40 percent portion of the
 7 requirements for building coverage, we do exceed
 8 2-and-a-half-thousand square feet where we have 2,907
 9 square feet.
 10 But our rear yard setbacks and front
 11 yard setbacks do exceed the 20 or 25 feet, where we
 12 have 35 feet in the front and we have 36 feet in the
 13 back.
 14 Also, the property, itself, before did
 15 not have any drainage facilities. We are proposing a
 16 drain retention system on each side. If this is
 17 approved, we will provide a perc test to back up the
 18 design that we're proposing. That will also be
 19 reviewed by the borough engineer -- or the board
 20 engineer. I'm sorry.
 21 CHAIRMAN FERGUSON: Yeah, we need a
 22 perc test, definitely you need that.
 23 That's the end.
 24 MR. COCOROS: Yeah, pretty much. It's
 25 basically a duplex; however, since the lot is bigger,
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1 we went for a little bigger footprint. We do still
 2 meet the 40 percent coverage. The height is based on
 3 the hardship of the topography.
 4 CHAIRMAN FERGUSON: So let's just talk
 5 about the backyard first. You have a backyard from
 6 the back of the building to the back property line.
 7 Your property line, how many feet is that?
 8 MR. COCOROS: Thirty-six feet.
 9 CHAIRMAN FERGUSON: Thirty-six feet.
 10 And from the edge of the -- yeah, the deck, what
 11 is...
 12 MR. COCOROS: Twenty-five feet. So we
 13 actually kept the 25 feet to the deck line.
 14 CHAIRMAN FERGUSON: Okay. So that
 15 would be the ordinance.
 16 MR. COCOROS: The ordinance is actually
 17 less. The ordinance for the building, itself, is 25
 18 feet.
 19 And then the deck, I think, is usually
 20 9 or 10 feet into that. We actually put the deck at
 21 25 feet, and then it's another 11 feet to the
 22 building.
 23 CHAIRMAN FERGUSON: It's a big piece of
 24 property.
 25 MR. COCOROS: Yeah.

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1 building, itself, the front slopes down to 35-feet
 2 wide. We have closer to 7-and-a-half feet to the
 3 side of the building, itself. And the staircases, if
 4 you look at them, they're not fully into the front
 5 yard. They actually slide back a little bit further
 6 so they're not directly in front of the building.
 7 CHAIRMAN FERGUSON: Okay. Now, do my
 8 eyes deceive me? Is there a bathroom in the
 9 basement?
 10 MR. COCOROS: Yes.
 11 CHAIRMAN FERGUSON: You know how I feel
 12 about bathrooms.
 13 MR. COCOROS: It's a bigger lot. I
 14 know, you know, we would like to keep it.
 15 CHAIRMAN FERGUSON: You would like to,
 16 but nope.
 17 Any board members have anything?
 18 MR. CARNOVALE: Yeah, I have a couple
 19 questions.
 20 CHAIRMAN FERGUSON: Sure.
 21 MR. CARNOVALE: Mr. Architect, what is
 22 the clearance between the stairs and the side
 23 property line? I couldn't really hear you.
 24 MR. COCOROS: It's 3-foot-2.
 25 MR. CARNOVALE: On both sides.

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1 CHAIRMAN FERGUSON: So what's the
 2 dimensions of your deck.
 3 MR. COCOROS: The deck is basically
 4 11-feet-by-12-feet. A typical house, I think, is
 5 9-feet-by-12-feet. When we do duplex, it's
 6 relatively the same. We didn't go too crazy on the
 7 deck. We made it a little bit deeper to make it a
 8 little bit more useful. We still have ample room
 9 behind the deck to the property line.
 10 CHAIRMAN FERGUSON: Yeah, but I don't
 11 -- I don't know that if the town ordinance permits
 12 you to go a little bit bigger.
 13 MR. COCOROS: I thought it was only in
 14 the portions in the backyard. I know that's where we
 15 have a certain limitation from the back -- most lots
 16 are 50-by-100. The deck, itself, is calculated from
 17 the rear setback line to the property line. So, you
 18 know, if we -- actually we technically probably could
 19 have gone deeper with this. We wanted to keep it a
 20 realistic number, not to make it too big.
 21 CHAIRMAN FERGUSON: The side yard is
 22 supposed to start at --
 23 MR. COCOROS: The side yard is 6 feet.
 24 However, at the front we're a little bit more.
 25 We have 3-feet-2 to the staircase. The

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1 MR. COCOROS: Yes.
 2 MR. CARNOVALE: Just for my personal
 3 curiosity. I see the sides of the house here you
 4 have a little window there.
 5 Is that the master bedroom bathroom?
 6 The little window?
 7 MR. COCOROS: Which one?
 8 MR. CARNOVALE: On the side of the
 9 house above the staircase.
 10 Look above the door.
 11 MR. COCOROS: Yeah, I think that's the
 12 bedroom. Yeah, that's the window for the bathroom in
 13 the front.
 14 MR. CARNOVALE: All right. I was just
 15 wondering -- I mean, it doesn't have to do with this.
 16 But how would the house send electricity to the
 17 house.
 18 MR. COCOROS: What they do is we have
 19 the hook in the front corner. Then it goes into an
 20 elbow. And inside that we have the meter and actual
 21 service. That's the way they've been doing it. This
 22 front corner. So they basically do a hook at the
 23 front. And then basically close to the ceiling
 24 there's penetration through the wall. And then
 25 inside there's a remote reading device. Inside you

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1 put the meter and you put the actual service.
 2 MR. CARNOVALE: So do you go right down
 3 into one of the limestones in the front steps.
 4 MR. COCOROS: No. If you see just
 5 above the guardrail where it intersects the building,
 6 it will come in from there. So the actual conduit in
 7 the front corner is going down to about, let's say,
 8 this is the ceiling of the garage.
 9 MR. CARNOVALE: Right.
 10 MR. COCOROS: It will come through
 11 this, above the stair line (indicating).
 12 MR. CARNOVALE: Okay.
 13 MR. COCOROS: The meter pan, right.
 14 MR. CARNOVALE: All right. That's all
 15 I basically have for now.
 16 Thank you.
 17 CHAIRMAN FERGUSON: Any other board
 18 members have anything?
 19 Steve, you're on the -- Steve.
 20 MR. COCOROS: He's on. I think he's
 21 muted.
 22 IT MODERATOR: He can unmute himself.
 23 It works.
 24 MR. KAUKER: Mr. Chairman, this is Mike
 25 Kauker.

