					3	
				1	<u>I N D E X</u>	
		1		2	WITNESSES SWORN DAGE	
	1 BOROUGH OF PALISADES			3	W I T N E S S E S SWORN PAGE	
	BOARD OF ADJUSTMEN MONDAY, JULY 16, 20 COMMENCING AT 6:59	18		4	APPLICATION NO. 11-07 123 E. RUBY AVE, LLC	
	3			5	123 - 127 E. RUBY AVE Block 615, Lots 11 & 12 4	
	4	: OF : PROCEEDINGS		6	(No witnesses)	
	123-127 E. Ruby Ave	:		7	Board Questions and Comments 11	
		:		8	Board Questions and Comments 11	
	7 BEFORE: 8 THE BOROUGH OF PALISADES PARK BOAR	D OF ADJUSTMENT		Ī	Board Professionals Questions and Comments	
	THERE BEING PRESENT:	D 01 11D0001112111			(None)	
	JOSEPH FERGUSON, CHAIRMAN 10			10	Public Questions and Comments (None)	
	PAUL ALBANESE, VICE CHAIRMAN 11			11		
	ANDY NAM, MEMBER 12			12		
	VINCENT CARNOVALE, MEMBER 13 DAVID TERRANOVA, MEMBER			13		
	14 SEUNG YOON, MEMBER			14	5 V U 7 5 7 7 6	
	15 LEFTERI LEFTERIOU, ALTERNATE			15	<u>EXHIBITS</u>	
	16 MIRJANA TARABOCCHIA, ALTERNATE #2			16	No. Description Ident./Evid.	
	17			17	(No Exhibits Marked.)	
	18			18		
	20					
	21			19		
	22 Laura A. Carucci, C.C.R., R.			20		
	Certified Court Repor P.O. Box 505			21		
	Saddle Brook, New Jersey 24 (201)641-1812 FAX (201)843-0515	07663		22		
	25 LauraACarucciLLC@gmail	.com		23		
	LAURA A. CARUCCI, C.S.R., R.P	.R L.L.C.		24 25		
	201-641-1812	,		25	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	
					201-641-1812	
		2				
1	APPEARANCES:	2	00:00	1	4	
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1 2	A P P E A R A N C E S: DIANE DE CARLO, ESQ.	2	00:00	2	4 CHAIRMAN FERGUSON: All right. Let's call the meeting to order before we get the crowd.	
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3 4 5	DIANE DE CARLO, ESQ. Counsel for the Board GITTLEMAN, MUHLSTOCK & CHEW C BY: BRIAN M. CHEW CASKIE, ESQ. 2200 Fletcher Avenue		00:00 00:00 00:00 00:00 00:00	2 3 4 5 6 7	CHAIRMAN FERGUSON: All right. Let's call the meeting to order before we get the crowd. Paul, do you want to lead us in the flag salute. (Whereupon, the Recitation of the Pledge of Allegiance is held.) CHAIRMAN FERGUSON: Take attendance	e.
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00:00 1	turn.	00:01		CHAIRMAN FERGUSON: Okay. First is a
00:00 2	CHAIRMAN FERGUSON: First order of			couple of memorializations. Case No. 18-03, Fair
00:00 3	business is approve the minutes of the last meeting.			Supreme, 131 East Brinkerhoff Avenue. We heard the
00:00 4	Everybody had an opportunity to review the minutes.	00:02		case last meeting.
00:00 5	VICE CHAIRMAN ALBANESE: I make a	00:02		Can I get a motion?
00:00 6	motion we accept the minutes.	00:02		MR. CARNOVALE: I make a motion.
00:00 7	MR. CARNOVALE: I second the motion.	00:02	_	CHAIRMAN FERGUSON: There's a motion by
8	CHAIRMAN FERGUSON: There's a motion by	00:02		Vinny.
9	Pauly and second by Vinny on the minutes.	00:02	-	Second?
10	Roll call vote.	00:02 1		VICE CHAIRMAN ALBANESE: I'll second
11	MS. LAMBRINIDES: Mr. Ferguson?	00:02 1		it.
12	CHAIRMAN FERGUSON: Yes.	00:02 1		CHAIRMAN FERGUSON: By you, Paul?
13	MS. LAMBRINIDES: Mr. Albanese?	00:02 1	-	VICE CHAIRMAN ALBANESE: Yes.
14	VICE CHAIRMAN ALBANESE: Yes.	00:02 1		CHAIRMAN FERGUSON: Good job.
00:01 15	MS. LAMBRINIDES: Mr. Terranova?		15	Roll call vote.
00:01 16	MR. TERRANOVA: Yes.		16	MS. LAMBRINIDES: Mr. Ferguson.