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1 MR. KAUKER: That's all I have.
 2 MS. TESTA: To reduce it or.
 3 MR. COCOROS: No.
 4 To include the variance.
 5 MR. MACRI: Seek a variance.
 6 MR. COCOROS: We're over the 200 square
 7 feet.
 8 Thank you.
 9 MS. TESTA: And you're amending it to
 10 remove the bathtub from the basement.
 11 Is that correct?
 12 MR. MACRI: Correct.
 13 CHAIRMAN FERGUSON: Okay. Do we have
 14 -- John, are you on?
 15 IT MODERATOR: I don't see him.
 16 We have Steve.
 17 MS. TESTA: Steve. Yeah, that's who
 18 we're looking for.
 19 MR. COLLAZUOL: Can you hear me now?
 20 CHAIRMAN FERGUSON: Yeah.
 21 MR. COLLAZUOL: Okay. I just have two
 22 points.
 23 With respect to the driveways, there's
 24 probably 35 feet plus another 6 feet out to the
 25 sidewalk.

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1 I had one question as a follow-up based
 2 on a question you asked.
 3 CHAIRMAN FERGUSON: Okay. Your name
 4 again?
 5 MR. KAUKER: You were asking about the
 6 -- I didn't hear the answer to the question.
 7 But there is a provision in the code
 8 that prohibits the deck from being greater than 250
 9 square feet. I don't know if that's what you were
 10 referring to.
 11 But I didn't hear you answer, or the
 12 architect's answer in terms of the size of the deck.
 13 MR. COCOROS: I thought it was 250
 14 square feet that was in the rear yard portion.
 15 MR. KAUKER: No. It's decks in
 16 residential districts shall not exceed 250 square
 17 feet and that is 300-16B of the code.
 18 MR. COCOROS: Okay.
 19 CHAIRMAN FERGUSON: So can you reduce
 20 it?
 21 MR. COCOROS: We'll amend the
 22 application because we still have ample setback.
 23 CHAIRMAN FERGUSON: Yeah, you can.
 24 MR. MACRI: Amend the application to
 25 include the proposed deck.

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1 So we put in our report we'd like to
 2 see the drainage addressed in the front driveway.
 3 MR. COCOROS: Can we add like a little
 4 chamber for each side in the front.
 5 MR. COLLAZUOL: Well, I'd like it start
 6 collecting the water before it goes out into the
 7 roadway.
 8 MR. COCOROS: Okay, we can accommodate
 9 that.
 10 MR. COLLAZUOL: That's really our only
 11 point with this application.
 12 Thank you.
 13 MR. MACRI: I have no further questions
 14 of the architect.
 15 Do you want to open it to the public?
 16 CHAIRMAN FERGUSON: He's done.
 17 MR. MACRI: He's done.
 18 MR. COCOROS: Thank you.
 19 MR. MACRI: Do we want to open it to
 20 the public.
 21 CHAIRMAN FERGUSON: Anybody in the
 22 public? Anybody in the public would like to talk?
 23 Yes.
 24 IT MODERATOR: Nobody is raising their
 25 hand.

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1 CHAIRMAN FERGUSON: No.
 2 MR. MACRI: We'd like to proceed and
 3 have our professional planner, Mr. David Spatz, sworn
 4 in.
 5 MS. TESTA: Sure.
 6 Please raise your right hand.
 7 Do you swear the testimony you will
 8 give this application will the truth, the whole
 9 truth, and nothing but the truth, so help you God?
 10 MR. SPATZ: Yes, I do.
 11 D A V I D S P A T Z, P.P.
 12 60 Friend Terrace, Harrington Park, New Jersey,
 13 having been duly sworn, testifies as follows:
 14 MS. TESTA: State your name, please.
 15 MR. SPATZ: David Spatz, S-P-A-T-Z.
 16 MS. BRAUER: Hello.
 17 CHAIRMAN FERGUSON: Yes.
 18 MS. BRAUER: I have a question.
 19 CHAIRMAN FERGUSON: Your name is?
 20 MS. BRAUER: Susan Brauer.
 21 CHAIRMAN FERGUSON: Hey, Susan.
 22 Welcome back.
 23 MS. BRAUER: I hope everyone is good.
 24 It was kind of broken during the description.
 25 What is the layout of the ground floor
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1 marked A-1 with today's date on it.
 2 **A. Okay. Just to quickly go through that.**
 3 The top left-hand photograph is of the
 4 subject property.
 5 The top right is looking to the right
 6 (indicating).
 7 To the north of our property is a
 8 two-family. The bottom left is looking to the left
 9 or to the south of our property. There's a couple
 10 single-families and then new two-family being
 11 developed.
 12 And then the bottom right is directly
 13 across the street, which are newer two-family homes
 14 (indicating).
 15 So we do need two variances, one (d)
 16 variance for building height and then one (c)
 17 variance for building coverage.
 18 We are in the AA zone, which permits a
 19 two-family. And we do have a lot area and width that
 20 exceed what is required by the zone.
 21 In terms of the height variance,
 22 Mr. Cocoros indicated that the property has a steep
 23 slope from front to back, which is causing the
 24 building height in the rear of the building to exceed
 25 what is permitted within the zone.
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1 of that property, please?
 2 MR. COCOROS: Garage, home office,
 3 recreation room, powder room.
 4 MS. BRAUER: I'm sorry.
 5 Can you say that again, please.
 6 MR. COCOROS: Garage, home office,
 7 recreation room, utility room and a powder room.
 8 MS. BRAUER: Okay. A bathroom or
 9 powder room.
 10 MR. COCOROS: Powder room.
 11 MS. BRAUER: Powder room. No shower?
 12 No tub.
 13 MR. MACRI: Correct.
 14 MS. BRAUER: Thank you.
 15 CHAIRMAN FERGUSON: All right.
 16 Anybody else?
 17 (No response.)
 18 CHAIRMAN FERGUSON: No. Glad to hear
 19 it.
 20 You're on.
 21 (Whereupon, Photoboard Exhibit is
 22 marked as Exhibit A-1 for identification.)
 23 DIRECT EXAMINATION
 24 BY MR. MACRI:
 25 **Q.** We had handed out a photo exhibit board
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1 But as you can see also from the
 2 photographs, both the two-family home under
 3 construction to the south of us as well as the
 4 two-family homes directly across the street are all
 5 three stories in height similar in height to ours.
 6 So the topography causes the height to
 7 exceed what is permitted, but it is still consistent
 8 with the neighborhood, certainly the newer two-family
 9 homes being developed.
 10 Looking at our bulk variance. There is
 11 just one bulk variance. We do fully conform to the
 12 front, rear and side yard requirements of the zone.
 13 We've asked for a variance for the deck.
 14 And that, I think, is justified by the
 15 fact that it does meet the setback limitations for
 16 the zone.
 17 And our property is 50 feet deeper than
 18 what is typical and required by the ordinance, which
 19 would allow the deck to be a little bit bigger. But
 20 still even the deck, itself, meets the setback that
 21 would typically be for the home.
 22 There's a detached garage being
 23 removed, so there is in fact increased light, air and
 24 open space to the properties to the south.
 25 And east of us, in terms of coverage,
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1 we do meet the coverage limitations in terms of
2 percentage. We are below 40 percent.
3 But in terms of the total square
4 footage, we exceed it by 457 square feet.

5 As Mr. Cocoros indicated, there are no
6 drainage facilities on the site now. New drainage
7 will be added, which will compensate for any excess
8 runoff. So there will be no impact on our property
9 as well as the surrounding properties. So I think
10 the positive criteria are met for both variances.

11 Looking at the negative criteria, there
12 is nothing that is substantially negative. We're
13 compatible with the surrounding newer development
14 that's taking place. We are a permitted use within
15 the zone. The setbacks are all conforming. So
16 adequate light, air and open space are provided for
17 the surrounding properties. We are providing some
18 additional landscaping to help buffer the properties.

19 We do have a conforming amount of
20 parking on the site now. There is already a wider
21 driveway on the site now so there will be a loss of
22 at most one parking space.

23 But as the photograph -- certainly the
24 bottom right-hand photograph shows, the other
25 two-families have significantly wider driveways than

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1 feet. So we are consistent with the neighborhood.
2 We have the topographical conditions
3 also that creates the variance. But in terms of the
4 overall height, we are consistent with the
5 neighborhood.

6 MR. KAUKER: Okay. Thank you.
7 I have nothing else.

8 CHAIRMAN FERGUSON: Okay. Anybody in
9 the audience have anything? No. Okay. Do you have
10 any other witnesses?

11 MS. BRAUER: Hello.

12 CHAIRMAN FERGUSON: Hello. Hello.

13 MS. BRAUER: Can I ask a question?

14 CHAIRMAN FERGUSON: Yeah, sure. Your
15 name and address.

16 MS. BRAUER: Okay, Susan Brauer. They
17 say they want a bigger deck because they have a
18 bigger property. Well, if that's the case, why
19 didn't they ask for a deck that's 40-foot-by-20-foot?
20 The fact that they have a deeper property doesn't
21 mean

22 anything. We have ordinances and a board so that
23 things are kept right. The fact that they bought a
24 larger lot doesn't mean they have to put a palace
25 with a moat and a longer deck there.

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1 ours.
2 So, on balance, I think that the
3 positive criteria are met and it outweighs anything
4 that would be considered negative. I think it would
5 be appropriate to grant the variances.

6 So that conclude my testimony.

7 If there are any questions, I'd be
8 happy to answer them.

9 CHAIRMAN FERGUSON: Any board members
10 have anything?

11 (No response.)

12 CHAIRMAN FERGUSON: Any of our experts
13 have anything?

14 MR. KAUKER: I just have one question.

15 David, I don't know if I missed it, but
16 could you reference the height of the building with
17 respect to the existing heights of buildings in the
18 other area? For example, is it consistent with those
19 other structures?

20 MR. SPATZ: It is. Excuse me.

21 In terms of stories, it is. Both the
22 newer structure developed under construction to the
23 south of us as well as the structures directly across
24 the street are all three stories in height. And they
25 are similar in height to ours. They all exceed 30

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1 MR. SPATZ: I'm not sure if that was a
2 question. But the deck itself still meets the
3 setback limitations from the rear property line. So
4 in terms of setback, we're not asking for any
5 variance. The deck itself is slightly larger. But
6 in terms of the setback, we're far enough away from
7 the properties to the rear of us. And the decks
8 themselves are inset a little bit so they provide a
9 greater setback on the side yards than the building
10 itself.

11 MS. BRAUER: Well, what if you a
12 200-foot piece of property and you wanted to have a
13 25-foot setback, how big would your deck be then
14 because you have a larger property.

15 MR. MACRI: Objection. That's not a
16 question. Objection.

17 That's a hypothetical question. We're
18 not going to answer that.

19 MS. TESTA: That's fine.

20 CHAIRMAN FERGUSON: Okay, that's fine.
21 Any other questions? Okay.

22 So I'll make a motion to approve the
23 application, \$2,000.00 to the preservation -- Tree
24 Preservation Fund.

25 And I'll take a second.

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1 MR. CARNOVALE: I second it.
 2 CHAIRMAN FERGUSON: Roll call?
 3 MS. LAMBRINIDES: Mr. Ferguson?
 4 CHAIRMAN FERGUSON: Yes.
 5 MS. LAMBRINIDES: Mr. Albanese?
 6 VICE CHAIRMAN ALBANESE: Yes.
 7 MS. LAMBRINIDES: Mr. Carnovale?
 8 MR. CARNOVALE: Yes.
 9 MS. LAMBRINIDES: Mr. Terranova?
 10 MR. TERRANOVA: Yes.
 11 MS. LAMBRINIDES: Mr. Grala?
 12 MR. GRALA: Yes.
 13 MS. LAMBRINIDES: Mr. Brogna?
 14 MR. BROGNA: Yes.
 15 MS. LAMBRINIDES: Mr. Chung?
 16 MR. CHUNG: Yes.
 17 MR. MACRI: Thank you very much.
 18 CHAIRMAN FERGUSON: Okay. We'll take a
 19 five-minute break then we'll get right back to it.
 20 VICE CHAIRMAN ALBANESE: I'm going to
 21 recuse myself from the next one because it's within
 22 200 foot.
 23 (Whereupon, a brief recess is taken.)
 24 CHAIRMAN FERGUSON: The next case.
 25 Let's go to next case. The next case is...