00:01 17	MS. LAMBRINIDES: Mr. Nam?		17	CHAIRMAN FERGUSON: Yes.
00:01 18	MR. NAM: Yes.		18	MS. LAMBRINIDES: Mr. Albanese?
00:01 19	MS. LAMBRINIDES: Ms. Yoon?		19	VICE CHAIRMAN ALBANESE: Yes.
00:01 20	MS. YOON: Yes.	00:01 2		MS. LAMBRINIDES: Mr. Terranova?
00:01 21	MS. LAMBRINIDES: Mr. Carnovale?	00:01 2		MR. TERRANOVA: Yes.
00:01 22	MR. CARNOVALE: Yes.	00:01 2		MS. LAMBRINIDES: Mr. Nam?
00:01 23	MS. LAMBRINIDES: Ms. Tarabocchia?	00:01 2	-	MR. NAM: Yes.
00:01 24	MS. TARABOCCHIA: I abstain.	00:01 2		MS. LAMBRINIDES: Ms. Yoon?
00:01 25	MS. LAMBRINIDES: And Mr. Lefteriou?	00:01 2	25	MS. YOON: Yes.
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.			LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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00:01 1 00:01 2	6 MR. LEFTERIOU: Yes. CHAIRMAN FERGUSON: Okay. Next we have	00:01	2	8
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00:01 1	MS. YOON: Yes.	00:05 1	commence the running of the time period.
00:01 2	MS. LAMBRINIDES: Mr. Carnovale?	00:05 2	So what happened here is that if you
00:01 3	MR. CARNOVALE: Yes.	00:05 3	look at a period of suspension, we take what happened
00:01 4	MS. LAMBRINIDES: Ms. Tarabocchia?	00:05 4	on July 20th, 2011 and take it all the way to June
00:01 5	MS. TARABOCCHIA: Abstain.	00:05 5	30th, 2017. And what I wanted the board to do was to
00:01 6	MS. LAMBRINIDES: Mr. Lefteriou?	00:05 6	confirm that there are two years from June 30th, 2017
00:01 7	MR. LEFTERIOU: Yes.	00:05 7	pursuant to the site plan approval statute that the
00:02 8	CHAIRMAN FERGUSON: So these are you	00:05 8	vested rights still exist with 123 East Ruby, LLC.
00:03 9	got those two things you want me to sign? These are	00:05 9	So pursuant to the Permit Extension
00:03 10	the bills.	00:05 10	Act, what happens is this: Is that whatever time
00:03 11	MS. LAMBRINIDES: Look out, Joe's got	00:05 11	periods would run, they were suspended. They would
00:03 12	his pen.	00:05 12	begin to run at the applicable time period, which is
00:03 13	CHAIRMAN FERGUSON: I got my own red	00:06 13	June 30th, 2017. I applied before the expiration of
00:03 14	pen. It's a beauty.	00:06 14	the first year. I wrote a letter, I spoke to
00:03 15	Okay. Do you want to do when do you	00:06 15	Ms. Testa, did write a letter and indicated what the
00:03 16	do these? Do these now?	00:06 16	position was consistent with the statute.
00:03 17	MS. LAMBRINIDES: Diane takes them. I	00:06 17	CHAIRMAN FERGUSON: Right.
00:03 18	sign it and then Diane takes them back.	00:06 18	MR. CHEWCASKIE: So what I wanted the
00:03 19	CHAIRMAN FERGUSON: So next, and	00:06 19	board to do was just to confirm, adopt the resolution
00:03 20	certainly not least, if we hurry, we can be out of	00:06 20	that the final site plan approval would still be in
00:03 21	here by 10 after is Case No. 11-07. Holy smokes this	00:06 21	effect through June 30th, 2019, because I can't go
00:04 22	is 123 East Ruby Avenue.	00:06 22	beyond that date, even though the original approval
00:04 23	Counsel, do you want to put your	00:06 23	was in July of 2011.
00:04 24	appearance in?	00:06 24	So that's my request. I don't know if
00:04 25	MR. CHEWCASKIE: Good evening,	00:06 25	the board has any questions of me regarding this
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
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00:04 1		00:06 1	12
00:04 1	Mr. Chairman, Members of the Board. Brian M.	00:06 1	issue.
00:04 2	Mr. Chairman, Members of the Board. Brian M. Chewcaskie, Gittleman, Muhlstock and Chewcaskie on	00:06 2	issue. CHAIRMAN FERGUSON: Well, I got just
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	12		15
00:07 1	13 CHAIRMAN FERGUSON: Right.	00:10 1	15 not uncommon that others other attorneys have said
00:07 1	MR. CHEWCASKIE: I mean, it just seems	00:10 1	that, but what it is, if you look at the literature
00:07 2	unusual, you say wait a minute, this was 2011, but	00:10 2	and also the interpretation of the statute that has
00:07 4	what happened basically you just jumped at 2011, take	00:10 4	come out, is that you have to begin the time period
00:07 5	it to June of 2017 and that's the starting period.	00:10 5	running from somewhere and if it was suspended for
00:08 6	CHAIRMAN FERGUSON: So and I'm using	00:10 6	that period, then it's the commencement date.