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1 MS. TESTA: Okay. We have the
 2 Affidavit of Publication and Mailing, and everything
 3 seems to be in order so the Board has jurisdiction to
 4 hear this case.
 5 CHAIRMAN FERGUSON: Okay, Counsel,
 6 we're ready.
 7 MR. RAMUNDO: All right.
 8 Good evening, Mr. Chairman, Ms. Testa,
 9 Honorable Board Members, Members of the Public who
 10 are joining us via Zoom on the virtual platform, my
 11 name is Marc Ramundo from the Ramundo Law Offices at
 12 416 East Central Boulevard.
 13 I'm here humbly representing the
 14 applicant, PBS Developers Corp., by and through its
 15 president, Eleferios Eleferiou a/k/a Lefty, who
 16 just recused himself.
 17 The applicant is the purchaser under
 18 contract for the property located at 54 East Oakdene
 19 Avenue, which is Block 306, Lot 11. The property is
 20 owned by Mr. and Ms. Thomas and Constance Muir,
 21 M-U-I-R, who actually submitted an owner's consent
 22 and authorization for the within application. I've
 23 attached that to the application that I've sent in.
 24 The current property is a corner lot on
 25 the southeast corner of Oakdene and First Street in

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1 MS. TESTA: Case 21-11.
 2 CHAIRMAN FERGUSON: The next case is
 3 21-11, PBS Developers, 54 Oakdene.
 4 MS. TESTA: Let the record reflect that
 5 Vice Chair Paul Albanese and Mr. Eleferiou have
 6 recused themselves from this application.
 7 (Whereupon, Mr. Eleferiou and Vice
 8 chairman Albanese recuse themselves from this
 9 hearing.)
 10 CHAIRMAN FERGUSON: Okay.
 11 MR. RAMUNDO: One, two, three, four,
 12 five, okay.
 13 MS. TESTA: I think we have six.
 14 MR. RAMUNDO: Oh, we've got six.
 15 CHAIRMAN FERGUSON: Yeah, we've got
 16 six.
 17 MR. RAMUNDO: Oh, yeah, I forgot you,
 18 Mr. Chairman. I started this way. You were hiding
 19 over there.
 20 CHAIRMAN FERGUSON: Let me just
 21 announce that next month we're going back to the
 22 original format, which is everybody, lawyers, people
 23 that want to object, people that may want to agree,
 24 the board, everybody's got to come to meetings
 25 starting next month. No more virtual.

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1 the AA zone, which zone allows for one- and
 2 two-family residential homes.
 3 The lot currently has a one-family
 4 dwelling and detached garage on it. And the
 5 applicant wishes to knock down the existing
 6 structures and construct a two-family duplex dwelling
 7 on that property.
 8 Because of the existing corner lot
 9 configuration along with the downward and negative
 10 slope of the topography, the applicant is going to be
 11 respectfully requesting some variance relief tonight
 12 from this board to accomplish his desired goal and
 13 intended use.
 14 The applicant's architect, Mr. Donato,
 15 and planner, Lisa Phillips, will explain in more
 16 detail the layout, topography, and the reasons for
 17 the requested relief.
 18 Just real quickly, the variances which
 19 the applicant seeks tonight respectfully from this
 20 board are a front yard, rear yard, building coverage
 21 and height variance.
 22 The applicant will call two witnesses
 23 tonight, Mr. Donato and Ms. Phillips. Ms. Phillips
 24 will be joining us via Zoom on the virtual hearing.
 25 They will testify as to, again, the proposed layout

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1 and the new two-family dwelling, what variances are
2 required, why they are required. And, lastly, why
3 the proposed development meets all of the statutory
4 criteria as set forth in the New Jersey Municipal
5 Land Use Law, and hence, why the proposed variances
6 can be granted by this board without substantial
7 detriment to the public good and will not impair the
8 intent and purpose of the Master Plan, Zoning Plan
9 and Zoning Ordinances.

10 So without further delay, I'd call to
11 call Mr. Donato, who is present and ready to be
12 sworn.

13 I know he's testified and been sworn
14 and been qualified many times as an expert.

15 MS. TESTA: Please raise your right
16 hand.

17 Do you swear the testimony you will
18 give this application will be the truth, the whole
19 truth, and nothing but the truth, so help you God?

20 MR. DONATO: I do.

21 J O S E P H D O N A T O, AIA,
22 14 Route 4 West, River Edge, New Jersey, having
23 been duly sworn, testifies as follows:

24 MS. TESTA: State your name, please.

25 MR. DONATO: Joseph Donato,
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1 middle of the property.

2 The property has topography from First
3 Street going south on East Oakdene -- it's an
4 approximately a 4-feet difference from north to
5 south. And then from east to west, it's about another
6 4 feet. So it kind of goes down from each -- each
7 corner to the back. So our proposal -- and the
8 property is 67.9-feet-wide-by-100-feet deep.

9 So our proposal is to do a two-story
10 duplex which faces East Oakdene Avenue with garages
11 coming off of that area rather than going along First
12 Street, which is a one-way street.

13 So the proposal would be for a
14 three-story duplex. And the duplex is
15 47-feet-deep-by-68-feet-wide. We have a deck on each
16 corner of the property, one on the side yard, one on
17 the -- facing the corner on First Street.

18 So I'll go through each level. So the
19 first floor would be two cars, each unit coming off
20 of East Oakdene. And we have two cars inside, two
21 cars outside, with a door going into an open area,
22 the foyer, and a set of stairs going to the second
23 floor.

24 The proposal is not to have any steps
25 projecting outside the building. So the first -- the
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1 D-O-N-A-T-O.

2 I'm a licensed architect in New Jersey,
3 located at 14 Route 4 West, River Edge, New Jersey.

4 CHAIRMAN FERGUSON: Okay. He's been
5 here many times.

6 We accept him as an expert.

7 MR. RAMUNDO: Thank you, Mr. Chairman.

8 Rather than a question-and-answer
9 session, I'd rather have Mr. Donato explain what he's
10 proposed on the architectural plan submitted.

11 CHAIRMAN FERGUSON: Sure.

12 MR. DONATO: Good evening, Mr. Chairman
13 and Board Members.

14 So our project that we are presenting
15 tonight is a corner lot located on East Oakdene
16 Avenue and First Street, 54 East Oakdene Avenue.
17 First Street is a one-way going north, and East
18 Oakdene is two-way traffic.

19 The lot -- the existing property has a
20 one, one-and-a-half -- two-story house with a
21 separate garage right on the property line, which is
22 nonconforming.

23 And we propose to remove both these
24 structures, the nonconforming garage at the rear
25 corner and the existing two-story structure in the

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1 entrance to the units are at the first floor level.

2 So then we have -- we also propose an
3 interior elevator for this unit with one open room
4 toward the back of the basement, which will be just
5 one big open space. No divided areas. No divided
6 rooms.

7 Then we have a set of stairs that go to
8 the second floor. And it's basically a typical
9 layout of a duplex. When we come up to the second
10 floor, we have a living room, a dining room, a
11 kitchen, a half bath, and the elevator obviously from
12 the ground floor. And each unit has a deck to the --
13 to the side.

14 Then we have a set of stairs that would
15 go to the third floor, because again it's a
16 three-story building due to the grade that goes down
17 about 4 feet to the back.

18 So, typically, if you try to meet the
19 height of a duplex, you'd have to bury the first
20 floor 50 percent, which is 4 feet in the ground.

21 But the driveway would be so steep.
22 And then the issue with water comes up. You know, so
23 our proposal is really to bring this out of the
24 ground. Basically for that reason it becomes a
25 three-story building.

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1 And so on the third floor, we have a
2 master bedroom with its own bathroom, two other
3 bedrooms with a hall bathroom, a laundry room, and
4 then the elevator coming up from the ground floor.

5 So it's basically a typical
6 three-story, three bedrooms, two baths and then a
7 half bath on the living area.

8 I'll just go through the zoning
9 schedule. We are in the AA zone where the two-family
10 house proposal is permitted. Lot width, where 50 is
11 required, we have 67.9.

12 So it's an oversized lot. That's why
13 another reason we felt like with the -- with the
14 oversized lot with the one-way of First Street, it
15 kind of helps us with this size duplex and also the
16 setback on the front, which I'll go through.

17 The deck requirement is 100 feet. We
18 do have that 100 feet. We do meet that. The front
19 yard is 25 feet. And that would be off of First
20 Street. We are proposing 16. And the reason why we
21 picked this number was again it's a one-way on First
22 Street.

23 So projecting the building toward the
24 front yard really doesn't have an effect to any
25 neighbors on that side.

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1 for are front yard, which is First Street.

2 And that would be the one-way I was
3 talking about. The rear yard is 16 feet. And then
4 the height, due to the topography. And then the lot
5 coverage variance.

6 MR. RAMUNDO: Any questions from the
7 board?

8 CHAIRMAN FERGUSON: Yeah, I've got a
9 couple. The first one is, do you have your sight
10 triangle.

11 MR. DONATO: Yes.

12 There's no -- so if you see the dotted
13 line, it misses the corner of the building by about
14 5 feet. That's one of the reasons why we didn't do
15 the stairs on the outside.

16 CHAIRMAN FERGUSON: Right.

17 MR. DONATO: Then since we were out of
18 the ground, we'd come right in at the first floor.
19 So there's no projection.

20 CHAIRMAN FERGUSON: So you do have a
21 sight triangle.

22 MR. DONATO: Correct.

23 CHAIRMAN FERGUSON: The next question
24 is, I don't see any bathtub in the basement so I'm
25 assuming that there's no bathroom in the basement?

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1 The next item is the side yard, where
2 5 feet is required, we have 5.9. So we have enough
3 room for AC units on that side.

4 Then we have a corner front where 15
5 feet is required on East Oakdene. And we do have
6 that 15 feet. So we kind of left that open since we
7 were asking for a front yard on First Street, so that
8 the front yard is opened up to that requirement.

9 So the rear yard, where 25 feet is
10 required, we're asking for 16 feet. That would be
11 another variance. The first variance is the front
12 yard on First Street. The next variance would be the
13 rear yard, which is 16 feet.

14 Height, where 2-and-a-half stories, 28
15 feet is permitted, we're asking for three stories,
16 32.67 feet.

17 And, basically, that number comes with
18 the topography of the land going from north to south
19 4 feet and then east to west 4 feet. So there's a
20 big disparity with the -- with the topography.

21 Then the lot coverage with the
22 building, with the lot size, our proposal is a
23 building where 40 percent is permitted, we're asking
24 for 47.07 percent.

25 So the four variances that we're asking

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1 MR. DONATO: No.

2 CHAIRMAN FERGUSON: Then probably the
3 last one is a little of concern to me.

4 Where are you going to hook up your
5 sewer lines?

6 MR. DONATO: So I know we have a letter
7 from Mr. Collazuol that we would -- so there are
8 sanitariums in the street. And we would mark -- we
9 would have the engineer find them and locate them so
10 we would connect to them.

11 CHAIRMAN FERGUSON: Right.

12 So the question is, are you going to
13 hook -- I know there's sanitariums on First Street.

14 MR. DONATO: Yes.

15 CHAIRMAN FERGUSON: Is that where
16 you're going to go in.

17 MR. DONATO: That would be -- right.
18 So the storm drain on Oakdene, but I don't see any
19 sanitary. You know, I'm sorry. There is a sanitary
20 on Oakdene, an 8-inch clay sanitary.

21 CHAIRMAN FERGUSON: Okay, let me just
22 caution you, it's not ours, but the Borough of Leonia
23 has lines on Oakdene.