00:08 7	this saying, you're saying that the drop-dead date,	00:10 7	But if that's the interpretation, then
00:08 8	right, was June of last year and now you have two	00:10 8	I would just request that one-year extension to June
00:08 9	years?	00:10 9	of '19.
00:08 10	MR. CHEWCASKIE: Yeah. The beginning	00:10 10	CHAIRMAN FERGUSON: Okay.
00:08 11	date would have been June of '17. So you would treat	00:10 11	MR. CHEWCASKIE: Rather than argue.
00:08 12	that July '11 date as if it was just jumped forward	00:11 12	CHAIRMAN FERGUSON: Right. Are you
00:08 13	to June of '17 and that's where the time periods	00:11 13	okay with that?
00:08 14	would run.	00:11 14	MS. DE CARLO: For the one year, yes.
00:08 15	CHAIRMAN FERGUSON: And you have the	00:11 15	CHAIRMAN FERGUSON: Okay. So Brian,
00:08 16	statutes?	00:11 16	just I think I know the answer to this, but just
00:08 17	MR. CHEWCASKIE: Yes. Yeah, in the	00:11 17	in case some of the other board members the actual
00:08 18	letter what I provided is that the Permit Extension	00:11 18	building, are you going to start?
00:08 19	Act is 4055D-136.1 et seq. So all that means is it's	00:11 19	MR. CHEWCASKIE: The intention is, is
00:08 20	a fancy lawyer term, and those that so beyond. So	00:11 20	to start construction. That is what my when I met
00:08 21	the period of suspension, the economic down turn	00:11 21	with my client earlier this year, that's what I was
00:09 22	commenced in 2007 and was extended for Hurricane	00:11 22	advised that we would apply for building permits and
00:09 23	Sandy communities or counties, I shouldn't say	00:11 23	start construction. I explained to him he's at risk.
00:09 24	communities, until December 31st, 2016. And then you	00:11 24	Whatever interpretation we want to use, the board is
00:09 25	had the six-month period. If your approval would	25	not required to grant any further extension beyond
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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	17		19
00:12 1	MS. DE CARLO: Yes.	00:13 1	CHAIRMAN FERGUSON: Thank you,
00:12 2	CHAIRMAN FERGUSON: So I'm going to	00:13 2	Counselor.
00:12 3	make a motion to grant the one-year extension and it	00:13 3	
00:12 4	will end in June	00:13 4	•
00:12 5	VICE CHAIRMAN ALBANESE: June 30th in	00:13 5	
00:12 6	'19.	00:13 6	· ·
		00:13 7	. , ,
00:12 7	CHAIRMAN FERGUSON: June 30th of '19.		
00:12 8	Can I get a second?	00:13 8	3
00:12 9	VICE CHAIRMAN ALBANESE: Second.		you have to go to the police department.
00:12 10	MS. LAMBRINIDES: '19 or '18?	00:14 10	· ·
00:12 11	VICE CHAIRMAN ALBANESE: Into 2019.	00:14 11	
00:12 12	MS. LAMBRINIDES: Okay.	00:14 12	•
00:12 13	MS. DE CARLO: Next year.	00:14 13	
00:13 14	VICE CHAIRMAN ALBANESE: Yeah, next	14	
00:13 15	year.	15	
00:13 16	MS. DE CARLO: A year from 2018.	16	in the affirmative.)
00:13 17	CHAIRMAN FERGUSON: Any discussion on	17	(Whereupon, the meeting is adjourned.
18	the motion? No discussion?	18	,
19	(No response.)	19	
20	CHAIRMAN FERGUSON: Roll call vote.	20	
21	MS. LAMBRINIDES: Who second it? I'm	21	
22	sorry.	22	
23	VICE CHAIRMAN ALBANESE: I did.	23	
24	MR. CARNOVALE: No open to the public,	24	
25	Joe?	25	
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812		201-641-1812
	18	1	CERTIFICATE
1	18 CHAIRMAN FERGUSON: Oh, right. Are you	1 2	CERTIFICATE
1 2	·-		<u>CERTIFICATE</u>
_	CHAIRMAN FERGUSON: Oh, right. Are you	2	CERTIFICATE I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855,
2	CHAIRMAN FERGUSON: Oh, right. Are you here for this case, Ruby Avenue?	2	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
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