24 So I would make sure that our engineer
25 checks to make sure that you're not hooking into a

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1 Leonia line.
 2 MR. DONATO: I got it.
 3 CHAIRMAN FERGUSON: Because you need
 4 a...
 5 MR. DONATO: Right.
 6 I believe that was one of the items on
 7 Mr. Collazuol's letter.
 8 CHAIRMAN FERGUSON: Okay. Well,
 9 Mr. Collazuol is going to ask. I'm just saying.
 10 To me, I know Leonia's got lines there.
 11 So I would be very careful with that.
 12 MR. DONATO: And there is. The way
 13 it's shown the sanitary on Oakdene is heading north.
 14 It doesn't connect to First, which is heading west.
 15 So it most likely would be the First Street.
 16 CHAIRMAN FERGUSON: It is.
 17 MR. ELEFTERIOU: There's one on First
 18 Street.
 19 MR. DONATO: Yeah, there is a one.
 20 CHAIRMAN FERGUSON: Okay. Any other
 21 board members have anything?
 22 (No response.)
 23 CHAIRMAN FERGUSON: No.
 24 Mr. Collazuol, do you have anything?
 25 MR. COLLAZUOL: Can you hear me?

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1 garage floor at 125.0. And the bottom of the curve
 2 at East Oakdene shown on the survey site plan is
 3 125.28.
 4 So it looks like the drop curb is
 5 actually higher in your garage than the westerly side
 6 of Unit A. So take a look at the drain.
 7 MR. DONATO: Maybe I could with
 8 lowering the roof a little bit pick this up maybe
 9 6 inches.
 10 CHAIRMAN FERGUSON: I would encourage
 11 you to make sure that that's enough pitch.
 12 MR. DONATO: Positive pitch totally
 13 from each unit.
 14 MR. COLLAZUOL: Okay, all right. Then
 15 going back to what the Chairman was indicating. The
 16 sewer in Oakdene, as you note on your -- on your site
 17 plan, is actually in the Borough of Leonia so you
 18 don't really have any permission to connect. So
 19 you'll have to run your sewer out into First Street.
 20 Will you be running the sewer at what
 21 I'm calling the rear in the 5.9 dimension for the
 22 Unit A, or will you be going out on the -- let's call
 23 it the front along the -- along the driveway areas to
 24 tie in the sewer for Unit A into First Street?
 25 MR. DONATO: No. I would not propose

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1 CHAIRMAN FERGUSON: I hope.
 2 MR. COLLAZUOL: Does anybody hear me?
 3 CHAIRMAN FERGUSON: Yeah.
 4 MR. COLLAZUOL: Good evening. Which
 5 unit are you calling A and which one are you calling
 6 B, for discussion purposes here tonight?
 7 MR. DONATO: So I would call the corner
 8 lot, the corner unit that faces first and Oakdene B.
 9 MR. COLLAZUOL: Thanks, got it.
 10 So then it appears to me, Joe, that the
 11 garage floor of 125.0 might be negatively pitched
 12 from East Oakdene Avenue. So I'd just encourage you
 13 to check the pitch on the driveway for Unit A.
 14 MR. DONATO: Right.
 15 So I believe -- not to -- not to get
 16 this -- not to ask for more of a height variance. I
 17 was trying to -- it goes down a little bit on A, but
 18 then the entire driveway slopes across the driveway
 19 and then comes -- the water goes out north on the B
 20 unit.
 21 MR. COLLAZUOL: Right.
 22 But I'm talking about the A unit. And
 23 the two driveways are separated, right?
 24 MR. DONATO: Yes, they are, yes.
 25 MR. COLLAZUOL: Yeah. So you have a

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1 that. So that 5.9 side yard, which is the west of
 2 the property, we would run in the back of the
 3 building out to First Street.
 4 MR. COLLAZUOL: Okay.
 5 MR. DONATO: That's why the 5.9 allows
 6 us for a little bit more room in there to do some of
 7 that work.
 8 MR. COLLAZUOL: Right, okay. I'd like
 9 to see that on a plan before we plan -- if the board
 10 were to approve this, I'd like to see that as a
 11 condition approval how you portray that sanitary
 12 sewer.
 13 Is that all right?
 14 MR. DONATO: That's fine.
 15 The invert on First Street is 112.9.
 16 So there is room for slope.
 17 MR. COLLAZUOL: Right.
 18 You have depth. I'm concerned with the
 19 dimensions on the pipe to the property line for
 20 future maintenance. I think that -- so it should be
 21 shown where that pipe is going to be inside that
 22 6 feet.
 23 MR. DONATO: Sure, that's fine.
 24 MR. COLLAZUOL: And then with our
 25 report dated June 11, there were some items there,

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1 particularly Number 4.
 2 Typically we see two 1,000-gallon
 3 seepage pits for a site. You indicated 500-gallon.
 4 I assume you'll have some drainage calculations to
 5 support the 500-gallon use for each half of the site
 6 and the other items that are shown on our -- on our
 7 sheet, Sheet 1 of our report.
 8 MR. DONATO: Yes, we can.
 9 And if the calculations result in a
 10 larger tank, we have -- that's what we would do. And
 11 we would meet all the other items in the letter.
 12 MR. COLLAZUOL: All right, thank you.
 13 I don't have anything else, Chairman.
 14 CHAIRMAN FERGUSON: Okay. So I just
 15 want to be clear with the pitch. If you want to do
 16 something with the roof, that's fine. If you need
 17 another half foot or something for your pitch, I'm
 18 okay with that also.
 19 MR. DONATO: We'll pick that up. I'll
 20 make sure.
 21 CHAIRMAN FERGUSON: You'll make sure,
 22 okay Mr. Kauker.
 23 MR. KAUKER: I have nothing of the
 24 architect.
 25 CHAIRMAN FERGUSON: Okay, thank you
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1 Do you swear the testimony you'll make
 2 in this application will be the truth, the whole
 3 truth, and nothing but the truth, so help you God?
 4 MS. PHILLIPS: Yes, I do.
 5 L I S A P H I L L I P S, P.P.
 6 Having been duly sworn, testifies as follows:
 7 MS. TESTA: State your name for the
 8 record, please.
 9 MS. PHILLIPS: Lisa Phillips,
 10 P-H-I-L-L-I-P-S.
 11 CHAIRMAN FERGUSON: Okay, she's been
 12 here before. We accept her.
 13 DIRECT EXAMINATION
 14 BY MR. RAMUNDO:
 15 Q. Ms. Phillips, rather than
 16 question-and-answer, since it's a little unique
 17 format here, I give you the floor to just testify in
 18 the narrative.
 19 A. Okay, sounds good. Can I share my
 20 screen just so that the people on Zoom can see my
 21 photo exhibit? Can someone allow me to share? Is
 22 everyone on Zoom seeing that? Okay.
 23 FEMALE AUDIENCE MEMBER: Yes, I can see
 24 it.
 25 MS. PHILLIPS: Okay, great. So just to
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1 very much.
 2 Any board members have anything?
 3 (No response.)
 4 CHAIRMAN FERGUSON: No? We're good.
 5 Okay. So we're going make a motion.
 6 MS. TESTA: No. We have the planner.
 7 CHAIRMAN FERGUSON: Oh, the planner.
 8 MS. TESTA: Yeah, she is online.
 9 MR. RAMUNDO: Thank you, Mr. Chairman.
 10 The applicant calls Ms. Lisa Phillips, who is on the
 11 Zoom virtually.
 12 I did submit Ms. Phillips' packet which
 13 consists of, it looks like, two pages of photos and a
 14 two-page report. Everybody on the board should have
 15 that.
 16 MS. TESTA: We'll mark that as A-1.
 17 MR. RAMUNDO: We'll do A-1.
 18 (Whereupon, Packet Prepared by Lisa
 19 Phillips, P.P., 2 Photographs and 2-Page
 20 Report, marked as Exhibit A-1 for
 21 identification.)
 22 MS. TESTA: Because that's already been
 23 submitted.
 24 Ms. Phillips is on Zoom. If she could
 25 raise her right hand.
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1 give everybody a context of the property, I know
 2 Mr. Donato has gone through it. We're at the
 3 southwest corner of Oakdene and First Street.
 4 The upper left photograph is a view of
 5 the site looking west from East Oakdene Avenue
 6 looking towards the intersection. That's the
 7 existing dwelling.
 8 The upper right photograph is the view
 9 of the site from First Street. It is a corner lot.
 10 The lower photograph on the left side
 11 is the adjacent property to the south. So that would
 12 be on First Street immediately south of the property.
 13 And in the lower right is the adjacent
 14 property to the west. So that property sits at the
 15 corner of East Oakdene and Second Street.
 16 I'm going to go to the second page now.
 17 So the second page is another two-family that's two
 18 lots away on First Street. That just shows, like,
 19 that's the older 6-over-6 style two-family.
 20 The upper right photograph is kind of
 21 opposite on the east-west side of First Street. It's
 22 one in from the corner of East Oakdene, and that's a
 23 newer duplex.
 24 And then at the lower left, that
 25 property is on the opposite side or opposite corner
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1 of this property. So this sits on the west side of
 2 the corner of First Street and East Oakdene.
 3 And then the dwellings on the picture
 4 that are depicted on the picture are opposite East
 5 Oakdene. And they are within the Borough of Leonia.
 6 I believe the center line is the dividing line
 7 between Leonia and Palisades Park.
 8 So let me just get out of screen share.
 9 So yes, I had reviewed the Zoning
 10 Ordinance, the Master Plan, Mr. Donato's plan. And
 11 just to give the board a little information as to
 12 existing nonconformities. There is a detached garage
 13 there now that does have a zero setback both on the
 14 southerly and on the easterly property line. So we
 15 do have an existing nonconformity that does impact
 16 both of those properties that about our properties on
 17 the south and on the east.
 18 So we have a downward slope, as
 19 Mr. Donato described, somewhat of a cross slope. So
 20 we have a topographic issue in terms of slope from
 21 east to west and from -- yes, from east to west and
 22 from north to south that will impact the height,
 23 which is just about a 4-foot variance. And that's
 24 what the variation in the topography is so that's one
 25 of the reasons for the variance.

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1 us to go with the adjacent setbacks, which that
 2 property next door is about 20 feet. If you look at
 3 Mr. Donato's plan, you can see that laid out there.
 4 So I don't think that there's going to
 5 be any discernable detriment to the neighborhood
 6 along that First Street side. And that larger duplex
 7 that is opposite on the westerly corner there, that
 8 has a similar situation where the longer portion of
 9 the dwelling is along East Oakdene so they have that
 10 same situation with the side yard. And when I looked
 11 at the photographs, it does look to be approximately
 12 16. It's definitely less than 20. So that's very
 13 comparable to what we have right across the street.
 14 So you can see this neighborhood is
 15 kind of turning over. There are quite a few examples
 16 of similar style duplexes as to what we're proposing.
 17 So we also have a minimum rear yard
 18 setback. That's actually along the westerly property
 19 line. And that would be adjacent to that smaller
 20 detached dwelling. And on that property line, that's
 21 really no impact because it almost acts as a side
 22 yard. Because of the orientation of the new dwelling
 23 and then the adjacent property next door, it's really
 24 like two side yards abutting. So we have 16 feet.
 25 Then they have a required setback on their side.

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1 So let me go over the specific
 2 variances. First we have the front yard setback.
 3 And that is just along the First Street property.
 4 It's important to point out that
 5 although we are seeking a variance for that, we do
 6 meet the borough's sight restriction or sight line
 7 requirement.
 8 So there's no issue in terms of sight
 9 visibility. And again, North Street is one way at
 10 that point heading north, but there could be an
 11 implication is somebody was making a turn from First
 12 Street onto East Oakdene going west. You would want
 13 to maintain that sight line. And we do have that
 14 located and it is delineated. So that's not an issue
 15 in terms of having the setback less than it is.
 16 We don't have parking on that side.
 17 And the property immediately to the east is only set
 18 back about 20 feet. And then they have -- if you
 19 look back at the pictures, they do have that
 20 elongated staircase.
 21 So I think when you look at it
 22 aesthetically, having 16 feet and having that site
 23 next to it is not really going to have any negative
 24 connotation. So the variance is really from 20 to
 25 16, not the full 25, because the ordinance does allow

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1 But if you look at the photograph, it
 2 looks like they exceed the 5 feet there. So we have
 3 plenty of room between the two sides of the
 4 buildings. So there shouldn't be any impact on that.
 5 We have a minimum -- maximum stories --
 6 I'm sorry -- the maximum stories is two-and-a-half.
 7 We have three. That's a (c) variance because it just
 8 relates to the number of stories. I'll get into the
 9 (d) variance on the number of feet.
 10 But that really is required because of
 11 the topography, where Mr. Donato described we wanted
 12 to fit in the enclosed garage. And in order to
 13 accommodate that garage, we do need a full story on
 14 the first -- on the first floor.
 15 There is another variance. That's a
 16 (c) variance which is the lot coverage. So 40
 17 percent maximum is permitted. The applicant is
 18 proposing 47.7 percent.
 19 But, again, really there's no onsite
 20 drainage right now. And with the topography, there's
 21 nothing really containing that. So the proposal will
 22 actually be an improvement because we are going to be
 23 putting in a system that is consistent with the RSIS
 24 requirement of zero runoff. So it's actually an
 25 improvement over the situation. And it is a somewhat

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1 de minimis variance by 7 percent. And I think that's
2 a very common percentage that the board often sees
3 with these larger corner lots where they want the
4 longer orientation of the duplexes on the corner
5 lots. So that's nothing that the board hasn't seen
6 before.

7 In terms of the (d) variance, there's
8 one (d) variance, and that would be for the maximum
9 number of feet. We're proposing 32.67 -- or I'm
10 sorry -- 32.7, where 28 feet is permitted.

11 So, again, it goes back to the
12 topography.

13 There is some case law that we should
14 discuss in terms of what the board should be looking
15 at. But although we do have the topographic
16 condition, we also can look at what site problems or
17 anything that can accrue from providing the excess in
18 height. That's Spring Lake Heights -- Grasso vs.
19 Spring Lake Heights. In that case, the board
20 determined that we don't have to show special reasons
21 or anything like that, but that we do have to look at
22 any problems that can accrue from the variance.

23 So in this case, we have adequate
24 parking. We have adequate light, air and open space.

25 As I discussed, we have 16 feet to the

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1 other similar type in the neighborhood? And I would
2 say that they're entirely consistent.

3 In some cases, they could actually be
4 lower. But this is not something that the board
5 hasn't seen before. We're just seeking 4 feet
6 height, and the topographical differential on that
7 site is 4 feet.

8 So if the board has any questions?

9 CHAIRMAN FERGUSON: Does any board
10 member have anything?

11 MR. CARNOVALE: No.

12 CHAIRMAN FERGUSON: Mr. Kauker, do you
13 have anything for Ms. Phillips?

14 MR. KAUKER: Actually, no. She
15 specifically addressed the one question I was going
16 to ask, so I have nothing further, Mr. Chairman.

17 CHAIRMAN FERGUSON: Okay, thank you.
18 Anybody in the audience have anything?
19 (No response.)

20 CHAIRMAN FERGUSON: No? Okay.

21 So I'll make a motion to accept the
22 application that's submitted. Obviously \$2,000.00 to
23 the Tree Preservation Fund. The things that
24 Mr. Collazuol has mentioned, that will be included.
25 And I'll make that motion.

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1 west. Really that's a side yard. We meet the rear
2 yard -- I'm sorry. We meet the side yard to the
3 south. We have 5.9, where 5 feet is permitted -- or
4 yeah, required.

5 So I don't think that there's any
6 impact in terms of overbuilding or anything because
7 of this height.

8 Again, it does go back to the
9 topography.

10 I did look at the Master Plan. There
11 is no detriment to the Master Plan, in my estimation.
12 That plan had talked about, you know, proposing some
13 redevelopment within the borough and within these
14 residential neighborhoods.

15 So I don't think there's any
16 substantial impairment or anything to the Master
17 Plan. In terms of the substantial detriment to the
18 public good, I don't think there's any issues.

19 Again, we are in an area that's
20 redeveloping. And if you look at the photographs,
21 we're very consistent and compatible with those size
22 dwellings.

23 Again, when you look at the height --
24 you know, Mr. Kauker had asked Mr. Spatz this
25 earlier, how does this height compare with those

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1 Can I get a second?

2 MR. CARNOVALE: I second.

3 CHAIRMAN FERGUSON: Roll call.

4 MS. LAMBRINIDES: Mr. Ferguson?

5 MR. RAMUNDO: Excuse me. I'm sorry.

6 Before we put it to the vote, can I just make one
7 clarification? On the one variance for height, I
8 know we listed it as 32.6. After listening to the
9 Chairman and Mr. Collazuol's comments, we may need to
10 push the house up a little bit, 6 more inches.

11 So could I have in the resolution, if
12 the board is inclined to accept this application or
13 looks favorably on this, go to 34.6, 6 inches.

14 CHAIRMAN FERGUSON: Six inches. The
15 board always wants the pitch to let the water runoff
16 the driveway.

17 MR. RAMUNDO: Very good. Thank you.

18 MS. TESTA: Amend the application to
19 request 33.4 inches height.

20 MR. RAMUNDO: Yes, which is that
21 additional 6 inches.

22 CHAIRMAN FERGUSON: The pitch.
23 Roll call.

24 MS. LAMBRINIDES: Mr. Ferguson?

25 CHAIRMAN FERGUSON: Yes.

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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 MS. LAMBRINIDES: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 CHAIRMAN FERGUSON: Okay. Thank you,
 12 all.
 13 The next meeting will not be virtual.
 14 It will be in person.
 15 So, all right, a motion to adjourn.
 16 MR. CARNOVALE: I second the motion.
 17 CHAIRMAN FERGUSON: Goodnight.
 18 (Whereupon, this meeting is concluded.
 19 Time noted: 8:12 p.m.)
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 22
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 24
 25

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1 C E R T I F I C A T E
 2
 3 I, RONDA L. REINSTEIN, a Certified Court
 4 Reporter of the State of New Jersey, authorized to
 5 administer oaths pursuant to R.S.41:2-2, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the testimony as taken stenographically
 8 by and before me at the time, place and on the date
 9 herein before set forth, to the best of my ability.
 10 I DO FURTHER CERTIFY that I am neither a
 11 relative nor employee nor attorney nor counsel of any
 12 of the parties to this action, and that I am neither
 13 a relative nor employee of such attorney or counsel,
 14 and that I am not financially interested in the
 15 action.
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 17
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 23
 24 -----
 25 RONDA L. REINSTEIN, CCR No. 30X100217800

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